

## Tillamook County



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

1510 – B Third Street  
Tillamook, Oregon 97141  
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Building (503) 842-3407  
Planning (503) 842-3408  
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*Land of Cheese, Trees and Ocean Breeze*

# MEMO

**Date:** June 20, 2022  
**To:** Tillamook County Board of Commissioners  
**From:** Sarah Absher, CFM, Director  
**Subject:** June 27, 2022, Oceanside Incorporation Public Hearing

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Included with this memorandum is a copy of the record for #851-22-000224-PLNG: A petition for incorporation of the Unincorporated Community of Oceanside and the creation of the City of Oceanside. The record includes the following:

- Staff Report dated June 20, 2022
- Maps
- Petitioner Submittal
- Additional Public Testimony Received
- County Treasurer and County Clerk Commentary
- Board Order #851-21-000449-PLNG
- Petition Record #851-21-000449-PLNG (Also available for review on the Community Development webpage: : [851-22-000224-PLNG | Tillamook County OR](#))

The record is available for inspection at the Department of Community Development and is also available for public inspection at on the Community Development webpage: [851-22-000224-PLNG | Tillamook County OR](#) found on the Land Use Applications page under the Planning tab of the Community Development webpage: [Land Use Applications Under Review | Tillamook County OR](#).

The Tillamook County Board of Commissioners will open a public hearing on June 27, 2022, at 8:30am 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.

Additional hearings are scheduled for July 13, 2022, at 1:00pm and July 28, 2022, at 2:00pm. The hearings have been properly noticed according to the requirements of ORS 221.040(2).

Public testimony will be taken at the June 27, 2022, hearing. The Board will continue the hearing to July 13, 2022, where the Board may hear additional testimony from the public. A link to access the hearings virtually will be

posted the Community Development website the day prior to each 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 Osborne". The signature is written in a cursive style with a long horizontal flourish extending to the right.



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**PETITION FOR OCEANSIDE INCORPORATION  
#851-22-000224-PLNG**

**Staff Report Date:** June 20, 2022

**Report Prepared by:** Sarah Absher, Director

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**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).

Petitioners request that the entire record for the previous petition identified as #851-21-000449-PLNG be made part of this proceeding (Exhibit B). The record for this request includes all testimony received during the previous hearing proceedings for incorporation identified as #851-21-000449-PLNG. The record for petition request #851-21-000449-PLNG has been included as “Exhibit F”.

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 C” and “Exhibit D”.

Tillamook County Clerk Tassi O’Neil has confirmed the petition filing process is valid (Exhibit D).

It should be noted that the Petitioners are requesting that the Board of County Commissioners bifurcate these hearings in order to receive and deliberate any city boundary adjustments before Petitioners present their main case at the June 27, 2022, hearing (Exhibit B).

## **BOARD OF COUNTY COMMISSIONER REVIEW OF INCORPORATION PROPOSAL**

The role of the Board of County Commissioners (County Court) is to determine if incorporation is “feasible”, while also giving consideration to the following:

- Review of the Proposed City Boundary based upon determination of property benefit
- Objections to Granting Petition
- Objections for Formation of Incorporated City
- Objections to Tax Rate
- Reasonably Likely City Can and Will Comply with Oregon Statewide Planning Goals Including Development of a Land Use Program

Discussion of each of the above listed elements is contained within the record for this petition request (Exhibits A-F). Petitioners outline the methodology for determination of revenue projections and financial estimates for municipal operating needs in the updated economic feasibility report included as “Exhibit B” of this report and also in the economic feasibility report included as “Exhibit B” of the January 19, 2022, staff report contained in “Exhibit F”. Petitioners consulted with similar municipalities in development of the economic feasibility report and assessment of municipal operation costs that have similar municipal services and operation needs. These municipalities included the City of Wheeler, City of Bay City and the City of LaPine (Exhibits B & F).

## **PUBLIC NOTIFICATION REQUIREMENTS**

Public notification requirements include public posting of these hearing proceedings in three locations within the boundary of the proposed city limits as well as publication of notice of public hearing in the local newspaper at least two weeks prior to the incorporation hearing. Three public hearings have been scheduled for these proceedings on the following dates: June 27, 2022, July 13, 2022, and July 28, 2022. Notice of these public hearings has been posted at three locations within the proposed city boundary and has also been published in the Tillamook Headlight Herald in accordance with the notification requirements for an incorporation proposal outlined in ORS 221.040(2).

## **CITY BOUNDARY PROPOSAL DISCUSSION**

“Exhibit A” of the staff report contains the existing Oceanside Unincorporated Community Boundary Map and the proposed Oceanside City Boundary Map. The proposed city boundary map has been revised following the petition proceedings earlier this year (#851-21-000449-PLNG) to include “The Capes” development. The map revision and inclusion of “The Capes” development is a reflection of the concerns raised regarding continuation of sewer service availability, a “benefit”, for undeveloped properties within “The Capes” development.

The Oceanside Unincorporated Community Boundary bisects properties to the east and north (Exhibit A). The proposed city map boundary reflects a slight adjustment to the eastern and northern unincorporated community boundaries so that those bisected properties are wholly within the city boundary to avoid splitting tax lots (Exhibit A). Applicant states this adjustment was made in consultation with the County Assessor (Exhibit B).

## **BENEFIT DISCUSSION**

Properties within the proposed city boundary and larger area of the Unincorporated Community of Oceanside are currently served by the Tillamook County government including the Tillamook County Sheriff’s Office, Public Works Department and Community Development; Netarts-Oceanside Sanitary District; Oceanside Water District; Netarts-Oceanside Fire Department; Tillamook School District #9 and Tillamook People’s Utility District (PUD).

“Benefit” is not specifically defined within ORS 221.040 however the Petitioners have provided examples of how properties within the proposed city boundary could be “benefitted” by incorporation (Exhibit F). Discussion of what constitutes a “benefit” was also discussed throughout the previous petition hearing proceedings contained within #851-21-000449-PLNG and made part of the record for these proceedings.

Benefits are explored within the Petitioner’s submittal included as “Exhibit B” and “Exhibit F” and include:

- Strategic use of Transient Lodging Tax (TLT) revenue generated by Oceanside properties for facility improvement projects that address tourism capacity needs in Oceanside.
- Use of 30% of TLT revenue generated by Oceanside for city improvement projects (i.e., roads).
- Stronger regulatory administration of short-term vacation rentals.
- More control of land use review and regulatory administration for development proposals.
- Opportunity to develop and implement a robust enforcement program to better address community concerns largely related to transient lodging and tourism.
- Enhanced opportunities developed by the city for emergency preparedness and emergency response.

Specifically, it is recognized that Oceanside continues to grow and evolve. Those community residents supportive of the proposed incorporation feel incorporation will afford community residents more local control over decisions that determine rate of growth, how growth is to occur and further define what growth will look like through implementation of updated land use regulations (Exhibits B &F).

## **REVIEW OF PETITION MATERIALS:**

Review of the petition materials included in “Exhibit B” and “Exhibit D” confirm the petitioners have complied with the filing and public hearing notification requirements outlined in ORS 221.031 and ORS 221.040.

An updated economic feasibility study is also included in “Exhibit B”. This updated study is intended to accompany the initial economic feasibility study contained in “Exhibit F” with updates as described below.

Petitioners state that the maximum tax rate, map and Economic Feasibility Statement presented in this petition (Exhibit B) reiterate the incorporation proposal addressed in the previous proceeding (Exhibit F) with two exceptions:

- The proposed city boundary has been amended to include “The Capes” development.
- The revenue and expense projections have been updated.

The economic feasibility study includes a description of the services and functions to be performed or provided by the proposed city; an analysis of the relationship between those services and functions and other existing or needed government services; and proposed first and third year budgets for the new city demonstrating its economic feasibility. The study includes a proposed permanent rate limit for operating taxes to provide revenues for urban services a discussion demonstrating ability to comply with statewide planning goal and rules pertaining to needed housing for cities as well as ability to comply with requirements for development of a city comprehensive plan and implementing zoning ordinances.

Properties within the proposed city boundary and larger area of the Unincorporated Community of Oceanside are currently served by the Tillamook County government including the Tillamook County Sheriff’s Office, Public Works Department and Community Development; Netarts-Oceanside Sanitary District; Oceanside Water District; Netarts-Oceanside Fire Department; Tillamook School District #9 and Tillamook People’s Utility District (PUD). Study also includes discussion of plans to provide urban services to meet current needs and projected growth by way of utilizing existing services within the area or by establishing agreements with Tillamook County or existing service districts to continue to provide urban services (Exhibits B & F).

County Treasurer Shawn Blanchard has reviewed the economic feasibility study and has provided comments stating she does not have any concerns regarding the feasibility statement (Exhibit D).

### **LAND USE COMPLIANCE**

Staff further discussed the likelihood that Oceanside can and will comply with Oregon Statewide Planning Goals and the development of a new land use program. The analysis reflected in the previous petition record #851-21-000449-PLNG (Exhibit F) remains valid and is included below:

*In review of several factors including the fact that Oceanside is an unincorporated community with already developed urban services afforded to the community through Statewide Planning Goal 14, the existence of a state acknowledged community plan and implementing ordinances unique to the community that further development of a land use program is likely and feasible. As stated by the Petitioners, technical assistance and resources for development of a comprehensive plan and implementing ordinances exist through the Oregon Department of Land Conservation and Development, League of Oregon Cities and the Tillamook County Department of Community Development.*

*Development of a land use program for the proposed city would likely take 3-4 years but could be accomplished within the timeframe established under state law. Staff also confirmed DLCD has no opposition to extending the Netarts Unincorporated Community Boundary to include properties within “The Capes” development, and that ultimately county planning resources would be required for updates to the Tillamook County Comprehensive Plan, Comprehensive Plan Map and Tillamook County Land Use Ordinance should the incorporation of Oceanside occur.*

## **PUBLIC OUTREACH BY PETITIONERS**

Petitioners provided an overview of the public outreach process undertaken to consider the proposal to incorporate (Exhibits B & F). In preparation for these current hearing proceedings, notice of petition and public hearings has been mailed to the owners of record of all properties located within the proposed city boundary. Public outreach efforts continue to be conducted through the Oceanside Neighborhood Association (County designated CAC) that continue to include community meetings and newsletter updates.

A voting process previously conducted through community meetings late 2021 resulted in a 3:1 vote in favor of incorporation and a vote of 60% in favor and 40% not in favor of moving ahead with the incorporation petition following the last community meeting (Exhibit F).

Following the petition filing requirements outlined in ORS 221.040, the Petitioners have again obtained the required number of signatures and filed the petition with the Tillamook County Clerk (Exhibit D).

## **SUMMARY OF PUBLIC COMMENTS**

Written comments contained within the record reflect those community members who are in favor of and in opposition to incorporation (Exhibits C & F). Written comments in favor of incorporation include demonstration that incorporation is financially feasible; support for more local control over community growth; ability to develop and a land use program more reflective of the areas values, desires and needs; stronger short-term rental enforcement; more resources for road and stormwater management improvements; additional resources to support community public safety needs as well as concerns raised about the County's lack of funding and resources to meet the needs of the community (Exhibits C & F).

Written comments in opposition to the proposed incorporation include lack of adequate community outreach and engagement efforts to ensure all community residents were aware of the proposal; lack of opportunity to participate or vote in community process; lack of time to vet incorporation proposal; concerns that economic feasibility report is not comprehensive or reflective of actual costs for city operation; arguments raised that there are no benefits to incorporating; opposition to increased tax rate. Comments received also include additional request for areas within the community to be excluded from the proposed city boundary (Exhibits C & F).

Testimony received at the public hearings that took place for petition request #851-21-000449-PLNG expressed concerns about the proposed tax rate, stating that taxes for Oceanside are already high and an additional increase would create a hardship for some residents. Testimony also questioned whether properties would "benefit" from the proposed incorporation and tax rate given urban services already exist in the area. Concerns continued to be raised in reference to lack of community involvement and community resident participation both in development of the incorporation proposal as well as the conversations that took place during ONA community meetings.

Testimony was also received supporting the proposed incorporation, reiterating previous comments of limited resources and the County's ability to provide services to Oceanside, the opportunity for the community to have more local control over short-term rental regulation, code enforcement, road improvements, land use planning and providing better balance for addressing community needs.

In response to concerns raised about adequate community and public participation in the previous petition hearing proceedings, the Petitioners have expanded public outreach and notification of the proposed incorporation to include landowner notification by mail for all properties within the Oceanside Unincorporated Community Boundary.

Petitioner's submittal responds to several of the concerns summarized in this report and contained within the record. Petitioner's submittal (Exhibit B) also includes responses to those areas found to be insufficient in the previous hearing proceedings as reflected in the Board Order for #851-21-000449-PLNG (Exhibit E).

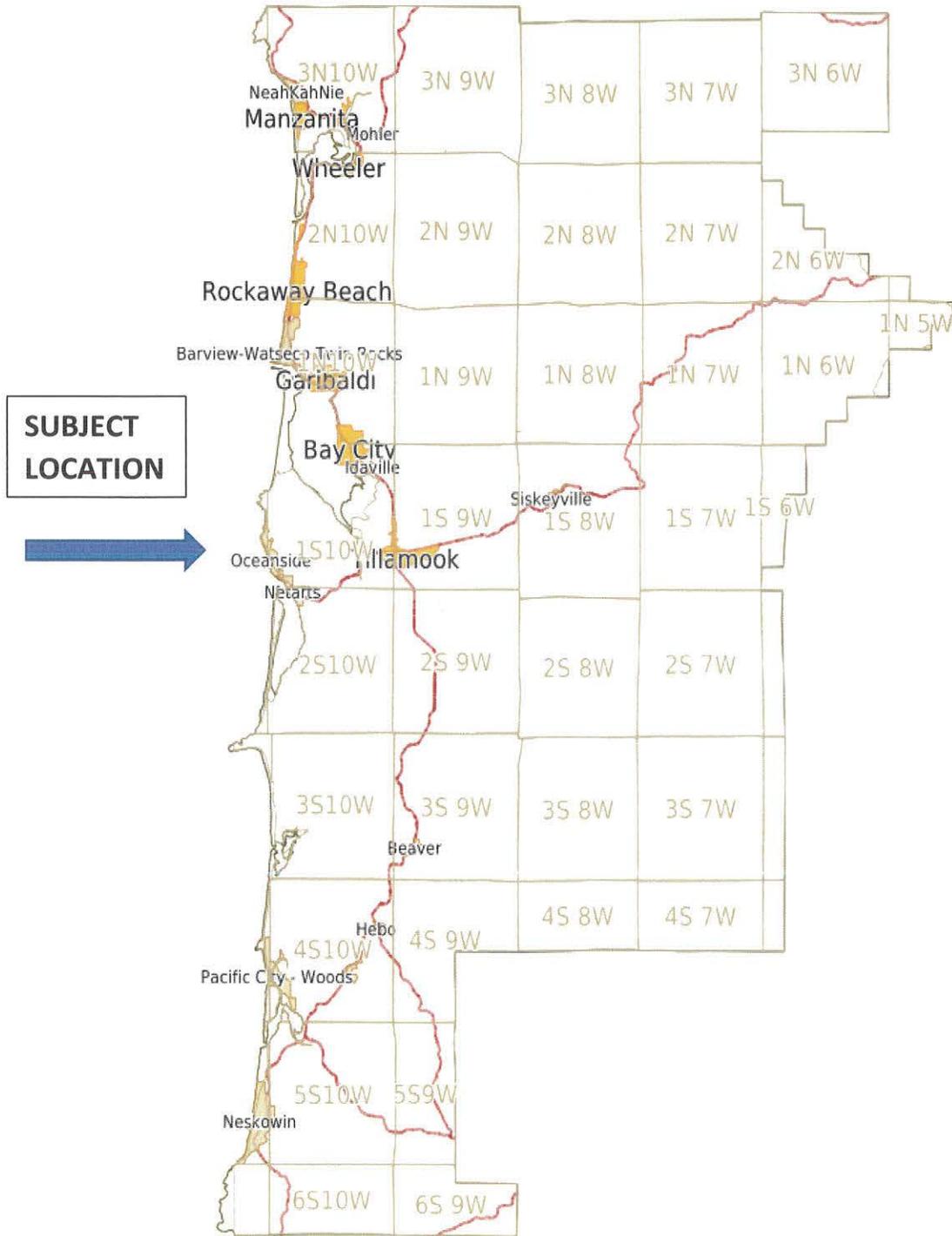
Additional comments received prior to June 20, 2022 are included in "Exhibit C". Comments include a letter from David Phillips or Vial Fotheringham LLP. County Counsel and staff will be prepared to respond to these comments at the June 27, 2022, hearing.

## **EXHIBITS**

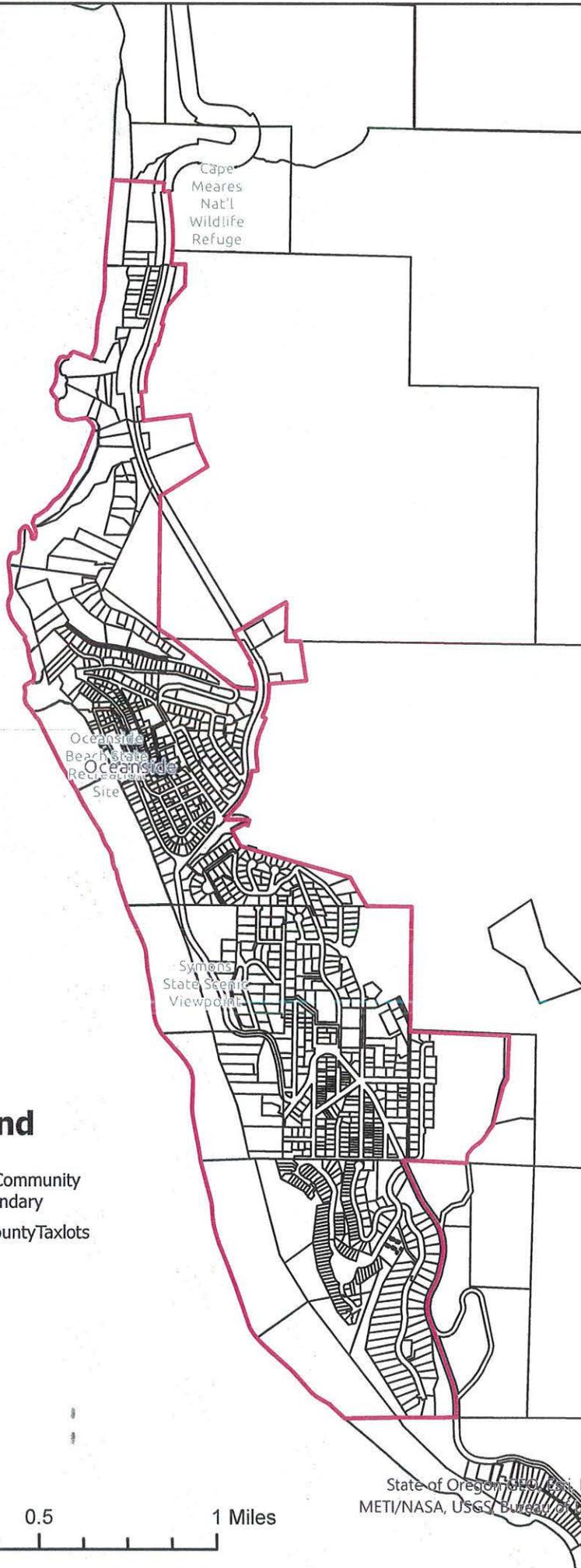
- A. Maps
- B. Petitioner Submittal
- C. Additional Public Testimony Received
- D. County Treasurer and County Clerk Commentary
- E. Board Order #851-21-000449-PLNG
- F. Petition Record #851-21-000449-PLNG (Also available for review on the Community Development webpage: : [851-22-000224-PLNG | Tillamook County OR](#))

# EXHIBIT A

# VICINITY MAP



#851-22-000224-PLNG  
PETITION FOR OCEANSIDE INCORPORATION

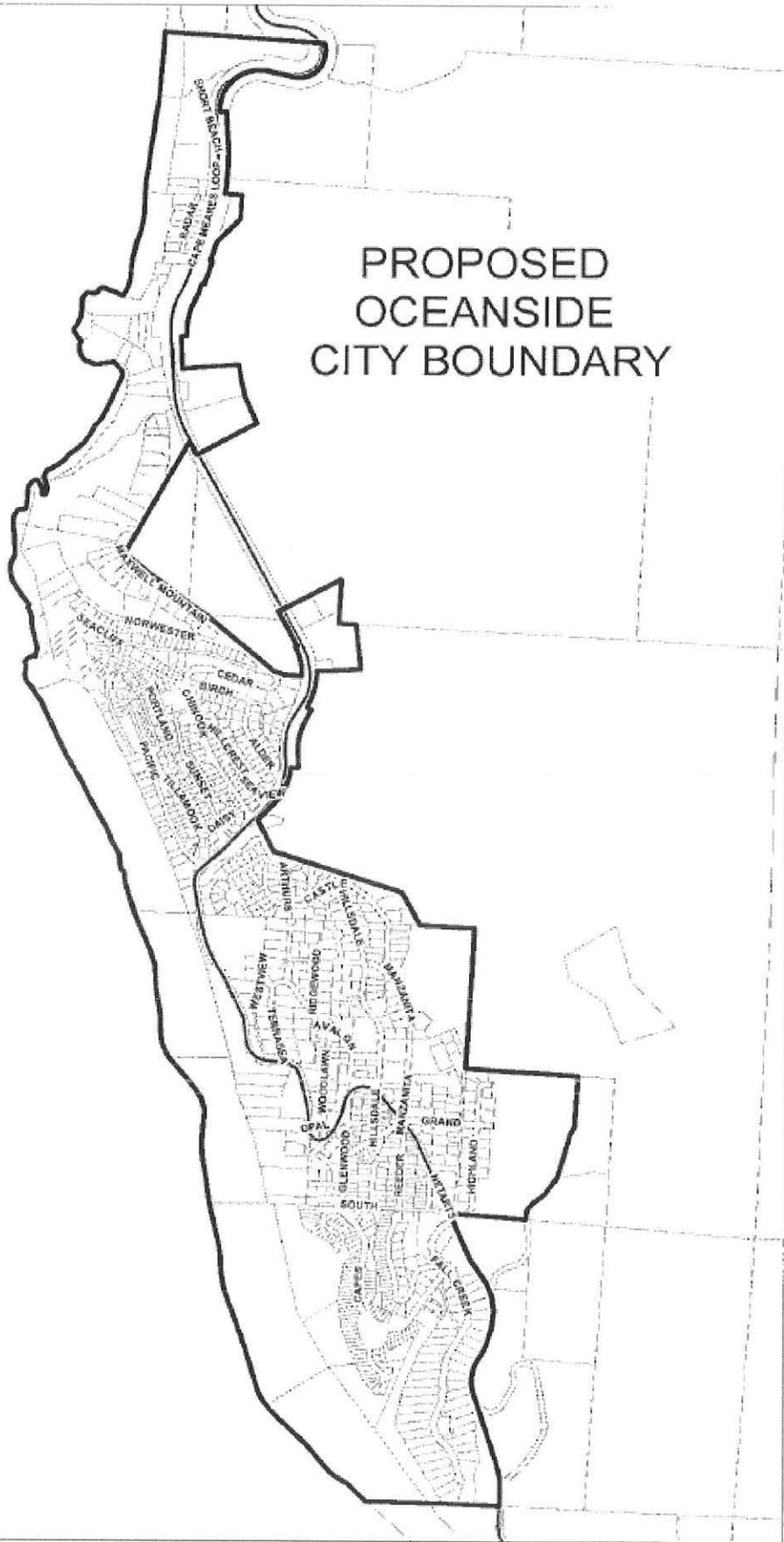


### Legend

-  Oceanside Community Growth Boundary
-  Tillamook County Taxlots



# PROPOSED OCEANSIDE CITY BOUNDARY



4/20/22

# **EXHIBIT B**

PROSPECTIVE PETITION FOR INCORPORATION OF  
OCEANSIDE, OREGON

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ECONOMIC FEASIBILITY STATEMENT

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PROPOSED CITY MAP

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PETITIONERS' PRELIMINARY HEARING ANALYSIS

Submitted: June 7, 2022

PROSPECTIVE PETITION (Form SEL 702)  
FOR INCORPORATION OF OCEANSIDE, OREGON

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# Petition for Incorporation of a City Signature Sheet

Petition ID 24-2022-6

**RECEIVED**

MAY 10 2022

TASSI O'NEIL  
COUNTY CLERK

County Tillamook

This is a petition for the incorporation of a city. Signers of this page must be active registered voters in the county listed.

**i** Signatures must be verified by the appropriate county elections official before the petition can be filed with the filing officer. The presiding officer should allow ample time for the verification process to be completed before 5pm on the filing deadline day.

**i** Don not sign this petition more than once.  
Do not sign if map is not attached to this sheet.

**Petition for Incorporation of the City of**

Name of Proposed City **City of Oceanside**

To the County Elections Official, We, the undersigned voters, of the area proposed to be incorporated, petition the county court to form the city named hereon and as descried and defined by the attached map.

**i** Signers must initial any changes the circulator makes to their printed name, residence address or date they signed the petition.

Signature	Date Signed mm/dd/yy	Print Name	Residence or Mailing Address street, city, zip code
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

**Circulator Certification** This certification must be signed by the circulator.

**You should not collect any additional signatures on this sheet once you have signed and dated the certification!**

I hereby certify that I witnessed the signing of the signature sheet by each individual whose signature appears on the signature sheet and I believe each person is a qualified voter in the county (ORS 211.031).

Circulator Signature	Date Signed mm/dd/yy	Sheet Number
Printed Name of Circulator	Circulator's Address street, city, zip code	Sheet will be numbered by group submitting the petition.

## ECONOMIC FEASIBILITY STATEMENT

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# OCEANSIDE PETITION FOR INCORPORATION ECONOMIC FEASIBILITY STATEMENT

## I. INTRODUCTION

Oceanside's communal history, demographic, economy and setting render incorporation an economically feasible vehicle for it to provide needed services at a level that Tillamook County lacks the resources to match.

### A. History

The site that is now central Oceanside was first settled by William Maxwell in 1885. He built a home near the beach in 1866 at what is now an Oregon State Park Beach Wayside. He farmed much of the mountainous area for about 35 years. The nearby offshore Three Arch Rocks were named by a pair of naturalists in 1901, and in 1907 President Teddy Roosevelt was persuaded to declare the site a National Wildlife Sanctuary.

In 1921 J.H. and H.H. Rosenberg purchased Maxwell's land, and on July 5th, 1922, they named the area "Oceanside." (Accordingly, Oceanside will celebrate its Centennial in July 2022.) The Rosenbergs built a dance hall (now the greenspace next to the community hall), a store (now Roseanna's), and their homes. Access to Oceanside was difficult, however, until the Rosenbergs financed a plank road from Netarts that opened on July 3, 1925. Hillcrest Court (currently the Oceanside Inn), and 40 small oceanfront cabins were early fixtures, and there were also many camp sites set up with tents. Oceanside soon evolved into a popular destination for tourists who wanted to escape summers in Portland and other parts of the West. In 1926, the Rosenbergs built a now famous tunnel in 1926 through Maxwell Point to allow access to the beach beyond it (now Tunnel beach) that could otherwise only be accessed during extremely low tides.

The village grew over the years, and homes began to creep up the mountain side. Most of the houses were modest and used as weekend and summer homes. Maxwell Mountain was opened up to new development in 1959, and a number of additional homes were built. Today Oceanside residents strive to help retain its rustic seaside village character, but that is changing rapidly. Today, vacation residences and rentals outnumber permanent residences, and the last of the original oceanfront cabins are tentatively slated to be demolished and replaced by a three-story hotel.

### B. Demographics and Economic Drivers

Oceanside has long been viewed, from outside and within, as a distinct and distinctive community with characteristics that lend themselves to feasible incorporation. These include:

- decades of recognition as a discrete community by the U.S. Census;
- a formally established boundary (Oceanside Community Boundary);
- a compact geographical setting with a cohesive road system;
- a civic-minded population united in their affection for their setting, and
- an evolved and detailed statement of common civic goals and values (Oceanside Community Plan).

Oceanside’s economic drivers are also distinct, and even insular, when compared to other coastal communities, such as Manzanita, Pacific City, Garibaldi or Rockaway, where visitor growth and retail commerce drive each other. By contrast, Oceanside is hidden away, nine miles from Highway 101, with only a few hundred residences and a “main street” that barely accommodates its lone restaurant, two coffee shop/cafes and two motels. Oceanside is no commercial hub.<sup>1</sup>

Accordingly, Oceanside’s potential as an economically viable city stems not from its commerce, but from its setting. Upon rounding that last turn on Highway 131, visitors are treated to an inviting prospect of jumbled houses nestled on terraced streets in the coved lee of Maxwell Point, jostling to share spectacular views of Oceanside Beach, Netarts Bay and Three Arch Rocks. Such visitors may encounter colorful paragliders circling above the village, an exposition by local artists at the community hall or a festive wedding gathering on the beach below. This unique ambience explains why travelers who “discover” Oceanside tend to claim it, sharing the discovery with friends as they would a favorite book or heirloom recipe.

It also explains why they also revisit it, by the thousands, again and again. Despite the dearth of commercial facilities, Oceanside’s engaging setting draws over 300,000 annual visitors (and their business) to Tillamook County – more than communities many times its size.<sup>2</sup> People who manage to find Oceanside regularly return, often stopping for gas,

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<sup>1</sup> The Oregon tourism website “Beach Connections.net” opens its description of Oceanside with this statement:

*“One tiny town has never provided so many means of fun and distraction. And it’s all done without a single commercialized attraction.”*

<sup>2</sup> When asked to provide data on the number of estimated annual visitors to the Oceanside Beach Wayside, OPRD Associate Director Chris Havel provided these counts:

2012: 328,096	2017: 314,992
2013: 313,534	2018: 317,992
2014: 303,882	2019: 317,760
2015: 327,670	2020: 244,956 (COVID)
2016: 315,020	2021: Unavailable as yet

groceries, meals or sightseeing in other county communities on their way. Its economic dynamic is also reflected in its thriving short-term rental economy, which generated over \$3 million in lodging revenue in 2021 alone, exclusive of separate cleaning fees that support a satellite economy of local small cleaning businesses and their employees. Indeed, Oceanside's 120 short term rentals are so active year-round that Oceanside ranks second only to much-larger Pacific City in generating annual Transient Lodging Tax ("TLT") revenues since the tax's inception in 2014. The 2020 U.S. Census report indicates that roughly half of all residences in Oceanside are owned by part-time residents or non-residents.

In and among the short-term rentals are its full-time residents: a population of 366 according to the 2020 Census, only 7.4% of which are under 18 and (it is generally acknowledged) the overwhelming majority of which are retired. This population has remained remarkably stable since the 2010 census reported a population 361), reflecting that people retire and relocate to Oceanside for full-time residence at about the same rate as those who depart, usually to be closer to medical facilities or family due to advanced age. The result is a surprisingly cohesive and homogeneous population core that is mature, relatively affluent, sparing in its demand for police or social services and deeply invested in the relaxed quality of life they relocated to Oceanside to enjoy.<sup>3</sup> As a side-benefit, Oceanside's population is rife with accomplished individuals graduated from successful careers in a variety of professions and businesses. Together, they offer a reservoir of skills and experience that the unincorporated community has repeatedly and successfully drawn upon to accomplish a number of civic goals.

### C. Boundary

Oceanside is categorized as a ruralized unincorporated community in Tillamook County's Comprehensive Plan. During that process, Tillamook County devoted extensive effort to delineating the boundary of the Oceanside Community Boundary. Out of respect for that process (and to avoid re-plowing old ground), Petitioners have mostly adopted that boundary in drawing the proposed map for an incorporated Oceanside. The only exception being slight adjustments to the eastern and northern boundary to encompass additional homes that were built after the Oceanside Community Boundary was established in the 1990s and to avoid splitting tax lots. This decision was made in consultation with the County Assessor.

## II. EXISTING AND PROPOSED CITY SERVICES

The proposed city encompasses an area comprising 1068 tax lots according to the County Assessor's office. According to the 2020 Census report, 653 of these are occupied housing units: 201 of which are "occupied" and 452 of which are "vacant or seasonally occupied."

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<sup>3</sup> In three successive Community Plans compiled since the late 1990s, the Oceanside Neighborhood Association has reflected widespread sentiment that preserving Oceanside's "rustic coastal village atmosphere" is its primary community objective.

The average household size was reported at 1.82 individuals. The number of occupied housing units rose from 647 to 653 (approximately 1%) over the preceding decade.

The people occupying these residences and the community's handful of modest commercial structures are currently served by Special Districts (listed below), franchised vendors or county departments with established delivery systems and funding mechanisms.

**Declaration regarding Special Districts:** Because each of these districts or entities also serves geographic areas outside of the proposed area, it would not be necessary or practical for the new city government to disturb these systems. In particular, the petitioners disclaim any intent or need to extinguish any of the existing Special Districts. See ORS 221.031(3)(f).<sup>4</sup>

Because existing entities will continue to provide these basic services, a new city will be able to focus its attention and resources on relatively few services or functions as prioritized by its residents and City Council.

**A. Services to be Provided by the Proposed City – ORS 221.035(2)(a)**

Before deciding to submit a Petition, the Petitioners worked with an ONA Task Force in an extensive but hypothetical<sup>5</sup> effort to project the city services Oceanside would provide if incorporated. Based on the relevant legal requirements and surveys conducted by the Oceanside Neighborhood Association, Petitioners envision that those services will mainly consist of the following:

**Land Use Planning / Building Services**

Land use planning is the only service specifically required of cities by Oregon law. It consists of two main components: Building Services (building/trade permits and associated inspections) and Planning Services (land use reviews/applications for variances and subdivisions/appeals). Under state law, Tillamook County Department of Community

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<sup>4</sup> ORS 221.031(3)(f) provides:

“If the petitioners propose not to extinguish a special district pursuant to ORS 222.510 (Annexation of entire district) (2) or a county service district pursuant to ORS 451.585 (Duty of city when all or part of district incorporated or annexed) (1), the petition shall include a statement of this proposal.”

<sup>5</sup> Should the Petition reach the ballot and be approved, voters will simultaneously elect a new City Council. ORS 221.050(1). Except for the city name, boundary and proposed, maximum city tax rate, the City Council will not be bound by the projections offered in this Economic Feasibility Statement. They are *hypothetical* allocations that the law requires to be included.

Development will continue to provide such services and apply existing county ordinances pursuant to an intergovernmental agreement in exchange for retention of the relevant fees.<sup>6</sup> Petitioners envision, however, that the new city will eventually recruit staff to provide and coordinate Planning Services with the assistance of contracted consultants who will help with training, complicated land use applications and the preparation of staff reports in planning disputes that are appealed. The projected budget incorporates this phased approach in its staffing projections.

In addition to services, an incorporated Oceanside will be required to prepare a Comprehensive Plan, including designation of an Urban Growth Boundary, within four years after incorporation.<sup>7</sup> When meeting with Petitioners to discuss this eventual obligation, officials of the Land Conservation and Development Commission (LCDDC) indicated a likelihood that the state will provide financial assistance for that project.<sup>8</sup>

### **Road Maintenance and Construction/Stormwater Management**

#### a. Roads

Given its modest road system (less than 3 miles in total) and historically slow growth rate, the new city will not initially employ public works personnel or purchase equipment. Instead, it is anticipated that the city will place recruiting staff with expertise in public works contracting. Staff will be assisted in this by several local residents with years of pertinent experience who have already indicated their willingness in surveys to serve on relevant civic advisory committees.

Based on data and advice from Public Works Director Chris Laity, the proposed roads budget projects funding streams allocated separately to:

- (1) **a road maintenance** fund and
- (2) **a capital improvements** reserve.

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<sup>6</sup> The Oregon Supreme Court helpfully clarified this in *1000 Friends v. Wasco County, et al.*, 299 Or 344, 365 (1985).

<sup>7</sup> ORS 197.757 provides: "Cities incorporated after January 1, 1982, shall have their comprehensive plans and land use regulations acknowledged under ORS 197.251 (Compliance acknowledgment) no later than four years after the date of incorporation."

<sup>8</sup> The Oregon Department of Land Conservation & Development offers grants to assist communities to formulate and obtain acknowledgment of comprehensive plan, adopt land use ordinances consistent with that plan, and to fund planning compliance projects. See <https://www.oregon.gov/lcd/CPU/Pages/Community-Grants.aspx>

Petitioners anticipate the new city will allocate fixed-amount transfers to these accounts from the general fund, state gas tax city allocations and unrestricted TLT funds. The new city will also participate in the grant programs, such as the ODOT Small City Allotment Program for more ambitious grading and paving projects.<sup>9</sup> Importantly, based on community surveys and comment, Petitioners anticipate that city residents will urge the new City Council to prioritize road work when allocating unanticipated revenues or surplus funds that result from budget adjustments over time.

b. Stormwater Management

Director Chris Laity advised Petitioners that a broad program of road improvement would eventually dovetail with a long-term need for updated stormwater drainage and treatment infrastructure in the coming decades – especially in the Maxwell Mountain area. Laity further advised that an incorporated Oceanside will be in a better position than the county to successfully obtain grants for such work that are available from state and federal agencies.

**Code Compliance/Enforcement**

Based on their research, a review of county Sheriff patrol logs for Oceanside and interviews with leaders and managers in nearby cities, Petitioners do not envision that an incorporated Oceanside will require or be able to afford its own police force or jail facilities to address conventional crime or public safety issues. (See discussion of “Police/Public Safety” in Section IV. B. below.) However, one of the main drivers for incorporation is what many Oceansiders view as a persistent disregard by tourists and short term rental visitors for local standards or norms relating to noise, parking, loose pets, fireworks and the like. The projected budget includes a fixed, annual allocation from the general fund for addressing this issue, leaving it to the future City Council to determine whether it will be spent on staff or, for example, third-party security vendors to patrol Oceanside and respond to complaints during high volume visitor periods.

**Emergency Preparedness**

A committee of ONA volunteers has already taken preliminary steps to plan and muster community resources for emergency survival and resiliency measures. This has been motivated by the realization that any significant disaster, such as a wildfire, tsunami-related inundation or earth movement, will probably leave the Oceanside community isolated from communication or material assistance for an extended period of time. The concern is compounded by the fact that the community will be confronted with hundreds of stranded visitors if such a calamity occurs during summer or spring break or other high-volume holidays. One significant hurdle to such planning is the scarcity of resources at the county or state level for unincorporated communities. Incorporation will not only enable the

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<sup>9</sup> Information on the state of Oregon “Smallest Cities” grant program is available at <https://www.oregon.gov/odot/LocalGov/Pages/SCAC.aspx>

community to channel and devote its own resources to such planning, but will also afford it staff time and the legal status to pursue federal, state and private grants available to municipalities.<sup>10</sup>

### **Recreational Services and Amenities**

Oceanside's "front yard" is one of the Oregon's most beautiful and expansive beaches, featuring an Oregon State Park parking wayside and affording ready views of an offshore National Wildlife Refuge (Three Arch Rocks). The community makes intensive use of the beach for recreation and exercise. It has also consistently rallied to support (and helped fund) ways to make it more usable and welcoming, such as the community initiative for the new terraced ramp at the Oceanside Beach Wayside access path currently under construction. This type of community support is typical and will undoubtedly continue.

Another unmet need is safer access routes for pedestrians and bicyclists to reach the beach and main street from the homes in the hillsides above. Petitioners anticipate that an incorporated Oceanside will aggressively press for broader guidelines to allow use of Transient Lodging Tax (TLT) "facilities" funds for such purposes. Regardless of its success in that effort, the hundreds of thousands of dollars in TLT revenue generated annually by Oceanside's short term rentals will be available to fund amenities, such as a replacement for its venerable but time-worn community hall, that would benefit both visitors and residents.

### **B. Relationship Between Proposed and Existing Services – ORS 221.035(2)(b)**

The city services envisioned above would complement and fill the narrow service gaps left by existing services providers, who would continue their operations uninterrupted and unaffected by incorporation. The following entities currently provide essential services to the Oceanside community, including established revenue sources independent of an incorporated Oceanside:

<b>Waste Treatment:</b>	Netarts-Oceanside Sanitary District <u><a href="http://www.netarts-oceanside.com">Netarts-Oceanside Sanitary District (n-o-s-d.com)</a></u>
<b>Water:</b>	Oceanside Water District (also serves Cape Meares) <u><a href="http://www.owd-oregon.org">http://www.owd-oregon.org</a></u>  Netarts Water District (also serves part of Oceanside) 4970 Crab Avenue, W. Tillamook, OR 97141 (no website)

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<sup>10</sup> For example, emergency preparedness grants are available through federal grant programs administered by the Oregon Emergency Management Performance Grant Program (EMPG). <https://www.oregon.gov/oem/emresources/Grants/Pages/default.aspx>

**Fire/Emergency Rescue:** Netarts-Oceanside Fire District  
[www.netartsoceansidefire.org](http://www.netartsoceansidefire.org)

Each of the above, voter-approved Special Districts has served the area of the proposed city reliably for decades. (The two water districts each serve approximately half of the proposed geographic area.) During that time, the population of the area has remained stable. If that trend continues, the Special Districts will obviously be able to continue serving their needs, assuming continued good management and maintenance by their elected Directors and staff.

If Oceanside begins to grow in population and the number of residences, most of these Special Districts have recently issued formal communications confirming their capacity to serve a significant increase. Specifically, (except for the Oceanside Water District, which was not involved), these Districts formally confirmed their capacity to accommodate increased usage anticipated by the addition of 65 residential lots to the area's inventory – an increase of 10%.<sup>11</sup> Given the stable population history, an acknowledged capacity to accommodate a 10% increase in residences is ample. A capacity analysis by the Oceanside Water District was equally reassuring.<sup>12</sup>

Services in the form of public transportation are provided by:

**Public Transportation:** [Tillamook County Transportation District](#)

The Transportation District participates in the NW Connector program as part of the Northwest Oregon Transit Alliance. It currently maintains three round trip routes between Oceanside and the Tillamook Transit Center, where connections may be made to Portland and coastal communities to the north and south. In addition, Oceanside residents are eligible for on-demand service from the District's Dial-A-Ride Service. Both services abide by federal and state accessibility requirements. Petitioners do not anticipate that incorporation will affect the availability of this service, just as it does not affect current service to other incorporated communities.

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<sup>11</sup> Over the past year, these Special Districts issued capacity confirmation letters to the county in conjunction with subdivision/partition applications regarding Building Permit Nos. 851-21-000095-PLNG; 851-21-000202-PLNG; 851-21-000047-PLNG and 851-21-000332-PLNG. These letters and other associated documents are available at [Land Use Applications Under Review | Tillamook County OR](#)

<sup>12</sup> In response to a separate inquiry, the current Superintendent of the Oceanside Water District recently advised that it would only utilize 67% of its present capacity, even if you assumed the highest daily usage recorded over the last year, and assumed that rate every day for an entire year.

Law enforcement and public safety services are currently provided by:

**Police / Public Safety**      Tillamook County Sheriff's Office

The Tillamook County Sheriff's Office currently services Oceanside by way of its established patrols and call response system. According to its "Calls for Service Log", the County Sheriff's Office responded to 210 calls in Oceanside for the period of August 12, 2020 through August 12, 2021. These calls varied from 11 to 31 calls per month with an average of 18. The number of visits was sufficiently high, and the incidence of serious or violent crime was so low, that the Petitioners believe that is reasonable and sufficient for the new city to continue relying on them for its needs, at least in the near term. In emails and telephone conversations with the Petitioners, the Sheriff's office confirmed that incorporation would not affect the services it provides to Oceanside.

Solid waste disposal and curbside recycling services are currently provided to Oceanside by:

**Solid Waste Disposal/Recycling**      City Sanitary Service  
Tillamook Co. Solid Waste Administration

Petitioners anticipate that the new City Council will either ratify and adopt the franchise agreement currently in place between the county and City Sanitary or enter its own agreement under the same terms. Oceanside residents have also historically been avid supporters and users of the recycling services and facilities made available by the Tillamook County Solid Waste Administration. That will continue notwithstanding incorporation.

#### **IV. PROPOSED FIRST AND THIRD YEAR BUDGETS**

Pursuant to ORS 221.035(2), Petitioners must propose "first and third year budgets for the new city to demonstrate its feasibility." Petitioners have elected to project all three of the initial annual budgets to provide additional context for the feasibility determination. These calculations assume the new city will be established in November 2022 and will operate based on a July 1 to June 30 fiscal year.

##### **A. Projected Resources**

The new city will initially enjoy minimal revenue during the first fiscal year because the timing of the November 2022 election will not allow it to certify a city tax to the County Assessor in time to meet the yearly July 15 deadline. As a result, city tax collections will not begin until November 2023.

Aside from city tax revenues, Petitioners project that the new City Council will take the necessary administrative steps to commence collection of revenue in the first half of

calendar year 2023 from a 9% Transient Lodging Tax and a Short Term Rental Operator’s Fee program (both of which will be initially be modeled on comparable Tillamook County ordinances). While some grant funding may also be available during the first three years, Petitioners opted not to include such funds as resources to fund general operations despite a high degree of confidence they can be obtained. The other allocations are broad projections by the Petitioners based on research and advice from contacts with local cities in Tillamook County and County officials. They will not be binding on the new City Council, should incorporation be approved by voters.

PROJECTED RESOURCES

	Fiscal Year 11/2022-6/2023	Fiscal Year 7/2023-6/2024	Fiscal Year 7/2024-6/2025
(1) City Tax		225,000	230,000
(2) Previous Year City Tax			25,000
(3) Transient Lodging Tax	126,000	315,000	325,000
(4) STR Operator’s Fees	36,000	80,000	80,000
(5) State Revenue Sharing			35,000
(6) Misc. Fees and Taxes		30,000	30,000
(7) Donations (cash and In kind)	10,000		
TOTAL	172,000	650,000	750,000

NOTES REGARDING RESOURCE LINE ITEMS

- (1) The item reflects a tax rate of \$.80 per \$1000 as applied to a total assessed value of \$303,723,512 for Oceanside (including The Capes) as of April 21, 2022 based on data from the County Assessor. The total assessed value was also supplemented to include two annual increases of 3% each anticipated before Oceanside collects its first city tax in November 2023. Per guidance from the Oregon Department of Revenue, the resulting tax revenue has been discounted to 95.5% to reflect reductions due to early payment discounts and non-collected funds. This revenue figure is deemed conservative because (1) it does not reflect anticipated increases that will result from new property developments currently underway (such as the 60-lot Avalon Heights subdivision approved in 2021 and a proposed oceanfront hotel at the current site of Oceanside Cabins), and (2) it contains no adjustments for new revenue generated when properties with outdated tax valuations are sold or transferred to new owners.

- (2) The Assessor's Office advises that approximately 90% of taxpayers usually pay their entire annual tax bill by mid-November each year to take advantage of the prepayment discount, with the remaining 10% making payments during the ensuing year. This item reflects the delayed receipt of tax revenue originally levied in the previous year.
- (3) These amounts assume the new City Council will enact an ordinance within the first six months of incorporating that levies an annual tax of 9% levied on gross income by Oceanside short term rentals. Per DCD data, the county's current TLT tax of 10% generated roughly \$350,000 from Oceanside's STRS in 2021. Oceanside's 9% tax would generate \$315,000 – and this is the figure used in the table. (The county TLT ordinance specifies that it will reduce its TLT assessment by the amount that an STR pays in TLT to a municipality – up to a 9% maximum. These projections do not include future increases in the number of individual STRs licensed in Oceanside or potentially significant revenue from impending commercial development. They do reflect a likely 3% increase (inflation) in STR lodging fees, and therefore TLT revenues based upon them, in the 2024-2025 fiscal year.
- (4) These amounts assume Oceanside will act expeditiously to impose short term rental operator's fees at rates comparable to those which Tillamook County currently assesses in unincorporated areas. DCD staff provided this projection for fees anticipated from Oceanside's short-term rentals in 2022-2023.
- (5) At Petitioners' request, the League of Oregon Cities projected that an incorporated Oceanside could reasonably expect cumulative state revenue sharing revenue of at least \$92.00 per capita commencing in FY 2024-2025 for taxes on gas, tobacco, and marijuana. The amount shown is based on a population of 367 per the U.S. Census. No such revenue is reflected before 2024 because cities are not eligible for state revenue sharing unless and until it has assessed and collected a city property tax during the preceding year. The gas tax portion of this revenue (approximately \$28,000) must be used for roads or similar transportation construction or maintenance. This is reflected as a discrete expenditure (transfer) in the following "Projected Expenditures" table.
- (6) This amount reflects as-yet unspecified revenue sources available to the new city, such as development charges, business receipts taxes, utility franchise fees and other permit fees.
- (7) During its initial year, it is anticipated that City Councilors will primarily work without staff utilizing equipment, space and services made available or donated by themselves or other city residents.

*(continued)*

PROJECTED EXPENDITURES

	FY 2022-2023	FY 2023-2024	FY 2024-2025
1. Staff Salary/Benefits		125,000	250,000
2. Election Costs	6,000		
3. Office Rent, Equipment, Supplies, Utilities	10,000	15,000	15,000
4. Fees, Training, Dues, Subscriptions, Travel		5,000	5,000
5. Insurance	10,000	15,000	15,000
6. Professional Services/Legal	30,000	50,000	25,000
7. Land Use Consult. Services		25,000	25,000
8. Transfer to Roads Maint. Fund (includes state gas Tax allotment)		50,000	50,000
9. Transfer to Roads Capital Reserve			30,000
10. Code Compliance/Mun. Ct.		50,000	50,000
11. Emergency Preparedness (may be allocated from TLT Tourism Reserve)		20,000	10,000
12. Transfer to TLT Tourism Reserve	88,000	220,000	225,000
13. Contingency Reserve		75,000	50,000
TOTAL	\$172,000	\$650,000	\$750,000

NOTES REGARDING EXPENDITURES LINE ITEMS

- Salary/benefit amounts reflect an assumption that one full-time manager will be employed at a maximum salary of \$80,000 commencing in Fiscal Year 2023-2024 supplemented by part-time or contracted clerical support as needed. The budget projection also allocates staffing funds based on the likelihood that a part-time or full-time assistant manager may be added in the 3<sup>rd</sup> year at an annual salary of \$50,000. The staffing projection anticipates benefits for full-time staff estimated at 30-35% subject to negotiation at hire.

(continued)

2. This expenditure reflects the estimated election costs to be invoiced by the County Clerk for the incorporation election pursuant to ORS 221.061(1).
3. This amount includes allotments, including use of in-kind donations, rent, furniture, computer, printer, supplies and utilities for a modest office to serve as a center of operations and communications. Subject to further negotiations and approvals, Petitioners have secured provisional agreement to locate a job trailer/office, serviced by existing utility hook-ups, on the Netarts-Oceanside Sanitary District waste treatment compound for a nominal charge. Public meeting space will also be made available without charge in the public meeting room at the Netarts-Oceanside Sanitary District.
4. This item reflects expenditures for association dues, subscriptions and fees to access education programs, training, group insurance programs and consulting offered by organizations such as the League of Oregon Cities. They anticipate participation in such training, not only by staff, but also by elected and appointed officials on issues such as municipal operations, liability, public meetings and public budgeting.
5. This allocation is a placeholder for any property/casualty/liability or workers' compensation insurance premiums to cover city officials and, eventually, staff. Actual quotes or even broad estimates were refused by insurers we contacted unless an application was completed. This estimate is based on a review of comparable expenditures budgeted for such insurance in other Tillamook County cities.
6. This item reflects an allocation for accounting, legal services and other professional service. The outsized estimates for FY1 and FY2 anticipate the likely need for extra legal assistance during the process of drafting and implementing the city's baseline ordinances, policies and procedures.
7. The Petitioners anticipate that the city will retain a land use planning consultant/services provider to assist with initial training, staff reports on appealed applications and the baseline work to prepare for drafting the city's Comprehensive Plan. Officials with LCDC has indicated it is likely their agency will also offer financial support for such preparation.
8. This amount reflects a proposed, regular allotment for roads repair and maintenance to be contracted by staff with outside vendors. The allotment represents the anticipated gasoline tax portion of revenue sharing allotments from the State of Oregon combined with a direct allocation from the general fund. Petitioners project this as a baseline allocation and anticipate that the road maintenance and capital reserve funds will be the highest priority targets for any unanticipated revenue or other surplus revenues.

9. This amount reflects an annual transfer to a reserve fund for capital road projects and improvements.
10. This amount represents an undifferentiated allocation for “code compliance” or “code enforcement” services aimed at providing an effective patrol, warning and sanction regime for misconduct or infractions too minor to warrant interventions by county law enforcement. Petitioners have left it to the City Council and staff to determine whether this will best be accomplished by staff assignments or third-party service providers. The city will also contract for periodic services from a private Municipal Judge.
11. This expenditure reflects an anticipated transfer of 70% of TLT revenues to a reserve for future expenditures for “tourism promotion” or “tourism facilities” pursuant to state law. The remaining 30% will be retained in general funds.
12. This amount reflects transfers to a reserve for unanticipated contingencies that will be converted to a cash carryover to the following fiscal year if not expended.

Respectfully submitted,

Jerry Keene  
Blake Marvis  
Sharon Brown  
Lead Petitioners for Oceansiders United

MAP OF PROPOSED CITY BOUNDARY

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# PETITIONERS' PRELIMINARY HEARING ANALYSIS

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BEFORE THE TILLAMOOK COUNTY BOARD COMMISSIONERS ON  
OCEANSIDERS UNITED'S REQUEST FOR ORDER APPROVING ITS  
PETITION FOR INCORPORATION AND SETTING AN ELECTION  
PURSUANT TO ORS 221.040(3)

Submitted: June 7, 2022

# PETITIONER'S PRELIMINARY HEARING ANALYSIS

## I. INTRODUCTION

Petitioners offer preliminary analysis to frame the issues it intends to address at hearing. We will supplement this outline with materials and testimony at the hearing.

## II. NATURE OF THIS HEARING

The Board scheduled this hearing pursuant to ORS 221.040 to consider a petition for incorporation of the unincorporated community of Oceanside. The petition was submitted by Oceanside residents Jerry Keene, Blake Marvis and Sharon Brown acting on behalf of "Oceansiders United." If approved, Petitioners seek an order scheduling an incorporation vote for the November 8, 2022, General Election pursuant to ORS 221.040(3).

## III. HISTORICAL CONTEXT (PREVIOUS HEARING ORDER & FINDINGS)

The parties do not approach this hearing with a clean slate. Petitioners previously sought the Board's approval of an incorporation petition and election in hearings conducted earlier this year. (*Application No. 851-21-000449PLN*). Petitioners request that the entire record in that matter be included as an Exhibit in the current proceeding.

### **A. The incorporation plan presented in this petition reiterates and updates the plan that the Board evaluated and addressed in stipulated findings in its previous Order.**

The current petition essentially renews the incorporation proposal evaluated by the Board in the previous hearings. The Board and Petitioners ultimately agreed to resolve that matter through an Order adopting stipulated findings and conclusions negotiated by the parties. The resulting "Findings of Fact, Conclusions and Order" (hereafter the "Order") is appended and incorporated herein. That Order denied the original petition by agreement. Importantly, however, the Order also memorialized this understanding (at pages 3-4):

"...[P]etitioners advised the Board of their intent to continue their pursuit of an incorporation election, building on the experience and insights gained from the Board's findings in this proceeding. To that end, the Board and petitioners agreed to negotiate and abide by an order based on stipulated findings that are designed to provide specific guidance as to the perceived shortcomings in this record."

Petitioners have followed through on their stated intent by presenting this renewed petition. The maximum tax rate, map and Economic Feasibility Statement presented in this petition essentially reiterate the incorporation proposal addressed in the Board's previous Order, with two exceptions:

- (1) The proposed city boundary now includes The Capes development; and
- (2) The revenue and expense projections have been updated.

As discussed below, by presenting the same incorporation proposal, petitioners and the Board intend to invoke and rely upon the stipulated findings and conclusions in the previous Order as a "roadmap" to guide and streamline the presentation and deliberations in this proceeding.

**B. The stipulated findings and conclusions in the previous Order will enable the parties in this hearing to focus narrowly on the statutory elements that it previously determined to be incomplete or inadequately persuasive.**

The stipulated findings and conclusions in the original Order accepted Petitioner's evidence and analysis on some of the key statutory inquiries while finding the record incomplete or unpersuasive as to certain others. The Board and Petitioners agreed to "abide by" those findings, stipulating they might be used and relied upon in this proceeding to provide "specific guidance" as to the issues on which the Board perceived "shortcomings" in the original record. Accordingly, in this hearing, Petitioners propose to focus their efforts on addressing those perceived "shortcomings" while relying on the Board to honor the stipulated findings and conclusions that deemed the record adequate to satisfy the other statutory elements.

#### **IV. ANALYZING THE STATUTORY "OBJECTIONS" AND REQUIREMENTS**

The relevant statute and a related court decision require the Board to address five elements in the course of evaluating an incorporation petition and related submissions:

1. Whether to alter the proposed **city boundary** by adding or removing territories based on whether they "may be benefited" or "will not ... be benefited" by incorporation;
2. Objections to the **granting** of the petition;
3. Objections to the **formation** of the proposed incorporated city; and
4. Objections to the permanent **rate of taxation** proposed in the petition.

5. Whether “it is reasonably likely that the newly incorporated city can and will comply with [the **Oregon land use**] **goals** once the city assumes primary responsibility for comprehensive planning in the area to be incorporated.”<sup>1</sup>

During the previous hearings, Petitioners translated these vaguely worded determinations into concrete factual inquiries, offering detailed explanations for each. (See Petitioners' Analysis and Proposed Findings, pages 3-15). We incorporate those explanatory comments here without repeating them. Instead, we will proceed directly to a list of those factual inquiries and preview how we propose to satisfy them at hearing.

### 1. Altering the city boundary (“benefited territories”)

In contrast to the previous proceedings, Petitioners have proposed a city map encompassing the entire Oceanside Unincorporated Community Boundary as acknowledged in the county's comprehensive land use plan in the 19990s. Petitioners have extended the original northern boundary to incorporate homes subsequently constructed on and near Radar Road. (The homeowners at the northernmost edge of the new boundary support incorporation and embraced this adjustment.) Based on recommendations by the County Assessor's office, Petitioners further adjusted the northern boundary and some sections of the eastern boundary of the Community Boundary to avoid splitting existing tax lots.

In the previous hearings, Community Development Director Absher introduced a map of reflecting commonly acknowledged Oceanside “neighborhoods.” Petitioners have no basis to dispute that map and will accept the Department's geographic framework in these proceedings. We anticipate that residents or association officers from at least some of these neighborhoods will seek exclusion from the proposed city (and the associated tax) based on assertions that the “benefits” of incorporation will not extend to their areas. Petitioners request that the Board bifurcate these hearings in order to receive and deliberate any boundary adjustments before Petitioners present their main case.

Without more information or guidance on how the Board intends to adjudicate such requests, Petitioners are not in a position to suggest the factual inquiries it should conduct to address them. We do anticipate offering a list of incorporation benefits to assist the Board in its analysis.

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<sup>1</sup> *1000 Friends of Oregon v. Wasco County*, 299 Or 344, 360 (1985) (hereafter “*1000 Friends*”)

## **2. Objections to the “granting of the petition”**

Petitioners contend that this statutory inquiry requires the Board to determine whether the procedures for submitting an incorporation petition have been met. These include satisfying the following requirements:

- a completed “Form SEL 70” (lead petitioners, city name and tax rate)
- a city map of the required dimensions
- an Economic Feasibility Statement (services analysis and a projected budget)
- validated signatures from 20% of the proposed city’s voters
- publicly posted and published notices of the incorporation hearing

Prior to the hearing, Petitioners anticipate that the County Clerk, Director of Community Development and County Counsel will confirm that these requirements have been met. We also note that the documentation and procedural steps taken by Petitioners with regard to this Petition are identical in substance and form to those which the Board already accepted as sufficient in the previous hearing Order (page 4).

## **3. Objections to “formation” of the proposed incorporated city**

For reasons expressed in their “Petitioners’ Analysis and Proposed Findings” from the previous hearings (pages 4-7), Petitioners contend this statutory element logically refers to determining whether Petitioners have demonstrated the “economic feasibility” of the proposed city. To that end, Petitioners prepared and submitted an Economic Feasibility Statement (“EFS”) to the County Clerk when it filed the original Petition. That EFS is appended to this document and incorporated by reference. At hearing, Petitioners will rely on that analysis as bolstered or supported by statements from county staff and other authoritative sources.

The economic analysis and data proposed in this Petition are essentially the same as those presented to support the previous Petition. Accordingly, in this proceeding, Petitioners will cite and rely the following stipulated findings and conclusions from the Board's previous Order (at page 5):

*“10. Services: The Board adopts and incorporates by reference the description of services proposed to be provided by the city of Oceanside and the relationship of those services to existing services as outlined in the EFS.*

*11. Projected Resources: Petitioners' representations that the "Projected Resources" discussion and accompanying "Notes" reflected in the EFS reflect financial estimates drawn from or calculated in good faith reliance on data provided to Petitioners by the County Assessor, DCD staff, Public Works officials and other authoritative sources, such as the League of Oregon Cities and United States 2020 Census reports.*

*12. Projected Expenditures: With the exception of the "Roads" allocations referenced below, the Board accepts Petitioners' estimates of "Projected Expenditures" and accompanying "Notes" in the EFS as a feasible projection drawn in good faith from information provided by County DCD and Public Works staff, published budget information from other cities and other authoritative sources."*

Absent significant new challenges or developments, Petitioners will cite and rely on these stipulated findings. Petitioners also note that the previous EFS also incorporated and referenced research information outlined in the "Final Report" of the ONA Incorporation Task Force that, as a result, is also made part of this record.

#### **4. Objections to Tax Rate**

This petition proposes the same maximum tax rate as that specified in the previous incorporation petition and hearings, i.e., **80 cents per \$1000 of assessed property value**. While the statute does not specify the basis for any objections, the parties to the previous incorporation stipulated to the following findings and conclusions:

*"Tax rate: The record reflects objections by some property owners to the adequacy of the proposed tax rate. As developed and presented in the limited time allowed, the Board finds that the record was insufficiently developed to persuasively establish that the tax rate of \$.80 per \$1000 of assessed value "would generate operating tax revenues sufficient to support an adequate level of municipal services" pursuant to ORS 221.031(2)(c)."*

By stipulation, the Board agreed that it based this finding on the following evidence and considerations:

*"a. A city tax at what the Board deems to be a relatively low rate will require the city to rely on alternative revenue sources that are linked to short-term rental operations. In the time available, Petitioners did not present sufficiently persuasive analysis to address the risk that funding for city operations would be vulnerable to reductions in short-term rental operations caused by unanticipated economic or political developments.*

At hearing, Petitioners will offer additional data and analysis to persuade the Board that it has adequately factored the new city's "vulnerability" to reduced STR revenue from unanticipated political or economic events into its budget analysis. Petitioner will also cite authority for the proposition that hypothetical concerns about the potential of *future* political or economic events are not a legally appropriate basis to deny the residents of the proposed city the opportunity to conduct their own assessment of that risk in deciding whether to vote for against incorporation on the ballot.

*b. While Petitioners' EFS reflected a balance of projected revenues and expenditures during the first three years after incorporation as required under ORS 221.035, the record was insufficiently developed as to how the city will be able to accommodate potential cost increases associated with long-term growth or inflation, given that the proposed, modest city tax rate will be permanent and that any increases in such tax revenue are strictly constrained by state law.*

Petitioners will contend that this finding reflected a surface analysis of the proposed tax rate based on the fact that it is generically "low" compared to the rate assessed in other municipalities or even the county itself. Petitioners will assist the Board to conduct a deeper analysis of the proposed tax rate in the context of Oceanside's particular circumstances. In so doing, Petitioners will ask the Board to consider these questions, among others:

1. What has Oceanside's growth rate been historically?
2. To the extent growth is expected, what will the impact be on the city budget, given the narrow range of services Oceanside's municipal government will actually provide?
3. To what extent will growth costs actually be absorbed by other infrastructure entities, such as developers, the sewer district, water district or fire/emergency services districts?
4. How much actual revenue would this "low" tax rate actually generate compared, given Oceanside's relatively high property values? How would exclusion of The Capes affect the analysis?
5. How does the projected revenue compare to that generated by cities with higher tax rates – either in absolute terms of on a per capita basis?

*c. The record as presented lacked adequate information or analysis to establish the feasibility of Petitioners' hypothetical allocation of \$50,000 per year for road maintenance and improvements."*

At hearing, Petitioners will seek to fill this information gap, especially focusing on these questions:

1. Do the updated allocations (increases) for roads in the current EFS allay the Board's concerns?
2. How does the annual allocation for Oceanside road maintenance proposed in the EFS compare to the historical average that the county has expended on such maintenance?
3. How does the proposed allocation for maintaining Oceanside's roads compare to annual expenditures by other small cities on an absolute or per-mile basis?
4. Does the Public Works Director believe annual expenditures at the proposed level constitute a feasible maintenance plan for Oceanside's needs?
5. What other sources of revenue will be available to an incorporated Oceanside that are not available, or as readily available, to the county or unincorporated communities?

## **5. Likely Compliance with Land Use Goals**

In the previous order, the Board accepted Petitioners' Proposed Analysis and Findings addressing Oceanside's ability and readiness to comply with each of Oregon's statewide land use goals. The Board also adopted Director Absher's unambiguous that an incorporated Oceanside would be likely and able to comply with the Oregon Statewide land use goals. This was reflected in the stipulated findings and conclusions of the previous Order (page 4):

*"8. The Board adopts and incorporates by reference the analysis and proposed findings in the section of Petitioners' Analysis entitled "Analysis of 'Likely' Compliance with Land Use Goals" (pages 15-24). The Board further adopts and incorporates DCD Director Absher's statements in the Supplemental Staff Report (page 3) describing factors relating to "the likelihood that Oceanside can and will comply with Oregon Statewide Planning Goals and the development of a land use program."*

*9. The Board adopts and incorporates Director Absher's hearing testimony concluding that an incorporated city of Oceanside would be likely and able to comply with the Oregon Statewide Planning Goals."*

Petitioners will rely on the Board to adhere to these stipulated findings and conclusions in the absence of significant new information.

## **V. CONCLUSION**

Since its founding 100 years ago, Oceanside has grown from a collection of vacation cabins into an urbanized community with a stable population, a cohesive civic identity and an effective community apparatus for identifying and pursuing common goals. Incorporation is the natural next step in its evolution as a community – endorsed by a clear majority of roughly 200 community stakeholders participating in the ONA endorsement decision after one of the most extensive local information campaigns ever assembled in the county, if not the state.

### **A. Request for Order**

Based on the information presented in this Analysis, the Economic Feasibility Statement, the original *ONA Incorporation Report* and the stipulated findings in the previous Order , Petitioners respectfully request that the Board issue an Order approving the Petition. It should also instruct the County Clerk, County Assessor and County Surveyor to complete the tasks necessary in a timely fashion sufficient to place the question of incorporating Oceanside, Oregon, including the approved boundary, legal description and permanent tax limit of \$.80 per \$1000 on the ballot for the General Election on November 8, 2022 as prescribed in ORS 221.040(3)

Petitioners appreciate the time and effort that county staff and the Commissioners themselves have devoted to accommodating this unusual and historic incorporation effort.

Respectfully submitted,

*Jerry Keene*  
*Blake Marvis*

*Sharon Brown*

Lead Petitioners  
Oceansiders United

FINDINGS OF FACT, CONCLUSIONS AND ORDER  
# 851-21-000449-PLNG  
May 11, 2022

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NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS FOR TILAMOOK COUNTY, OREGON, ORDERS AS FOLLOWS:

- Section 1. The petition for an election on the proposed City of Oceanside is hereby denied.
- Section 2. Before the close of business on May 16, 2022, County Counsel shall mail a copy of this order to the chief petitioners and also notify participating parties of this decision.
- Section 3. This decision shall become effective upon the mailing of the documents listed in Section 2.
- Section 4. In support of the decision set forth in Section 1 of this order, the Board adopts the stipulated findings and conclusions set forth in the Decision attached as "Exhibit A" to this order and incorporated here by reference.

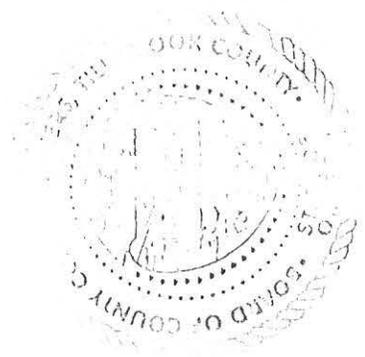
DATED this 11<sup>th</sup> day of May 2022.

BOARD OF COUNTY COMMISSIONERS  
FOR TILLAMOOK COUNTY, OREGON

	Aye	Nay	Abstain/Absent
 _____ David Yamamoto, Chair	✓	_____	_____
 _____ Erin D. Skaar, Vice-Chair	✓	_____	_____
 _____ Mary Faith Bell, Commissioner	✓	_____	_____

ATTEST: Tassi O'Neil,  
County Clerk  
  
\_\_\_\_\_  
Special Deputy

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
William K. Sargent, County Counsel



## **“Exhibit A”**

### **I. APPLICABLE CRITERIA AND STANDARDS**

The Tillamook County Board of County Commissioners (“the Board”) adopts and incorporates the discussion of the applicable statutory and administrative rule standards and criteria set out in these documents in the record:

- (1) Department of Community Development (“DCD”) Staff Report (January 19, 2022) and appended documents;
- (2) DCD Supplemental Staff Report (January 26, 2022) and appended documents; and
- (3) Memorandum from DCD Director Sarah Absher (March 23, 2022) and appended documents.

Additionally, the record must demonstrate the proposed city’s ability and willingness to comply with applicable Oregon land use goals as set out in *1000 Friends of Oregon v. Wasco County*, 299 Or 244 (1985).

The Board also finds that, although this is a quasi-judicial land use decision, neither the 120-day nor the 150-day deadlines for a final decision prescribed in ORS 215.427(1) apply because this is not an application for a permit, limited land use decision or zone change.

### **II. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

#### **A. RECITALS**

In discussions at the March 30, 2022, hearing session, the Board and Petitioners agreed it was in the best interest of the parties, the public and the tribunal for the Board to issue its Decision and Order based on stipulated findings of fact and conclusions of law, subject to appropriate public review and comment. The agreement was based on these factors and circumstances:

- (1) Petitioners filed and gathered signatures on a petition and economic feasibility analysis that were premised on an assumption that hearings would be completed and approval secured no later than February 13, 2022. That was the deadline for qualifying the measure for the May 17, 2022, Primary Election ballot pursuant to ORS 221.040(3).
- (2) Delaying an incorporation vote beyond the May 17, 2022, election would preclude the incorporated city (assuming voter approval) from meeting the July 15, 2022, notice deadline for participation in the 2022-2023 county tax collection cycle. Deferring such collections until the 2023-2024 cycle would result in a materially different revenue and expenditure program than that proposed in the original petition.
- (3) In deference to these time constraints, the Board worked to hear Petitioners’ presentation, take public comment, obtain staff input, complete deliberations and make a decision over the course of two hearing sessions on January 26, and February 2, 2022. (An additional hearing session that was scheduled and publicly noticed for January 19, 2022, was unexpectedly cancelled.) On February 2, 2022, the Board unanimously voted to deny the petition based on the record before it. On February 9, 2022, the Board granted petitioners’ motion for reconsideration and withdrew the decision but were unable to schedule further sessions until after the May Primary Election deadline.
- (4) In hearing sessions on February 9 and March 31, 2022, Petitioners and the Board entered into constructive dialogue over whether and how the proceedings and resulting deliberations had been hampered by factors such as the time constraints, the novelty of incorporation proceedings, the vagaries of the statutory provisions and a scarcity of guiding precedent. Petitioners also noted the uncertain legal ramifications of extending the Board’s consideration of the current petition, given the budget disparity described above.
- (5) At the hearing session on March 31, 2022, Petitioners advised the Board of their intent to continue their pursuit of an incorporation election, building on the experience and insights gained from the Board’s findings in this proceeding. To

that end, the Board and petitioners agreed to negotiate and abide by an order based on stipulated findings that are designed to provide specific guidance as to the perceived shortcomings in this record.

## B. STIPULATED FINDINGS AND CONCLUSIONS

Accordingly, the Board and petitioners stipulate to the following findings and conclusions:

### Threshold Requirements

1. The Board adopts and incorporates Oceansiders United's ("Petitioners") recital of the pre-hearing submissions and notice measures taken at pages 3-4 of Petitioners' Proposed Analysis and Findings ("Petitioners' Analysis") (January 18, 2022).
2. The Board adopts and incorporates the statement in the Supplemental Staff Report (page 4) indicating that "both the County and petitioners have met the notice of public hearing requirements for an incorporation proposal outlined in ORS 221.440(2)." It also accepts and adopts statements on the hearing record by DCD Director Absher and Counsel Joel Stevens that petitioners' actions and submissions, including a proposed tax rate, boundary map and Economic Feasibility Statement ("EFS"), satisfied both the procedural and content prerequisites for securing a hearing on the petition for incorporation.
3. The Board adopts County Clerk Tassi O'Neill's certification that Petitioners obtained sufficient, valid signatures on the petition from electors within the proposed city boundary.

### Boundary Determinations

4. The Board deems the record insufficiently developed to support findings on the issue of whether areas seeking exclusion from the new city would "benefit" from incorporation under ORS 221.040(2).
5. The Board deems the record insufficiently developed to support findings on the issue of whether The Capes development would "benefit" from inclusion in the proposed city under ORS 221.040(2).
6. The Board and Petitioners mutually acknowledge that development of a complete record on the issue of such "benefits" was hampered by the belated discovery of information regarding the legal impact of exclusion on an area's legal right to access sewer services under Oregon land use laws.
7. The Board and Petitioners agree that the need to resolve such "benefits" issues areas in this proceeding was obviated as a practical matter by the Board's ultimate decision to deny the petition based on economic feasibility. They further stipulate that such findings may be deferred for consideration without prejudice in any future incorporation hearing.

### Likely Compliance with Land Use Goals

8. The Board adopts and incorporates by reference the analysis and proposed findings in the section of Petitioners' Analysis entitled "Analysis of 'Likely' Compliance with Land Use Goals" (pages 15-24). The Board further adopts and incorporates DCD Director Absher's statements in the Supplemental Staff Report (page 3) describing factors relating to "the likelihood that Oceanside can and will comply with Oregon Statewide Planning Goals and the development of a land use program."
9. The Board adopts and incorporates Director Absher's hearing testimony concluding that an incorporated city of Oceanside would be likely and able to comply with the Oregon Statewide Planning Goals.

### Economic Feasibility

10. Services: The Board adopts and incorporates by reference the description of services proposed to be provided by the city of Oceanside and the relationship of those services to existing services as outlined in the EFS (pages 4-9).
11. Projected Resources: Petitioners' representations that the "Projected Resources" discussion and accompanying "Notes" reflected in the EFS (pages 10-11) reflect financial estimates drawn from or calculated in good faith reliance on data provided to Petitioners by the County Assessor, DCD staff, Public Works officials and other authoritative sources, such as the League of Oregon Cities and United States 2020 Census reports.
12. Projected Expenditures: With the exception of the "Roads" allocations referenced below, the Board accepts Petitioners' estimates of "Projected Expenditures" and accompanying "Notes" in the EFS (pages 12-14) as a feasible projection drawn in good faith from information provided by County DCD and Public Works staff, published budget information from other cities and other authoritative sources.
13. Tax rate: The record reflects objections by some property owners to the adequacy of the proposed tax rate. As developed and presented in the limited time allowed, the Board finds that the record was insufficiently developed to persuasively establish that the tax rate of \$.80 per \$1000 of assessed value "would generate operating tax revenues sufficient to support an adequate level of municipal services" pursuant to ORS 221.031(2)(c). The Board bases this finding on the following evidence and considerations:
  - a. A city tax at what the Board deems to be a relatively low rate will require the city to rely on alternative revenue sources that are linked to short-term rental operations. In the time available, Petitioners did not present sufficiently persuasive analysis to address the risk that funding for city operations would be vulnerable to reductions in short-term rental operations caused by unanticipated economic or political developments.
  - b. While Petitioners' EFS reflected a balance of projected revenues and expenditures during the first three years after incorporation as required under ORS 221.035, the record was insufficiently developed as to how the city will be able to accommodate potential cost increases associated with long-term growth or inflation, given that the proposed, modest city tax rate will be permanent and that any increases in such tax revenue are strictly constrained by state law.
  - c. The record as presented lacked adequate information or analysis to establish the feasibility of Petitioners' hypothetical allocation of \$50,000 per year for road maintenance and improvements.

# EXHIBIT C

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VIALFOTHERINGHAMLLP

**DAVID PHILLIPS**

503.684.4111 x 400037

[david.phillips@vf-law.com](mailto:david.phillips@vf-law.com)

*Admitted to Practice in*

**Oregon** (OSB No. 072620)

**Washington** (WSB No. 34018)

June 17, 2022

4598-003

*Via First Class Mail & Electronic Mail*

Director Sarah Absher  
Dept. of Community Development  
1510 – E Third Street  
Tillamook, Oregon 97141  
E: [sabsher@co.tillamook.or.us](mailto:sabsher@co.tillamook.or.us)

Re: **No. 851-22-000224-PLNG: Petition for Incorporation of Oceanside**  
Request to Dismiss Petition or Postpone Scheduled Hearings

Director Absher:

My office represents the Capes Homeowners Association (“Association”). We write to address the Notice of Public Hearings regarding the second attempt by Petitioner, Oceansiders United, to incorporate Oceanside as a city. This second attempt now includes the property constituting the Association, which opposes Petitioner’s efforts. Because Petitioner’s second petition cannot be filed with or heard by the County until six months after the denial of the first petition, the County must dismiss this untimely petition. Alternatively, the Association respectfully requests the County postpone each of the three scheduled hearing dates for at least three months to allow the Association time to retain the services of land use planning experts and adequately prepare an opposition.

On December 13, 2021, Petitioner’s filed a petition pursuant to ORS Chapter 221 to incorporate the area currently identified as the Unincorporated Community of Oceanside as the City of Oceanside. Findings of Fact, Conclusions, and Order, No. 851-21-000449-PLNG (May 12, 2022) at 1 (hereinafter, “Final Order”). This petition did not include the Association within the boundaries of the proposed city. After holding three public hearings on the matter, the County Board of Commissioners (“Board”) denied the petition, apparently with the consent of Petitioner. *See id.* at 1–2. The Board denied the petition, *inter alia*, because the record was insufficient to meet the standards set forth in Chapter 221. *See id.* at 4 (noting the various issues on which “[t]he Board deems the record insufficient developed to support [necessary] findings”). One issue on which the Board deemed the record insufficient was the proposed exclusion of the Association. *See id.*

Petitioner swiftly lodged a new petition with the County, which appears to be materially identical to its first petition except for the inclusion of the Association within the bounds of the proposed city. The County has set an aggressive schedule for ruling on this petition with public hearings currently scheduled for June 27, 2022; July 13, 2022; and July 28, 2022.

**I. The County’s Land Use Ordinance prohibits the filing of the second petition for incorporation until at least six months have elapsed since the County’s denial of the first petition.**

Under the County’s Land Use Ordinances, “[i]f an application is denied by the County [and such a denial becomes final] . . . , no new application for the same or substantially similar action shall be filed for at least six . . . months from the date of the final order . . . denying the application.” LUO § 10.020(6)(d). Because an incorporation petition is subject to the Land Use Ordinance and less than six months have elapsed since the County’s denial of the first petition, the instant incorporation petition is untimely.

The statutory process for the incorporation of city from previously unincorporated land—and the resulting order from the County approving a petition and referring a question on the matter to the electorate—is a land use process resulting in a land use decision. *See 1000 Friends of Oregon v. Wasco Cnty. Ct.*, 299 Or. 344, 354–59 (1985); *see also id.* at 357 (“There is no doubt that incorporation is a political choice, but the ramifications of that choice may profoundly affect the use of land.”). A petition for incorporation is a creature of state statute. *See* ORS Ch. 221. Nonetheless, the Oregon Supreme Court has confirmed that incorporation proceedings are subject to ORS Section 197.175. *See 1000 Friends*, 299 Or. at 357–58 (“[T]he incorporation decision itself sets in motion a planning and zoning process. In keeping with the tenor of chapter 197, that decision must consider all relevant factors, affected interests and public policies.”). Under ORS Section 197.175, counties must decide incorporation petitions “in accordance with ORS chapters 195, 196 and 197 and the [statewide land use] goals[.]” ORS § 197.175(1). Any decision on an incorporation petition must be, thus, made “in compliance with the acknowledged [comprehensive] plan and land use regulations[.]” ORS § 197.175(2)(d); *see also City of Salem v. Fams. for Respons. Gov’t, Inc.*, 298 Or. 574, 581 (1985) (holding that a newly incorporated city must “comply with the [county’s] acknowledged [comprehensive] plan and implementing land use ordinances”).<sup>1</sup> LCDDC has reached the same conclusion, describing “[a] county order that authorizes an incorporation election pursuant to ORS 221.040” as a “land use decision.” OAR 660-014-0010(2). The reapplication bar, LUO § 10.020(6)(d), is an applicable land use regulation. *See* ORS § 197.015(11) (“‘Land use regulation’ means any local government zoning ordinance . . . or similar general ordinance establishing standards for implementing a comprehensive plan.”).

Although the County’s Land Use Ordinance does not explicitly refer to incorporation petitions, that is irrelevant. The County’s Land Use Ordinance applies to “[a]ny application . . . based upon any State . . . regulation” to be an “application . . . [made] pursuant to th[e] Ordinance.” LUO § 1.030(2). The term “application” is not defined. As such, “application” must be given its “ordinary accepted meaning[] within the context in which [it] is used.” LUO § 11.020(2) (describing Webster’s Third New International Dictionary of the English Language, Unabridged as “a standard reference”). Webster’s defines “application,” in relevant part, as an “appeal, request, [or] petition[.]” APPLICATION, Merriam-Webster’s Unabridged Dictionary, <https://unabridged.merriam-webster.com/unabridged/application>; *accord* APPLICATION, Black’s Law Dictionary (11th ed. 2019) (“A request or petition.”). Incorporation petitions, thus, fall within the plain meaning of the term “application.” The context in which the term appears, particularly in Article X, compels the same result.

<sup>1</sup> In addition, subsidiary issues necessary to resolve the incorporation petition *are* applications explicitly regulated by the County’s Land Use Ordinance, including a Comprehensive Plan Amendment (Type III), a Goal Exception (Type III), and a Zoning Map Amendment (Type III or IV). *See* Land Use Ordinance (“LUO”) § 10.020(6)(a); *see also id.* at § 10.040(4) (defining “Type IV Legislative” reviews as applicable to “[c]hanges to the comprehensive plan . . . [and] amendments to the County’s zoning map . . . where a large number or entire class of property owners are directly affected”).

Article X of the Land Use Ordinance “establish[s] standard decision-making procedures that will enable the County, the applicant, and the public to reasonably review applications and participate in the local decision-making process[.]” LUO § 10.010(1). Moreover, that article, by its own language, applies to “[a]ll land use . . . applications[.]” See LOU § 10.010(4) (“All land use . . . applications shall be reviewed under one review type established in this chapter.”). State law compels the same result; the County must apply its Land Use Ordinance, including Section 10.020(6)(d), to this land use proceeding despite the omission of an incorporation petition from the list in Table 10.1. See ORS § 215.412 (requiring counties to adopt “procedures for the conduct of hearings” and rules that require decisions be made “based on factual information, including adopted comprehensive plans and *land use regulations*” (emphasis added)); see also ORS § 215.402(2) (defining “hearing” to include “quasi-judicial hearing[s]”).

Incorporation petitions are subject to the County’s comprehensive plan and land use ordinances. The language of Section 10.020(6)(d) prohibiting successive petitions within six months is unqualified; in other words, it applies to *any* denial of a land use decision, listed in Table 10.1 or not. The County previously denied a petition to incorporate Oceanside, and less than six months has elapsed since that denial. Because the instant petition seeks the same result (the incorporation of a new city), it is the “same or substantially similar” the first petition. Accordingly, the County’s procedures prohibit it from hearing Oceansiders United’s second incorporation petition at this time. Moreover, as described below, the accelerated hearing schedule would prejudice the Association by curtailing its ability to retain experts and put forth salient testimony and evidence. See ORS § 197.835(9)(a)(B) (requiring reversal of a county’s decision when the county “[f]ailed to follow the [applicable procedures]” and that failure “prejudiced the substantial rights [of a party]”).

In sum, the County must dismiss the petition for the incorporation of Oceanside until the petition can satisfy the time limits imposed by Land Use Ordinance Section 10.020(6)(d).

**II. The County should continue the currently-scheduled hearings for, at least, three months to give the Association time to prepare.**

If the County declines to apply Section 10.020(6)(d), the County should nonetheless continue the hearings to give the Association enough time to prepare an opposition. In opposing the instant petition, the Association must be prepared to demonstrate that it should be excluded from the proposed city *and* that if it cannot be excluded, the petition itself should be denied. A complete record on both issues requires the Association to retain technical experts (*i.e.*, a land use planner) and provide time for those experts to prepare a report. The Association has diligently pursued retaining such experts; however, neither those experts nor counsel for the Association will be prepared to proceed by June 27, 2022, the date of the first scheduled hearing.

The only salient difference between the two petitions is the forced inclusion of the Association within the bounds of the proposed city. Up until this point, the County has heard solely from Petitioner on the matter of the Association—one supporting exclusion and now opposing it. Basic fairness requires the County permit the Association the time necessary to put effectively oppose its inclusion in the proposed city, and it would be impossible to do so under the current hearing schedule. Moreover, because the first petition was denied for an insufficient record (and only a short time has elapsed since that denial), prudence counsels delay to allow the Association (and other participants) adequate time to prepare rather than risk another sparse record.

Accordingly, the Association asks that the currently-scheduled hearings be continued for at least three months.

CONCLUSION

For the reasons given above, the Association respectfully requests that the County dismiss the petition for incorporation lodged by Oceansiders United as filed in violation of Land Use Ordinance § 10.020(6)(d). Alternatively, the Association respectfully requests that the County continue the currently-scheduled hearings in this matter for no less than three months.

Thank you for your attention to this matter. Please direct all further contact regarding this matter to my office.

Sincerely,

**VIAL FOTHERINGHAM LLP**



David M. Phillips

DMP\MMAR

June 15, 2022

Oceanside Incorporation - Testimony in Opposition

**Dear Commissioners:**

My educational background includes 2 Bachelor's Degrees (Mechanical Engineering and Military Science) and an MBA. My professional experience includes years of Corporate Analytics, Budgeting, Business and Systems modeling across the World in half a dozen industries.

**I respectfully ask that you deny Oceanside Incorporation Petitioner's request to put the measure on November 2022 Tillamook County Ballot because of the Petition's grave errors in addressing ORS 221.035 (2) (c) requirement - first and third year budgets.**

The Budget as submitted in the record:

- 1) does not address economic realities of today,
- 2) does not balance in neither year 1 nor year 3,
- 3) does not allow to conclude that proposed tax of \$0.80/1,000 in assessed value is a realistic number.

Following are details in support of the above statements.

**The Budget ignores deteriorated economic conditions**

Petitioners submitted their Budget for the initial hearing in December of 2021, and current Budget in June of 2022. There have been significant economic developments in the last six months. None of those developments are reflected in the Budget, and all of those have negative impact on the proposed city's ability to survive financially.

Here are just a couple of economic indicators that are detrimental to, but unaccounted for in the Budget:

- Inflation: inflation rate is at 8.6% today, the highest in over 40 years.

Inflation over 3% automatically causes Expense side of the City Budget to outrun Revenue side.

The Budget submitted with the Petition back in December of 2021 did not address inflation of 6.8%. The Budget that was supposed to be updated by the Petitioners with new submission does not address inflation of 8.6% either.

- Unemployment: 4.2% when the Petitioners created initial Budget in 2021, 3.6% today.

Currently, unemployment rate among employees over 25 with Bachelor Degree is at 2%. The proposed city, given the complexity of "startup" operation and amount of work to be done by the City Manager will have to look to hire a highly experienced Manager.

Private companies in Oregon pay up to 30% more today to fill up vacancies in professional positions. In Public Sector, one can observe financial incentives offered to fill up open positions even for roles that do not require the education and experience of a City Manager.

Plugging in a number for a City Manager compensation in the Budget based on surveying what some other City Manager might be making is erroneous. Today one needs to ask: "What does it cost to fill up this position?", not "What did this position pay last year?".

Comparison of the Budget submitted last year to the current Budget makes it absolutely clear that the Budget ignores changed economic conditions completely.

#### **Budgets on the record don't balance**

Year 1 Revenue Total submitted with the Petition in December of 2021 does not equal sum of Revenue line items. Annual budget is not balanced.

Year 1 Expenses Total submitted with the Petition in June of 2022 does not equal sum of Expenses line items. Annual budget is not balanced.

Year 3 Revenue Total submitted with the Petition in June of 2022 does not equal sum of Revenue line items. Annual budget is not balanced.

ORS 221.035 (2) (c) is explicit in requiring the Petition to include year 1 and 3 Budgets as part of economic feasibility statement, which forms the basis for permanent tax rate.

With the Annual Budgets not balanced, there is simply no correct basis within the Petition by which to calculate the tax rate.

**Mathematically, \$0.80/1,000 in assessed value tax rate is as improbable a number as it can be**

The Petitioners created and presented multiple Budget iterations both to Oceansiders and to the BoCC.

4 instances were made public:

#1 - In the days leading to ONA vote on supporting/not supporting Incorporation, with The Capes included in the proposed City boundary,

#2 - On the day of ONA vote in November of 2021, with The Capes excluded from consideration,

#3 - In early December 2021, as part of the Incorporation Petition to the BoCC, excluding The Capes from the proposed city boundary,

#4 - In June of 2022, as part of the Incorporation Petition to the BoCC, including The Capes in the city boundary.

With 22 lines in the budget with values varied, sometimes dramatically, from iteration to iteration, and 4 of such iterations, the Petitioners maintain that a derivative of the budget – the proposed tax rate, is the same across all 4 iterations.

The proposed tax rate must have a correlation with each of the underlying budget iterations. The fact that the budgets changed many times, but the proposed tax rate did not change a single time, means there is no correlation between the tax rate proposed by the Petitioners and the budget(s).

Petitioners' approach (whatever it was) to calculating proposed tax rate directly contradicts requirement of ORS 221.035 (2) that states the Budget must be the basis for tax determination.

**In summary, requirements of the ORS 221.035 (2) are not met by the Petitioners.**

**For this reason, I respectfully ask the Petition to be denied.**

Sincerely,

Yuriy Chanba

5378 Woodlawn St,

Oceanside

June 21, 2022

**Re: Oceanside Incorporation Request Public Testimony**

**Dear Commissioners:**

I spent 37 years in Finance with US Bank and JPMorgan Chase Bank. My last role before retiring was managing the Government and Not for Profit clients for Oregon and Washington including underwriting bond purchases with my credit limit of \$40 million. We have been homeowners in the Oceanside community since 2009. After retiring in 2020 this became our permanent residence and we registered to vote here. I am writing to voice my concerns with the Oceanside incorporation proposal and register my vote against this petition. The proposed budget is lacking necessary details and structure to be considered feasible. In a city of our population size the proposed governance dangerously places too much power in the hands of a few people. The expectations of the City Manager are too demanding and unrealistic for one person and a future part-time assistant to be effective in their role.

In prior letters to you I have outlined my concerns with the proposed budget, especially in regards to road management. One additional update: Tillamook County has not maintained the "local access" roads since 2011, and neighborhoods have taken it upon themselves to service their roads directly (out of pocket costs). A representative of Oceansiders United informed me recently that he researched this and learned that the new City would be responsible for these "local access" roads, yet the already lacking budget line item is actually \$5,000 less than the prior budget proposed. There are many local access roads in our community. Again, please consider my additional budgetary concerns included in earlier testimony that have yet to be addressed by the Petitioners.

Additionally, a feasible budget would include a Sources and Uses Application and Timeline to accurately anticipate the cash flow requirements. Without this additional budget document it is impossible to determine if the budget is feasible or realistic.

Our population and budget size are inadequate to support the city structure; effectively representing members in all neighborhoods, controlling special interests of a few, and having a fair level of oversight in our processes. I am also concerned with what we are losing from the County in support. A more robustly funded and supported ONA would better meet our community needs without the added bureaucracy and administrative costs found in a city. Also, more effectively partnering with the County on grants and awards would be more cost effective to our community (over setting up another level of bureaucracy). Three united votes on a council of five members opens the door to the promotion of special personal interest over the needs of the community, coercion, excessive control of authority, and too limited oversight. In my discussions with Mr. Keene he has demonstrated to me that he wants only like-minded people on the committees he steers. I have also noted that 100% of the ONA Board (current and newly elected) is in favor of incorporation, yet in the association vote last winter 38% of the ONA membership voted against petitioning for incorporation (as reported in the Petition documents).

Per the Feasibility Report, the new city will have 1.5 - 2 FTE staff for City Management, City Finance, City Marketing, City Human Resources, City Budgeting, City Compliance, Land Use/Building Services, Road Maintenance and Construction, Stormwater Management, Code Compliance, Enforcement, Emergency Preparedness, Coordination with City Public Services (Water treatment, Water, Fire, Police), and fundraising. I have concerns that we need to be more realistic with what <2 FTE can successfully

manage. Compare this to the number of FTE the County has allotted for these functions, and you can easily see my point.

The budget is lacking in foresight, incomplete, and admittedly hypothetical. A city of our population size under the suggested governance places too much power in the hands of a few people. The expectations of the City Manager as proposed are too demanding and unrealistic for one person and a future part-time assistant to successfully achieve.

Thank you again for your excellent work and contributions. I have been very impressed with the hearings to date; the skills you employed in research and discovery, the openness you demonstrated in listening to all parties, the thoughtful communication, and the manner in which you weighed your decision.

Please deny the petition to incorporate and help us keep our community united.

Respectfully,

Bruce Jaeger

(503) 317-6150

5372 Woodlawn St W, PO Box 162

Oceanside OR 97134

**Lynn Tone**

---

**From:** Mike Fisk <mtf900@yahoo.com>  
**Sent:** Sunday, June 12, 2022 10:10 AM  
**To:** Lynn Tone  
**Subject:** EXTERNAL: Oceanside Incorporation (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.]

Dear Tillamook County Commissioners,

Please reject this latest petition and or delete the people north on Radar Rd and to the north of that. We have voted and overwhelming decided to oppose any incorporation.

Regards,

Mike Fisk  
2640 Radar RD

## Lynn Tone

---

**From:** davefr <davefr@gmail.com>  
**Sent:** Monday, June 13, 2022 9:28 AM  
**To:** Lynn Tone  
**Subject:** EXTERNAL: Oceanside 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.]

Hi Lynn,

Would you please add this testimony to the new Oceanside incorporation proposal?

Thank you

To: Commissioners Ms. Bell, Ms. Skaar, Mr Yamamoto

Let's not "Put the Cart Before The Horse"

The Oceanside voters cannot make an informed voting decision on incorporation until they fully understand the county's future direction on STR (short term rental) limits in unincorporated areas. Please reject/postpone the latest Oceanside incorp. proposal until the current Tillamook County STR Committee completes its work and appropriate changes/limits are fully understood and implemented county wide.

- One of the primary motivators for ONA's incorporation proposal is local control of STRs within Oceanside. However if countywide STR changes are put in place, this may eliminate this fundamental issue that incorporation was attempting to solve. (and without incurring the large additional property tax burden on Oceanside residents).
- However, if Oceanside incorporates and unincorporated Tillamook county adopts STR limits, (like other Oregon Coast counties), then Oceanside will become an "magnet/sanctuary" for even more explosive STR proliferation from a revolving door of anonymous tenants. This is exactly the opposite of what most Oceanside residents want to see when it comes to liveability balance within our community.
- In addition, the lifeblood of Oceanside's city revenue would be an addiction to taxes and fees on STR's. This is hardly a motivator to reign in/limit STR growth.

We are in favor of Oceanside voters eventually having a choice but now is not the time for the above reasons. Please reject this proposal until the STR committee completes its work and any county wide STR proposals/changes are implemented and understood by the voters.

**Oceanside voters absolutely need to be able to compare and contrast incorporation vs. unincorporation as it relates to STRs.**

Thank you,

Dave and Rose Friedlund  
2500 Cape Meares Loop  
Oceanside

# EXHIBIT D

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## Sarah Absher

---

**From:** Shawn Blanchard  
**Sent:** Friday, June 17, 2022 4:12 PM  
**To:** Sarah Absher  
**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,



Shawn Blanchard | County Treasurer  
TILLAMOOK COUNTY | Treasurer  
201 Laurel Avenue  
Tillamook, OR 97141  
Phone (503) 842-3439  
[sblancha@co.tillamook.or.us](mailto:sblancha@co.tillamook.or.us)

This e-mail is a public record of Tillamook County and is subject to the State of Oregon Retention Schedule and may be subject to public disclosure under the Oregon Public Records Law. This e-mail, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please send a reply e-mail to let the sender know of the error and destroy all copies of the original message.

## Sarah Absher

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**From:** Tassi O'Neil  
**Sent:** Monday, June 13, 2022 5:51 PM  
**To:** JERRY KEENE; Blake Marvis  
**Cc:** Joel Stevens; Rachel Hagerty; Isabel Gilda; Denise Vandecoevering; Sarah Absher; Michael R. Rice; Sarah Absher  
**Subject:** RE: Proposed Petition for Incorporation of a City: Oceanside - Required Signatures met January 4, 2022  
**Attachments:** OceansideProspectivePetIncorpofCityapproval(2)6132022.pdf

June 13, 2022

Mr. Jerry Keene, Chief Petitioner  
PO Box 338  
Oceanside, Oregon 97134

Dear Mr. Keene:

The total number of signatures required for the Prospective Petition for Incorporation of a City: Oceanside has been met.

Therefore, the documentation and process will move forward to the Tillamook Board of County Commissioners at this time for possible inclusion on the November 8, 2022, General Election.



**Tassi O'Neil** | Tillamook County Clerk  
TILLAMOOK COUNTY | Clerk  
201 Laurel Avenue  
Tillamook, OR 97141  
Phone (503) 842-3402  
[toneil@co.tillamook.or.us](mailto:toneil@co.tillamook.or.us)

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Petition Information

**Petition Name :** Proposed City of Oceanside  
**Petition Date :** 05/10/2022      **Date Filed :** 05/10/2022  
**End Circulation Date :** 06/06/2022  
**Minimum Signatures Required :** 78      **Accepted Of Minimum :** ( 101.28% )  
**Total Signatures Processed :** 83

Processing Summary Sample: All

**Total Accepted Signatures :** 79      (95% ) **Of Those Processed**  
**Total Rejected Signatures :** 4      (5% ) **Of Those Processed**

Accepted Reason	Total	(% Rejected)
Valid Signature	79	(100%)

Rejected Reason	Total	(% Rejected)
Printed Signature	2	(50%)
Inactive Other or Reason Not Known	1	(25%)
Signed Before Date Registered to Vote (Too Late)	1	(25%)



*Tassi O'Neil*

**JUN 13 2022**

**Petition for Incorporation of a City Signature Sheet**

Petition ID 29-2022-6

**RECEIVED**

MAY 10 2022

County Tillamook

TASSI O'NEIL  
COUNTY CLERK

This is a petition for the incorporation of a city. Signers of this page must be active registered voters in the county listed.

**i** Signatures must be verified by the appropriate county elections official before the petition can be filed with the filing officer. The presiding officer should allow ample time for the verification process to be completed before 5pm on the filing deadline day.

**!** Don not sign this petition more than once.  
Do not sign if map is not attached to this sheet.

Petition for Incorporation of the City of

Name of Proposed City **City of Oceanside**

To the County Elections Official, We, the undersigned voters, of the area proposed to be incorporated, petition the county court to form the city named hereon and as described and defined by the attached map.

**!** Signers must initial any changes the circulator makes to their printed name, residence address or date they signed the petition.

Signature	Date Signed mm/dd/yy	Print Name	Residence or Mailing Address street, city, zip code
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

**Circulator Certification** This certification must be signed by the circulator.

**You should not collect any additional signatures on this sheet once you have signed and dated the certification!**

I hereby certify that I witnessed the signing of the signature sheet by each individual whose signature appears on the signature sheet and I believe each person is a qualified voter in the county (ORS 211.031).

Circulator Signature

Date Signed mm/dd/yy

Printed Name of Circulator

Circulator's Address street, city, zip code

Sheet Number

Sheet will be numbered by group submitting the petition.

FILED

Prospective Petition for Incorporation of a City

MAY 10 2022

SEL 701

rev 01/14  
ORS 221.031

TASSI O'NEIL  
COUNTY CLERK

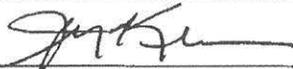
To the City Elections Filing Officer/City Recorder (Auditor),

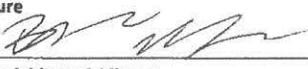
We, the undersigned, chief petitioners, swear or affirm we are electors registered within the boundaries of the proposed city. Further, It is estimated that a permanent rate limit for operating taxes of \$ .80 per thousand dollars of assessed value is sufficient to support an adequate level of municipal services. A map is attached to this petition indicating the exterior boundaries of the proposed city.

Name of the Proposed City: City of Oceanside

Economic feasibility statement attached (ORS 221.035):  Yes  No

**Designating Chief Petitioner**  
Every petition must designate not more than three persons as chief petitioners, who shall be electors registered within the boundaries of the proposed city, setting forth the name and residence address and title (if officer of sponsoring organization) of each. All chief petitioners must sign this form

Name print <b>Jerry Keene</b>			Signature 		
Residence Address 1800 Maxwell Mountain Road			Mailing Address if different P.O. Box 338		
City Oceanside	State OR	Zip Code 97134	City Oceanside	State OR	Zip Code 97134
Contact Phone (503) 320-5087	Email Address jerrykeene@aol.com		Sponsoring Organization if any Oceansiders United		

Name print <b>Blake Marvis</b>			Signature 		
Residence Address 5200 Grand Avenue			Mailing Address if different P.O. Box 341		
City Oceanside	State OR	Zip Code 97134	City Oceanside	State OR	Zip Code 97134
Contact Phone (503) 812-6889	Email Address blakemarvis1@gmail.com		Sponsoring Organization if any Oceansiders United		

Name print <b>Sharon Brown</b>			Signature 		
Residence Address 1305 Tillamook Avenue			Mailing Address if different P.O. Box 337		
City Oceanside	State OR	Zip Code 97134	City Oceanside	State OR	Zip Code 97134
Contact Phone (503) 310-3031	Email Address sharbrown@aol.com		Sponsoring Organization if any Oceansiders United		

Please read the instructions for circulators and signers on the reverse side

SEL 701

### Instructions for Circulators

- Only active registered voters of the area proposed for incorporation are eligible to sign an incorporation petition.
- All signers on any one signature sheet must be active registered voters of the same county.
- It is advisable to have signers use a pen for signing petitions or for certifying petitions.
- Only one circulator may collect signatures on any one sheet of a petition.
- Each circulator must personally witness all signatures the circulator collects.
- Circulators shall not file a petition knowing it contains a false signature.
- Circulators shall not knowingly make any false statement to any person who signs a petition or requests information about it.
- Circulators shall not attempt to obtain the signature of a person knowing that the person signing the petition is not qualified to sign.
- Circulators shall not offer money or anything of value to another person to sign or not sign a petition.
- Circulators shall not sell or offer to sell signature sheets.



#### **Warning**

Violations of the circulator requirements may result in conviction of a felony with a fine of up to \$125,000 and/or prison for up to five years.

### Instructions for Signers

- Only active registered voters of the area proposed for incorporation are eligible to sign an incorporation petition.  
Sign your full name, as you did when you registered to vote.
- Please fill in the date that you signed the petition, your printed name and your residence address in the spaces provided.  
**Only signers may complete their optional information.**
- It is advisable to use a pen for signing petitions.
- It is unlawful to sign any person's name other than your own. Do not sign another person's name under any circumstances.
- It is unlawful to sign a petition more than once.
- It is unlawful for a person to knowingly sign a petition when he/she is not qualified to sign it.

FILED

MAY 10 2022

TASSI O'NEIL  
COUNTY CLERK

## OCEANSIDE PETITION FOR INCORPORATION ECONOMIC FEASIBILITY STATEMENT

### I. INTRODUCTION

Oceanside's communal history, demographic, economy and setting render incorporation an economically feasible vehicle for it to provide needed services at a level that Tillamook County lacks the resources to match.

#### A. History

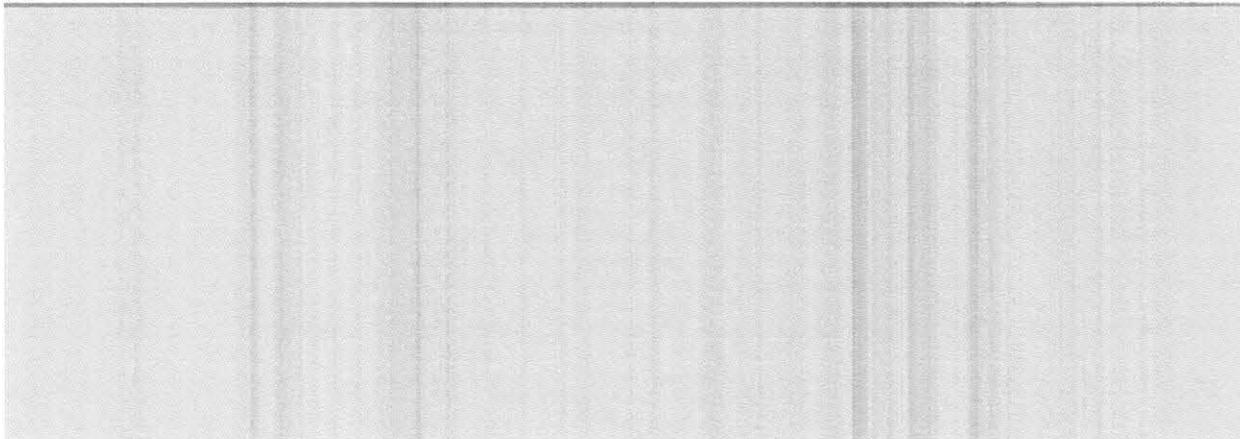
The site that is now central Oceanside was first settled by William Maxwell in 1885. He built a home near the beach in 1866 at what is now an Oregon State Park Beach Wayside. He farmed much of the mountainous area for about 35 years. The nearby offshore Three Arch Rocks were named by a pair of naturalists in 1901, and in 1907 President Teddy Roosevelt was persuaded to declare the site a National Wildlife Sanctuary.

In 1921 J.H. and H.H. Rosenberg purchased Maxwell's land, and on July 5th, 1922, they named the area "Oceanside." (Accordingly, Oceanside will celebrate its Centennial in July 2022.) The Rosenbergs built a dance hall (now the greenspace next to the community hall), a store (now Roseanna's), and their homes. Access to Oceanside was difficult, however, until the Rosenbergs financed a plank road from Netarts that opened on July 3, 1925. Hillcrest Court (currently the Oceanside Inn), and 40 small oceanfront cabins were early fixtures, and there were also many camp sites set up with tents. Oceanside soon evolved into a popular destination for tourists who wanted to escape summers in Portland and other parts of the West. In 1926, the Rosenbergs built a now famous tunnel in 1926 through Maxwell Point to allow access to the beach beyond it (now Tunnel beach) that could otherwise only be accessed during extremely low tides.

The village grew over the years, and homes began to creep up the mountain side. Most of the houses were modest and used as weekend and summer homes. Maxwell Mountain was opened up to new development in 1959, and a number of additional homes were built. Today Oceanside residents strive to help retain its rustic seaside village character, but that is changing rapidly. Today, vacation residences and rentals outnumber permanent residences, and the last of the original oceanfront cabins are tentatively slated to be demolished and replaced by a three-story hotel.

#### B. Demographics and Economic Drivers

Oceanside has long been viewed, from outside and within, as a distinct and distinctive community with characteristics that lend themselves to feasible incorporation. These include:



- decades of recognition as a discrete community by the U.S. Census;
- a formally established boundary (Oceanside Community Boundary);
- a compact geographical setting with a cohesive road system;
- a civic-minded population united in their affection for their setting, and
- an evolved and detailed statement of common civic goals and values (Oceanside Community Plan).

Oceanside's economic drivers are also distinct, and even insular, when compared to other coastal communities, such as Manzanita, Pacific City, Garibaldi or Rockaway, where visitor growth and retail commerce drive each other. By contrast, Oceanside is hidden away, nine miles from Highway 101, with only a few hundred residences and a "main street" that barely accommodates its lone restaurant, two coffee shop/cafes and two motels. Oceanside is no commercial hub.<sup>1</sup>

Accordingly, Oceanside's potential as an economically viable city stems not from its commerce, but from its setting. Upon rounding that last turn on Highway 131, visitors are treated to an inviting prospect of jumbled houses nestled on terraced streets in the covered lee of Maxwell Point, jostling to share spectacular views of Oceanside Beach, Netarts Bay and Three Arch Rocks. Such visitors may encounter colorful paragliders circling above the village, an exposition by local artists at the community hall or a festive wedding gathering on the beach below. This unique ambience explains why travelers who "discover" Oceanside tend to claim it, sharing the discovery with friends as they would a favorite book or heirloom recipe.

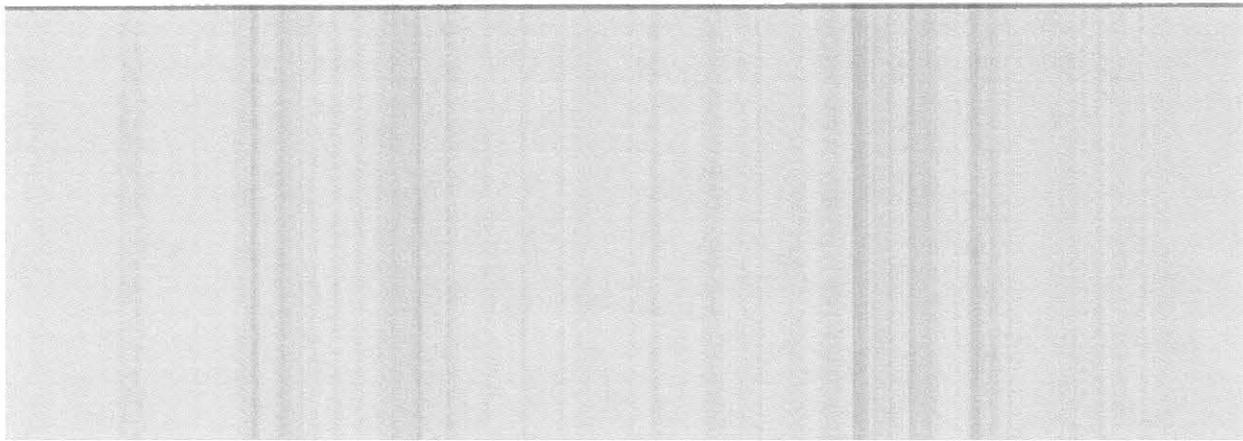
It also explains why they also revisit it, by the thousands, again and again. Despite the dearth of commercial facilities, Oceanside's engaging setting draws over 300,000 annual visitors (and their business) to Tillamook County – more than communities many times its size.<sup>2</sup> People who manage to find Oceanside regularly return, often stopping for gas,

<sup>1</sup> The Oregon tourism website "Beach Connections.net" opens its description of Oceanside with this statement:

*"One tiny town has never provided so many means of fun and distraction. And It's all done without a single commercialized attraction."*

<sup>2</sup> When asked to provide data on the number of estimated annual visitors to the Oceanside Beach Wayside, OPRD Associate Director Chris Havel provided these counts:

2012: 328,096	2017: 314,992
2013: 313,534	2018: 317,992
2014: 303,882	2019: 317,760
2015: 327,670	2020: 244,956 (COVID)
2016: 315,020	2021: Unavailable as yet



groceries, meals or sightseeing in other county communities on their way. Its economic dynamic is also reflected in its thriving short-term rental economy, which generated over \$3 million in lodging revenue in 2021 alone, exclusive of separate cleaning fees that support a satellite economy of local small cleaning businesses and their employees. Indeed, Oceanside's 120 short term rentals are so active year-round that Oceanside ranks second only to much-larger Pacific City in generating annual Transient Lodging Tax ("TLT") revenues since the tax's inception in 2014. The 2020 U.S. Census report indicates that roughly half of all residences in Oceanside are owned by part-time residents or non-residents.

In and among the short-term rentals are its full-time residents: a population of 366 according to the 2020 Census, only 7.4% of which are under 18 and (it is generally acknowledged) the overwhelming majority of which are retired. This population has remained remarkably stable since the 2010 census reported a population 361), reflecting that people retire and relocate to Oceanside for full-time residence at about the same rate as those who depart, usually to be closer to medical facilities or family due to advanced age. The result is a surprisingly cohesive and homogeneous population core that is mature, relatively affluent, sparing in its demand for police or social services and deeply invested in the relaxed quality of life they relocated to Oceanside to enjoy.<sup>3</sup> As a side-benefit, Oceanside's population is rife with accomplished individuals graduated from successful careers in a variety of professions and businesses. Together, they offer a reservoir of skills and experience that the unincorporated community has repeatedly and successfully drawn upon to accomplish a number of civic goals.

### C. Boundary

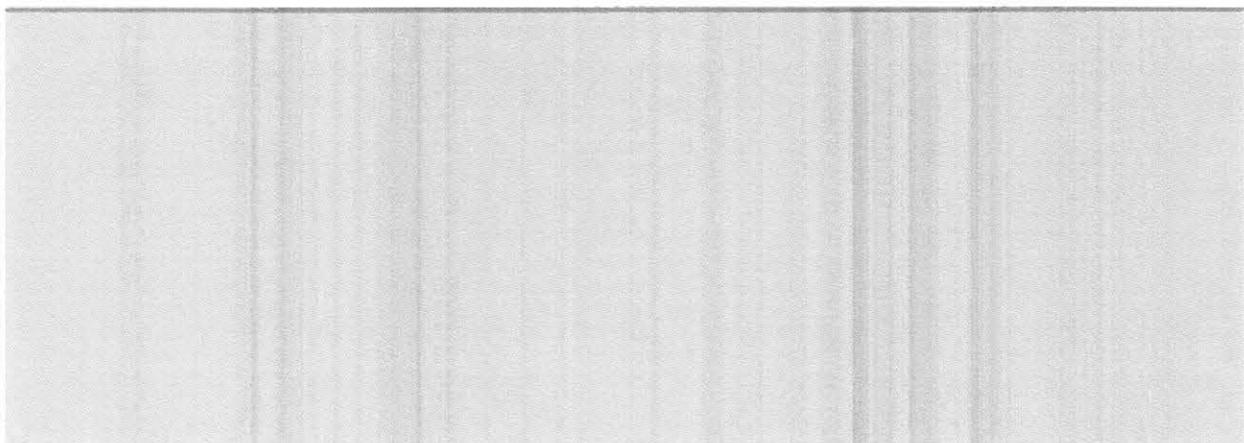
Oceanside is categorized as a ruralized unincorporated community in Tillamook County's Comprehensive Plan. During that process, Tillamook County devoted extensive effort to delineating the boundary of the Oceanside Community Boundary. Out of respect for that process (and to avoid re-plowing old ground), Petitioners have mostly adopted that boundary in drawing the proposed map for an incorporated Oceanside. The only exception being slight adjustments to the eastern and northern boundary to encompass additional homes that were built after the Oceanside Community Boundary was established in the 1990s and to avoid splitting tax lots. This decision was made in consultation with the County Assessor.

## II. EXISTING AND PROPOSED CITY SERVICES

The proposed city encompasses an area comprising 1068 tax lots according to the County Assessor's office. According to the 2020 Census report, 653 of these are occupied housing units: 201 of which are "occupied" and 452 of which are "vacant or seasonally occupied."

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<sup>3</sup> In three successive Community Plans compiled since the late 1990s, the Oceanside Neighborhood Association has reflected widespread sentiment that preserving Oceanside's "rustic coastal village atmosphere" is its primary community objective.



The average household size was reported at 1.82 individuals. The number of occupied housing units rose from 647 to 653 (approximately 1%) over the preceding decade.

The people occupying these residences and the community's handful of modest commercial structures are currently served by Special Districts (listed below), franchised vendors or county departments with established delivery systems and funding mechanisms.

**Declaration regarding Special Districts:** Because each of these districts or entities also serves geographic areas outside of the proposed area, it would not be necessary or practical for the new city government to disturb these systems. In particular, the petitioners disclaim any intent or need to extinguish any of the existing Special Districts. See ORS 221.031(3)(f).<sup>4</sup>

Because existing entities will continue to provide these basic services, a new city will be able to focus its attention and resources on relatively few services or functions as prioritized by its residents and City Council.

**A. Services to be Provided by the Proposed City – ORS 221.035(2)(a)**

Before deciding to submit a Petition, the Petitioners worked with an ONA Task Force in an extensive but hypothetical<sup>5</sup> effort to project the city services Oceanside would provide if incorporated. Based on the relevant legal requirements and surveys conducted by the Oceanside Neighborhood Association, Petitioners envision that those services will mainly consist of the following:

**Land Use Planning / Building Services**

Land use planning is the only service specifically required of cities by Oregon law. It consists of two main components: Building Services (building/trade permits and associated inspections) and Planning Services (land use reviews/applications for variances and subdivisions/appeals). Under state law, Tillamook County Department of Community

<sup>4</sup> ORS 221.031(3)(f) provides:

“If the petitioners propose not to extinguish a special district pursuant to ORS 222.510 (Annexation of entire district) (2) or a county service district pursuant to ORS 451.585 (Duty of city when all or part of district incorporated or annexed) (1), the petition shall include a statement of this proposal.”

<sup>5</sup> Should the Petition reach the ballot and be approved, voters will simultaneously elect a new City Council. ORS 221.050(1). Except for the city name, boundary and proposed, maximum city tax rate, the City Council will not be bound by the projections offered in this Economic Feasibility Statement. They are *hypothetical* allocations that the law requires to be included.

Development will continue to provide such services and apply existing county ordinances pursuant to an intergovernmental agreement in exchange for retention of the relevant fees.<sup>6</sup> Petitioners envision, however, that the new city will eventually recruit staff to provide and coordinate Planning Services with the assistance of contracted consultants who will help with training, complicated land use applications and the preparation of staff reports in planning disputes that are appealed. The projected budget incorporates this phased approach in its staffing projections.

In addition to services, an incorporated Oceanside will be required to prepare a Comprehensive Plan, including designation of an Urban Growth Boundary, within four years after incorporation.<sup>7</sup> When meeting with Petitioners to discuss this eventual obligation, officials of the Land Conservation and Development Commission (LCDC) indicated a likelihood that the state will provide financial assistance for that project.<sup>8</sup>

### **Road Maintenance and Construction/Stormwater Management**

#### **a. Roads**

Given its modest road system (less than 3 miles in total) and historically slow growth rate, the new city will not initially employ public works personnel or purchase equipment. Instead, it is anticipated that the city will place recruiting staff with expertise in public works contracting. Staff will be assisted in this by several local residents with years of pertinent experience who have already indicated their willingness in surveys to serve on relevant civic advisory committees.

Based on data and advice from Public Works Director Chris Laity, the proposed roads budget projects funding streams allocated separately to:

- (1) a **road maintenance** fund and
- (2) a **capital improvements** reserve.

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<sup>6</sup> The Oregon Supreme Court helpfully clarified this in *1000 Friends v. Wasco County, et al.*, 299 Or 344, 365 (1985).

<sup>7</sup> ORS 197.757 provides: "Cities incorporated after January 1, 1982, shall have their comprehensive plans and land use regulations acknowledged under ORS 197.251 (Compliance acknowledgment) no later than four years after the date of incorporation."

<sup>8</sup> The Oregon Department of Land Conservation & Development offers grants to assist communities to formulate and obtain acknowledgment of comprehensive plan, adopt land use ordinances consistent with that plan, and to fund planning compliance projects. See <https://www.oregon.gov/lcd/CPU/Pages/Community-Grants.aspx>

Petitioners anticipate the new city will allocate fixed-amount transfers to these accounts from the general fund, state gas tax city allocations and unrestricted TLT funds. The new city will also participate in the grant programs, such as the ODOT Small City Allotment Program for more ambitious grading and paving projects.<sup>9</sup> Importantly, based on community surveys and comment, Petitioners anticipate that city residents will urge the new City Council to prioritize road work when allocating unanticipated revenues or surplus funds that result from budget adjustments over time.

b. Stormwater Management

Director Chris Laity advised Petitioners that a broad program of road improvement would eventually dovetail with a long-term need for updated stormwater drainage and treatment infrastructure in the coming decades – especially in the Maxwell Mountain area. Laity further advised that an incorporated Oceanside will be in a better position than the county to successfully obtain grants for such work that are available from state and federal agencies.

**Code Compliance/Enforcement**

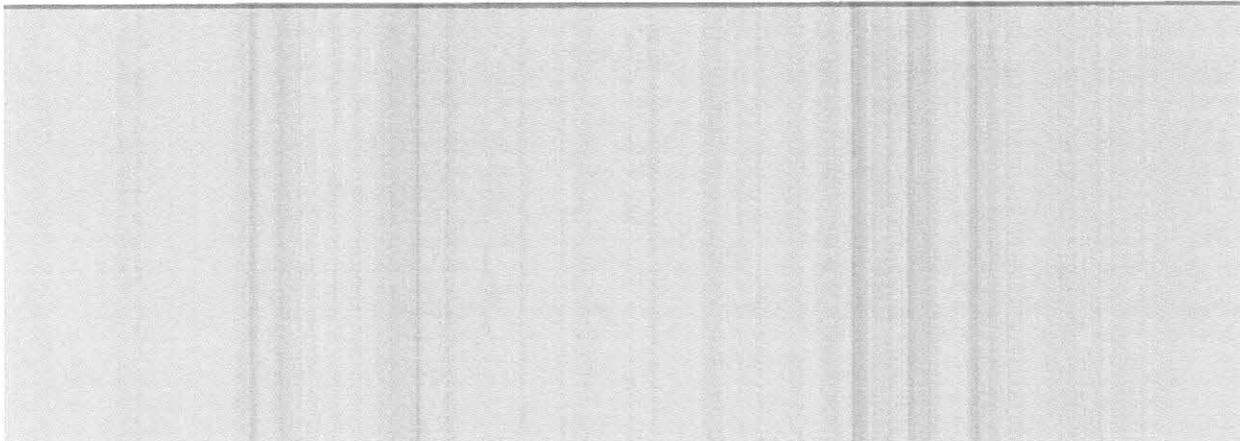
Based on their research, a review of county Sheriff patrol logs for Oceanside and interviews with leaders and managers in nearby cities, Petitioners do not envision that an incorporated Oceanside will require or be able to afford its own police force or jail facilities to address conventional crime or public safety issues. (See discussion of “Police/Public Safety” in Section IV. B. below.) However, one of the main drivers for incorporation is what many Oceansiders view as a persistent disregard by tourists and short term rental visitors for local standards or norms relating to noise, parking, loose pets, fireworks and the like. The projected budget includes a fixed, annual allocation from the general fund for addressing this issue, leaving it to the future City Council to determine whether it will be spent on staff or, for example, third-party security vendors to patrol Oceanside and respond to complaints during high volume visitor periods.

**Emergency Preparedness**

A committee of ONA volunteers has already taken preliminary steps to plan and muster community resources for emergency survival and resiliency measures. This has been motivated by the realization that any significant disaster, such as a wildfire, tsunami-related inundation or earth movement, will probably leave the Oceanside community isolated from communication or material assistance for an extended period of time. The concern is compounded by the fact that the community will be confronted with hundreds of stranded visitors if such a calamity occurs during summer or spring break or other high-volume holidays. One significant hurdle to such planning is the scarcity of resources at the county or state level for unincorporated communities. Incorporation will not only enable the

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<sup>9</sup> Information on the state of Oregon “Smallest Cities” grant program is available at <https://www.oregon.gov/odot/LocalGov/Pages/SCAC.aspx>



community to channel and devote its own resources to such planning, but will also afford it staff time and the legal status to pursue federal, state and private grants available to municipalities.<sup>10</sup>

#### **Recreational Services and Amenities**

Oceanside's "front yard" is one of the Oregon's most beautiful and expansive beaches, featuring an Oregon State Park parking wayside and affording ready views of an offshore National Wildlife Refuge ([Three Arch Rocks](#)). The community makes intensive use of the beach for recreation and exercise. It has also consistently rallied to support (and helped fund) ways to make it more usable and welcoming, such as the community initiative for the new terraced ramp at the Oceanside Beach Wayside access path currently under construction. This type of community support is typical and will undoubtedly continue.

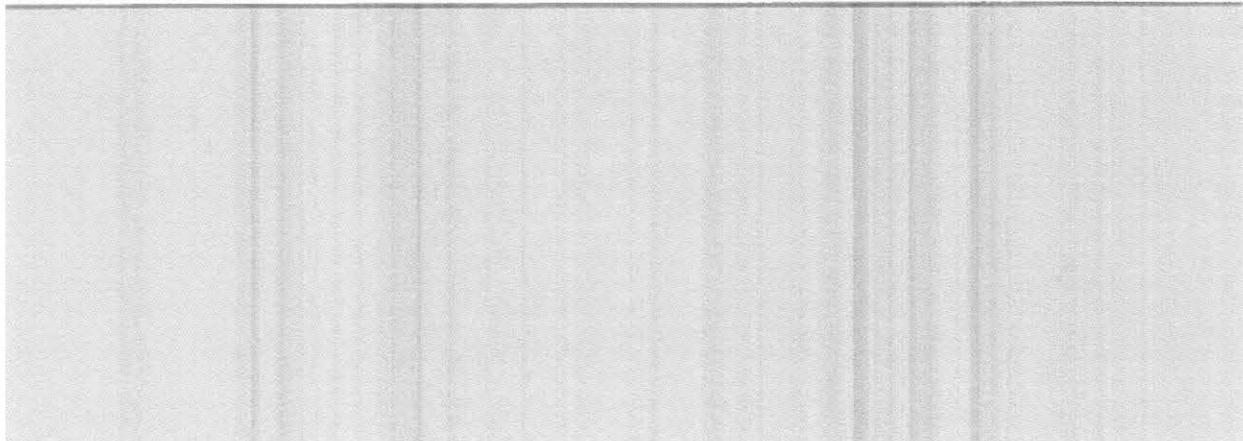
Another unmet need is safer access routes for pedestrians and bicyclists to reach the beach and main street from the homes in the hillsides above. Petitioners anticipate that an incorporated Oceanside will aggressively press for broader guidelines to allow use of Transient Lodging Tax (TLT) "facilities" funds for such purposes. Regardless of its success in that effort, the hundreds of thousands of dollars in TLT revenue generated annually by Oceanside's short term rentals will be available to fund amenities, such as a replacement for its venerable but time-worn community hall, that would benefit both visitors and residents.

#### **B. Relationship Between Proposed and Existing Services – ORS 221.035(2)(b)**

The city services envisioned above would complement and fill the narrow service gaps left by existing services providers, who would continue their operations uninterrupted and unaffected by incorporation. The following entities currently provide essential services to the Oceanside community, including established revenue sources independent of an incorporated Oceanside:

<b>Waste Treatment:</b>	Netarts-Oceanside Sanitary District <u><a href="http://netarts-oceanside.com">Netarts-Oceanside Sanitary District (n-o-s-d.com)</a></u>
<b>Water:</b>	Oceanside Water District (also serves Cape Meares) <u><a href="http://www.owd-oregon.org">http://www.owd-oregon.org</a></u>  Netarts Water District (also serves part of Oceanside) 4970 Crab Avenue, W. Tillamook, OR 97141 (no website)

<sup>10</sup> For example, emergency preparedness grants are available through federal grant programs administered by the Oregon Emergency Management Performance Grant Program (EMPG). <https://www.oregon.gov/oem/emresources/Grants/Pages/default.aspx>



**Fire/Emergency Rescue:** Netarts-Oceanside Fire District  
[www.netartsoceansidefire.org](http://www.netartsoceansidefire.org)

Each of the above, voter-approved Special Districts has served the area of the proposed city reliably for decades. (The two water districts each serve approximately half of the proposed geographic area.) During that time, the population of the area has remained stable. If that trend continues, the Special Districts will obviously be able to continue serving their needs, assuming continued good management and maintenance by their elected Directors and staff.

If Oceanside begins to grow in population and the number of residences, most of these Special Districts have recently issued formal communications confirming their capacity to serve a significant increase. Specifically, (except for the Oceanside Water District, which was not involved), these Districts formally confirmed their capacity to accommodate increased usage anticipated by the addition of 65 residential lots to the area's inventory – an increase of 10%.<sup>11</sup> Given the stable population history, an acknowledged capacity to accommodate a 10% increase in residences is ample. A capacity analysis by the Oceanside Water District was equally reassuring.<sup>12</sup>

Services in the form of public transportation are provided by:

**Public Transportation:** Tillamook County Transportation District

The Transportation District participates in the NW Connector program as part of the Northwest Oregon Transit Alliance. It currently maintains three round trip routes between Oceanside and the Tillamook Transit Center, where connections may be made to Portland and coastal communities to the north and south. In addition, Oceanside residents are eligible for on-demand service from the District's Dial-A-Ride Service. Both services abide by federal and state accessibility requirements. Petitioners do not anticipate that incorporation will affect the availability of this service, just as it does not affect current service to other incorporated communities.

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<sup>11</sup> Over the past year, these Special Districts issued capacity confirmation letters to the county in conjunction with subdivision/partition applications regarding Building Permit Nos. 851-21-000095-PLNG; 851-21-000202-PLNG; 851-21-000047-PLNG and 851-21-000332-PLNG. These letters and other associated documents are available at Land Use Applications Under Review | Tillamook County OR

<sup>12</sup> In response to a separate inquiry, the current Superintendent of the Oceanside Water District recently advised that it would only utilize 67% of its present capacity, even if you assumed the highest daily usage recorded over the last year, and assumed that rate every day for an entire year.



Law enforcement and public safety services are currently provided by:

**Police / Public Safety**     Tillamook County Sheriff's Office

The Tillamook County Sheriff's Office currently services Oceanside by way of its established patrols and call response system. According to its "Calls for Service Log", the County Sheriff's Office responded to 210 calls in Oceanside for the period of August 12, 2020 through August 12, 2021. These calls varied from 11 to 31 calls per month with an average of 18. The number of visits was sufficiently high, and the incidence of serious or violent crime was so low, that the Petitioners believe that is reasonable and sufficient for the new city to continue relying on them for its needs, at least in the near term. In emails and telephone conversations with the Petitioners, the Sheriff's office confirmed that incorporation would not affect the services it provides to Oceanside.

Solid waste disposal and curbside recycling services are currently provided to Oceanside by:

**Solid Waste Disposal/Recycling**     City Sanitary Service  
Tillamook Co. Solid Waste Administration

Petitioners anticipate that the new City Council will either ratify and adopt the franchise agreement currently in place between the county and City Sanitary or enter its own agreement under the same terms. Oceanside residents have also historically been avid supporters and users of the recycling services and facilities made available by the Tillamook County Solid Waste Administration. That will continue notwithstanding incorporation.

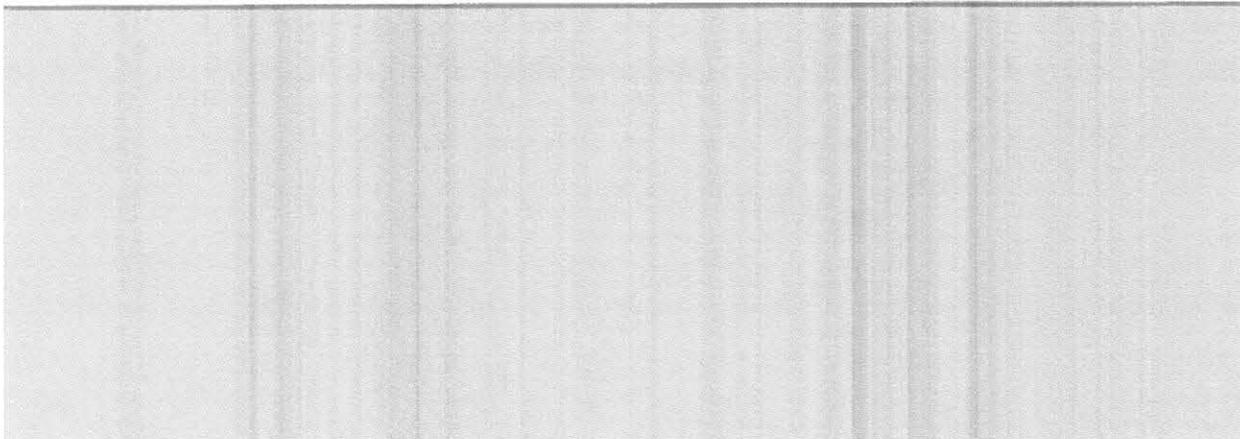
#### IV. PROPOSED FIRST AND THIRD YEAR BUDGETS

Pursuant to ORS 221.035(2), Petitioners must propose "first and third year budgets for the new city to demonstrate its feasibility." Petitioners have elected to project all three of the initial annual budgets to provide additional context for the feasibility determination. These calculations assume the new city will be established in November 2022 and will operate based on a July 1 to June 30 fiscal year.

##### A. Projected Resources

The new city will initially enjoy minimal revenue during the first fiscal year because the timing of the November 2022 election will not allow it to certify a city tax to the County Assessor in time to meet the yearly July 15 deadline. As a result, city tax collections will not begin until November 2023.

Aside from city tax revenues, Petitioners project that the new City Council will take the necessary administrative steps to commence collection of revenue in the first half of



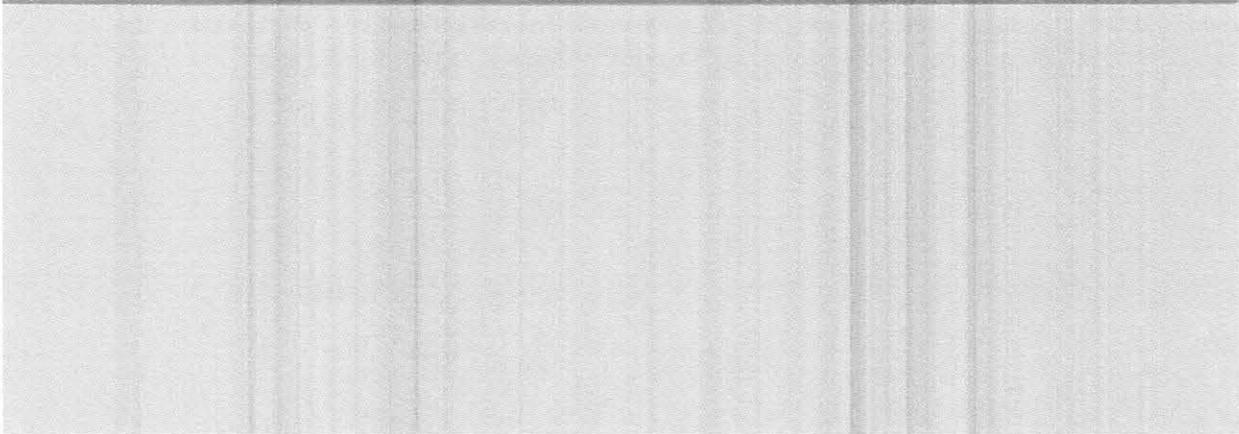
calendar year 2023 from a 9% Transient Lodging Tax and a Short Term Rental Operator's Fee program (both of which will be initially be modeled on comparable Tillamook County ordinances). While some grant funding may also be available during the first three years, Petitioners opted not to include such funds as resources to fund general operations despite a high degree of confidence they can be obtained. The other allocations are broad projections by the Petitioners based on research and advice from contacts with local cities in Tillamook County and County officials. They will not be binding on the new City Council, should incorporation be approved by voters.

PROJECTED RESOURCES

	Fiscal Year 11/2022-6/2023	Fiscal Year 7/2023-6/2024	Fiscal Year 7/2024-6/2025
(1) City Tax		225,000	230,000
(2) Previous Year City Tax			25,000
(3) Transient Lodging Tax	126,000	315,000	325,000
(4) STR Operator's Fees	36,000	80,000	80,000
(5) State Revenue Sharing			35,000
(6) Misc. Fees and Taxes		30,000	30,000
(7) Donations (cash and In kind)	10,000		
TOTAL	172,000	650,000	750,000

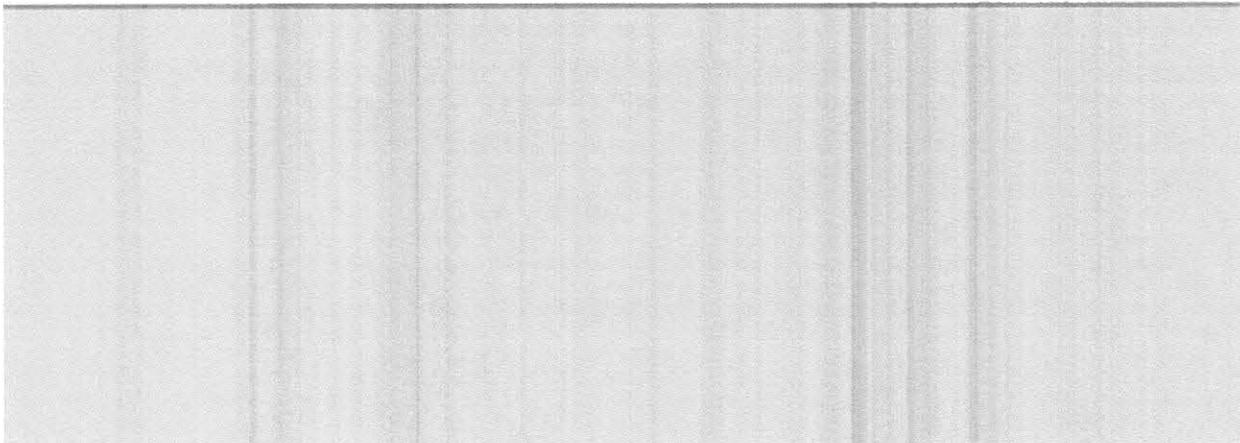
NOTES REGARDING RESOURCE LINE ITEMS

- (1) The item reflects a tax rate of \$.80 per \$1000 as applied to a total assessed value of \$303,723,512 for Oceanside (including The Capes) as of April 21, 2022 based on data from the County Assessor. The total assessed value was also supplemented to include two annual increases of 3% each anticipated before Oceanside collects its first city tax in November 2023. Per guidance from the Oregon Department of Revenue, the resulting tax revenue has been discounted to 95.5% to reflect reductions due to early payment discounts and non-collected funds. This revenue figure is deemed conservative because (1) it does not reflect anticipated increases that will result from new property developments currently underway (such as the 60-lot Avalon Heights subdivision approved in 2021 and a proposed oceanfront hotel at the current site of Oceanside Cabins), and (2) it contains no adjustments for new revenue generated when properties with outdated tax valuations are sold or transferred to new owners.



- (2) The Assessor's Office advises that approximately 90% of taxpayers usually pay their entire annual tax bill by mid-November each year to take advantage of the prepayment discount, with the remaining 10% making payments during the ensuing year. This item reflects the delayed receipt of tax revenue originally levied in the previous year.
- (3) These amounts assume the new City Council will enact an ordinance within the first six months of incorporating that levies an annual tax of 9% levied on gross income by Oceanside short term rentals. Per DCD data, the county's current TLT tax of 10% generated roughly \$350,000 from Oceanside's STRS in 2021. Oceanside's 9% tax would generate \$315,000 – and this is the figure used in the table. (The county TLT ordinance specifies that it will reduce its TLT assessment by the amount that an STR pays in TLT to a municipality – up to a 9% maximum. These projections do not include future increases in the number of individual STRs licensed in Oceanside or potentially significant revenue from impending commercial development. They do reflect a likely 3% increase (inflation) in STR lodging fees, and therefore TLT revenues based upon them, in the 2024-2025 fiscal year.
- (4) These amounts assume Oceanside will act expeditiously to impose short term rental operator's fees at rates comparable to those which Tillamook County currently assesses in unincorporated areas. DCD staff provided this projection for fees anticipated from Oceanside's short term rentals in 2022-2023.
- (5) At Petitioners' request, the League of Oregon Cities projected that an incorporated Oceanside could reasonably expect cumulative state revenue sharing revenue of at least \$92.00 per capita commencing in FY 2024-2025 for taxes on gas, tobacco, and marijuana. The amount shown is based on a population of 367 per the U.S. Census. No such revenue is reflected before 2024 because cities are not eligible for state revenue sharing unless and until it has assessed and collected a city property tax during the preceding year. The gas tax portion of this revenue (approximately \$28,000) must be used for roads or similar transportation construction or maintenance. This is reflected as a discrete expenditure (transfer) in the following "Projected Expenditures" table.
- (6) This amount reflects as-yet unspecified revenue sources available to the new city, such as development charges, business receipts taxes, utility franchise fees and other permit fees.
- (7) During its initial year, it is anticipated that City Councilors will primarily work without staff utilizing equipment, space and services made available or donated by themselves or other city residents.

(continued)



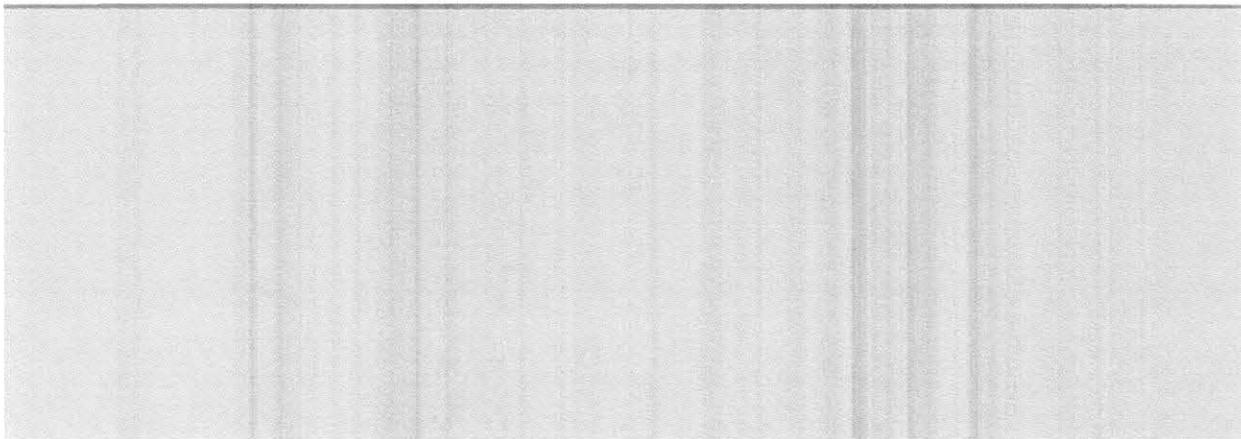
PROJECTED EXPENDITURES

	FY 2022-2023	FY 2023-2024	FY 2024-2025
1. Staff Salary/Benefits		125,000	250,000
2. Election Costs	6,000		
3. Office Rent, Equipment, Supplies, Utilities	10,000	15,000	15,000
4. Fees, Training, Dues, Subscriptions, Travel		5,000	5,000
5. Insurance	10,000	15,000	15,000
6. Professional Services/Legal	30,000	50,000	25,000
7. Land Use Consult. Services		25,000	25,000
8. Transfer to Roads Maint. Fund (includes state gas Tax allotment)		50,000	50,000
9. Transfer to Roads Capital Reserve			30,000
10. Code Compliance/Mun. Ct.		50,000	50,000
11. Emergency Preparedness		20,000	10,000
12. Transfer to TLT Tourism Reserve	88,000	220,000	225,000
13. Contingency Reserve		75,000	50,000
<b>TOTAL</b>	<b>\$172,000</b>	<b>\$650,000</b>	<b>\$750,000</b>

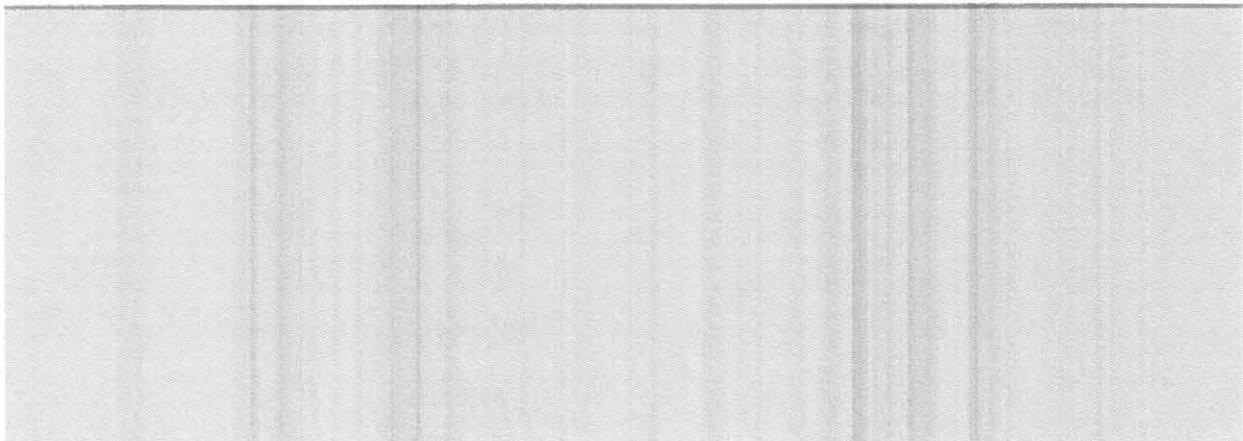
NOTES REGARDING EXPENDITURES LINE ITEMS

- Salary/benefit amounts reflect an assumption that one full-time manager will be employed at a maximum salary of \$80,000 commencing in Fiscal Year 2023-2024 supplemented by part-time or contracted clerical support as needed. The budget projection also allocates staffing funds based on the likelihood that a part-time or full-time assistant manager may be added in the 3<sup>rd</sup> year at an annual salary of \$50,000. The staffing projection anticipates benefits for full-time staff estimated at 30-35% subject to negotiation at hire.

(continued)



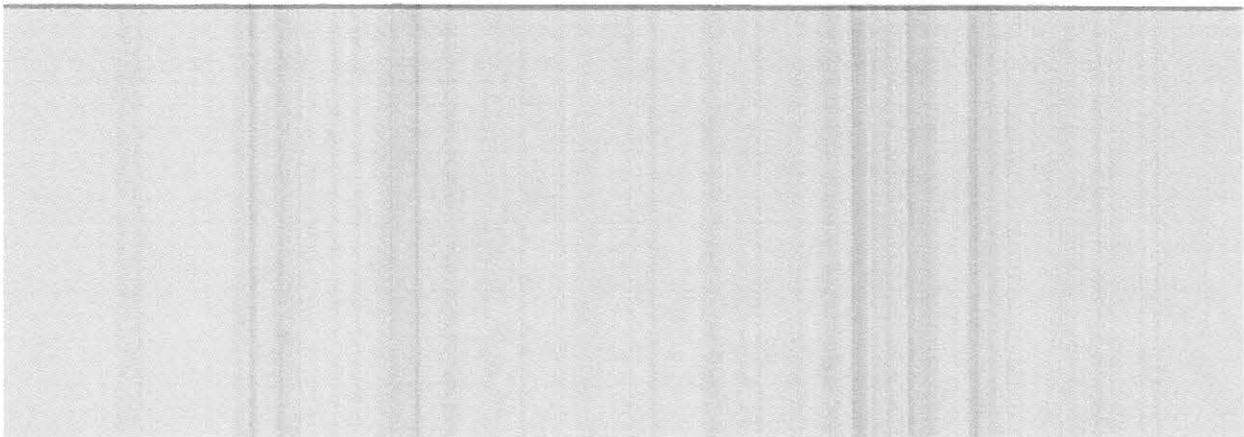
2. This expenditure reflects the estimated election costs to be invoiced by the County Clerk for the incorporation election pursuant to ORS 221.061(1).
3. This amount includes allotments, including use of in-kind donations, rent, furniture, computer, printer, supplies and utilities for a modest office to serve as a center of operations and communications. Subject to further negotiations and approvals, Petitioners have secured provisional agreement to locate a job trailer/office, serviced by existing utility hook-ups, on the Netarts-Oceanside Sanitary District waste treatment compound for a nominal charge. Public meeting space will also be made available without charge in the public meeting room at the Netarts-Oceanside Sanitary District.
4. This item reflects expenditures for association dues, subscriptions and fees to access education programs, training, group insurance programs and consulting offered by organizations such as the League of Oregon Cities. They anticipate participation in such training, not only by staff, but also by elected and appointed officials on issues such as municipal operations, liability, public meetings and public budgeting.
5. This allocation is a placeholder for any property/casualty/liability or workers' compensation insurance premiums to cover city officials and, eventually, staff. Actual quotes or even broad estimates were refused by insurers we contacted unless an application was completed. This estimate is based on a review of comparable expenditures budgeted for such insurance in other Tillamook County cities.
6. This item reflects an allocation for accounting, legal services and other professional service. The outsized estimates for FY1 and FY2 anticipate the likely need for extra legal assistance during the process of drafting and implementing the city's baseline ordinances, policies and procedures.
7. The Petitioners anticipate that the city will retain a land use planning consultant/services provider to assist with initial training, staff reports on appealed applications and the baseline work to prepare for drafting the city's Comprehensive Plan. Officials with LCDC has indicated it is likely their agency will also offer financial support for such preparation.
8. This amount reflects a proposed, regular allotment for roads repair and maintenance to be contracted by staff with outside vendors. The allotment represents the anticipated gasoline tax portion of revenue sharing allotments from the State of Oregon combined with a direct allocation from the general fund. Petitioners project this as a baseline allocation and anticipate that the road maintenance and capital reserve funds will be the highest priority targets for any unanticipated revenue or other surplus revenues.



9. This amount reflects an annual transfer to a reserve fund for capital road projects and improvements.
10. This amount represents an undifferentiated allocation for “code compliance” or “code enforcement” services aimed at providing an effective patrol, warning and sanction regime for misconduct or infractions too minor to warrant interventions by county law enforcement. Petitioners have left it to the City Council and staff to determine whether this will best be accomplished by staff assignments or third-party service providers. The city will also contract for periodic services from a private Municipal Judge.
11. This expenditure reflects an anticipated transfer of 70% of TLT revenues to a reserve for future expenditures for “tourism promotion” or “tourism facilities” pursuant to state law. The remaining 30% will be retained in general funds.
12. This amount reflects transfers to a reserve for unanticipated contingencies that will be converted to a cash carryover to the following fiscal year if not expended.

Respectfully submitted,

Jerry Keene  
Blake Marvis  
Sharon Brown  
Lead Petitioners for Oceansiders United



# PROPOSED OCEANSIDE CITY BOUNDARY



4/20/22

**FILED**  
**MAY 10 2022**  
**TASSI O'NEIL**  
**COUNTY CLERK**

# EXHIBIT E

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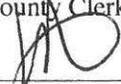
NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS FOR TILAMOOK COUNTY, OREGON, ORDERS AS FOLLOWS:

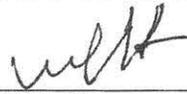
- Section 1. The petition for an election on the proposed City of Oceanside is hereby denied.
- Section 2. Before the close of business on May 16, 2022, County Counsel shall mail a copy of this order to the chief petitioners and also notify participating parties of this decision.
- Section 3. This decision shall become effective upon the mailing of the documents listed in Section 2.
- Section 4. In support of the decision set forth in Section 1 of this order, the Board adopts the stipulated findings and conclusions set forth in the Decision attached as "Exhibit A" to this order and incorporated here by reference.

DATED this 11<sup>th</sup> day of May 2022.

BOARD OF COUNTY COMMISSIONERS  
FOR TILLAMOOK COUNTY, OREGON

	Aye	Nay	Abstain/Absent
 _____ David Yamamoto, Chair	✓	_____	_____
 _____ Erin D. Skaar, Vice-Chair	✓	_____	_____
 _____ Mary Faith Bell, Commissioner	✓	_____	_____

ATTEST: Tassi O'Neil,  
County Clerk  
  
\_\_\_\_\_  
Special Deputy

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
William K. Sargent, County Counsel



## “Exhibit A”

### I. APPLICABLE CRITERIA AND STANDARDS

The Tillamook County Board of County Commissioners (“the Board”) adopts and incorporates the discussion of the applicable statutory and administrative rule standards and criteria set out in these documents in the record:

- (1) Department of Community Development (“DCD”) Staff Report (January 19, 2022) and appended documents;
- (2) DCD Supplemental Staff Report (January 26, 2022) and appended documents; and
- (3) Memorandum from DCD Director Sarah Absher (March 23, 2022) and appended documents.

Additionally, the record must demonstrate the proposed city’s ability and willingness to comply with applicable Oregon land use goals as set out in *1000 Friends of Oregon v. Wasco County*, 299 Or 244 (1985).

The Board also finds that, although this is a quasi-judicial land use decision, neither the 120-day nor the 150-day deadlines for a final decision prescribed in ORS 215.427(1) apply because this is not an application for a permit, limited land use decision or zone change.

### II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

#### A. RECITALS

In discussions at the March 30, 2022, hearing session, the Board and Petitioners agreed it was in the best interest of the parties, the public and the tribunal for the Board to issue its Decision and Order based on stipulated findings of fact and conclusions of law, subject to appropriate public review and comment. The agreement was based on these factors and circumstances:

- (1) Petitioners filed and gathered signatures on a petition and economic feasibility analysis that were premised on an assumption that hearings would be completed and approval secured no later than February 13, 2022. That was the deadline for qualifying the measure for the May 17, 2022, Primary Election ballot pursuant to ORS 221.040(3).
- (2) Delaying an incorporation vote beyond the May 17, 2022, election would preclude the incorporated city (assuming voter approval) from meeting the July 15, 2022, notice deadline for participation in the 2022-2023 county tax collection cycle. Deferring such collections until the 2023-2024 cycle would result in a materially different revenue and expenditure program than that proposed in the original petition.
- (3) In deference to these time constraints, the Board worked to hear Petitioners’ presentation, take public comment, obtain staff input, complete deliberations and make a decision over the course of two hearing sessions on January 26, and February 2, 2022. (An additional hearing session that was scheduled and publicly noticed for January 19, 2022, was unexpectedly cancelled.) On February 2, 2022, the Board unanimously voted to deny the petition based on the record before it. On February 9, 2022, the Board granted petitioners’ motion for reconsideration and withdrew the decision but were unable to schedule further sessions until after the May Primary Election deadline.
- (4) In hearing sessions on February 9 and March 31, 2022, Petitioners and the Board entered into constructive dialogue over whether and how the proceedings and resulting deliberations had been hampered by factors such as the time constraints, the novelty of incorporation proceedings, the vagaries of the statutory provisions and a scarcity of guiding precedent. Petitioners also noted the uncertain legal ramifications of extending the Board’s consideration of the current petition, given the budget disparity described above.
- (5) At the hearing session on March 31, 2022, Petitioners advised the Board of their intent to continue their pursuit of an incorporation election, building on the experience and insights gained from the Board’s findings in this proceeding. To

that end, the Board and petitioners agreed to negotiate and abide by an order based on stipulated findings that are designed to provide specific guidance as to the perceived shortcomings in this record.

## B. STIPULATED FINDINGS AND CONCLUSIONS

Accordingly, the Board and petitioners stipulate to the following findings and conclusions:

### Threshold Requirements

1. The Board adopts and incorporates Oceansiders United's ("Petitioners") recital of the pre-hearing submissions and notice measures taken at pages 3-4 of Petitioners' Proposed Analysis and Findings ("Petitioners' Analysis") (January 18, 2022).
2. The Board adopts and incorporates the statement in the Supplemental Staff Report (page 4) indicating that "both the County and petitioners have met the notice of public hearing requirements for an incorporation proposal outlined in ORS 221.440(2)." It also accepts and adopts statements on the hearing record by DCD Director Absher and Counsel Joel Stevens that petitioners' actions and submissions, including a proposed tax rate, boundary map and Economic Feasibility Statement ("EFS"), satisfied both the procedural and content prerequisites for securing a hearing on the petition for incorporation.
3. The Board adopts County Clerk Tassi O'Neill's certification that Petitioners obtained sufficient, valid signatures on the petition from electors within the proposed city boundary.

### Boundary Determinations

4. The Board deems the record insufficiently developed to support findings on the issue of whether areas seeking exclusion from the new city would "benefit" from incorporation under ORS 221.040(2).
5. The Board deems the record insufficiently developed to support findings on the issue of whether The Capes development would "benefit" from inclusion in the proposed city under ORS 221.040(2).
6. The Board and Petitioners mutually acknowledge that development of a complete record on the issue of such "benefits" was hampered by the belated discovery of information regarding the legal impact of exclusion on an area's legal right to access sewer services under Oregon land use laws.
7. The Board and Petitioners agree that the need to resolve such "benefits" issues areas in this proceeding was obviated as a practical matter by the Board's ultimate decision to deny the petition based on economic feasibility. They further stipulate that such findings may be deferred for consideration without prejudice in any future incorporation hearing.

### Likely Compliance with Land Use Goals

8. The Board adopts and incorporates by reference the analysis and proposed findings in the section of Petitioners' Analysis entitled "Analysis of 'Likely' Compliance with Land Use Goals" (pages 15-24). The Board further adopts and incorporates DCD Director Absher's statements in the Supplemental Staff Report (page 3) describing factors relating to "the likelihood that Oceanside can and will comply with Oregon Statewide Planning Goals and the development of a land use program."
9. The Board adopts and incorporates Director Absher's hearing testimony concluding that an incorporated city of Oceanside would be likely and able to comply with the Oregon Statewide Planning Goals.

### Economic Feasibility

10. Services: The Board adopts and incorporates by reference the description of services proposed to be provided by the city of Oceanside and the relationship of those services to existing services as outlined in the EFS (pages 4-9).
11. Projected Resources: Petitioners' representations that the "Projected Resources" discussion and accompanying "Notes" reflected in the EFS (pages 10-11) reflect financial estimates drawn from or calculated in good faith reliance on data provided to Petitioners by the County Assessor, DCD staff, Public Works officials and other authoritative sources, such as the League of Oregon Cities and United States 2020 Census reports.
12. Projected Expenditures: With the exception of the "Roads" allocations referenced below, the Board accepts Petitioners' estimates of "Projected Expenditures" and accompanying "Notes" in the EFS (pages 12-14) as a feasible projection drawn in good faith from information provided by County DCD and Public Works staff, published budget information from other cities and other authoritative sources.
13. Tax rate: The record reflects objections by some property owners to the adequacy of the proposed tax rate. As developed and presented in the limited time allowed, the Board finds that the record was insufficiently developed to persuasively establish that the tax rate of \$.80 per \$1000 of assessed value "would generate operating tax revenues sufficient to support an adequate level of municipal services" pursuant to ORS 221.031(2)(c). The Board bases this finding on the following evidence and considerations:
  - a. A city tax at what the Board deems to be a relatively low rate will require the city to rely on alternative revenue sources that are linked to short-term rental operations. In the time available, Petitioners did not present sufficiently persuasive analysis to address the risk that funding for city operations would be vulnerable to reductions in short-term rental operations caused by unanticipated economic or political developments.
  - b. While Petitioners' EFS reflected a balance of projected revenues and expenditures during the first three years after incorporation as required under ORS 221.035, the record was insufficiently developed as to how the city will be able to accommodate potential cost increases associated with long-term growth or inflation, given that the proposed, modest city tax rate will be permanent and that any increases in such tax revenue are strictly constrained by state law.
  - c. The record as presented lacked adequate information or analysis to establish the feasibility of Petitioners' hypothetical allocation of \$50,000 per year for road maintenance and improvements.



# EXHIBIT F

## Tillamook County



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

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

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*

# MEMO

**Date:** March 23, 2022  
**To:** Tillamook County Board of Commissioners  
**From:** Sarah Absher, CFM, Director  
**Subject:** March 30<sup>th</sup> Oceanside Incorporation Public Hearing

Included with this memorandum is a copy of the record for #851-21-000449-PLNG: A petition for the incorporation of the Unincorporated Community of Oceanside and the creation of the City of Oceanside.

The Tillamook County Board of Commissioners opened a de novo public hearing on January 26, 2022. The hearing was properly noticed according to the requirements of ORS 221.040(2). Public testimony was received at the hearing. The Board continued the hearing to February 2, 2022, where the Board heard additional testimony from the public, final oral arguments from the petitioners, and final comments from County staff. The Board then deliberated and voted unanimously (3-0) to deny the petition request, with staff directed to prepare written findings for final adoption.

Following the February 2, 2022, hearing, Oceansiders United requested the Board of County Commissioners reconsider their decision and action taken at the February 2, 2022, hearing. The Board of County Commissioners reopened the hearing on February 9, 2022, to consider the Petitioners' motion for reconsideration. The Board deliberated and voted 2-0 to reopen the public hearing and grant the request for reconsideration. The hearing was then continued to March 30, 2022, at 10:00am. (*The March 30, 2022, public hearing was noticed in the Tillamook Headlight Herald on March 16, 2022.*)

Following the February 9, 2022, hearing, Petitioners' submitted clarification of relief requested in motion for reconsideration. Petitioners will be prepared to further discuss their position on the petition proposal under consideration by the Board of County Commissioners at the March 30, 2022, public hearing.

A copy of the Oceansiders United letters dated February 4, 2022, and February 14, 2022, are included with this memorandum. A copy of the record is posted on the Community Development website: <https://www.co.tillamook.or.us/commdev/landuseapps>. Copies of testimony received at the February 9, 2022, Board of County Commissioners public meeting are also posted at this link.

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

Sincerely,

A handwritten signature in blue ink that reads "Sarah Absher". The signature is written in a cursive, flowing style.

OCEANSIDERS UNITED  
P.O. BOX 338  
OCEANSIDE, OREGON 97134

February 14, 2022

David Yamamoto, Chair  
Erin Skaar, Co-Chair  
Mary Faith Bell, Member  
Tillamook County Courthouse  
201 Laurel Avenue  
Tillamook, Oregon 97141  
(hand delivered)

Re: Petition for Incorporation of Oceanside  
NO. 851-21-000449-PLNG

Commissioners:

Clarification of Relief Requested in Motion for Reconsideration

We are writing for three reasons: (1) to address the events that occurred during the February 9, 2022, hearing session and (2) to clarify our position with regard to the continuance ordered at that time, and (3) to state our understanding of where things stand as a result. It is unfortunate that Petitioners were afforded no opportunity to submit such input during the session, or we would have corrected the misunderstanding at the outset.

I. Relief Requested in the Motion for Reconsideration

While we appreciate the open-minded spirit that prompted it, petitioners did not request a continuance in their Motion for Reconsideration. To the contrary, under "Relief Requested," the Motion clearly stated:

"Petitioners respectfully request that the Commissioners reconsider and withdraw its oral decision in this matter and instead order that incorporation be placed on the ballot in the May 17, 2022, Primary Election."

We hoped the observations and citations to existing evidence in our Motion might inspire the Board to reopen the record, reconsider and reverse its original decision during the February 9, 2022, hearing and then issue an order to that effect prior to February 14, 2022. It was a last-ditch effort to protest the timing of the fiscal questions and concerns that were raised after our rebuttal and, more importantly, to demonstrate that the answers

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were (and still are) readily available upon review of the materials we already submitted. We also hoped it might prompt the Board to realize that, in concluding that the tax rate was "too low," they had rendered a generalized political judgment about whether the rate was *optimal*, not a quasi-judicial inquiry that analyzed the methodology and data presented in the EFS to determine whether its budgetary projections were reasonably *feasible*.

Accordingly, the continuation to March 30, 2022, was not only unresponsive to the relief we actually requested in the Motion for Reconsideration, but – for reasons addressed below - unavoidably effectuates a denial of the entire petition.

II. The Impact of a Continuance Beyond February 14, 2022

As we have emphasized from the first hearing on January 26, 2022 (after the Board had rescheduled the January 19, 2022 hearing), extending this proceeding beyond February 14, 2022, will preclude a decision in time to place the matter on the May 2022 ballot. If the petitioners miss this ballot, Oceanside will not be able to meet the July 15, 2022, notice requirement for collecting city tax revenues in November 2022. That would block the city's access to such revenues until November 2023, effectively incapacitating it for a year-and-a-half after the incorporation vote.

This would not only fatally compromise the city's fiscal viability from the outset, but also potentially expose it to legal actions challenging its incorporation. Petitioners obtained signatures on a petition and EFS that specified a six-month delay in city tax revenues, not a year-and-a-half delay. The statute makes no provision for retroactively amending the EFS after the petition has been already been signed by voters, filed with the County Clerk and set for hearing.

This is why petitioners were forced to decline the continuance offered at the February 2, 2022, hearing. We explained this dilemma to Director Absher and Mr. Stevens during the recess on February 2, 2022, and Director Absher attempted to convey that to the Board when they reconvened. They did not, however, remind the Board of this legal dilemma during the February 9, 2022 hearing, and petitioners were offered no opportunity to comment. Petitioners did immediately approach them with these concerns after the hearing, however. They recommended this letter as the best vehicle to place our concerns before the Board.

III. Where Things Stand

Petitioners have now alerted the Board to its misapprehension of the relief sought by the Motion for Reconsideration. We have also explained why we cannot be on record as

having requested or consented to a continuance beyond February 14, 2022, since we would effectively be undermining our own Petition. Unless the Board is willing and able to grant our requested relief and vote to place the petition on the May 2022 ballot in an order by February 14, 2021, we consider the relief requested in the Motion for Reconsideration to have been denied.

Moreover - because any decision rendered by the Board after February 14, 2022, will have the practical effect of denying the petition as submitted - petitioners do not intend to submit additional evidence at the hearing scheduled for March 30, 2022. We see no alternative but for the Board proceed with issuance of a Decision, Findings and Order on the current record as originally planned, either at the March 30 hearing session or earlier if practicable.

Petitioners look forward to evaluating the Board's Findings and Decision as a constructive learning experience for all involved before deciding whether to appeal the Decision on this petition or to commence work on a new one.

Respectfully submitted,

Jerry Keene  
Oceansiders United

cc: Joel Stevens, County Counsel (via e-mail)  
Sarah Absher, Director of Community Development (via e-mail)  
Chris Laity, Director of Public Works (via e-mail)



OCEANSIDERS UNITED  
P.O. BOX 338  
OCEANSIDE, OREGON 97134

February 4, 2022  
(hand delivered)

David Yamamoto, Chair  
Erin Skaar, Co-Chair  
Mary Faith Bell, Member  
Tillamook County Courthouse  
201 Laurel Avenue  
Tillamook, Oregon 97141  
(hand delivered)

Re: Petition for Incorporation of Oceanside  
NO. 851-21-000449-PLNG

PETITIONERS' MOTION FOR RECONSIDERATION

INTRODUCTION

On behalf of Oceansiders United, I respectfully request the Board to reconsider its decision to deny Oceansiders the opportunity to vote on whether to become a city this May. We earned that opportunity for the citizens of Oceanside by satisfying every aspect of incorporation statutes. For the reasons stated below, the Board should reconsider and reverse its abrupt and hastily-fashioned conclusion that incorporating Oceanside as proposed is not economically feasible.

Based on the determinative motion, the Board ultimately determined that the proposed tax rate of .80 per \$1000 was "too low" and compromised the economic feasibility of the new city. This motion is not so much a request for you to change your minds on that issue, although that is our ultimate goal. It is a plea to open your minds, step back and objectively evaluate both your decision process and the evidence you disregarded in making it. We want to be on record as having offered this Board an opportunity to repair this flawed decision without the delay and expense of an appeal. During the hearing, it was suggested that an appeal might clarify the law by providing guidance on the meaning of some of its undefined terms we were all struggling to apply. Please be clear that our appeal will not merely be based on ambiguities in the incorporation statute. Instead, it will challenge the Board's compliance with well-established rules governing how all quasi-judicial decisions must be made and explained. Prosecuting an appeal on such procedural grounds will serve neither party and will set no helpful precedent.

I worked for over 30 years as an attorney specializing exclusively in appealing the decisions of governmental agencies to the Oregon Court of Appeals and Supreme Court. I was commonly viewed as a preeminent practitioner in the field, having appeared in nearly 1000 such cases. Nearly all of them entailed an evaluation of whether the relevant agencies adequately explained their decisions and whether the evidence in those records provided adequate support for their

conclusions. It is on the basis of that experience that I am confident that either LUBA or the appellate courts will quickly appreciate that neither the process, the reasoning nor the evidence in the record was legally sufficient to justify the decision articulated by the Commissioners hearing. In that event, they will remand the matter with instructions to reopen the record and try again.

DISCUSSION

From Petitioners' vantage, the Board's decision turned on a general conclusion that the proposed tax rate limit was "too low," which was deemed sufficient to sustain an objection to the economic feasibility statement. In the course of that discussion, one Commissioner voiced an additional justification framed as doubts over adequacy of the projected allocation for "public works" and specifically road repair and maintenance.

Here are some of the main procedural and substantive flaws in that decision that Petitioners will point out to a reviewing tribunal.

1. Due Process. The transcript record will confirm that no Commissioner – none - voiced concern over the adequacy of the proposed tax rate or its impact on economic feasibility during the proceeding until *near the close* of deliberations. The Staff Reports and submissions from county staff unanimously supported the EFS data, and in fact such data was provided by the county. Moreover, the Commissioners offered no questions or comments reflecting such concerns during Petitioners' presentations or during the public comment period. Petitioners had every right to conclude that the economic sufficiency of the petition was not in question. Consequently, when such questions first arose at the tag end of the proceeding after all comment had been closed, Petitioners were afforded no notice of opportunity to provide answers or point to evidence already in the record that amply addressed those concerns.<sup>1</sup>
  
2. Objections Based on "Political" Grounds. A broader legal problem is that the Commissioners off-handed comments that the tax rate was "too low" to establish economic feasibility was expressed as a general political opinion about tax rates *per se*, and not as part of any reasoned analysis of the specific revenue and resource figures presented in the EFS. As was plainly stated at hearing, the Board was not authorized to grant objections to incorporation based on such broad "political grounds". *Mcmanus v. Skoko*, 1255 Or 374, 379 (1970).

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1. Scattered questions were raised about individual line items, such as whether the budget appropriately reflected constraints on spending TLT funds, and whether the city tax revenue was discounted to reflect exclusion of The Capes. These were immediately answered in the affirmative, both in testimony and in unambiguous budget notes in the EFS.

3. Substantial Reason/Substantial Evidence. The transcript will document that the Board's brief and belated critique of the tax rate was both incomplete and lacking in adequate reasoning. In legal terms, it failed to articulate a "rational" connection between the evidence in the record and the conclusion that was drawn. County Counsel appeared to recognize this problem when he interrupted the statement of the motion to emphasize the need for stating an explicit factual basis. Commissioner Yamamoto twice evinced his impatience with this advice, protesting that the basis for concerns over economic feasibility were replete in the previous discussions. He was mistaken in this, and an appellate reviewer would side with County Counsel.

There were only two explanatory comments offered by the Commissioners to support the tax rate objection:

- a. *The proposed tax rate of .80 per \$1000 was "too low" or "a bit low."*

This was a meaningless explanation unless accompanied by an appreciation for how much revenue the rate would generate. The Commissioners made no reference or consideration to this missing link in its chain of reasoning. As reflected in the EFS and unambiguous budget notes, given Oceanside's outsized assessed value, the proposed rate would generate from \$180,000 - \$200,000 annually. Had Petitioners been afforded an opportunity to respond to the observation, they could have apprised the Board that the resulting revenue was comparable to or even exceeded that generated in cities with higher populations, more services and higher tax rates, such as Bay City and Wheeler.

The Board may have been recalling cursory comments from County Treasurer Shawn Blanchard during the post-comment exchanges with staff. Notably, she offered them with much reluctance and only after being pressed by Commissioner Yamamoto. After protesting that she had not read the EFS report and was only skimming the naked budget figures in the chart, Blanchard vaguely commented the figures might be "a bit low," but that she was "conservative" in that way. (She did not indicate which figures, or whether she was referencing revenues or expenditures.) Blanchard did not state or even hint that her glancing impression of where the figures fell on a liberal-to-conservative spectrum were sufficient to invalidate the broader budget analysis or render the entire proposal economically unfeasible.

- b. *The revenue was potentially inadequate for public works needs that would arise over time.*

Petitioners are at a complete loss to find logical or evidentiary support for this observation in the record. It is illogical because the EFS proposed spending as much or more on Oceanside's roads than the county itself has spent or is likely to spend in the foreseeable future. It lacks evidentiary support because the EFS figures were obtained from the county's own Public Works Director – who continued to support them in his comments at the hearing.

Given the opportunity, they could have directed the Commissioners' attention to the EFS budget notes indicating a minimum annual allocation of \$50,000 to road work as a baseline, and that this was based on the county's own records of public expenditures on Oceanside's roads over the span of a decade. The Supplemental Staff Report and attached submissions also included an updated memo and chart from Director Chris Laity, which confirmed that the county had expended an average of approximately \$50,000 a year for road maintenance and capital improvements combined. The budget notes in the EFS emphasized that public works would be the first priority for allocation of any extra funds or unspent revenue over time, and that the figure did not include grants available to small cities, but not to unincorporated communities. The Commissioners evinced no awareness of this critical information when summarily dismissing the public works allocations. Without any apparent information that they had factored such information, an appellate reviewer will reject the Board's determination.

4. Due Process Again. While it was not entirely clear from their statements on the record (which is a problem all its own), the Commissioners appeared to have been influenced by what they perceived as supportive comments invited from staff members immediately before transitioning to deliberations. In the case of Director Laity, as noted above, this was a mistaken perception. In the case of Treasurer Blanchard's vague impressions, it was an insufficient basis to reject the entire EFS. Either way, to the extent the Commissioners felt their comments "raised questions" about the tax rate or economic feasibility, they committed error in relying on such statements as substantive evidence where Petitioners were offered no opportunity for rebuttal. This is especially true given the failure to raise such questions during Petitioners' initial presentation or rebuttal.

#### CONCLUSION

At one point during the deliberations, Commissioner Yamamoto and Commissioner Skaar suggested that any perceived doubts about the EFS projections should be resolved in favor of allowing voters to factor them into their decisions at the ballot. That insight was consistent with the democratic principles underlying the petition process. It was also consistent with the sophisticated analysis and debate that Oceansiders have already demonstrated in bringing the issue this far. Petitioners hope that by highlighting problematic aspects of the initial decision process, and identifying evidence that was originally overlooked, we can persuade the Commissioners to reconsider and strike a new balance in favor of the voters' right to choose.

REQUEST FOR RELIEF

For the reasons stated above, Petitioners respectfully request that the Commissioners reconsider and withdraw its oral decision in this matter and instead order that incorporation be placed on the ballot in the May 17, 2022, Primary Election.

Respectfully submitted,

Jerry Keene  
Oceansiders United

cc: Joel Stevens, County Counsel (via e-mail)  
Sarah Absher, Director of Community Development (via e-mail)  
Chris Laity, Director of Public Works (via e-mail)



Tillamook County



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

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

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

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*Land of Cheese, Trees and Ocean Breeze*

# ***MEMO***

**Date:** January 31, 2022  
**To:** Tillamook County Board of Commissioners  
**From:** Sarah Absher, CFM, Director  
**Subject:** Voter Registration Map for Proposed Oceanside Incorporation

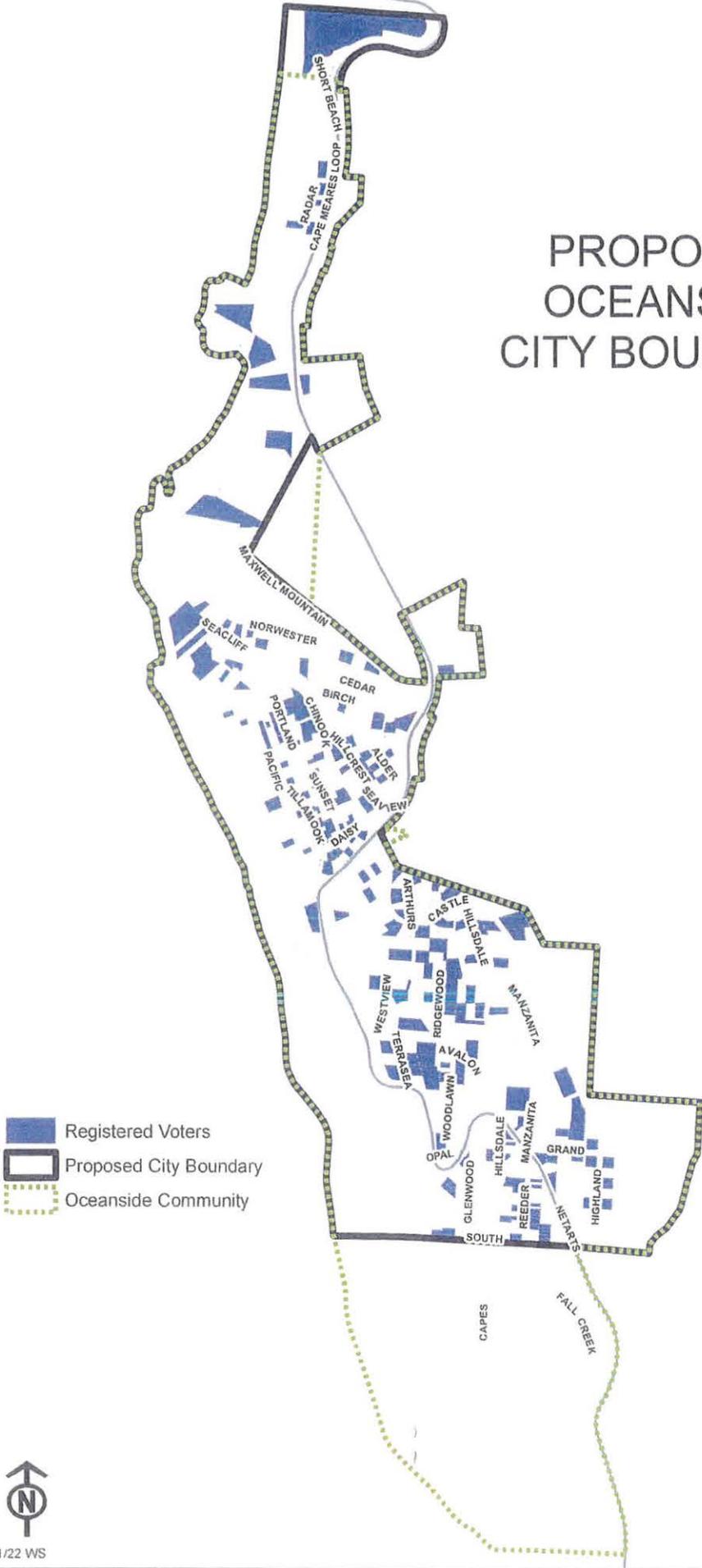
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Attached is a voter registration map for those properties included within the proposed Oceanside city boundary. The map depicts voter representation and the location of properties (highlighted in blue) owned by registered voters within the proposed Oceanside city boundary.

The information gathered to create the map was compiled from the Tillamook County Clerk's Office, Tillamook County Assessor's Office and the Tillamook County Department of Community Development.

As stated during the January 26, 2022, hearing, the County Clerk, County Assessor and others will be available to answer questions- including any questions you may have regarding the attached map.

# PROPOSED OCEANSIDE CITY BOUNDARY







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

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*

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**PETITION FOR OCEANSIDE INCORPORATION  
SUPPLEMENTAL STAFF REPORT**

**Report Date:** January 26, 2022

**Report Prepared by:** Sarah Absher, CFM, Director

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**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 with the exceptions of those properties part of "The Capes" development (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

## CITY BOUNDARY PROPOSAL DISCUSSION

"Exhibit A" of the staff report contains the existing Oceanside Unincorporated Community Boundary Map and the proposed Oceanside City Boundary Map. There was considerable discussion and comparison of the two maps at the January 26, 2022, public hearing. The existing unincorporated community boundary bisects properties along Radar Road to the north and extends southerly to the southern boundary of "The Capes" development. The southerly boundary of the unincorporated community also abuts the northerly Unincorporated Community Boundary for Netarts. Properties within the Oceanside Unincorporated Community Boundary include areas east of Oregon State Highway 131 including the area proposed to be developed as "Second Addition Avalon Heights" subdivision (Exhibit B).

The proposed Oceanside City Boundary map made part of the petition request excludes "The Capes" development and identifies South Avenue, a local access road, as the southerly boundary for the proposed City of Oceanside. The proposed Oceanside City Boundary map extends farther from the northerly unincorporated community boundary to the northerly boundary of properties accessed via Radar Road, a private road, and Short Beach Road, a private road, so that these properties are wholly included within the proposed city boundary. The proposed city boundary would run along the northerly boundary of Tax Lot 300 located in Section 19 of Township 1 South Range 10 West of the Willamette Meridian, Tillamook County, Oregon (Exhibit A).

### ORS 221.040(2): EXCLUSION OF LANDS & BENEFIT

"The Capes" development has been excluded from the proposed area for incorporation because it was determined by the property owners and petitioners there would be no "benefit" to properties within the "The Capes" development to be included in the incorporated area. Discussions with "The Capes" HOA is captured in the Petitioner's submittal identified as "Exhibit B" made part of the January 19, 2022, staff report. Justification for this determination is largely based on the facts that this development is a private development with a private road system maintained by the Homeowner's Association, urban services already exist within the development and development is regulated beyond the County's zoning ordinances through Conditions, Covenants and Restrictions (CCRs).

Further discussion at the January 26, 2022, hearing centered around continuation of sewer service availability for undeveloped properties within "The Capes" development. Statewide Planning Goal 14: Urbanization does not allow for urban services (sewer) outside of incorporated cities, urban growth boundaries and acknowledged unincorporated communities. To address concerns regarding continued compliance with Statewide Planning Goal 14: Urbanization, it was concluded that "The Capes" development could annex into the Netarts Unincorporated Community Boundary to remain in compliance with Goal 14 and to ensure continued sewer service availability for future development proposals within "The Capes" development.

Additional areas within the Oceanside Unincorporated Community Boundary provided written testimony requesting to be excluded from the proposed city boundary. These areas include "Avalon West" and "Terrasea" (Exhibit A). It was recognized that these developed areas currently benefit from urban services, include road systems that are privately maintained and governed by additional development regulations beyond the County's implementing zoning ordinances either by way of deed restrictions or CCRs. It should be noted that the road system within Avalon West is inventoried as local access roads (public roads not maintained by the County) and the road system within "Terrasea" is privately owned and maintained.

As with "The Capes" the discussion focused on the "benefit" of urban services, specifically continued sewer service availability for undeveloped properties that are currently eligible for sewer service because they are located within an acknowledged unincorporated community boundary. Possibility of further extending the Netarts Unincorporated Community Boundary to include these properties was considered at the January 26, 2022, hearing, however it was noted that all properties would need to be contiguous to "The Capes" and the

Netarts Unincorporated Community Boundary so that an "island effect" from adjusting the proposed city boundary would be avoided.

Similarly, the discussion of "benefit" related to urban services (sewer) apply to properties within the northern region of the proposed city boundary, but in a different context. These properties located along Radar Road and Short Beach Road are not served by sewer but are instead development onsite wastewater treatment systems. Given limited developable area and geologic hazards present in the area, it is possible there is limited to no area available for development of new systems and repair areas. Repair and replacement areas are needed in the future for continuation of onsite wastewater treatment for developed properties.

Staff expressed concerns that excluding this area from the proposed city boundary could result in exclusion "benefits" that may be needed in the future- specifically Goal 14 eligibility for development sewer infrastructure when onsite wastewater treatment systems are no longer functioning. It was also confirmed that an option for these properties in the future could be a request for annexation into the city to address Goal 14 eligibility requirements in the future.

### **COUNTY REVIEW OF INCORPORATION PROPOSAL**

The role of the County Commissioners (County Court) is to determine if incorporation is "feasible", while also giving consideration to the following:

- Objections to Granting Petition
- Objections for Formation of Incorporated City
- Objections to Estimated Tax Rate
- Reasonably Likely City Can and Will Comply with Oregon Statewide Planning Goals Including Development of a Land Use Program

Petitioners discussed each of the above listed elements during their presentation at the January 26, 2022, hearing. Petitioners discussed the methodology for determination of revenue projections and financial estimates for municipal operating needs reflected in the economic feasibility report included as "Exhibit B" of the January 19, 2022, staff report. Petitioners consulted with similar municipalities in development of the economic feasibility report and assessment of municipal operation costs that have similar municipal services and operation needs. These municipalities included the City of Wheeler, City of Bay City and the City of LaPine.

Public comments contained within the record and oral testimony provided at the January 26, 2022, hearing included testimony objecting to granting the petition, forming an incorporated city, objecting to the proposed tax rate increase and questioned the accuracy of the economic feasibility report given the revenue estimations do not exclude "The Capes" development and other areas within the unincorporated community requesting exclusion.

An alternative economic feasibility analysis excluding the areas requesting not be included in the proposed city boundary (Avalon West, Terrasea and northern properties within the Radar Road vicinity) has not been provided. Petitioners requested consideration be given to the holistic approach of general "benefit" to properties included within the proposed city boundary.

### **BENEFITS**

"Benefit" is not specifically defined within ORS 221.440(2) however the Petitioners have provided examples of how properties within the proposed city boundary could be "benefitted" by incorporation. These benefits are explored within the Petitioner's submittal included as "Exhibit B" of the January 19, 2022, staff report and include:

- Strategic use of Transient Lodging Tax (TLT) revenue generated by Oceanside properties for facility improvement projects that address tourism capacity needs in Oceanside.
- Use of 30% of TLT revenue generated by Oceanside for city improvement projects (i.e., roads).
- Stronger regulatory administration of short-term vacation rentals.
- More control of land use review and regulatory administration for development proposals.
- Opportunity to develop and implement a robust enforcement program to better address community concerns largely related to transient lodging and tourism.
- Enhanced opportunities developed by the city for emergency preparedness and emergency response.

Specifically, it is recognized that Oceanside continues to grow and evolve. Those community residents supportive of the proposed incorporation feel incorporation will afford community residents more local control over decisions that determine rate of growth, how growth is to occur and further define what growth will look like through implementation of updated land use regulations.

Petitioners provided an overview of the public outreach process undertaken to consider the proposal to incorporate. The process was completed through the Oceanside Neighborhood Association (County designated CAC) with a series of newsletters and community meetings that were conducted in November and December 2021. Petitioners stated into the record the voting outcome of these community meetings where voting processes resulted in a 3:1 vote in favor of incorporation and a vote of 60% in favor and 40% not in favor of moving ahead with the incorporation petition following the last community meeting.

Following the petition filing requirements outlined in ORS 221.440, the Petitioners obtained the required number of signatures and filed the petition with the Tillamook County Clerk.

Concerns were raised during the January 26, 2022, hearing regarding the timing of the process and limited amount of time provided to community members to consider the incorporation proposal. Timing concerns were that the community outreach efforts and meetings were conducted over a period of time that included Thanksgiving and Christmas holidays. Public comments included in the record and made part of "Exhibit C" of the January 19, 2022, staff report state community outreach was not adequate, that community members were not able to participate in the process and that some community members were not notified of the community meetings that took place to discuss and consider the incorporation proposal.

ORS 221.440(2) does not require a Measure 56 notice for an incorporation proposal. Requirements for public notification require public posting of a hearing notice in three locations within the area proposed to be incorporated as well as publication of notice of public hearing in the local newspaper at least two weeks prior to the incorporation hearing. As confirmed by staff in the January 19, 2022, staff report both the County and the petitioners have met the notice of public hearing requirements for an incorporation proposal outlined in ORS 221.440(2).

### JANUARY 26, 2022, PUBLIC TESTIMONY

Testimony received at the January 26, 2022, public hearing expressed concerns about the proposed tax rate, stating that taxes for Oceanside are already high and an additional increase would create a hardship for some residents. Testimony also questioned whether properties would "benefit" from the proposed incorporation and tax rate given urban services already exist in the area. Concerns continued to be raised about lack of community involvement and community resident participation both in development of the incorporation proposal as well as the conversations that took place during ONA community meetings.

A list of signatures of those opposed to the proposed incorporation was presented at the hearing and is included in "Exhibit C" of this report. Concerns were raised about the property owners within "The Capes" being afforded an opportunity to vote on whether to participate in the incorporation proposal without extending the opportunity for consideration to other privately developed areas with active Homeowner's Associations. Concerns were also raised that out of 1,000 properties within the Oceanside community, only

those property owners registered to vote in Tillamook County would be able to vote (owning approximately 200 of the roughly 1,000 properties within the community).

Testimony was also received supporting the proposed incorporation, reiterating previous comments of limited resources and the County's ability to provide services to Oceanside, the opportunity for the community to have more local control over short-term rental regulation, code enforcement, road improvements, land use planning and providing better balance for addressing community needs.

### **LAND USE COMPLIANCE**

Staff further discussed the likelihood that Oceanside can and will comply with Oregon Statewide Planning Goals and the development of a new land use program. In review of several factors including the fact that Oceanside is an unincorporated community with already developed urban services afforded to the community through Statewide Planning Goal 14, the existence of a state acknowledged community plan and implementing ordinances unique to the community that further development of a land use program is likely and feasible. As stated by the Petitioners, technical assistance and resources for development of a comprehensive plan and implementing ordinances exist through the Oregon Department of Land Conservation and Development, League of Oregon Cities and the Tillamook County Department of Community Development.

Development of a land use program for the proposed city would likely take 3-4 years but could be accomplished within the timeframe established under state law. Staff also confirmed DLCD has no opposition to extending the Netarts Unincorporated Community Boundary to include properties within "The Capes" development, and that ultimately county planning resources would be required for updates to the Tillamook County Comprehensive Plan, Comprehensive Plan Map and Tillamook County Land Use Ordinance should the incorporation of Oceanside occur.

### **REVIEW OF PETITION APPLICATION:**

Review of the petition materials included in "Exhibit B" confirms the petitioners have complied with the filing and public hearing notification requirements outlined in ORS 221.031 and ORS 221.040. An economic feasibility study is also included in "Exhibit B". Petition also includes summary of community engagement efforts and a community vote with an outcome to proceed with the petition for incorporation (Exhibit B).

The economic feasibility study includes a description of the services and functions to be performed or provided by the proposed city; an analysis of the relationship between those services and functions and other existing or needed government services; and proposed first and third year budgets for the new city demonstrating its economic feasibility. The study includes a proposed permanent rate limit for operating taxes to provide revenues for urban services a discussion demonstrating ability to comply with statewide planning goal and rules pertaining to needed housing for cities as well as ability to comply with requirements for development of a city comprehensive plan and implementing zoning ordinances. Study also includes discussion of plans to provide urban services to meet current needs and projected growth by way of utilizing existing services within the area or by establishing agreements with Tillamook County or existing service districts to continue to provide urban services.

Properties within the proposed city boundary and larger area of the Unincorporated Community of Oceanside are currently served by the Tillamook County government including the Tillamook County Sheriff's Office, Public Works Department and Community Development; Netarts-Oceanside Sanitary District; Oceanside Water District; Netarts-Oceanside Fire Department; Tillamook School District #9 and Tillamook People's Utility District (PUD).

Public comments regarding the proposed petition received on or before the date of the staff report are included in "Exhibit C". Comments received are both in favor and in opposition of the proposed incorporation. Comments in favor of incorporation include demonstration that incorporation is financially feasible; support for more local control over community growth; ability to develop and a land use program more reflective of the areas values, desires and needs; stronger short-term rental enforcement; more resources for road and stormwater management improvements; additional resources to support community public safety needs as well as concerns raised about the County's lack of funding and resources to meet the needs of the community.

Comments in opposition to the proposed incorporation include lack of adequate community outreach and engagement efforts to ensure all community residents were aware of the proposal; lack of opportunity to participate or vote in community process; lack of time to vet incorporation proposal; concerns that economic feasibility report is not comprehensive or reflective of actual costs for city operation; arguments raised that there are no benefits to incorporating; opposition to increased tax rate. Comments received also include additional request for areas within the community to be excluded from the proposed city boundary. A map depicting these request exclusion areas is also included in "Exhibit A".

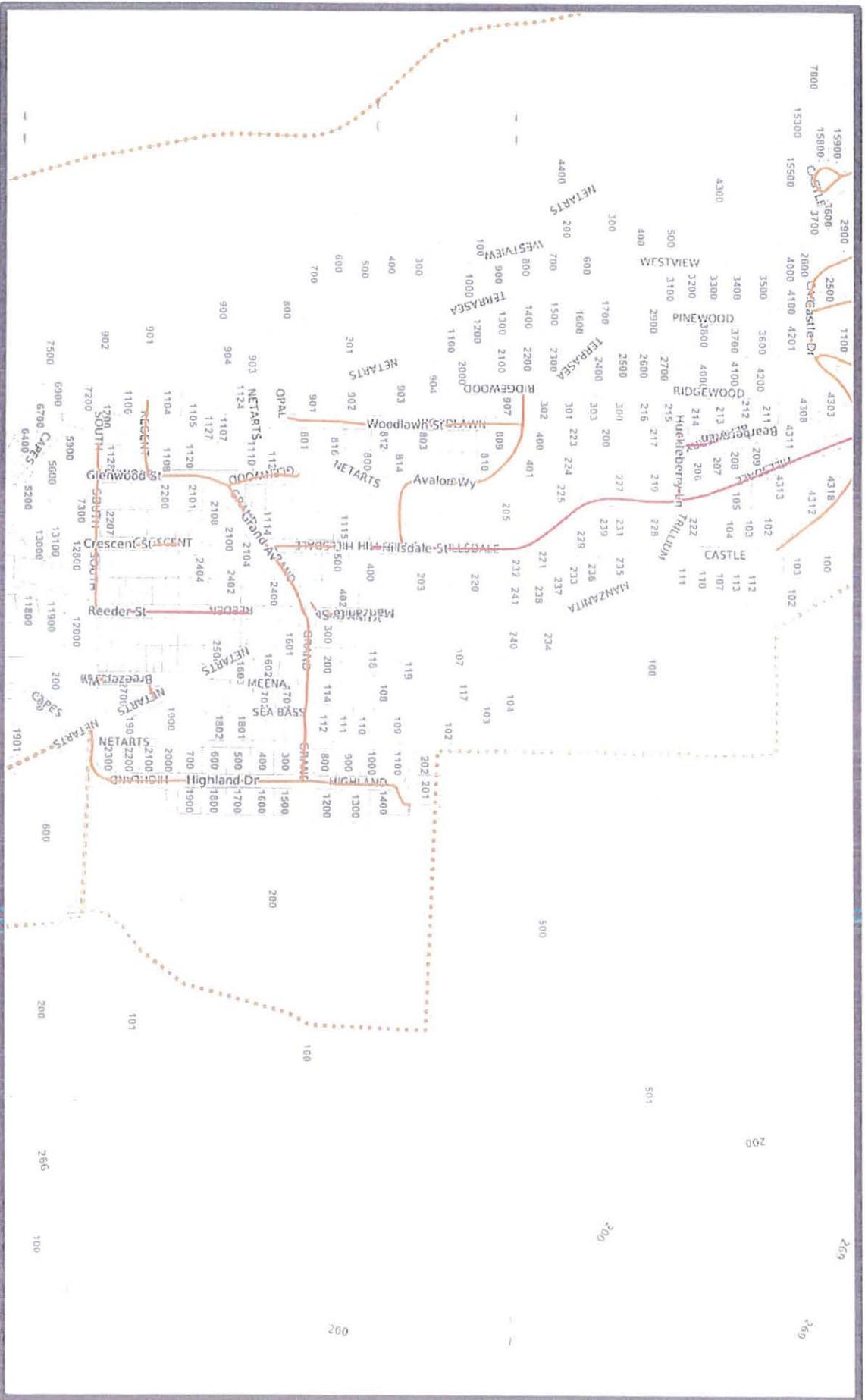
Petitioner's submittal responds to several of the concerns summarized above. Petitioner's submittal also includes analysis on basis for which a decision on these hearings must be made.

#### **EXHIBITS**

- A. Maps
- B. Petitioner Submittal
- C. Additional Public Testimony Received

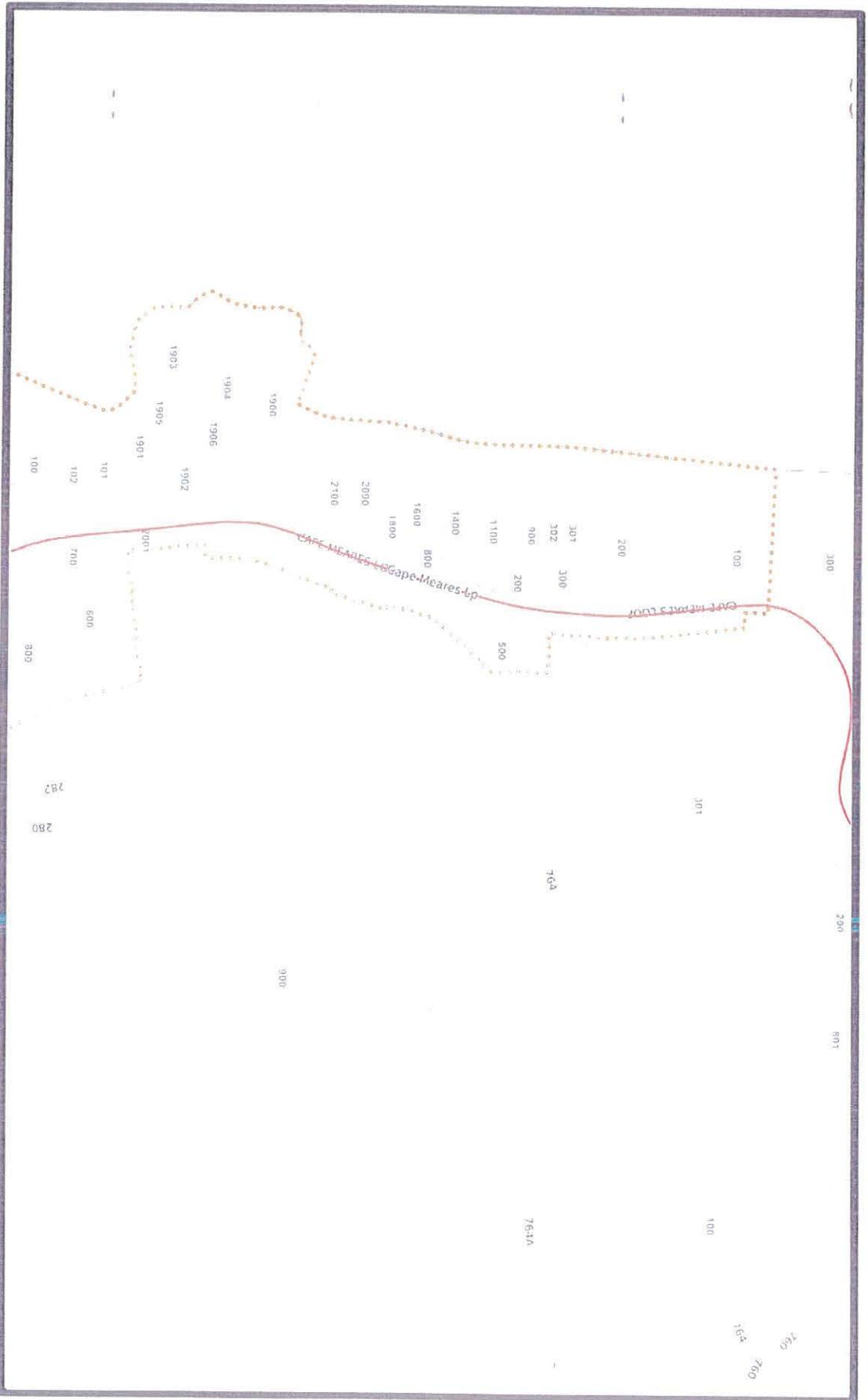
# **EXHIBIT A**

# Map





# Map



Generated with the GeoMOOSE Printing Utilities

# **EXHIBIT B**

MEMO

I interviewed Scott Fregonese & Cassandra Dobson of Fregonese & Associates via Zoom Conference on 10/1/2021 – 1:30 p.m. Sue Wainwright could not attend.

Fregonese & Associates is a land use planning consulting firm based in Kaiser. They offer services comparable to those the county currently outsources to a Eugene firm. (The Eugene firm's delayed responses and customer interactions were the subject of a significant contractor protest this summer.)

Fregonese's services include city official training on land use laws and procedures, advice and procedural work on ordinance updates and staff reports/presentations for land use appeal proceedings (appealed variance decisions, partitions, etc.). They are also experienced in assisting with the formulation of new or revised Comprehensive Plans.

They currently provide contracted services on an hourly basis (up to an agreed cap) to Bay City and Garibaldi. Their invoices generally run \$1500 - \$3000 per month for those cities up to a \$35,000 cap. This varies depending on the amount of frontline "counter" work the city staff does for itself. They very roughly estimate similar services for Oceanside would run \$20-30,000 per year. (The budget committee has included .5 FTE for in-house planning work in addition to an allotment for contracted services.) They indicated that they often informally provide advice on planning work that obviates more expensive consultations with legal counsel.

Fregonese and/or Cassandra regularly travel from Kaiser, Oregon to service their Tillamook County cities once a week but are likely to increase that if current talks with Rockaway prove fruitful. On applications, some decisions are made onsite, while more complicated issues may take a week or two.

## Public Works/Roads

Chris Laity, Director of the Tillamook Count Public Works Department, generously offered assistance to the Budget Team in estimating the costs Oceanside should anticipate in any effort to update and maintain the roads falling within the Oceanside Community Growth Boundary. His analysis included both "county" roads and "local access" roads (not historically maintained by the county), but did differentiate between paved and graveled roads. He met with the Team in an extensive question-and-answer session and offered charts and spreadsheets in support of his analysis<sup>1</sup> based on county records. His analysis excluded any costs related to Highway 131 or Cape Meares Loop Road, both of which would initially be excluded from the city's jurisdiction. None of his long-term estimates allowed for inflation, a factor he quantified at 3% a year.

As a benchmark, the Team asked Laity to presume a goal of improving all Oceanside roads to the current condition of Chinook Avenue, which was newly paved in the past few years. He described this as adding a 2- to 3-inch gravel "lift" with asphalt and ([or?] "chip seal." Based on county contract costs for comparable roads, Laity broadly estimated that it would cost roughly \$800,000 to \$1 million to improve Oceanside's paved roads and approximately \$2 million to improve and pave its current graveled roads. Once improved, Laity estimated the currently paved roads could be maintained at an annual cost of roughly \$30,000. [Note: contact Chris for a maintenance estimate that includes all roads, once paved.]

Laity emphasized that it would be a waste of resources to pave roads subject to deterioration by deficient stormwater drainage. The county has been forced to adopt a patchwork approach, improving drainage only on the roads it has been able to fit into its schedule and budget over the past few years. Laity recommends that the new city either budget, bond or seek grants for a consulting contract to compile a "master plan" for drainage and roads to be implemented and funded in intervals as funds allow. He estimates the cost of such a study at \$200,000 and is ready to recommend several engineering firms capable of doing good work on it. [Sarah Absher indicated that she and Chris Laity have unsuccessfully approached ODOT for grant funds to do county drainage planning, with Oceanside at the top of the list.] Laity also suggested that the new city approach the Netarts-Oceanside Sanitary District for ways to collaborate on such an initiative, for example to obtain maps of their current underground network.

Finally, Laity estimated that negotiating and managing road construction contract work would require staffing at about .25 FTE.

Before ending the conference, the Team asked Chris to share his data and maps electronically, and also to provide information on the county costs expended in Oceanside over the past few years so that we might set a "baseline" against which to compare what a new city might be able to do.

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<sup>1</sup> Cite to appendix

2016 - 124 PERMITS

Commercial Electrical	851-16-000220-ELEC	2/4/16	1S10 3000 00501	1755 CAPE MEARES LP RD, OCEANSIDE, OR	NETARTS OCEANSIDE SANITARY DISTRICT	Electrical wiring for new fuel station	Commercial	New
Residential 1 & 2 Fam Dwelling	851-16-001575-DWI	7/28/16	1S10 30BB 00900	5395 NORVESTER RD NW, TILLAMOOK COUNTY, OR 97141	WATSON, PAUL F	SINGLE FAMILY DWELLING W/ DECK	Single Family Dwelling	New
Residential Electrical	851-16-001583-ELEC	7/11/16	1S10 30BB 00900	5395 NORVESTER RD NW, TILLAMOOK COUNTY, OR 97141	WATSON, PAUL F	TEMP POWER LABEL # 21711	Other	New
Residential Electrical	851-16-001584-ELEC	7/11/16	1S10 30BB 00900	5395 NORVESTER RD NW, TILLAMOOK COUNTY, OR 97141	WATSON, PAUL F	WIRE NEW RESIDENCE 2177 SF LABEL # 21722	Other	New
Residential Plumbing	851-16-001585-PLM	7/11/16	1S10 30BB 00900	5395 NORVESTER RD NW, TILLAMOOK COUNTY, OR 97141	WATSON, PAUL F	3 BATH NEW RES.	Other	New
Residential Electrical	851-16-001512-ELEC	6/30/16	1S10 30BB 01400	1625 SUNSET AVE, TILLAMOOK COUNTY, OR	CHAIX, CONSTANCE ANNE	4 sink, 1 washer, 1 disposal, 2 hose bib, 3 tub/shower, 3 toilet, 1 REPLACE 200 AMP METER BASE	Other	Replacement
Residential Mechanical	851-16-000243-MECH	2/8/16	1S10 30BB 03901	1631 HILLCREST AVE NW, TILLAMOOK COUNTY, OR 97134	CHILDRESS, ANTHONY & KATHLEEN	2 BATH VENTS DRYER HOOD	Other	New
Residential Mechanical	851-16-002899-MECH	12/29/16	1S10 30BB 03901	1633 HILLCREST AVE NW, TILLAMOOK COUNTY, OR	CHILDRESS, ANTHONY & KATHLEEN	1 PELLET STOVE AND 2 VENTS	Other	New
Residential Structural	851-16-002049-STR	9/27/16	1S10 30BB 07800	1500 CAPE MEARES LOOP RD NW, TILLAMOOK COUNTY, OR 97141	JENKINS, LESLIE D	REPLACE DECK SIDING WINDOWS	Other	Alteration
Residential Mechanical	851-16-002842-MECH	12/20/16	1S10 30BB 07800	1650 OCEANSIDE LN, TILLAMOOK COUNTY, OR	JENKINS, LESLIE D	Underground gas line	Single Family Dwelling	New
Residential Mechanical	851-16-001047-MECH	5/10/16	1S10 30BC 00300	1435 HILLCREST AVE, TILLAMOOK COUNTY, OR	SAMPINGTON, ERIC & MOLLY	Gas line to cooktop	Single Family Dwelling	Addition
Residential Mechanical	851-16-002585-MECH	11/8/16	1S10 30BC 01100	1430 SHAVVIEW AVE, TILLAMOOK COUNTY, OR	DECARLI, JANA	Install customer provided wood stove	Single Family Dwelling	Replacement
Residential Electrical	851-16-000236-ELEC	2/5/16	1S10 30BC 01200	1450 SEAVIEW AVE, OCEANSIDE, OR 97141	CARPENTER, CHARLES K 1/2 &	METER/PANEL	Single Family Dwelling	Replacement
Residential Mechanical	851-16-001938-MECH	8/23/16	1S10 30BC 01500	5450 ASTER ST, TILLAMOOK COUNTY, OR	PEARSON, LAURETTA & VIN, TEE	install ductless hp	Single Family Dwelling	Addition
Commercial	851-16-000196-ELEC	2/1/16	1S10 30BC 05300	1495 PACIFIC AVE, TILLAMOOK COUNTY, OR	11 IRVING LLC	200 AMP METER/PANEL	Accessory Structure	New
Residential Electrical	851-16-001475-ELEC	6/27/16	1S10 30BC 06400	1490 PACIFIC AVE, TILLAMOOK COUNTY, OR	ROLL, MELISSA	REPLACE (2) 200 AMP METERS	Commercial	Tenant Improvement
Residential Structural	851-16-000822-STR	4/15/16	1S10 30BC 08000	1365 PACIFIC AVE, TILLAMOOK COUNTY, OR	SEYMOUR, DONALD C TRUSTEE	REPLACE RETAINING WALL 6 X 20	Other	Replacement
Residential Electrical	851-16-001105-ELEC	5/17/16	1S10 30BC 09900	1260 TILLAMOOK AVE, TILLAMOOK COUNTY, OR	FOSTER, WALTER T TRUSTEE &	NEW 2 PACK METER BASE	Two Family Dwelling	Replacement
Residential Electrical	851-16-000344-ELEC	2/19/16	1S10 30BC 10500	1369 TILLAMOOK AVE, OCEANSIDE, OR 97141	SCHIEFELBEIN, PRUDENCE A	REPLACE METERMAIN	Single Family Dwelling	Replacement
Residential Mechanical	851-16-002097-MECH	9/14/16	1S10 30BC 11000	5475 ASTER ST, TILLAMOOK COUNTY, OR	SPOSITO, CARLO J TRUSTEE	install wood insert	Single Family Dwelling	Replacement
Residential Electrical	851-16-001468-ELEC	6/27/16	1S10 30BC 12000	5485 VIOLET ST, TILLAMOOK COUNTY, OR	GRIFFITH, PAULINE L	SS METERMAIN AND OUTDOOR RATED PANEL	Single Family Dwelling	Replacement
Residential Electrical	851-16-001235-ELEC	6/2/16	1S10 30BC 12500	1305 TILLAMOOK AVE, TILLAMOOK COUNTY, OR	DICK, VERNON E & EUNICE G	REPLACE METERBASE	Single Family Dwelling	Replacement
Residential Mechanical	851-16-001626-MECH	7/18/16	1S10 30BC 13400	1325 SUNSET AVE, TILLAMOOK COUNTY, OR	BRESEE, MICHAEL H &	Install gas line to cooktop and vent out hood range	Single Family Dwelling	New
Residential Structural	851-16-001549-STR	7/7/16	1S10 30BC 13500	5460 DAISY ST, TILLAMOOK COUNTY, OR	WOODRIDGE, CHARLES B	DRY ROT REPAIR	Other	Repair
Residential Electrical	851-16-002142-ELEC	9/19/16	1S10 30BC 14400	5425 DAISY ST, TILLAMOOK COUNTY, OR	KEATING, STEPHEN G & HANSON, KARYN G	12 circuits added 5-4-17 1 200 AMP SERVICE and panel	Other	New
Residential Electrical	851-16-000428-ELEC	3/2/16	1S10 30BC 15301	5398 NETARTS HWY, TILLAMOOK COUNTY, OR	CARMEAN, DOUGLAS M	Meter change	Single Family Dwelling	Replacement
Residential Electrical	851-16-002857-ELEC	12/21/16	1S10 30BC 16000	1020 SOUTH CASTLE LN, TILLAMOOK COUNTY, OR	OFSTAD, WILLIAM M & SANDRA K	REPLACE METER BASE LABEL # 23241	Other	Replacement
Residential Electrical	851-16-001433-ELEC	6/23/16	1S10 30BC 16800	5620 CASTLE DR, TILLAMOOK COUNTY, OR	BEVER, MICHAEL T & AMY E	NEW 200AMP METER BASE	Single Family Dwelling	Replacement
Residential Mechanical	851-16-001093-MECH	5/16/16	1S10 30BD 02300	1060 ARTHURS RD, TILLAMOOK COUNTY, OR	DECKER, DAVID C & PAMELA J	Run one gas line and install LP fireplace insert.	Single Family Dwelling	New
Residential Electrical	851-16-001261-ELEC	6/6/16	1S10 30BD 02300	1060 ARTHURS RD, TILLAMOOK COUNTY, OR	DECKER, DAVID C & PAMELA J	CIRCUIT FIREPLACE INSERT	Single Family Dwelling	New
Residential Electrical	851-16-001377-ELEC	6/16/16	1S10 30BD 03600	1075 CASTLE LN, TILLAMOOK COUNTY, OR	BURWELL, ALVIN Z & KAREN L TTES 9.62 % B	new 200amp ss meter base	Single Family Dwelling	Replacement
Residential Mechanical	851-16-000166-MECH	1/27/16	1S10 30CA 00106	995 CASTLE PL W, AVALON, OR 97141	LONG, GARY & DIANE	Install chimney and LP stove and vent tankless water heater.	Single Family Dwelling	New
Residential Mechanical	851-16-002569-MECH	11/4/16	1S10 30CA 00227	690 HILLSCALE ST, TILLAMOOK COUNTY, OR	TURNER, DAVID & JEANNE	Gas line to generator.	Single Family Dwelling	New
Residential Electrical	851-16-002593-ELEC	11/9/16	1S10 30CA 00227	690 HILLSCALE ST, TILLAMOOK COUNTY, OR	TURNER, DAVID & JEANNE	hook up generator and 100a subpanel	Single Family Dwelling	New
Residential Plumbing	851-16-000042-PLM	1/6/16	1S10 30CB 03700	905 PINEWOOD LN, TILLAMOOK COUNTY, OR	PETER, STEVEN M & WHITING, BRUCE A	3 fixtures	Other	Alteration
Residential Electrical	851-16-000055-ELEC	1/11/16	1S10 30CB 03700	905 PINEWOOD LN, TILLAMOOK COUNTY, OR	PETER, STEVEN M & WHITING, BRUCE A	10 circuits	Other	Alteration
Residential Mechanical	851-16-000462-MECH	3/8/16	1S10 30CB 03700	905 PINEWOOD LN, TILLAMOOK COUNTY, OR	PETER, STEVEN M & WHITING, BRUCE A	1 Outlet for cook top	Other	New
Residential Mechanical	851-16-002409-MECH	10/17/16	1S10 30CB 03900	6030 HILLCREST LN, TILLAMOOK COUNTY, OR	TUTTLE, MERRITT E & SALLY A	Install heat pump and pure air purification system	Single Family Dwelling	New
Residential Electrical	851-16-000610-ELEC	3/23/16	1S10 30CC 00300	5345 NETARTS HWY, TILLAMOOK COUNTY, OR	KRAMPERT, ALFRED P TRUSTEE 1/2 &	meter base repair	Single Family Dwelling	Repair
Residential Electrical	851-16-001704-ELEC	7/26/16	1S10 30CD 00110	5350 GRAND AVE, TILLAMOOK COUNTY, OR	JONES, GERALD E JR & FRANCINE R	BL # 20924 Back porch addition	Single Family Dwelling	Addition
Residential Structural	851-16-002060-STR	10/5/16	1S10 30CD 00401	5300 NETARTS HWY, TILLAMOOK COUNTY, OR	CHODATE, KRISTEN E TRUSTEE	392 sqft ADDITION (BEDROOM & BATH)	Other	Addition
Residential Mechanical	851-16-000948-MECH	4/27/16	1S10 30CD 01107	154 GLENWOOD ST, TILLAMOOK COUNTY, OR	BAILEY, BRIAN &	install 2 ductless hp's	Single Family Dwelling	Addition

2016 - 124 PERMITS

Residential Electrical	851-16-001089-ELEC	5/16/16	1S10 30CD 01107	154 GLENWOOD ST, TILLAMOOK COUNTY, OR	BAILEY, BRIAN S	2 heat pumps Job# 52304-10	Single Family Dwelling	Alteration
Residential Structural	851-16-001271-STR	7/13/16	1S10 30CD 01139	280 HILLSDALE ST, TILLAMOOK COUNTY, OR	WILLIAMS, DENNIS J & RHONDA J	ADDITION TO DECK 2 X 18	Other	Addition
Residential Structural	851-16-001690-STR	7/28/16	1S10 30CD 02105	5525 GRAND AVE W, TILLAMOOK COUNTY, OR 97143	RAYMOND AND MARY THOMAS	ACCESSORY STRUCTURE 50 X 36 X 34' HIGH 1000 SF LV 1800 SE SHOP	Detached Accessory Structure	New
Residential Plumbing	851-16-002824-PLM	12/16/16	1S10 30CD 02105	5525 GRAND AVE W, TILLAMOOK COUNTY, OR 97143	THOMAS, RAYMOND D JR & MARY B	3 SINK, 2 TOILET, 1 TUB/SHOWER, WASHER, WATER HEATER Rough End Under Slab Only	Other	New
Residential Mechanical	851-16-002815-MECH	12/15/16	1S10 30CD 02408	250 REEDER ST, TILLAMOOK COUNTY, OR	ELKINS, DAVID G	Install gas line and LP water heater	Single Family Dwelling	New
Residential Structural	851-16-002678-STR	12/6/16	1S10 30CD 02606	145 REEDER ST, TILLAMOOK COUNTY, OR	BUSH, COREY J	VOLUNTARY UNDERPINNING USING 3 PIERS	Other	Repair
Residential Electrical	851-16-002841-ELEC	12/20/16	1S10 30CD 02616	161 REEDER RD, TILLAMOOK COUNTY, OR	ALLEN, GARY W TRUSTEE S	CHANGE OUT MAIN BREAKER	Single Family Dwelling	Repair
Residential Structural	851-16-000663-STR	4/20/16	1S10 31AB 00300	490 FAL CREEK DR, TILLAMOOK COUNTY, OR	LAFLEUR, BRETT & JAYCI	90 SQFT ADDITION FOR WOOD FIREPLACE	Other	New
Residential Mechanical	851-16-001729-MECH	7/28/16	1S10 31AB 00300	490 FAL CREEK DR, TILLAMOOK COUNTY, OR	LAFLEUR, BRETT & JAYCI	Install wood burning fireplace and flue/chimney	Single Family Dwelling	Alteration
Residential Mechanical	851-16-001682-MECH	7/22/16	1S10 31AR 01400	475 FAL CREEK DR, TILLAMOOK COUNTY, OR	ROSS, ALICIA M TRUSTEE	Gas fireplace	Single Family Dwelling	Replacement
Residential Structural	851-16-002578-STR	11/8/16	1S10 31BA 01300	465 CAPES DR, TILLAMOOK COUNTY, OR	NEAL CAPES HOUSE LLC	DRY ROT REPAIR	Single Family Dwelling	Repair
Residential Mechanical	851-16-002509-MECH	10/27/16	1S10 31BA 03000	5255 CAPES LOOP, TILLAMOOK COUNTY, OR	GARDNER, MICHAEL PHILLIP	install pellet insert	Single Family Dwelling	Replacement
Residential Mechanical	851-16-002449-MECH	10/20/16	1S10 31BA 03100	5265 CAPES LOOP, TILLAMOOK COUNTY, OR	LANGUETTE, MARLA L	Run one gas line and install gas log set	Single Family Dwelling	New
Residential Mechanical	851-16-001643-MECH	7/19/16	1S10 31BA 08100	235 PROMONTORY LN, TILLAMOOK COUNTY, OR	BORTH, ROBERT T	Install ductless system	Single Family Dwelling	New
Residential Electrical	851-16-001647-ELEC	7/19/16	1S10 31BA 08100	235 PROMONTORY LN, TILLAMOOK COUNTY, OR	BORTH, ROBERT T	BL # 21519	Single Family Dwelling	Addition
Residential Structural	851-16-001120-STR	5/19/16	1S10 31BA 08200	245 PROMONTORY LN, TILLAMOOK COUNTY, OR	JOHNSON, BRADLEY L & JANICE M	REPAIR DECK	Other	Repair
Residential Structural	851-16-000124-STR	1/21/16	1S10 31BA 09000	325 PROMONTORY LN, TILLAMOOK COUNTY, OR	KITTNER, BARRY D	REPLACE DRY ROTTED DECK FRAMING	Other	Repair
Residential Structural	851-16-000926-STR	4/29/16	1S10 31BA 09000	325 PROMONTORY LN, TILLAMOOK COUNTY, OR	KITTNER, BARRY D	ALTERATION TO CONVERT BASEMENT TO STORAGE 16X28 448 SF	Other	Alteration
Residential Electrical	851-16-001109-ELEC	5/12/16	1S10 31BA 09000	325 PROMONTORY LN, TILLAMOOK COUNTY, OR	KITTNER, BARRY D	125 AMP Panel and feeder and 8 circuits	Two Family Dwelling	Alteration
Residential Electrical	851-16-000059-ELEC	1/11/16	1S10 31BA 09200	345 PROMONTORY LN, TILLAMOOK COUNTY, OR	LAMPERT, ANNE M TRUSTEE	REPLACE METERMAIN	Single Family Dwelling	Replacement
Residential Mechanical	851-16-001397-MECH	6/20/16	1S10 31BD 00500	560 CAPES PT, TILLAMOOK COUNTY, OR	WYLIE, LLOYD S & VIOGIE B	Installation of gas line and LP fireplace insert.	Single Family Dwelling	Replacement
Residential Mechanical	851-16-000439-MECH	3/3/16	1S10 31DA 00202	955 HAPPY CAMP RD, TILLAMOOK COUNTY, OR	LUM, MICHELLE M 1/2 &	Install wood burning fireplace, chimney and cap.	Single Family Dwelling	New
Residential Electrical	851-16-001405-ELEC	6/23/16	1S10 31DD 00200	1020 FIFTH STREET LOOP, TILLAMOOK COUNTY, OR	HEDLUND, FRANK & ELAINE	REPLACE METER AND PANEL ADD NEW CIRCUITS	Single Family Dwelling	Replacement
Residential Mechanical	851-16-001462-MECH	6/27/16	1S10 31DD 00200	1020 FIFTH STREET LOOP, TILLAMOOK COUNTY, OR	HEDLUND, FRANK & ELAINE	Install ductless heat pump	Single Family Dwelling	New
Residential Electrical	851-16-001251-ELEC	6/3/16	1S10 31DD 02400	1085 FIRST ST, TILLAMOOK COUNTY, OR	EDGEWATER MOTEL LLC	sign label#21593	Single Family Dwelling	Alteration
Commercial Electrical	851-16-001359-ELEC	6/15/16	1S10 31DD 02400	1085 FIRST ST, TILLAMOOK COUNTY, OR	EDGEWATER MOTEL LLC	New complete service	Commercial	New
Commercial Electrical	851-16-001356-ELEC	6/15/16	1S10 31DD 02400	1085 FIRST ST, TILLAMOOK COUNTY, OR	EDGEWATER MOTEL LLC	Meter change	Commercial	Replacement
Residential Mechanical	851-16-001606-MECH	7/13/16	1S10 31DD 02400	1085 FIRST ST, TILLAMOOK COUNTY, OR	EDGEWATER MOTEL LLC	Installation of ductless heat pump	Single Family Dwelling	New
Residential Mechanical	851-16-001607-MECH	7/13/16	1S10 31DD 02400	1085 FIRST ST, TILLAMOOK COUNTY, OR	EDGEWATER MOTEL LLC	Installation of ductless heat pump	Single Family Dwelling	New
Residential Plumbing	851-16-002153-PLM	9/20/16	1S10 31DD 02601	1035 FIRST ST W, TILLAMOOK COUNTY, OR 97143	BRIASCO, RICK	WATER HEATER, UTILITY SINK, WASHER, HOSE/IB, 30 FT WATER, 30 FT SEWER	Other	Replacement
Residential Electrical	851-16-002406-ELEC	10/17/16	1S10 31DD 02601	1035 FIRST ST W, TILLAMOOK COUNTY, OR 97143	BRIASCO, RICK	100 AMP Feeder and 5 circuits	Single Family Dwelling	Addition
Residential Mechanical	851-16-002203-MECH	9/27/16	1S10 31DD 03301	1050 FIRST ST W, TILLAMOOK COUNTY, OR	ABCD FOUR-PLEX LLC	install fireplace	Single Family Dwelling	Replacement
Residential Mechanical	851-16-000074-ELEC	6/23/16	1S10 31DD 06000	1130 FIFTH STREET LOOP, TILLAMOOK COUNTY, OR	RENEAU, NICHOLAS R	install wood stove	Single Family Dwelling	New
Residential Structural	851-16-000421-STR	3/24/16	1S10 31DD 06700	1280 PEARL ST W, TILLAMOOK COUNTY, OR	COLARIC, ANNA J	ALTER 2 CIRCUITS	Other	Alteration
Residential Structural	851-16-000973-MECH	5/2/16	1S10 31DD 06700	1280 PEARL ST W, TILLAMOOK COUNTY, OR	COLARIC, ANNA J	4 BEDROOM & 3 BATHROOM ADDITION (1112 SQ FT) 2 DECK (190 SQ FT)	Other	New
Residential Mechanical	851-16-001024-PLM	5/6/16	1S10 31DD 06700	1280 PEARL ST W, TILLAMOOK COUNTY, OR	COLARIC, ANNA J	install gas line to 2 cooktops and 1 LP fireplace	Single Family Dwelling	New
Residential Plumbing	851-16-002260-ELEC	9/29/16	1S10 31DD 06700	1280 PEARL ST W, TILLAMOOK COUNTY, OR	COLARIC, ANNA J	2 CLOTHES WASHER, 2 SHOWER, 5 SINK, 1 TUB/SHOWER, 3 TOILET, 1 WATER HEATER	Other	Repair
Residential Electrical	851-16-002260-ELEC	9/29/16	1S10 31DD 06700	1280 PEARL ST W, TILLAMOOK COUNTY, OR	COLARIC, ANNA J	WIRE ADDITION 20 CIRCUITS	Single Family Dwelling	New
Residential Mechanical	851-16-002261-MECH	9/29/16	1S10 31DD 06700	1280 PEARL ST W, TILLAMOOK COUNTY, OR	COLARIC, ANNA J	6 VENTS, 2 DRYER	Single Family Dwelling	New
Residential Structural	851-16-002264-STR	12/1/16	1S10 31DD 08000	1385 PEARL ST W, TILLAMOOK COUNTY, OR	DAVIS, PETER S & KAREN M BOROSKE	UNDERPINNING FOUNDATION	Single Family Dwelling	Repair
Residential Electrical	851-16-000297-ELEC	2/15/16	1S11 24AD 00700	2655 RADAK RD, OCEANSIDE, OR 97141	KAYSER, PATRICK	New 200Amp meter and mast	Single Family Dwelling	Replacement
Residential Electrical	851-16-000749-ELEC	4/7/16	1S11 24AD 01800	2600 RADAK RD, TILLAMOOK COUNTY, OR	WYLAND, JACQUELINE V	replace meter Job# 52304-14	Single Family Dwelling	Alteration

2016 - 124 PERMITS

Residential Electrical	851-16-000011-ELEC	1/5/16	1S11 24AD 01901	2430 CAPE MEARES LP RD, TILLAMOOK COUNTY, OR	POWERS, ELKI A	SS METER	Single Family Dwelling	Replacement
Residential Mechanical	851-16-002735-MECH	12/2/16	1S11 24AD 01904	2500 CAPE MEARES LOOP, TILLAMOOK COUNTY, OR	FRIEDLUND, DAVID R CO-TRUSTEE	install pellet stove	Single Family Dwelling	New
Residential Electrical	851-16-000177-ELEC	1/28/16	1S11 24AD 01905	2440 CAPE MEARES LP RD, CAPE MEARES, OR 97141	FRIEDLUND, DAVID R CO-TRUSTEE &	replace 200amp meter base	Single Family Dwelling	Replacement
Commercial Structural	851-16-002513-STR	11/14/16	1S11 24DA 00201	2270 CAPE MEARES LP RD, TILLAMOOK COUNTY, OR	WATER DISTRICT, OCEANSIDE	ADDITION	Commercial	Addition
Commercial Electrical	851-16-002589-ELEC	11/8/16	1S11 24DA 00201	2270 CAPE MEARES LP RD, TILLAMOOK COUNTY, OR	WATER DISTRICT, OCEANSIDE	TEMP SERVICE LABEL # 23035	Commercial	New
Residential Mechanical	851-16-000865-MECH	4/19/16	1S11 25AA 00180	5555 N01WESTER RD, TILLAMOOK COUNTY, OR	HUSTON, MICHAEL B TRUSTEE	Installation of wood fireplace	Single Family Dwelling	Replacement
Residential Mechanical	851-16-002658-MECH	11/18/16	1S11 25AA 00700	5705 N01WESTER RD, TILLAMOOK COUNTY, OR	HAM, PHYLLIS S	Install pellet stove	Single Family Dwelling	New
Residential Mechanical	851-16-000474-MECH	3/8/16	1S11 25AA 00800	5715 N01WESTER RD, TILLAMOOK COUNTY, OR	GREENBERG, DAVID T TRUSTEE	1 WOODSTOVE 1 FIREPLACE	Other	New
Residential Structural	851-16-000475-STR	3/8/16	1S11 25AA 00800	5715 N01WESTER RD, TILLAMOOK COUNTY, OR	GREENBERG, DAVID T TRUSTEE	1 SPECIAL INSPECTION FOR FINAL	Other	Other
Residential Mechanical	851-16-000696-MECH	4/1/16	1S11 25AA 00800	5715 N01WESTER RD, TILLAMOOK COUNTY, OR	GREENBERG, DAVID T TRUSTEE	install 4 ductless hp'ss	Single Family Dwelling	Addition
Residential Electrical	851-16-000703-ELEC	4/1/16	1S11 25AA 00800	5715 N01WESTER RD, TILLAMOOK COUNTY, OR	GREENBERG, DAVID T TRUSTEE	Meter change and 4 heat pump hook ups.	Single Family Dwelling	Alteration
Residential Plumbing	851-16-001163-PLM	5/24/16	1S11 25AA 00800	5715 N01WESTER RD, TILLAMOOK COUNTY, OR	GREENBERG, DAVID T TRUSTEE	1 SPECIAL INSPECTION FOR FINAL OR PLUMBING 1 SHOWER PAN	Other	New
Residential Mechanical	851-16-001158-MECH	5/24/16	1S11 25AA 01600	1065 SEACLIFF TER, TILLAMOOK COUNTY, OR	BREY, PAUL E & PEGGY J TRUSTEES	install gas line and lp fireplace insert	Single Family Dwelling	New
Residential Electrical	851-16-001240-ELEC	6/6/16	1S11 25AA 01600	1065 SEACLIFF TER, TILLAMOOK COUNTY, OR	BREY, PAUL E & PEGGY J TRUSTEES	CIRCUIT FOR FIREPLACE INSERT	Single Family Dwelling	New
Residential Structural	851-16-002115-STR	9/15/16	1S11 25AA 01900	1035 SEACLIFF TER, TILLAMOOK COUNTY, OR	SHELDON, GEORGE H &	4 SPECIAL INSPECTIONS (REPLACE FAILED RETAINING WALL) BL #15129	Other	Other
Residential Electrical	851-16-001967-ELEC	8/29/16	1S11 25AA 02200	1816 MAXWELL MOUNTAIN RD, TILLAMOOK COUNTY, OR	PASTEGA, DENNIS TRUSTEE 1/2 &	1 cir for gate controller	Single Family Dwelling	Other
Residential Structural	851-16-000837-STR	7/19/16	1S11 25AA 02600	1745 ROSENBERG LOOP, TILLAMOOK COUNTY, OR	HANSEN, FREDERIC	9X28 GARAGE & 9X28 DECK	Other	New
Residential Electrical	851-16-002055-ELEC	9/8/16	1S11 25AA 02600	1745 ROSENBERG LOOP, TILLAMOOK COUNTY, OR	HANSEN, FREDERIC	2 NEW CIRCUITS	Single Family Dwelling	New
Residential 1 & 2 Fam Dwelling	851-16-001522-DWL	10/14/16	1S11 25AA 03300	1825 ROSENBERG LOOP, TILLAMOOK COUNTY, OR	KILLEN, RANDY & SABRA	NEW SINGLE FAMILY DWELLING	Single Family Dwelling	New
Commercial Mechanical	851-16-000153-MECH	1/26/16	1S11 25AA 04800	1610 PACIFIC AVE, TILLAMOOK COUNTY, OR	JTD LLC	INTALL FIRE HOOD	Commercial	New
Commercial Structural	851-16-000154-STR	1/26/16	1S11 25AA 04800	1610 PACIFIC AVE, TILLAMOOK COUNTY, OR	JTD LLC	ROOF ALTERATION	Commercial	Alteration
Commercial Alarm or Suppression	851-16-001171-FIRE	5/26/16	1S11 25AA 04800	1610 PACIFIC AVE, TILLAMOOK COUNTY, OR	JTD LLC	INSTALL 1 RAKE GUARD PRE-ENGINEERED FIX FIRE SUPPRESSION SYSTEM	Commercial	New
Residential Electrical	851-16-002216-ELEC	9/28/16	1S11 25AA 05100	1635 ROSENBERG LOOP, TILLAMOOK COUNTY, OR	WILSON, DANIEL B 75% &	new meter base	Single Family Dwelling	Replacement
Residential 1 & 2 Fam Dwelling	851-16-000904-DWL	6/16/16	1S11 25AA 06200	1780 MAXWELL MOUNTAIN RD, TILLAMOOK COUNTY, OR	NEUNZERT, MICHAEL & CAROLINE B &	SINGLE FAMILY DWELLING AND DECK Addendum #1 (Change due to new existing conditions)	Single Family Dwelling	New
Residential Electrical	851-16-001691-ELEC	7/25/16	1S11 25AA 06200	1780 MAXWELL MOUNTAIN RD, TILLAMOOK COUNTY, OR	NEUNZERT, MICHAEL & CAROLINE B &	TEMP POWER LABEL # 21726	Other	New
Residential Structural	851-16-001576-STR	7/26/16	1S11 25AA 06300	1810 MAXWELL MOUNTAIN RD, TILLAMOOK COUNTY, OR	ZEITZ, SANFORD W &	Replace deck	Single Family Dwelling	Replacement
Residential Plumbing	851-16-000186-PLM	1/29/16	1S11 25AA 06500	1830 MAXWELL MOUNTAIN RD, TILLAMOOK COUNTY, OR	PRATT, CRAIG MATTHEW & SHAHNAZ ARA	2 BATHS 2 KITCHEN 4 EXTRA FIXTURES REPLACEMENT	Other	Replacement
Residential Electrical	851-16-000224-ELEC	2/4/16	1S11 25AA 06500	1830 MAXWELL MOUNTAIN RD, OCEANSIDE, OR	PRATT, CRAIG MATTHEW & SHAHNAZ ARA	FEEDER AND 35 CIRCUITS	Single Family Dwelling	Repair
Residential Structural	851-16-000226-STR	2/4/16	1S11 25AA 06500	1830 MAXWELL MOUNTAIN RD, OCEANSIDE, OR	PRATT, CRAIG MATTHEW & SHAHNAZ ARA	INTERIOR ALTERATION NEW WALLS FOR A CLOSET	Other	Alteration
Residential Mechanical	851-16-000146-MECH	1/25/16	1S11 25AA 06801	1860 CHINOOK AVE, TILLAMOOK COUNTY, OR	ROOSSINCK, MARILYN J	3 chimneys, venting and gas lines	Single Family Dwelling	New
Residential Electrical	851-16-000483-ELEC	3/10/16	1S11 25AA 06801	1860 CHINOOK AVE, TILLAMOOK COUNTY, OR	ROOSSINCK, MARILYN J	SERVICE, FEEDER, BRANCH CIRCUITS	Single Family Dwelling	New
Residential Electrical	851-16-000766-ELEC	4/11/16	1S11 25AA 06801	1860 CHINOOK AVE, TILLAMOOK COUNTY, OR	ROOSSINCK, MARILYN J	LE FOR VAC SYSTEM	Other	Alteration
Residential Mechanical	851-16-001172-MECH	5/25/16	1S11 25AA 06801	1860 CHINOOK AVE, TILLAMOOK COUNTY, OR	ROOSSINCK, MARILYN J	UNDERGROUND GAS LINE	Other	New
Residential Structural	851-16-000598-STR	4/1/16	1S11 25AA 08100	1755 MAXWELL MOUNTAIN RD, TILLAMOOK COUNTY, OR	DEMAREE, THOMAS L & ANN P	40' OF DECK RAILING	Other	Replacement
Residential Electrical	851-16-001953-ELEC	8/25/16	1S11 25AA 08800	1740 PORTLAND AVE, TILLAMOOK COUNTY, OR	LEFLAR, STEPHEN Y TRUSTEE	REPLACE METERBASE	Single Family Dwelling	Replacement
Residential Electrical	851-16-000790-ELEC	4/13/16	1S11 25AA 10600	1630 SUNSET AVE, TILLAMOOK COUNTY, OR	LORD, GARY R TRUSTEE &	new 3 pack meter base	Townhouses	Replacement
Residential Plumbing	851-16-001384-PLM	6/17/16	1S11 25AA 12400	1730 CHINOOK AVE, TILLAMOOK COUNTY, OR	SWINFORD, CRAIG A TRUSTEE &	TILE SHOWER PAN	Other	New
Residential Structural	851-16-002582-STR	12/21/16	1S11 25AA 13200	1835 CHINOOK AVE, TILLAMOOK COUNTY, OR 97141	ROCKSTROM, JOCELYN, R AND BLIZE, JEFFERY W	ADDENDUM #2 (CHANGING TO SPIRAL STAIRCASE 5-18-18)	Other	New
Residential Structural	851-16-002696-STR	12/14/16	1S11 25AA 13200	1835 CHINOOK AVE, TILLAMOOK COUNTY, OR 97141	EISCHEN, C GEORGE	FOUNDATION REPAIR	Other	Repair
Residential Structural	851-16-002695-STR	12/14/16	1S11 25AA 13500	1815 CHINOOK AVE, TILLAMOOK COUNTY, OR	ROCKSTROM, THOMAS & VIOLETTE	FOUNDATION REPAIR	Other	Repair

# EXHIBIT C

Lynn Tone

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**From:** Lisa Pucci <lisacherney@yahoo.com>  
**Sent:** Wednesday, January 26, 2022 9:13 AM  
**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.]

I am a home owner and part-time resident of Oceanside. We support the ballot initiative to incorporate Oceanside as a city. We understand we are unable to vote in an election as non registered voters of Tillamook County. We believe the incorporation will enable the local community to have more control over decisions affecting our property, roads and future development. Thank you,

Lisa Cherney, 1030 S. Castle Lane, Tillamook, OR 97141.

## Lynn Tone

---

**From:** Sarah Absher  
**Sent:** Wednesday, January 26, 2022 2:28 PM  
**To:** David Yamamoto  
**Cc:** Lynn Tone; Joel Stevens  
**Subject:** Open and Robust Debate issue with Oceanside Inc

Public Comment

Lynn, please add this to the record.

Thank You,



Sarah Absher, CFM, Director  
TILLAMOOK COUNTY | Community Development  
1510-B Third Street  
Tillamook, OR 97141  
Phone (503) 842-3408 x3317  
[sabsher@co.tillamook.or.us](mailto:sabsher@co.tillamook.or.us)

**From:** Bruce Jaeger <[nguyenjaeger@gmail.com](mailto:nguyenjaeger@gmail.com)>  
**Sent:** Wednesday, January 26, 2022 12:28 PM  
**To:** Erin Skaar <[eskaar@co.tillamook.or.us](mailto:eskaar@co.tillamook.or.us)>  
**Subject:** EXTERNAL: Open and Robust Debate issue with Oceanside Inc

[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 Commissioner and thank you a lot for your efforts today. I am very frustrated each time I hear the Oceanside United claims that we had an "open and robust debate".

I was one of the first to know of the effort to incorporate Oceanside in my neighborhood (Avalon) on Nov 21. I let all my immediate neighbors know that day (7 households), and two had some awareness of the endeavor already. I requested to be added to the ONA and was granted membership on 11-29-2021.

I was part of every meeting from that time forward. I suggested a change in moderation to include both pro and status quo moderators. It never happened.

The debates were hosted by all pro-city moderators. When questions or objections were raised the pro-city moderator or teammates responded with their perspective. The topic advanced to the next discussion point. There was no "open and robust debate". There was a one sided position represented.

ONA Board: Jerry Keene, Marilyn Roossinck, Mary Flock, Carol Horton (per Officers ONA website) (all Pro-City)  
City Petitioners: Jerry Keene, Blake Marvis, and 85 other signatures (all Pro-City)

Task Force Members: Sharon Brown, Mike Dowd, Carol Kearns, Jerry Keene, Blake Marvis, Susan Moreland, John Prather, Sue Wainwright (all Pro-City)

Unofficial but likely candidates for City Council: Filing a candidacy for City Council hasn't started yet.

Thank you for sharing this with the other Commissioners

Bruce Jaeger  
(503) 317-6150

## Sarah Absher

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**From:** Gene Mitchell <gene.mitchell@comcast.net>  
**Sent:** Tuesday, January 25, 2022 9:04 AM  
**To:** Sarah Absher; Jenny Green  
**Subject:** RE: Oceanside Incorporation Discussion

Sarah

Thanks for spending some time with us to go over the possible impact of the Oceanside incorporation on the Capes. In the event that Oceanside is incorporated, the Capes would want to become part of the Netarts boundary and keep the urban benefits you described. That seems to be a very reasonable solution and will then allow the development of our lots under the current practices of sewer and water hook-ups.

Sincerely

Gene Mitchell  
Capes HOA president

Sent from [Mail](#) for Windows

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**From:** [Sarah Absher](#)  
**Sent:** Monday, January 24, 2022 10:55 AM  
**To:** [Jenny Green](#)  
**Cc:** [Gene Mitchell](#)  
**Subject:** RE: Oceanside Incorporation Discussion

Thank You Jenny,

See you both shortly.

Sincerely,



Sarah Absher, CFM, Director  
TILLAMOOK COUNTY | Community Development  
1510-B Third Street  
Tillamook, OR 97141  
Phone (503) 842-3408 x3317  
[sabsher@co.tillamook.or.us](mailto:sabsher@co.tillamook.or.us)

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**From:** Jenny Green <jenny@thecapeshoa.org>  
**Sent:** Monday, January 24, 2022 10:51 AM  
**To:** Sarah Absher <sabsher@co.tillamook.or.us>  
**Cc:** Gene Mitchell <gene.mitchell@comcast.net>  
**Subject:** Re: Oceanside Incorporation Discussion

**Sarah Absher**

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**From:** kissmekait21@yahoo.com  
**Sent:** Monday, January 10, 2022 9:27 PM  
**To:** Kelly Fulton  
**Subject:** EXTERNAL: Hearing for Oceanside incorporation city limits boundary

[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 Mr. Fulton, my name is Kaitlyn Sawyer and I live in the Avalon West community south of highway 131. As a self sufficient community we would like to be excluded from The boundary of Oceanside's proposed incorporation.

As I understand that hearing has been moved to the 26th of January instead of the 19th. If in person (not zoom or phone) testimony on our behalf is necessary I would like to attend. I am fully vaccinated and boosted, and supply my vaccination card.

Being excluded from this incorporation just makes sense. We have no need for what they are trying to do down there.

Please let me know if in person will be allowed.

Thank you!

Kaitlyn Sawyer  
205 Reeder Street

Sent from Yahoo Mail on Android

## 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



*S. Mac*

Sarah MacDonald <stmac11@gmail.com>

## Avalon West Petition

1 message

Scott and Alice Gascho <gascho@canby.com>  
To: Sarah MacDonald <stmac11@gmail.com>

Sun, Jan 16, 2022 at 9:02 AM

Sarah,

We are not able to make it to Oceanside to sign the petition asking to keep Avalon West out of the Oceanside incorporation. Please add our names to the petition. We own a lot on Crescent Street. The legal address is Avalon Block 19, Lot 12/13.

Thank you.

Scott & Alice Gascho

2-11-22

Re: Petition to Exclude Avalon West from Oceanside Incorporation

1 message

Jan Holloway <jan.holloway@gmail.com>  
To: stmac11 <stmac11@gmail.com>

Sat, Jan 15, 2022 at 5:35 PM

We can do that.

Sent from my iPhone

On Jan 15, 2022, at 2:54 PM, stmac11 <stmac11@gmail.com> wrote:

Not unless you can zoom in and testify on the 26th

Sent from my Verizon Samsung Galaxy smartphone

----- Original message -----

From: Jan Holloway <jan.holloway@gmail.com>  
Date: 1/15/22 9:44 AM (GMT-08:00)  
To: Sarah And Tony Mcdonald <stmac11@gmail.com>  
Subject: Re: Petition to Exclude Avalon West from Oceanside Incorporation

Is there anything else we need to be doing?

On Jan 15, 2022, at 10:41 AM, stmac11 <stmac11@gmail.com> wrote:

Perfect I'll copy it and attach!

Sent from my Verizon Samsung Galaxy smartphone

----- Original message -----

From: Jan Holloway <jan.holloway@gmail.com>  
Date: 1/15/22 9:31 AM (GMT-08:00)  
To: Sarah And Tony Mcdonald <stmac11@gmail.com>  
Subject: Re: Petition to Exclude Avalon West from Oceanside Incorporation

We want to sign the petition to exclude our neighborhood, Avalon West, from the Oceanside Neighborhood Association incorporation effort.

Jan Holloway and David Taylor  
180 Reeder Street  
Tillamook OR 97141

On Jan 15, 2022, at 10:23 AM, stmac11 <stmac11@gmail.com> wrote:

Petion to exclude Avalon West from Oceanside Incorporation.

Sent from my Verizon Samsung Galaxy smartphone

The undersigned registered voters/residents of Avalon West respectfully request their neighborhood be left outside of the boundary line of the possible future incorporation of Oceanside Oregon.

Date: Print Name: Signature: Address:

1-11-22 Christy Reeder *Christy M* 5450 South Ave NW  
1-11-22 CHARLES REEDER *Charles* 5450 South Ave NW  
1-11-22 PERRY C. REEDER *Perry C. Reeder* 220 Reeder St.  
1-11-22 Sharon L. Reeder *Sharon L. Reeder*  
1-11-22 Carol Cortopassi *Carol Cortopassi* 220 Reeder  
1-11-22 Pete Cortopassi *Pete Cortopassi* 220 Reeder  
1-11-2022 Anthony McDonald *Anthony McDonald* 5500 South Ave.  
1-11-2022 Sarah MacDonald *SARAH MACDONALD* 5500 South Ave  
Tillamook, OR 97141  
1-14-2022 DANIELLE COGGIN *Danielle* 115 REEDER AVE, OR 97141  
1-15-2022 Kaitlyn Sawyer *Kaitlyn Sawyer* 205 Reeder St.  
1-16-2022 Vera Needle *Vera Needle* 135 Crescent St  
1-17-2022 James Bellon *James Bellon* 175 Crescent St.  
1-17-2022 ROBERT AULT *Robert Ault* 165 REEDER ST  
1-18-2022 JOHN HAWTHORNE *John Hawthorne* 155 REEDER ST.  
1-18-2022 Bonita Hawthorne *Bonita Hawthorne* 155 Reeder St.  
1-18-2022 Amie Brown *Amie B* 173 Reeder St.  
1-18-2022 COY OLSEN 145 Reeder St *Coy Olsen*  
1-18-2022 COREY BURT 145 REEDER ST *Corey Burt*  
1-18-2022 Chandra Allen *Chandra Allen* 141 Reeder St.  
1-19-2022 Julie Bruner *Julie Bruner* 210 Reeder St.

The undersigned registered voters/residents of Avalon West respectfully request their neighborhood be left outside of the boundary line of the possible future incorporation of Oceanside Oregon.

Date:      Print Name:      Signature:      Address:

1/19/22 Kurt Christensen *[Signature]* 200 Reeder St. Tillamook

1/19/2022 Lorna Christensen *[Signature]* 200 Reeder St. Tillamook

1/19/2022 Kadi Luyben KADI LUYBEN 240 Reeder St. Tillamook

1/19/2022 *[Signature]* *[Signature]* 240 Reeder St. 9714

1-19-2022 Katie Reeder *[Signature]* 5450 South Ave NW Till.

Multiple horizontal lines for additional signatures and addresses.





HH22-13

NOTICE OF PUBLIC HEARINGS

TILLAMOOK COUNTY BOARD OF COMMISSIONERS

Public hearings will be held by the Tillamook County Board of Commissioners at 10:00am on January 19, 2022, and at 10:30am on January 26, 2022, in the Board of County Commissioners Meeting Rooms A & B of the Tillamook County Courthouse, 201 Laurel Avenue, Tillamook, OR 97141 to consider the following:

#851-21-000449-PLNG: 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). Properties proposed to be included in the city limits for the City of Oceanside include all properties currently within the Oceanside Unincorporated Community Boundary with the exception of those properties located within "The Capes" development.

Notice of public hearings, a map of the request area, and a general explanation of the requirements for submission of testimony and the procedures for conduct of hearing are posted in three public places within the Oceanside community pursuant to ORS 221.040(1). A copy of the public hearings notice, a map of the request area, and a general explanation of the requirements for submission of testimony and the procedures for conduct of hearing can also be found on the Tillamook County Department of Community Development webpage: <https://www.co.tillamook.or.us/communitydevelopment>

TO: Tillamook County Commissioners  
FROM: Oceansiders Record  
DATE: January 27, 2022  
RE: Oceanside Incorporation Hearings

Dear Commissioners:

During the initial hearing in this matter on January 26, 2022, a number of Oceansiders offered their opinion that the "Incorporation Conversation" newsletter and the ensuing Zoom forums conducted in a biased manner. That view was definitely not shared by all who participated – including many who ended up opposing the measure.

To help present a complete record, what follows is a sampling of the emails that the ONA and President Jerry Keene received expressing feedback on the meetings and the manner in which they were conducted, including examples of the respectful tone Mr. Keene exhibited when interacting with those not inclined to support incorporation or who were concerned nonresident homeowners would lose representation if the city were to incorporate.

Regarding bias, we would also refer you to the responses to the Incorporation Survey that was disseminated via the ONA e-mail newsletter list immediately after the conclusion of the five-week "Incorporation Conversation" installments. They were provided in our original submission at pages App-68 and App-69. When asked whether they were leaning for or against incorporation after reading the newsletters, the responses were mixed:

Leaning in favor of incorporation:	53
Leaning against incorporation:	45
Undecided:	5

Contrast this to the responses when respondents were asked for their evaluation of how helpful the Incorporation Conversation newsletters had been:

Very helpful	79
Somewhat helpful	22
Not at all helpful	4

These responses reflect that while Oceansiders split evenly on incorporation based on the information, 95% of the respondents - necessarily including those who opposed incorporation - deemed the Newsletters "very helpful" (75%) or at least "somewhat helpful" (20%) in helping them make a decision.

Lynne Styles <beachdogs@msn.com>

Sat, Dec 4,  
2021, 12:26  
PM

Jerry – I just got off the zoom call. I have been coming to Oceanside for 30 years, have had a home at The Capes for 25 years and have seen many of the changes (good and not so good) to Oceanside during that time. I was “for” The Capes not being in the incorporation boundary (mainly for the reasons you cited in your email and thanks to you and ONA for not objecting to our position that will be put forth to the county – even if the new Oceanside incorporation loses tax revenue). I live on the coast for 3-4 months per year and visit during other times.

I have been following ONA for many, many years. I was **highly** impressed with you, the task force’s due diligence in research, the concerned citizens of Oceanside and appreciate the opportunity to be involved in community decisions, even though I can’t vote here. I LOVE Oceanside and do have a vested interest in road maintenance, TLT revenue coming to Oceanside, working on short term rental issues with poorly behaved overnight visitors, etc. **I completely support the residents moving towards incorporation as soon as possible.** I really agreed with your comment you made “out of fear” of being blind sighted with some county approvals that may change the community in negative ways and “become” a Pacific City, as was stated on the zoom. And, as many people stated on the call and in chat comments, Oceanside is a wonderful community and so glad to see such strongly committed residents, regardless of their position on this important topic.

I will continue to follow and try to be as involved as I can as a part time resident. I support all of the small businesses in Oceanside (I made my decision to buy a home at The Capes at lunch at Roseanna’s 30 years ago!). Love Blue Agate (hoping they will be able to stay with the new hotel coming in) and the new Surf Shop/Café. I was around for the Anchor divisiveness and hope Oceanside residents don’t go down that rabbit hole again.

Additionally, I would be interested in getting involved with a Special Events/Community Events committee if it is formed. Additionally, I was intrigued by the comments about an incorporated city being able to request emergency preparedness/planning money from grants. I am a long time member of OCF (Oregon Community Foundation) and have connections there for grants if Oceanside wants to pursue that after incorporation.

Thanks again for all the hard work all of you put in, not just for this large proposal, but for all you do and have done for the community.

Lynne Styles  
[beachdogs@msn.com](mailto:beachdogs@msn.com)

Re: Here's your link to a video recording of Saturday's meeting and the incorporation votes.

ONA EMAILS/INCORPORATION

Cathy Hendrix <vwecathy1959@yahoo.com>

Dec 14,  
2021, 9:44  
AM

Good morning Jerry. Thank you for this update.

Thanks for all of your hard work on the incorporation efforts. You have presented a balanced discussion and for that we are most appreciative.

Can you please inform me and my husband who are the members of the Oceanside United team?

We have not heard of that group before.

Cathy and Dan Hendrix

Sent from my iPhone

Samantha Collins <gneiss\_gal@hotmail.com>

Tue, Dec 14,  
2021, 11:42  
AM

Hi Jerry,

Thank you for the update on the beach access upgrades – this is great news.

I am so sorry for the aggressive, threatening and confrontational email and “offer” you received about the incorporation from Yuriy. I am hopeful with the overwhelming vote in favor of incorporation that these attitudes and opinions are the minority and just “squeaky wheels”, albeit loud. Thank you for always being so cordial in response to these efforts in spite of not getting such in return, and for being so fair and dedicated to letting the process play out as it legally and rightfully should. We couldn’t ask for a better leader through this – THANK YOU.

I will help my mom, Mary Ann Collins, with getting registered in OR for the spring to be able to sign the petition and vote in the primary as I know it’s very important to her to be able to help this go through. It won’t interfere with a significant election here in WA to skip voting here in the spring primary. Since I am not on the deed to our family cabin and can’t officially claim any type of residency in Oceanside I won’t be able to register to vote, but I’ll make sure my mom is able to.

Thank you and everyone on the team for all you have done and will continue to do to help keep Oceanside the wonderful community and beautiful place it is. Please know there are so many in support of this and are so grateful to you when these angry voices get loud.

Have a wonderful holiday!

Samantha

Marilynn Gordon <marilynngord@gmail.com>

Jerry -

I am thrilled to hear the way the vote went yesterday! I'd like to add my vote as well in support of incorporation!

. A family issue kept me out of contact for most of the day. Then last night I thought I saw that vote was put off until next Saturday, so I thought, Oh, I didn't miss out.

So, congratulations to all the people who've worked so hard to make this happen. I don't think you missed a single issue in all the work and lead up to the discussion and consideration of the issue, and I know that this will greatly benefit Oceanside. We're proud to be part of the Oceanside life.

Marilynn Gordon

Kent & Jane Brown <callingbrown@charter.net>

Sat, Dec 11,  
2021, 11:28  
AM

to me

Jerry,

The Task Force and you should be very proud of the effort you have led to bring the incorporation issue to the community in a very even handed and straight forward manner. Thank you for your leadership. We look forward to the continuing process.

Kent and Jane Brown

Sent from my iPad

[Terrasea Residents]

On Wed, Dec 8, 2021 at 11:28 AM Erik Eselius <[eeselius@aol.com](mailto:eeselius@aol.com)> wrote:

Jerry;

The results of your groups work on the pros and cons of incorporation should serve as a template to others on how to correctly approach the problem. Originally We were going to vote no, but after reconsidering the situation we are probably going to be on board. Frankly, the appearance of the proposed architecture of the new hotel, which has all the charm of a Soviet "workers paradise" development tipped us over. If formation of a village could have prevented this monstrosity we are all for it. One question: Are you concerned that over time the number of short-term rental properties will increase to the point that Oceanside will become a largely "transient Community?"

Regards, Erik/Judy Eselius

len chaitin <eljayinv@gmail.com>

Page 8 of 11  
Wed, Dec 8,  
2021, 7:41  
AM

to me, CHARTER, Pam

Jerry - one last point I wish to make, and then I will be silent until voting - most of the "problems, terrors, and county monsters" that you are tired of banging your head against, do not affect me in the least. I have always gotten good, if not timely, service from the various departments of the county when I needed them. so all of the issues that are bothering you are irrelevant to me. Not to say they are not real to you and the folks in the village. but for me - if it aint broke, don't fix it. And please note that I do not live in Oceanside - the welcome to Oceanside sign is way past my turnoff from the highway.

Len

Jerry Keene <oceansidefriends@gmail.com>

Wed, Dec 8,  
2021, 7:51  
AM

to len

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. I will be content to know that continuing to rely on county management and services was an informed choice.

Jerry Keene

RE: Don't forget the Zoom Community Forum on Incorporation on  
Dec. 4th  
ONA EMAILS/INCORPORATION

samsirkin@gmail.com  
Sat, Dec 4, 2021, 12:06 PM

Great work and amazing moderating! Kudos. Having more forums,  
as you are, for people to talk, express themselves, listen to others  
will help everyone process.

---

Jerry Keene <oceansidefriends@gmail.com>  
Sat, Dec 4, 2021, 2:18 PM

to Sam

Thanks for your support and encouragement during the meeting! I  
had no idea how it would go, but everyone seemed to feel heard,  
even when disagreeing.

Jerry

PAUL & LESLIE & DEREK BROWN <paulles@comcast.net>

Fri, Dec 3,  
2021, 1:17  
PM

Jerry - It appears to me that only registered voters, registered to vote in Tillamook county, will be the decision makers in a petition signature drive to form a city Oceanside govt. Since Leslie and I are home owners, but not Tillamook county registered voters, we can vote in ONA Y/N, but we cannot vote on final Oside govt decisions. Seems to me this leaves final decision of whether or not to form city govt up to just a smaller subset of the ONA members (namely only persons registered to vote in Tillamook county).

So my question is this. Let's say we do proceed and successfully establish an Oside city govt. When in the future it becomes necessary to vote on Oside city council issues, will voting be restricted to only persons registered to vote as Tillamook county voters ?

Paul Brown

Jerry Keene <oceansidefriends@gmail.com>

Fri, Dec 3,  
2021, 2:16  
PM

Paul - We started by engaging the ONA because it gives everyone in it an equal voice - residents and non-residents. If the ONA kills the initiative, it won't go forward. That was the only way we could figure out how to ensure they all have a meaningful voice at at least one, determinative stage of the proceedings. You are correct, however, that state law limits petition signing and official voting on the petition to registered voters.

We will offer more on that if we get to the point of gathering signatures. Finally, the Task Force envisioned that the ONA (as constituted) (the law will still require a "community advisory committee on land use matters) and non-resident voters will be encouraged and welcome to participate in city decision making at the committee and public hearing levels. No one I know feels they don't have a legitimate stake and a legitimate voice in such matters. I hope that helps!

Jerry Keene

Lisa Stine <lisastine76@gmail.com>

Tue, Nov 23,  
2021, 3:32  
PM

Dear Jerry, In the back of my mind, I always knew this day would come, but for some reason, the sadness it brings is from a place deep in my heart. My husband & I have thoroughly enjoyed being part of ONA meetings both in person and via Zoom, and appreciate the Board's leadership as well as the work toward becoming a city. Alas, we are registered voters in Multnomah County where the majority of our time is spent, and where we are deeply committed to Portland Public Schools. Thus it appears that once ONA moves forward with the incorporation process (which we believe is critical), our ability to vote on local Oceanside issues will cease. It has been wonderful to be a part of "grass roots" democracy, but times have changed, and therein lies my grief.

Perhaps if we retire more permanently to Oceanside, we will be in a position to register as voters in Tillamook County.

In the near future, we will selfishly enjoy the benefits of the community of Oceanside with our only solace being that at least through our property taxes we will be contributing to the health & well-being of one of Oregon's most magnificent locales.

To a robust, visioned 2022, Best, Lisa Stine

Jerry Keene <oceansidefriends@gmail.com>

Tue, Nov 23,  
2021, 3:43  
PM

Lisa -

Stop! The ONA won't go anywhere. It will still be the representative voice of all Oceansiders. Very little if anything is going to get on the ballot for registered voters if the ONA does not support it, either now or after incorporation. All property owners will still be welcome on its committees, and on many of the new city's committees too. This change will give all Oceansiders more local control, not just registered voters.

Jerry Keene

Tue, Nov 23,  
2021, 3:53  
PM

Lisa Stine [lisastine76@gmail.com](mailto:lisastine76@gmail.com)

Dear Jerry, Thank you so much for your rapid response. It is undoubtedly my experience here in Portland v time by elected leaders and city staff that led me to think the same was in store for ONA. You have given i case. To a joyful Thanksgiving, Lisa

Lynn Tone  
Via email  
January 28,2022  
Correspondence opposing the Incorporation of Oceanside  
From Debra Mitchell

Dear Commissioners,

I thought it might be helpful to provide you with a breakdown of the type of residences in Camelot. According to my calculations, of 68 parcels of land, 19 are full time owner occupied residences, 28 are vacation or 2nd homes, 9 are vacation rentals, and 12 are undeveloped lots. This being said, the owners of 19 homes will have the say on 69 pieces of property. Since I am opposed to the incorporation of Oceanside as are the vast majority of my neighbors, this could be in my favor, but still seems very unfair to the 70% of my neighbors, most of whom know nothing about the incorporation proposal. More time is definitely needed to ensure that all homeowners in the neighborhood are aware of this incorporation proposal and then they are given time to study it before a fair vote can be taken. Oceansiders United is definitely a misleading name for this group that organized after the ONA vote was taken.

In the hearing, Jerry Keene basically stated that if this didn't happen now- in his time frame- that he and his hard working team were done! That speaks directly to a point made in my last letter questioning who is left to carry on after this enthusiastic group of leaders "doesn't want to play" anymore or ages out. Are there enough other people who care enough to carry on this torch...? Voting for something and putting your time and effort into it are two very different commitments.

I was very impressed with the questions you asked and the comments you made when faced with such a plethora of information. It was obvious that you are well educated and conscienceous when doing your job. Again I ask that you deny this rushed, unfair, unfavorable, and unnecessary ballot measure.

Thank you again for your professionalism in this matter.

Debra Mitchell  
5350 Castle Dr.  
Tillamook (Oceanside), OR 97141

## Lynn Tone

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**From:** Kent Searles <nksearles2@gmail.com>  
**Sent:** Wednesday, January 26, 2022 7:02 PM  
**To:** Lynn Tone  
**Subject:** EXTERNAL: Oceanside proposed incorporation

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Nancy and I tried to watch the hearing today. There must have been a very large audience tuned in because our reception was frozen in time often as far as video and/or voice were concerned. I am sure that we missed quite a bit of what was said.

We are full time residents at 2675 Radar Road.

One thing that really bothered us is why the Tillamook County staff lady said that if an area was excluded from the proposed incorporated area, and incorporated Oceanside actually becomes a reality, said excluded areas would never be allowed sewer service in the future if they were not already hooked up, even if all their neighbors were hooked up. Really? It has always been my understanding that the sewer district, as well as the water district that serves Cape Mears and all the way to, and including, The Capes, are both stand alone service districts. Netarts is not incorporated and they are a part of the sewer district that serves The Capes and Oceanside. It sounded like new homes in the Netarts area would be allowed to hook up to the sewer system post Oceanside incorporation, but those in the Oceanside area that are not included in the proposed newly incorporated Oceanside, including Radar Road if we are excluded from the incorporated area, would not be allowed to get sewer service in the future. Really? How could the proposed incorporated Oceanside suddenly control who gets sewer, or possibly water, service in the future? Sounds like this issue has become way too political to us. Who is really representing whom?

There are many stand alone tax districts, like the library, schools, transportation districts, etc. that we didn't think that incorporated cities could ever override.

It was pointed out that the existing sewer service lines quit at about the Johnson property just north of the gated road to the sewer treatment plant. Another mile of sewer line and a pumping plant to push the sewage from less than twenty homes back into the existing system, which would require another pump lift from Netarts Bay up to the treatment plant, doesn't really seem practical to us. We don't think that a new Oceanside City would help pay for this!!

Please have the Tillamook County Commissioners address the issue of what a newly incorporated Oceanside could control and what they could not. Everyone needs to know what is real and what is not. Everyone needs to know who controls what services.

Again, we don't care if Oceanside proper incorporates, but we do not see how those of us north of Oceanside proper would benefit from incorporation.

Thank you.

V. Kent & Nancy Searles

## Lynn Tone

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**From:** Kelly Fulton  
**Sent:** Friday, January 28, 2022 2:23 PM  
**To:** Sarah Absher; Lynn Tone  
**Subject:** FW: EXTERNAL: Oceanside incsorption

Kelly Fulton | HR Technician  
TILLAMOOK COUNTY | Human Resources  
201 Laurel Avenue  
Tillamook, OR 97141  
Phone (503) 842-3418 x1  
Mobile (503) 812-2286  
kfulton@co.tillamook.or.us

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-----Original Message-----

**From:** Chloe Hughes <chloe@bendbroadband.com>  
**Sent:** Friday, January 28, 2022 1:49 PM  
**To:** Kelly Fulton <Kfulton@co.tillamook.or.us>  
**Subject:** EXTERNAL: Oceanside incsorption

[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 home is at 995 Hillsdale st. West, Tillamook OR 97141 ( or Oceanside, 97134). My mailing address is Chloe Hughes 651 S Ash St, Sisters OR 97759. It is on the tax rolls. I have not received any information regarding the possible Oceanside incorporation of my home, which is inside the boundary of the incorporation. Therefore I missed the Jan 26 meeting as I had not heard of it. Can you send me information telling me how to access the incorporation information? Thank you, Chloe Hughes chloe@bendbroadband.com

Sent from my iPad

## Lynn Tone

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**From:** Stashu Smaka <stashmaka@comcast.net>  
**Sent:** Thursday, January 27, 2022 5:37 PM  
**To:** Kelly Fulton  
**Cc:** 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.]

My address is 970 Castle Pl, and I belong to The Trillium homeowners Association. We are a 501C corporation, are a gated community and manage of our own roads.

What is the process to ask for or apply for a tax exemption from the proposed Oceanside Incorporation taxes?

kind regards,

Stashu Smaka, Treasurer for Trillium HOA

## Lynn Tone

---

**From:** Kelly Fulton  
**Sent:** Friday, January 28, 2022 9:47 AM  
**To:** Sarah Absher; Lynn Tone  
**Subject:** FW: EXTERNAL: Oral Testimony

Kelly Fulton | HR Technician  
TILLAMOOK COUNTY | Human Resources  
201 Laurel Avenue  
Tillamook, OR 97141  
Phone (503) 842-3418 x1  
Mobile (503) 812-2286  
kfulton@co.tillamook.or.us

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-----Original Message-----

**From:** Johanna Wood <johannakwood@icloud.com>  
**Sent:** Friday, January 28, 2022 8:45 AM  
**To:** Kelly Fulton <kfulton@co.tillamook.or.us>  
**Subject:** EXTERNAL: Oral 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.]

Hi Kelly,

My name is Johanna Wood and I am a resident of Oceanside. I am reaching out to you because I would like to provide an oral testimony at the next public hearing for the Oceanside incorporation.

Thank you!

Johanna

## Lynn Tone

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**From:** Larry Taylor <sendlat@gmail.com>  
**Sent:** Friday, January 28, 2022 12:05 PM  
**To:** Lynn Tone; Sarah Absher  
**Cc:** David Yamamoto; Erin Skaar; Mary Faith Bell  
**Subject:** EXTERNAL: Oceanside Incorporation - Request For Exclusion (Radar Road Area) - 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 Ms. Tone and Ms. Absher,

We previously sent our written testimony with our opposition to the inclusion of Radar Road in the boundary for the proposed incorporation of Oceanside. Our testimony was included in the report prepared by Ms. Absher, but unfortunately key elements of the table were truncated (not included). Therefore we are resubmitting our testimony in this email, and requesting that the testimony in the report be replaced with this testimony (included below). We reduced the width of the table, hopefully this makes the insertion easier). Thank You all for your assistance!

**Testimony from Larry Taylor and Jan Emerson - Opposition to the inclusion of Radar Road in the boundary for the proposed incorporation of Oceanside.**

Dear Tillamook County Commissioners,

We own the property located at 2662 Radar Rd, Oceanside, Oregon 97134 (also referred to as: 2662 Radar Rd, Tillamook, OR 97141). The purpose of this message is to join our neighbors on Radar Rd to request that our road be excluded from the proposed incorporation of Oceanside city.

**At this point we make the following observations on the incorporation proposal/study:**

1. The entire process by the ONA seems to have a false sense of urgency; very little notice was given to Oceanside property owners and residents so that we could all have time to research the proposal and provide input. The flurry of Zoom meetings allowed very little time go offline and research/ consider the proposed incorporation's impact to Oceanside and our neighborhood in particular.
2. The budget related detail is lacking in substance, and we see no logical justification that the very low projected tax rate of \$.80 per \$1,000 assessed value has a sound base of accounting standards (the average tax rate for the six cities we studied is \$3.59 per \$1,000 assessed value). Granted, all cities will have varying expense line items, but we worry that the Oceanside proposal could be lacking sufficient detail for an accurate forecast.
3. Our property is located in the northern most point in Oceanside and our private road (Radar Road) is maintained by the local residents. There are only 2 or 3 short term rentals here. These facts convince us that the proposed incorporation offers no benefits to us, but a guaranteed impact on our property taxes (increase).

For due diligence we picked six incorporated Oregon Cities with similar population statistics to determine the typical annual budgets and city tax rate per \$1,000 of assessed property value. We obtained the annual budgets for the example cities directly from the city web sites. Note that many cities do not have web sites, and some that do, do not publish their budgets. The table below shows some data for 6 cities:

CITY	Date-Incorporated	POP(2020)	POP(2010)	% CHANGE	AREA(square miles)	COUNTY	Most-Recent-Annual Budget	Tax-Rate(per \$100 assessed value)
Adams	1893	389	350	11.14%	0.36 sq mi	Umatilla	\$1,051,806	\$4.1
Fossil	1891	447	473	-5.50%	0.79 sq mi	Wheeler	\$3,838,653	\$4.1
Maupin	1922	427	418	2.15%	1.45 sq mi	Wasco	\$2,916,253	\$5.1
Mosier	1914	468	433	8.08%	0.64 sq mi	Wasco	\$4,332,734	\$1.4
Nehalem	1889	270	271	-0.37%	0.24 sq mi	Tillamook	\$2,777,744	\$1.4
North Powder	1903	504	439	14.81%	0.64 sq mi	Union	\$5,830,182	\$4.1
<b>Average-Budget</b>							<b>\$3,457,895.33</b>	
<b>Average-Tax-Rate</b>								<b>\$</b>
<b>Average-Tax-Burden-For-Incorporation</b>								

ONA Proposal								
CITY	Incorporated	POP(2020)	POP(2010)	% CHANGE	AREA(square miles)	COUNTY	Projected-Budget	Tax-Rate(per \$100 assessed value)
Oceanside	N/A	546	361	51.25%	1.00 sq mi	Tillamook	\$480,000	\$0.1

We would hate to have the incorporation go through, only to see that the tax rate was vastly understated, requiring that additional funding instruments be imposed to balance the incorporated cities budget.

In conclusion, we see no positive gains to be had by our resident maintained access road to be included in the boundary area related to the proposed Oceanside Incorporation.

Here are links to the annual budgets we referenced:

Adams [http://www.cityofadamsoregon.com/uploads/3/1/2/3/3123389/binder1-2021-2022 adopted budget resolution.pdf](http://www.cityofadamsoregon.com/uploads/3/1/2/3/3123389/binder1-2021-2022%20adopted%20budget%20resolution.pdf)

Fossil [http://cityoffossil.com/wp-content/uploads/2021/06/051821\\_Budget-Committee-Meeting-Minutes.pdf](http://cityoffossil.com/wp-content/uploads/2021/06/051821_Budget-Committee-Meeting-Minutes.pdf)

Maupin <https://cityofmaupin.org/wp-content/uploads/2020/06/FY-2020-2021-Maupin-Budget-Message-Documents-Approved-by-Budget-Committee.pdf>

Mosier <https://cityofmosier.com/wp-content/uploads/2020/04/budget-fy2019-20-final-3.pdf>

Nehalem [https://www.nehalem.gov/sites/default/files/fileattachments/city\\_hall/page/1831/2021-2022 fiscal year adopted budget.pdf](https://www.nehalem.gov/sites/default/files/fileattachments/city_hall/page/1831/2021-2022_fiscal_year_adopted_budget.pdf)

North Powder <http://northpowderoregon.org/wp-content/uploads/2021/05/21-22-Approved-Budget-CNP.pdf>

Best regards,  
Larry Taylor & Jan Emerson

# Jill Princehouse

Home Phone 503-812-9707

P.O. Box 346  
Oceanside, OR 97134  
e-mail: [oceanfrontcabin@scnet.com](mailto:oceanfrontcabin@scnet.com)

January 27, 2022

To the Tillamook County Commissioners:

David Yamamoto, chair  
Erin D. Skaar, vice chair  
Mary Faith Bell

RE: Oceanside Incorporation

Dear honorable commissioners:

My name is Jill Princehouse. I've been a homeowner in Oceanside for over 45 years. Consequently, I've experienced many changes over that time, but for me, none as important for our village to address as the issue of should we or should we not consider incorporating.

Our ONA president, Jerry Keene was the first to ask if we wanted to explore this possibility. I was skeptical at first but joined a majority of us owners that pushed the board to explore it. Now that the board has given all of us all the time and opportunities in the world to learn about the issue of incorporating and after studying and learning and obtaining answers to all of my questions, I have become an ardent supporter. I and most of us Oceansiders are ready to vote now if we could in favor of incorporating.

I am most interested in the opportunity to control our own land use planning, something that you have neither the time, financial resources, nor the support staff to do for us. After the events of last year, e.g., the sale of the Oceanfront Cabins (formerly Kirk's Cottages) to a developer and the approval of the big development east of Hiwy 131, I feel an urgency exists for us to have the opportunity to vote ASAP on incorporation to protect the character and culture of all of Oceanside, i.e., I want to control change before it controls us. We felt relieved when the representative for the new owner of the Oceanfront Cabins assured us changes would maintain the character of the village. It appears she meant the design would meet code. To Oceansiders her words have meant any design would maintain the character of the village, because look what we've been presented! The design is far from the village character we Oceansiders refer to. I have a strong need to prevent or at least control and have some say in these kinds of changes. I feel incorporation is the only chance we have to do that. And we need to start now.

If incorporation passes, I will feel proud to have opened the doors for all future owners to preserve the character of the village for the future.

I am requesting that you put the incorporation issue on the May 17<sup>th</sup> ballot so we can decide.

Yours truly,

Jill Princehouse  
Oceanside homeowner since July, 1976

## Lynn Tone

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**From:** Chloe Hughes <chloe@bendbroadband.com>  
**Sent:** Friday, January 28, 2022 9:34 PM  
**To:** Lynn Tone  
**Subject:** EXTERNAL: Letter to Tillamook County Commissioners re petition to incorporate Oceanside as a city

[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: Tillamook County Commissioners

I object to the petition to incorporate Oceanside as a city. I request to be excluded from this incorporation. I reject the \$.80/\$1000 tax basis also as this is taxation without representation.

I was not informed or surveyed regarding the petition to incorporate Oceanside and only found out about it today, January 28, 2022, by reading about it in the Tillamook "Pioneer." None of my Hillside St neighbors knew about it either. I have lived part time at my house at 995 Hillsdale St West since 2013. My deceased husband, Lonny Rodgers, purchased the house in 1992.

This is being rushed through without proper notification. My home has been on the Tillamook County Tax rolls since 1992. I deserve to be notified if such important things such as incorporation of my home into an Oceanside city are being considered.

Thank you for your consideration,  
Chloe Hughes  
chloe@bendbroadband.com

Sent from my iPad

## Lynn Tone

---

**From:** Pam Zielinski <pzielinski@bhhsnw.com>  
**Sent:** Sunday, January 30, 2022 12:47 PM  
**To:** Lynn Tone; Sarah Absher  
**Subject:** EXTERNAL: Message to Commissioners

[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 and Sarah,

Is it still possible to get this to the BOC to consider prior to the 2/2 meeting? I hope so. Please scroll down to see my letter...

Thanks!  
Pam Zielinski

-----  
January 30, 2022

**To:** Board of County Commissioners  
**From:** Pam Zielinski  
5680 Castle Dr in Oceanside

**SUBJECT:** PROPOSED INCORPORATION OF OCEANSIDE

There was testimony offered at the last public hearing which indicated that The Capes HOA took a vote of their membership and made the decision not to be included in the incorporation. I just spoke with two residents at The Capes who told me that never happened. Maybe the Board of Directors made the decision for the HOA, but the members of the HOA were not polled.

I am very concerned about the ramifications of what Sarah Absher addressed at that hearing, in terms of how it will impact the many people I have sold building lots to at The Capes. According to Sarah, the State will not allow these owners to hook up to the sewer line unless The Capes is part of a recognized unincorporated community, or is included in the incorporation boundary. I am not certain about this, but I think Sarah said that once the incorporation is official, and until Oceanside can finalize their own Land Use ordinances and procedures, the County will still be able to issue building permits under the currently existing rules. Does that mean that during that transition period, these lot owners will be allowed to connect to sewer? Are we certain about that?

Sarah also said that it will not be a problem for lot owners at The Capes because The Capes will be annexed into Netarts community boundary, and that this has all been "worked out." I thought this type of annexation was a land use process that would have to go through public notice and hearings. I don't understand how it can already have been "worked out?"

I am feeling that I need to track down all the people I sold lots to at The Capes to let them know they may have delays in their efforts to build as a result of this proposal.

I suspect you are already fully aware of this issue and that it is hopefully a non-issue, however if it is possible that the incorporation will create delays for people who are planning to build, then I promise it can be a huge issue. I just want to make sure this will not result in months of delay for people who are wanting to build.

Thanks for your consideration,

*Pam's Homes by the Water on the Oregon Coast*  
**Pamela Zielinski, Principal Broker, CRS**  
Berkshire Hathaway Home Services NW Real Estate  
1355 Phelps St #3, POB 193  
Netarts, OR 97143  
503-906-4903 Office Direct  
503-880-8034 Mobile  
[www.PamZielinski.com](http://www.PamZielinski.com)

To view testimonials from past clients, click [here](#).

To review the law in Oregon governing Agency Relationships, please click [here](#).

Berkshire Hathaway HomeServices Northwest Real Estate and Berkshire Hathaway HomeServices Real Estate Professionals will never request that you send funds or nonpublic personal information, such as credit card or debit card numbers or bank account and/or routing numbers, by email. If you receive an email message requesting you wire funds, do not respond and immediately notify [fraud@bhhsnw.com](mailto:fraud@bhhsnw.com) or call 503-783-6835.

## Lynn Tone

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**From:** len chaitin <eljayinv@gmail.com>  
**Sent:** Sunday, January 30, 2022 1:50 PM  
**To:** Lynn Tone  
**Subject:** EXTERNAL: 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.]

I have written before on the subject of Oceanside incorporation. Again I urge the Tillamook County commissioners to reject (or at least postpone) placing the incorporation on the May ballot.

As I am sure you are aware, we are being hit by a triple whammy - rising costs of food and gasoline, income not nearly keeping up, and now these people want to add additional taxes for services we neither need or want. It makes no sense to me.

Again, if they gerrymander me out of their plans by redrawing the map of "greater Oceanside" then I do not care what they do to themselves.

Thanks for giving all sides of this issue a fair hearing.

Len Chaitin

## Lynn Tone

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**From:** Sarah Absher  
**Sent:** Sunday, January 30, 2022 5:24 PM  
**To:** Sandra Swanson; Lynn Tone  
**Cc:** Sovas; Tiina Lemetyinen; Stashu Smaka  
**Subject:** Re: Oceanside Incorporation Exclusion Request from Trillium HOA

Thank You Sandra,

Lynn and I will make sure a copy of your testimony are provided to the Commissioners tomorrow in preparation for Wednesday's hearing.

Sincerely,  
Sarah

---

**From:** Sandra Swanson <sandraswanson54@yahoo.com>  
**Sent:** Sunday, January 30, 2022 4:52 PM  
**To:** Sarah Absher <sabsher@co.tillamook.or.us>  
**Cc:** Sovas <sovanilla7@gmail.com>; Tiina Lemetyinen <tiinapt@gmail.com>; Stashu Smaka <stashsmaka@comcast.net>  
**Subject:** EXTERNAL: Oceanside Incorporation Exclusion Request from Trillium HOA

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

Sara Absher

The Trillium HOA is a neighborhood in the area proposed for incorporation into Oceanside. As our residents pay dues and are responsible for our own roads and infrastructure, we hereby request to opt out of the incorporation, as this additional tax would not benefit our community in our opinion.

Thank you for your consideration,

Sandra Swanson  
Johnel Sova  
Tiina Lemetyinen

Trillium HOA Board

## Lynn Tone

---

**From:** Greetis Streeter <gypsyg22@icloud.com>  
**Sent:** Sunday, January 30, 2022 8:07 PM  
**To:** Lynn Tone  
**Subject:** EXTERNAL: Proposed 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.]

To: Board of County Commissioners  
Via: e-mail to Lynne Tone

Ms Tone

As a home owner, living full-time within the proposed incorporation area, it was disturbing to only recently learn of Oceanside's incorporation plans. While we live in the proposed incorporation area, we live closer to the Capes than to the post office. Since, the Capes were excluded from the incorporation plan (as property owners with property there would receive minimal or no benefit from incorporation), it would be worth knowing why our area was not also excluded. Will we benefit from incorporation, or were we included so that Oceanside could simply collect more taxes. No information was ever delivered to my mailbox or home. If this plan had been broadly distributed and openly discussed, I'd likely have fewer questions/concerns.

At present, I'd like to know more of the goals for the incorporated city as well as the motivations of those working toward incorporation.

- With a small population-base, how will incorporation benefit the city?
- Will all residents/owners benefit, or will a select few benefit? For example, paving of select streets appears as a high priority on the list of city goals, while emergency planning, an activity that would benefit the entire community is not currently prioritized.
- How were proposed priorities established?
- Do the individuals promoting incorporation have any conflicts of interest that should be disclosed? For example, are any of them property developers or contractors? Have any had land-use requests declined by Tillamook County?
- City income will depend, to some extent, on taxes derived from short-term rentals. As such, will funding opportunities for the city (i.e., rental tax income) prevent an equitable balance between the needs of individuals living within the community and the needs of investors seeking income from rental properties.

Best regards,  
Greetis Streeter  
1020 Hillsdale St W  
Tillamook OR 97141

Lynn Tone

---

**From:** davefr <davefr@gmail.com>  
**Sent:** Monday, January 31, 2022 8:01 AM  
**To:** Lynn Tone  
**Subject:** EXTERNAL: Oceanside 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.]

Hi Lynn,

*Are you still accepting written testimony? If so, would you please enter this into the next addendum to the staff report. Our topic for this testimony is STR issues.*

Commissioners Ms. Bell, Ms. Skaar, Mr. Yamamoto,  
We have been residents here for nearly 25 years. Over the years we have seen a decline in the number of working families, kids playing, school buses, etc. We have however seen a significant increase in the revolving door of anonymous short term renters.

ONA's proposal is very troubling. They might be in a better position to police/punish problematic renters and unresponsive landlords but nothing in their proposal reins in STR growth. Instead we create a local government who feeds on a large revenue stream derived from STR taxes and fees. When it comes to placing reasonable limits on STR's, the ONA proposal will be like putting out a fire with gasoline.

Assuming Tillamook county tackles STR growth limits in **unincorporated** areas like Lincoln county just did, then we've just created a thriving sanctuary for explosive STR growth in our newly **incorporated** city.

Although we're happy to share our area with visitors, if the ONA proposal passes, then we might as well change our name from Oceanside Village to Vacasa Village.

Let's not put the cart before the horse, let's put this proposal on hold until the county tackles the overall issue of STR limits. I don't think we can make an informed voting decision until we understand Tillamook County's overall position/plans on STR limits.

Thank you,  
David and Rose Friedlund  
2500 Cape Meares Loop  
Oceanside, OR



ReplyForward

To Be Excluded  
Sarah MacDonald

5500 South Ave. NW

Tillamook, Oregon 97141 (Since 2003) But lived in the area my entire life. Class of 1982

We have never, ever wanted to be part of Oceanside Village. We have lived here for almost 20 years our address is Tillamook and it should remain that way. This is unfair and biased information that is happening right before our eyes.

I would like to see you give everyone a fair amount of time to respond to this issue. We were not given any time to exclude ourselves from an Incorporation, as it seems the Capes had time to do this which seems highly unfair. Seems like they had about 7 months to prepare to be excluded.

I learned about this in December.

Because I do not participate in ONA, I never had to I'm a Tillamook County Resident. Also, does anyone grasp the concept that the Capes voted not to be Incorporated doesn't this send a huge message that it's not a good idea??? Come on folks they voted not to be included. I highly recommend that we all go with what the vote on was over there and from that we should all wonder if this entire idea is even feasible. No it is not...it is really something to all of a sudden learn that you're going to be incorporated into a city and not even have a choice in the matter. Also, to learn that our taxes are going to be raised to 80cents per 1000 based on the value of our home. I know a lot of my neighbors there are retired couples and singles who live on limited incomes. We are still a working couple but still we can almost not afford to live here anymore. And some of you are worried about the homeless, housing shortages let me tell you if this goes through there might be a lot of us homeless let alone provide homeless housing out here. If this goes through rent will go through the roof!

2012- A few neighbors and myself organized a group to do some Neighborhood project, we raised over 40K to pave our road and after that project we also a few years later raised more \$ to have that road sealed and some other roads in the neighborhood sealed and cracks fixed. These projects seemed to go pretty well we had most land owners participate this was a minimal cost of a few hundred dollars each...way less than what the tax will cost us and I guarantee we will not see any road repairs or top coat done in our neighborhood ever. This idea that you're going to get some infrastructure done is absurd.

There has always been septic hookup issue in Avalon West....there are many lots that cannot even get sewer hookup... you think you are going to expand up to Radar Road when there systems fail is really ridiculous idea, why wouldn't they just fix what they had, a system doesn't completely fail all at once.... You have a rotten board on your home, replace the board, it's very logical.

My parents paid off a Bancroft for septic to be available to all lots in our area. This has never been recognized and has been assumed that some lots will never have sewer. This has been an unfair and very expensive venture that my parents were promised and never received. There are these kinds of issues that a city council would have to figure out, are you ready for this kind of land issues? You can't even figure out the storm runoff water issues around here. This is absolutely and absurd idea.

Avalon West has a neighborhood association, also called community association, **organized group** whose aim is to address local issues, to promote or prevent planned reforms and investments that are perceived as significantly influencing life in a neighborhood. We have an email list that keeps us all informed. We have communication that keeps us all on the same page. We have talked over speeding issues, children playing in the road issues and vacation rental issues. These issues have always been resolved with contacting the property owners or by placing our own signs up to help slow the traffic. The only thing that Avalon West doesn't have is a fence. Give us some time we can get a fence up if that is what is required to keep us out of the City limits. We have exactly the same utilities as the Capes. If you are going to consider us you need to rethink and consider everyone and not create a war zone between communities. And that is exactly what you are going to create when you draw a line.

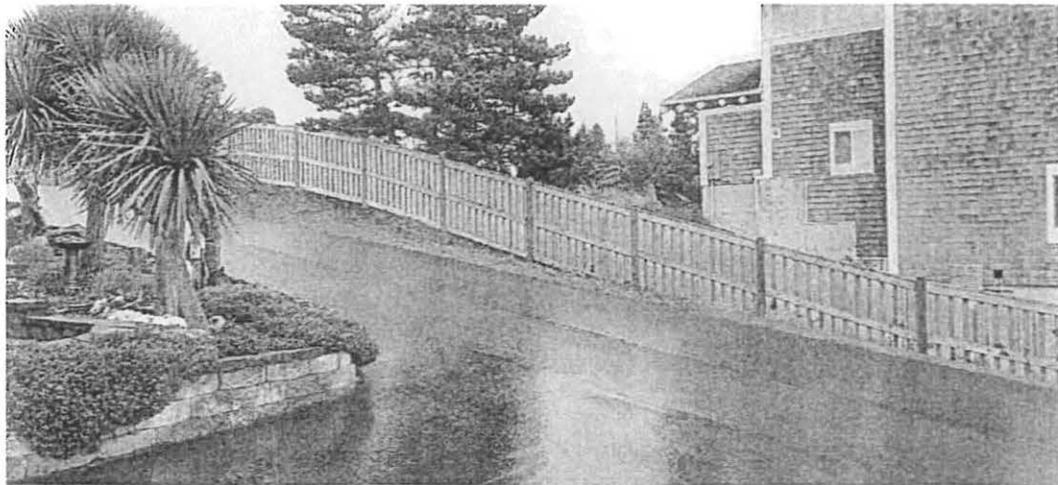
I live on the fence line with the capes I literally am within a few feet of the Capes, and you are going to draw the line right between us unbelievable that you will pit neighbor against neighbor. This is really unfortunate.

Let me tell you again...there is a reason why the capes do not want to be included??? It's not needed for them and it's not needed for us.

If the Village wants to incorporate I highly recommend that the boundary line be where it always has been right at the Y to downtown. You are pushing this issue because you all want to stop the Big Hotel from coming in thinking that this will stop the progress, it will not. But go ahead and incorporate but please leave us out! Please keep us out of the Village. If you have issues in the Village solve them yourselves don't involve us, trust me we don't want the downtown village mess. It's not fair that we should pay for your issues.

I am more of a visual person so I am including some pictures of how close you're drawing the line; it's unfair and unjust. I practically feel violated both physically and mentally over this issue. Please stop it!

Thank you,  
Sarah MacDonald



January 31, 2022

To: Board of County Commissioners

Via: email to Lynne Tone [ltone@co.tillamook.or.us](mailto:ltone@co.tillamook.or.us)

RE: OPPOSITION TO INCORPORATION OF OCEANSIDE

Dear Commissioners,

I have submitted my testimony in opposition to incorporation prior to the first hearing on January 26, 2022.

First, thank you very much for your efforts and commitment to understand the issues surrounding proposed Oceanside incorporation.

Second, public testimony, your pointed questions and ensuing discussions brought up new data and issues to the light. I would like to address some of those below.

#### ONA VOTER SUPPRESSION?

About 40% of ONA Members did not cast vote at the ONA voting on December 11, 2021.



It is clear from the data provided by ONA that ONA membership spiked in 2 weeks leading to the ONA vote on December 11, 2021 on supporting/not supporting incorporation petition. New member intake shot up from less than 1 per day in October-November period, to 17/day in first week of December and 8/day in the week before the vote.

Such an explosive spike in membership right before the voting indicates clear desire by Oceansiders to be heard and their votes counted during December 11, 2021 call.

However, out of 326 registered ONA members the day before the vote, only 199 cast the vote to either petition the County to put the measure on the ballot, or not.

Why 127 community members out of 326 total, who were fired up to vote as indicated by ONA membership growth right before December 11 vote, did not vote?

The only explanation – ONA Board made it difficult to cast the vote. Following are two examples:

1) Emails by ONA President leading to the vote date indicated that Members would be able to vote during ONA Zoom meeting scheduled from 10:00 to 11:30.

It created impression that a Member could log in to Zoom call any time during that time frame, cast the vote and move on with her/his life, just as it is done in any other voting.

Nowhere in those e-mails it was stated that the Members will be given exactly 1 minute to cast that vote during the call, at a time of ONA President's choosing.

During the meeting, there were multiple requests by the Members to "let's just vote", but instead the membership was treated to yet another "informercial" session by ONA Board.

Some Members were put off by such treatment and simply dropped off from the meeting. Some joined the Zoom call from their cars, some from work – and could not afford time to stay in the meeting for 1.5 hours to cast the vote.

2) Some Members joined the meeting within timeframe indicated by invitation e-mail, but too late to cast the vote and thus were excluded as determined by the ONA President.

In the end, 40% of ONA members didn't have their votes counted as either for or against asking this Commission to approve putting Oceanside incorporation on May 2022 ballot.

On a side note, and as illustration to "united" and "inclusion" - a number of Oceanside residents attempted to cast a "No" vote in the meeting, but were excluded by the ONA President.

#### NEIGHBORHOODS NEED MORE TIME TO ASSESS

##### 1) What else is missing?

Sewer services complications affecting the Capes and the Radar Road communities were brought up by Sarah Absher during last week hearing. These issues were never brought up by the petitioners during discussions leading to filing papers with the County to incorporate Oceanside. The Feasibility Statement by the petitioners misses this completely.

It is clear the petitioners do not know what they do not know. The above is just another example of a proposal put together in a hurry and missing critical city services considerations.

What other risk elements are overlooked by the petitioners?

Oceanside community deserves to know, and needs more time to assess negative impacts of incorporation.

##### 2) Neighborhoods need more time to consider options for moving forward.

Oceanside neighborhoods have 3 official HOAs – the Capes, Terrasea and Trillium.

The Capes HOA asked the petitioners to be excluded from incorporation consideration, and was granted such request.

Trillium HOA, a gated community, asked this Commission through its Treasurer Mr. Smaka to exclude Trillium from such consideration in a note submitted on January 27, 2022.

Terrasea HOA, while initially decided not to take an official stand on incorporation petition to prevent division within the HOA, might change that stand as community discussions continue.

Other neighborhoods – Radar Road, Camelot, and Avalon, always acted as if having HOAs with regard to keeping neighborhoods moving forward (i.e. pooling resources for fixing roads).

Residents of these neighborhoods started discussions about possibility and options for setting up HOAs for their corresponding neighborhoods.

These new HOAs, once established, then would make considerations to ask (or not to ask) for specific neighborhood exclusions from city incorporation boundaries.

An HOA vote is the only way to ensure that voices of those who won't be able to vote in Tillamook County elections are given consideration in the matter of Oceanside incorporation.

However, HOA setup needs to be done right and the process takes time.

Thank you very much for consideration,

Yuriy Chanba  
5378 Woodlawn St  
Oceanside, OR  
(503) 709-4270

Mailing address:

16485 SW Snowy Owl Ln  
Beaverton, OR 97007

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

I am writing you to vocalize my adamant support of Oceanside's incorporation, an Oceanside that includes the entirety of its boundaries. Having grown up in the Oceanside community I have seen first hand dramatic changes, both positive and negative, but we have always faced these changes as a community and I see incorporation and local control as the next logical step in these efforts. While I spent my twenties living away from Oceanside, and Oregon, I have moved back now with the hope of raising a family in the town that meant so much to me growing up and helped to shape the person I am today. But I fear the current trajectory of our community as homes around me become little more than investment opportunities and the children in our community grow up without friends to play with in their neighborhoods. While growing up the neighborhoods our friends lived in was of little importance to us, we would trek up the tire trail to meet with friends in Avalon or head towards Radar road to play in the woods that connect our neighborhoods.

Much of the discussion has turned to the question of incorporation's "value" for varying neighborhoods. These values have been placed into financial terms, with varying neighborhoods identifying individual areas of improvement where one neighborhood may see greater benefit than another. While financial terms are an obvious route for these discussions because they are quantifiable, I feel that the benefits are more nuanced than this. As a society we have decided that democracy and representation by our peers are the bedrock of modern civilization, yet in this debate we are trying to define the benefits of democracy by its cost. In the spirit of democracy these decisions should be made at the ballot box by the people who live with our current level of control on a daily basis.

These to me are the benefits of incorporation that are most difficult to quantify financially, how can one create a line item of childhood experience? Place a financial value on democracy? Without incorporation, without the ability of Oceanside and this community to steer our own future, I see no way for us to sustain the vibrant experience of life that keeps us here, for adults and children alike.

Gillean (Gill) Wiggin  
5445 Daisy street  
PO Box 274  
Oceanside, OR 97134

Oceanside Neighborhood Association  
[www.oceansidefriends.org](http://www.oceansidefriends.org)  
Meeting Minutes  
Special Meeting — December 11, 2021 — Zoom Format

President Jerry Keene called the online meeting to order at 10:00 a.m. on December 11, 2021. At that point in time, per Zoom registration and polling, 196 ONA voting members were in attendance, plus approximately 9 members who joined by telephone. (Additional ONA members joined the meeting later.) The meeting quorum of 35 was met.

**Special Meeting Purpose:**

The purpose of this special meeting was to vote on the Task Force's Incorporation Report.

**Background:**

In the summer of 2021, ONA President Jerry Keene sought and obtained the board's approval to form the Incorporation Task Force, charging it with investigating and recommending whether incorporation of Oceanside is a feasible option worthy of community consideration and debate as a way to preserve and enhance the quality of Oceanside's civic life. The Task Force's report, including its findings and conclusions, is available on the ONA website. A link is provided here:

Incorporation Task Force Report (22 Nov. 2021)

(<https://www.oceansidefriends.org/wp-content/uploads/Incorporation-Task-Force-Report-Revised-Final-11.22.2021-with-links.pdf>)

Informational emails sharing the Task Force's findings about incorporation were sent to the community via six Oceanside Neighborhood Association Newsletters beginning in October, 2021. Additional information and conversation were conducted over four Zoom sessions, each lasting about 90 minutes: December 4 (the regular ONA meeting) and the evenings of December 7, 8 and 9, 2021. Comments from the community were discussed in these Zoom meetings and in subsequent ONA newsletters.

Jerry covered the reasoning behind the wording of the three motions, or polls, to be voted on at this meeting. (These were sent out in advance via the ONA Newsletter.) Based on questions posed by community members and the incorporation survey results, there appeared to be three main camps of opinion: 1) people who want to go forward with the incorporation process, 2) people opposed to having Oceanside incorporated, 3) people interested in incorporation but wanting more time to evaluate and discuss findings in the Task Force Report.

Therefore, the following three motions were an effort to parse the interest of the Oceanside community with regard to incorporation:

- 1) The ONA Membership approves the Task Force conclusion that "incorporation is a feasible option worthy of community consideration and debate."
- 2) The ONA membership should immediately announce support for incorporating Oceanside.
- 3) The ONA membership should defer and reschedule a vote on incorporation until the Tillamook County Board of Commissioners invites public comment at an incorporation hearing.

**Process:**

After each motion was proposed and seconded, 30 minutes of discussion would be allowed. Members would write their comments and questions in the "chat" section of the Zoom format. Jerry would read each and comment on them as appropriate. When it was time to vote, two minutes would be allowed for members to answer the poll. Screens where more than one member was present and voting were asked to turn on their video cameras so the number of votes could be verified. Once the poll was closed, no further votes would be accepted. Results would be shared with participants, and a provisional result declared. The ONA Credentials Committee would verify the votes after the meeting, screening out unregistered voters and duplicate votes.

The First Motion was made by Blake Marvis and seconded by Sue Wainwright:

The ONA Membership approves the Task Force conclusion that "incorporation is a feasible option worthy of community consideration and debate."

Jerry explained that a Yes vote on this measure would not commit the ONA to supporting incorporation, but it would authorize further "community consideration and debate." This would also clear the way for organizers to file the paperwork necessary to gather signatures on an incorporation petition. The petition would lead to hearings before the Tillamook County Commissioners who would decide if incorporation would be placed on the ballot. If the ONA rejected this motion, activities to pursue incorporation would end.

After 30 minutes of discussion, a vote was called.

**Motion 1:**

Provisional results:

228 votes. 172 Yes (75.4%), 56 No (24.6%)

Verified Results (per Credentials Committee review of votes):

221 votes. 164 Yes (74.2%), 57 No (25.8%)

Based on results, Motion 1 passes.

The Second Motion was made by Sharon Brown and seconded by Susan Wainwright:

The ONA membership should immediately announce support for incorporating Oceanside.

Jerry explained that a yes vote would mean the ONA would go on record supporting incorporation in materials that would be submitted to the county commissioners. Rules allow a minority report, so if someone feels strongly about this, they could put together an opposition statement to be included in the packet to the commissioners.

After 20 minutes of discussion, a vote was called.

**Motion 2:**

Provisional results:

211 votes. 128 Yes (60.7%), 83 No (39.3%)

Verified results (per Credentials Committee review of votes):

199 votes. 124 Yes (62.3%), 75 No (37.7%).

Based on results, Motion 2 passes.

Based on "Yes" votes for Motions 1 and 2, Motion 3 became moot.

The meeting was adjourned at 11:25 a.m.

The next regular ONA meeting is scheduled for Saturday, February 5, 2022 at 10 am via Zoom.

Respectfully submitted,

Carol Horton  
ONA Secretary

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

**David Yamamoto**

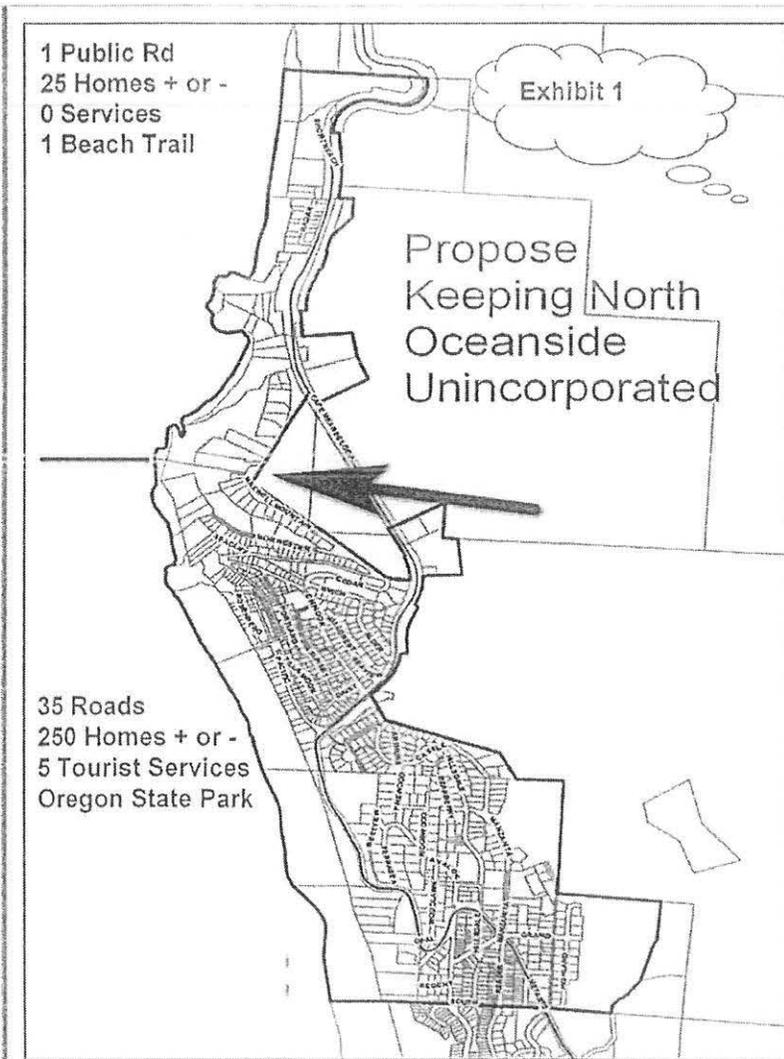
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**From:** davefr <davefr@gmail.com>  
**Sent:** Wednesday, January 26, 2022 3:23 PM  
**To:** David Yamamoto; Erin Skaar; Mary Faith Bell  
**Subject:** EXTERNAL: Two Exhibits - Oceanside Hearing

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

Commissioners Ms. Skaar, Ms. Bell, Mr. Yamamoto,  
Thank you for the opportunity to let me testify in today's Oceanside hearing. My presentation included two exhibits that were probably hard to see at your end. Here they are illustrating:  
1. The stark differences between North Rural Oceanside and the Village to the South  
2. A proposed Northern boundary for your consideration

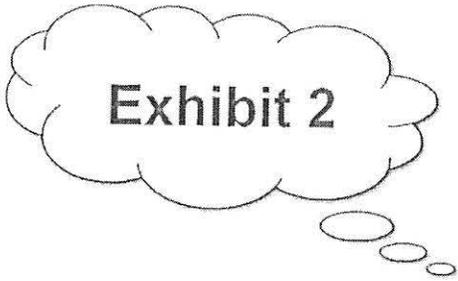
Dave Friedlund  
2500 Cape Meares Loop



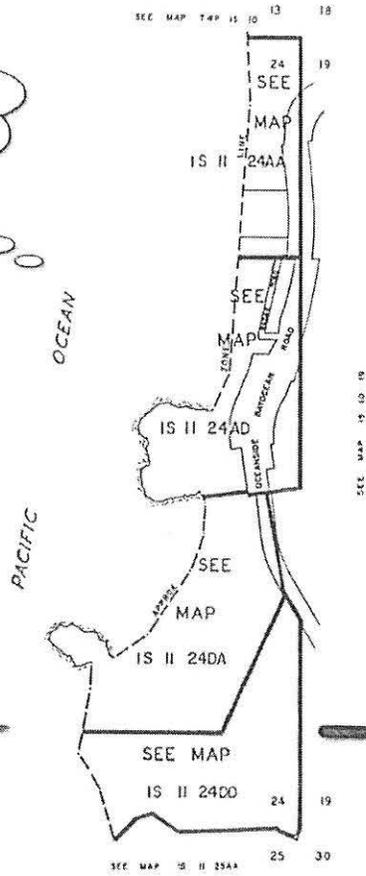
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

SECTION 24 T.1S. R.11W.W.M.  
TILLAMOOK COUNTY  
1" = 400'

IS II 24  
& INDEX



Proposed End of  
Incorporation  
boundary



IS II 24  
& INDEX  
REVISED 7-7-98, CC

David Yamamoto

Tillamook County Commissioner

Received

JAN 21 2022

Tillamook County  
Board of Commissioners

Dear Mr Yamamoto,

Previously, I expressed that our Avalon West Neighborhood has asked to be excluded from the proposed Oceanside Incorporation since we have upgraded our area and maintain it through our own diligence. Additionally was our concern with viable financial income and appropriation shortcoming.

We were never contacted or consulted by the Oceanside Association niche whether our opinions mattered. While many of us reside here, some use their residents for family use and reside in other towns. Again, a void in contact existed. Proper inclusion was not considered and seems to be, maybe not underhanded, but hush hush.

When a possible vote may occur, the vote should be available to all of us property owners. This, absolutely, is strictly limited to Oceanside voter registration, not even elsewhere in our county and definitely to those property owners and family living out of county.

Finally, any ordinances Oceanside passes would still exclude our input because of no contact again, plus, enforcement has not been considered. Our Sheriff should not be extended even further for local ordinance violation. Our County must have enforcement priority.

Sincerely,

Robert Ault 165 Reeder St PO Box 193 Oceanside, OR 97134

David Yamamoto

Tillamook County Commissioner

Dear Mr Yamamoto

As a resident of the Avalon West Neighborhood between Grand and South Streets and abutting the Capes, I have concern about the proposed incorporation of our area by the downtown Oceanside.

Our neighbors and I have spent thousands of dollars to pave and maintain our roads. As we understand, incorporation would result in no assistance for our area since we already have all services paid by us through property taxes. Essentially, the additional taxation from incorporation would put additional burden on us while we still have to maintain our area.

We have discussed among our residents with the conclusion that our interests are best addressed by being excluded from incorporation as has the Capes.

The financial budget proposed by the downtown area is very suspect as a viable concern with most of the monies going to a mayor and associates leaving little to do upgrades and maintenance that would fall on the town rather than Tillamook County.

We would appreciate that you and the other Commissioners would assist us in being excluded and allow us to maintain our area without additional tax burden. Thank you for any assistance that you can give.

Sincerely,

Robert Ault 165 Reeder St PO Box 193 Oceanside

Received

JAN 13 2022

Tillamook County  
Board of Commissioners

To the Tillamook County Board of Commisioners:  
David Yamamoto  
Erin Skaar  
Mary Faith Bell

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Based on "Yes" votes for Motions 1 and 2, Motion 3 became moot.

The meeting was adjourned at 11:25 a.m.

The next regular ONA meeting is scheduled for Saturday, February 5, 2022 at 10 am via Zoom.

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.

## Lynn Tone

---

**From:** Mark Hersh <markhersh971@gmail.com>  
**Sent:** Tuesday, February 1, 2022 7:55 PM  
**To:** Lynn Tone; Sarah Absher  
**Subject:** EXTERNAL: Resending: Testimony of CM Hersh, 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.]

I didn't see my email included in the latest pdf of testimony so I'm resending. Ignore if my email of yesterday is in the next batch. Thanks -- mh

On Mon, Jan 31, 2022 at 11:41 PM Mark Hersh <markhersh971@gmail.com> wrote:  
Greetings Lynn Tone,

Please include this email as testimony on the petition to incorporate Oceanside as a city.

The Board of County Commissioners should deny the petition submitted by "Oceansiders United." The Oceanside Neighborhood Association (ONA) Board established an "Incorporation Task Force" without membership approval and then conducted a compressed and curbed "debate" over the merits of incorporation.

The ONA, along with several other Tillamook County "Citizen Planning Advisory Committees," was transformed by an order of the Board of County Commissioners in 2013 (Order #13-034) into a "Citizens Advisory Committee" (CAC) for the County. Order #13-034 requires that the ONA "shall comply with public meeting and records laws."

The ONA Bylaws require that task forces/committees get approval from the membership on their purpose and time-frame *at the time of formation*. That did not occur in this case.

Instead, on October 30, 2021, the ONA President used a single email to announce: 1) that the task force existed and was nearing completion of its work, 2) that the email itself was the first installment of the report, and 3) that a Zoom meeting was scheduled on December 2, 2021 for voting. The votes were ultimately articulated as: 1) whether the membership thought that incorporation was "a feasible option" and 2) if "yes," then whether the membership "endorses" incorporation. Then, shortly thereafter in early November, the ONA Board moved the Zoom meeting for the votes to December 11, 2021.

In the October 30 email, the ONA President invited email comments in return: "we will share and respond to questions or comments that Oceansiders send our way." But comments sent to the ONA's email address were not shared openly and verbatim with the membership even when members directly requested that their comments be forwarded to the entire membership. Instead purported views were summarized in more emails sent by the ONA President.

Aside from granting a nine-day delay in the voting, the ONA President or Board refused members' requests for more time to consider the report and the serious issues involved. Their various responses included assertions that a May election was important and there was no time to spare; that a quick vote had been promised by the ONA President or Board to the membership and so it was important for those former promises to be kept; and that some people are upset at development proposals and are clamoring for something to be done.

The task force's final report was released around November 22, 2021 and described incorporation as a "feasible option" but the report did not include an alternatives analysis. Zoom meetings to "discuss" the report were held in early December. They were "moderated" by members of the task force or the ONA President. Claims were made that

doing nothing could result in hotels lining Cape Mears Loop Road and traffic jams similar to Pacific City's. Incorporation was pushed as the only solution. As it was set up, no equal and fair opportunity was provided for a group opposed, or even skeptical of, incorporation to present alternate views, procedures, or solutions.

At the Zoom meeting on December 11, 2021 the ONA membership voted on the two questions described above.

Oceansiders were given less than three weeks from the posting of the final report of the previously unknown ad hoc "task force," and then having the meeting for voting on whether to take the major political and financial step of incorporating the longtime Oceanside community into a new city. In comparison, the ONA took about *two years* to investigate, discuss, and decide on whether to establish guidelines for exterior lighting for residences.

A denial of the petition is necessary and would also serve as a meaningful reminder that proper democratic and lawful processes and fair and open debates are required in Tillamook County.

As an added benefit, the denial decision would also thereby give the Oceanside community more time to study all bona fide alternatives and then collectively, with adequate and effective notice, time, and due diligence, to decide whether to change the status quo, and if so, how to bring about that change.

Thank you for the opportunity to testify.

C.M Hersh  
1370 Sunset Ave.  
Oceanside

--  
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

## David Yamamoto

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**From:** Tillamook County OR <tillamookcounty-or@municodeweb.com>  
**Sent:** Monday, January 31, 2022 3:47 PM  
**To:** David Yamamoto  
**Subject:** EXTERNAL: [David Yamamoto] 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.]

Pat Himes ([pathimes2011@gmail.com](mailto:pathimes2011@gmail.com)) sent a message using the contact form at <https://www.co.tillamook.or.us/>.

Dear County Commissioners,

Following the recent hearings regarding the request for a vote on incorporation for Oceanside, I felt a need to express my concerns regarding some of the information discussed.

It was stated that the question of incorporation was rushed. I would disagree since the issue was discussed over multiple meetings of the Oceanside Neighborhood Association. Since all the meetings were virtual and all homeowners, renters and business owners were able to attend, all renters and homeowners had the opportunity to participate in the meetings, ask questions, and read pertinent information. Community members will also have more than 4 months to discuss incorporation further prior to the vote in May. This should be sufficient time to further investigate the benefits and hazards associated with incorporation.

Someone mentioned taxation without representation. Incorporation would allow for the election of local city councilors and more local control over the use of our tax dollars enabling more representation in the future.

I had initially been sceptical of the prospect of incorporation, but, as a result of the information sessions, the thoroughness of the committee members in researching the option of incorporation and their openness in answering questions, I've changed my mind. Many of us in Oceanside love our small, underdeveloped community. We're concerned about the growing number of short term rentals and their ultimate impact on our community. We worry that the county may be more concerned with increasing the tax basis and encouraging commercial development rather than the best interests of the community as a whole.

Why am I supportive of the effort to incorporate? We built our home in this small hamlet because it was small, quiet, and had little commercial activity. We have seen neighbors move out and their homes turn into what is essentially commercial income from STR. We'd like to be able to decide what the future of our community will look like. We don't want to turn into Seaside, we'd like more families to call Oceanside home.

Please allow us to vote, allow us to decide our future, allow us to determine whether we have the ability to grow our community in a way that enriches the lives of the residents of Oceanside.

Respectfully, Pat Himes Oceanside, OR

**David Yamamoto**

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**From:** Mike Dowd <mike\_dowd@ymail.com>  
**Sent:** Tuesday, February 8, 2022 4:03 PM  
**To:** David Yamamoto  
**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.]

Hello.

Given the finding that the taxation level outlined was deemed insufficient to fund the proposed city of Oceanside, what amount of taxation do the Commissioners feel would be sufficient?

Thank you much and I hope you are well.  
Mike Dowd  
Oceanside resident

Sent from Yahoo Mail for iPhone

David Yamamoto

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**From:** Sasha Kurzenberger <sashanicolek@gmail.com>  
**Sent:** Tuesday, February 8, 2022 1:50 PM  
**To:** David Yamamoto; Erin Skaar; Mary Faith Bell  
**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,

I am writing to express my concern with the decision to not allow public voting on the issue of incorporating Oceanside. My family, including small children, live here year round and have watched this community change dramatically in the last few years. We feel more leadership is needed, and incorporating this gem seems to be the best way to create space for community concerns, needed repairs, and vision for the future. Please reconsider your decision and how it impacts our town and county.

Thank you,

Sasha Kurzenberger



Sarah Absher, CFM, Director  
TILLAMOOK COUNTY | Community Development  
1510-B Third Street  
Tillamook, OR 97141  
Phone (503) 842-3408 x3317  
[sabsher@co.tillamook.or.us](mailto:sabsher@co.tillamook.or.us)

From: Isabel Gilda <[igilda@co.tillamook.or.us](mailto:igilda@co.tillamook.or.us)>  
Sent: Tuesday, February 8, 2022 10:03 AM  
To: Sarah Absher <[sabsher@co.tillamook.or.us](mailto:sabsher@co.tillamook.or.us)>  
Subject: FW: EXTERNAL: [Isabel Gilda] Oceanside incorporation

Sarah,  
Is it permissible to share the email below with the commissioners before the hearing tomorrow?  
Thanks,  
Isabel



Isabel Gilda | Executive Assistant  
TILLAMOOK COUNTY | BOARD OF COMMISSIONERS  
201 Laurel Avenue  
Tillamook, OR 97141  
Phone (503) 842-3431  
[igilda@co.tillamook.or.us](mailto:igilda@co.tillamook.or.us)

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From: Tillamook County OR <[tillamookcounty-or@municodeweb.com](mailto:tillamookcounty-or@municodeweb.com)>  
Sent: Tuesday, February 8, 2022 10:01 AM  
To: Isabel Gilda <[igilda@co.tillamook.or.us](mailto:igilda@co.tillamook.or.us)>  
Subject: EXTERNAL: [Isabel Gilda] 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.]

Joshua Evans ([joshua\\_evans@live.com](mailto:joshua_evans@live.com)) sent a message using the contact form at <https://www.co.tillamook.or.us/>.

Dear county commissioners,

This is a request to please allow oceanside to vote on the request of incorporation. As someone who has stewardship over much of Oceanside and has been very much involved with the town of oceanside, whether through the United States Post Office, revamping the Anchor to the Three Arch inn, as well as an being an EMT, water rescue team leader, and firefighter for Oceanside for a decade, i am shocked and appalled by your decision. The belief that you know what is

## David Yamamoto

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**From:** Laura Shown <shown7972@comcast.net>  
**Sent:** Tuesday, February 8, 2022 10:24 AM  
**To:** David Yamamoto  
**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.]

Dear Mr. Yamamoto,

I encourage you to reconsider your decision to postpone giving Oceansiders the right to vote on incorporation this spring despite the detailed information that was provided to the Board. A group of devoted citizens spent much time and effort analyzing and studying the necessary information for incorporation, and many of us feel that their efforts were brushed aside. Oceansiders deserve a better voice in their growing community and at least a chance to decide our own future.

Sincerely,

Laura Shown

## David Yamamoto

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**From:** Linnea Anderson <grandmanea1948@gmail.com>  
**Sent:** Tuesday, February 8, 2022 10:41 AM  
**To:** David Yamamoto; eskaar@co.tillamook.or.us; Mary Faith Bell  
**Cc:** oceansidefriends@gmail.com  
**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.]

To: Tillamook County Commissioners

I am writing to protest the decision made by the Tillamook County Board of Commissioners (February 2, 2022) to deny the Oceanside petition for incorporation. I will not take your time nor mine to recap details of that decision. What I do wish to convey is my disappointment in this action by the Commissioners without justification and respectfully request this action be corrected at once!

As a homeowner, taxpayer and resident of an adjacent community in Tillamook County I have watched with great interest as the process leading to this petition has unfolded. I have been enormously impressed by the open, thorough, detailed efforts of the ONA to explore and prepare this proposed plan to incorporate Oceanside. As a citizen of Tillamook County I fully support the rights of all stakeholders to have this matter heard by our Commissioners and then placed on the May ballot.

To summarily dismiss this petition at the "11th hour" is most inappropriate, particularly given the weak reasoning offered and without an opportunity for discussion and response to the objections.

Beyond the issue of the ramifications of this petition denial is the greater demonstration of an unacceptable level of disrespect and disregard for the interests of the citizens of Tillamook County, specifically those in Oceanside. Clearly the Board of Commissioners is not interested in serving the needs of the citizens they were elected to represent and this is most distressing to me as a voter.

I urge you to correct this travesty and do so today.

Respectfully,

Linnea Anderson  
PO BOX 25, Netarts, Oregon 97143  
4830 Crab Ave W, Tillmook, OR 97141

## David Yamamoto

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**From:** Carol Kearns <carolkear03@yahoo.com>  
**Sent:** Tuesday, February 8, 2022 11:20 AM  
**To:** David Yamamoto  
**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.]

I wrote to you immediately following the denial of the petition for Oceanside to Incorporate. I am pleased that there will be a follow up hearing so that you can gain more insight into the budget that was well researched and presented. The committee put in countless hours of research and had conversations with various experts before developing the budget that was presented. Hopefully many of your concerns will be addressed on the 9th. It should be up to the voters to decided. It the responsibility lies with the developers of the petition to have quality conversations with the registered voters to address any concerns they may have prior to voting.

Thank you for your time,  
Carol Kearns  
Oceanside registered voter  
Budget & Services Committee

Sent from Yahoo Mail for iPad

## David Yamamoto

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**From:** Joshua Evans <joshua\_evans@live.com>  
**Sent:** Tuesday, February 8, 2022 9:42 AM  
**To:** David Yamamoto; Erin Skaar; Mary Faith Bell  
**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.]

Dear county commissioners,

This is a request to please allow oceanside to vote on the request of incorporation. As someone who has stewardship over much of Oceanside and has been very much involved with the town of oceanside, whether through the United States Post Office, revamping the Anchor to the Three Arch inn, as well as an being an EMT, water rescue team leader, and firefighter for Oceanside for a decade, i am shocked and appalled by your decision. The belief that you know what is needed more than those who have risked their lives and spent countless hours trying to protect this area is incredibly condescending at best and hurtful at its base.

It is incredibly disturbing the amount of recorded back pedaling and contradictory statements by this group and the other officials in this process. The inability to even have the treasurer show up to meetings, is even more worrisome. It looks to the public as if you failed to do any due diligence.

As someone who has helped collect and generate transient tax money it is horrific how the money takes from these small villages and gives zero in return except for, overwhelming the roads, sewer, water, EMS and Fire, and Law enforcement as well.

It seems we are at a point where we will have to think about protection not from just land development, resources stripping and tourist creating overcapacity of all civil resources but, from the county commissioners now nas well. Take a look at the actions being enabled in Pacific City. Ie; overriding the voice of the city for another hotel by the same group that no one wants and we definitely do not need. Nestucca doesn't even have a water rescue team, they can't protect our local dory fleet even. They have to call Oceanside, which then puts our community at risk and uses our own tax revenue to operate....

It seems like a waste of everyone's time and resources having to establish precedent of accountability in LUBA court.

In conclusion I urge you to reevaluate your role in this process and reconsider the decision to not allow citizens to vote. You have the power to be the group that actually fights for the people and not just be trampled by VRBO, Vacasa, Pelican Pub, etc.

Passionately,  
Joshua Evans

## David Yamamoto

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**From:** Clark Holloway <chollow@charter.net>  
**Sent:** Monday, February 7, 2022 3:57 PM  
**To:** David Yamamoto; Erin Skaar; Mary Faith Bell  
**Subject:** EXTERNAL: Oceanside Incorporation Petition

[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

It was with great disappointment, that I learned that the County Commissioners rejected the Petition of Oceanside resident to place a city incorporation vote on the May 2022 ballot.

After all of the due diligence that was done to compile the supporting information for incorporation, the detailed presentation of facts and figures, many meetings and input obtained from all home owners in Oceanside, and then a clear vote by the Oceanside Neighborhood Association in support of the Incorporation and petition, the proposal was summarily denied by the County Commissioners, without any detailed reasonable explanation for doing so. In fact, major departments of the county offered no objection to the proposal. Even the Treasurer after reviewing the information presented, allowed that the petition should be approved to allow a vote on incorporation of Oceanside as a city.

In light of this, the only apparent reason that can be assumed for the Commissioner's action is that there was a great deal of undue pressure and influence exerted on them by other interests, specifically realtors and their organizations, home builders and their organizations, absentee non-resident home and property owners and developers, and non-resident rental owners, their organizations and rental companies, to ensure that the petition failed. Very few of these people live in Oceanside, partake in the Oceanside Neighborhood Association meeting or events, or are concerned about the livability of the community of Oceanside. Oceanside is just a cash cow for their realty, home building, property development companies or rental businesses.

Those of us who live here in Oceanside full time, own homes here, and have to put up with the various issues that never get fixed, with the roads, street lighting, parking issues, and many other things daily, are the ones who are interested in improving the quality of life here in Oceanside, and feel that incorporating it as a city will take us a long way in allowing us to control our destiny here and the future of Oceanside.

I and other family members have owned homes here in Oceanside since the early 1980's, and have seen Oceanside change from a great family oriented community with strong community structure, to what we have today with a huge transient population changing almost daily and far fewer full time residents and families.

We the residents of Oceanside, not the realtors, home builders, rental owners and property developers and speculators, need to be able to determine the future of Oceanside, and we feel that is best accomplished by incorporating our community into a city.

I respectfully ask you to immediately reconsider the decision that was made on February 2, 2022 and allow the petition for inclusion of the incorporation vote in the May 2022 election ballot.

Please let the dedicated residents of Oceanside vote on this matter in May and establish the City of Oceanside Oregon.

David Yamamoto

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From: Debbie Case <dmilescase@msn.com>  
Sent: Monday, February 7, 2022 4:00 PM  
To: David Yamamoto; Erin Skaar; Mary Faith Bell  
Subject: EXTERNAL: Oceanside Incorporation Vote

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

Commissioners-

I was shocked and extremely disappointed with the decision that was made last week. Whether Oceansiders vote to incorporate (or not) it is a decision the community should make, not you three. The future of Oceanside is at risk and Oceanside needs to be allowed to vote on their future now.

I consider your decision to be disrespectful and insulting to our community and the individuals who obviously did an exceptional job researching and preparing a thorough petition.

SHAME ON YOU!!

Debbie Case  
615 Terrasea Way

## David Yamamoto

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**From:** Kenneth Marlow <kcmleau@gmail.com>  
**Sent:** Monday, February 7, 2022 11:27 PM  
**To:** David Yamamoto; Mary Faith Bell; Erin Skaar  
**Cc:** Kcmleau@gmail.com; Mjmleau@gmail.com  
**Subject:** EXTERNAL: Motion For Reconsideration

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

2/7/2022

Dear Tillamook County Commissioners,

My wife and I, Marilyn, are property owners on Pacific Avenue in Oceanside Oregon. Sadly, it has come to our attention that the Tillamook county board of commissioners has recently taken action that effectively denies us the opportunity to even vote on the issue of incorporation of Oceanside! Individually, and collectively, as members of our community, we have invested considerable time and energy in researching the viability of incorporation.

We believe that we have a legal right to cast a vote on such determination.

We strongly appeal to the commissioners to reconsider the decision to deny us even the opportunity to cast such a vote.

We emphatically support the Oceanside ONA Motion for Reconsideration.

Thank you for providing our community the right to vote on self-determination and incorporation.

Sincerely,  
Ken and Marilyn Marlow  
Kcmleau@gmail.com  
Sent from my iPad

## David Yamamoto

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**From:** Lisa Stine <lisastine76@gmail.com>  
**Sent:** Monday, February 7, 2022 11:32 PM  
**To:** Mary Faith Bell; Erin Skaar; David Yamamoto  
**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.]

To the Tillamook County Commissioners, Greetings!

We have been homeowners in Oceanside since 1997, and have been members of the Oceanside Neighborhood Association for many years.

As you prepare to reconsider Oceanside's petition to include a vote for incorporation on the May, 2022 ballot, please know that at first glance, we were also concerned about the budget proposed by Incorporation supporters. However, after more detailed reading and review, we believe that the revenue projections included in the proposal are more than adequate to overcome our initial worries.

Our purpose in writing at this juncture is to strongly encourage you to revisit the proposed Oceanside Incorporation budget. We anticipate that, similar to our experience, further study will lessen or eliminate your objections. If this is not the case, our hope is that your written report would include an amended budget that would be in alignment with your expectations for incorporating Oceanside as a city.

Thank you for the work you do on behalf of all Tillamook County residents.

Best, Jon and Lisa Stine

## David Yamamoto

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**From:** Jeff Zybura <jlzybura@gmail.com>  
**Sent:** Tuesday, February 8, 2022 9:39 AM  
**To:** David Yamamoto; Erin Skaar; Mary Faith Bell  
**Subject:** EXTERNAL: Oceanside vote

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

As a Tillamook county voter, I believe that Oceanside community has the right to vote on forming a city.

Jeff Zybura  
Netarts,OR

## David Yamamoto

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**From:** Mary Flock <mbflock@msn.com>  
**Sent:** Monday, February 7, 2022 3:26 PM  
**To:** Mary Faith Bell; Erin Skaar; David Yamamoto  
**Subject:** EXTERNAL: Oceansiders deserve better

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

### Commissioners Bell, Skaar and Yamamoto

Oceansiders deserve the chance to vote on incorporation and the reason we want incorporation is because Oceansiders deserve better than what we've gotten from Tillamook County. We had hoped the time frame between your decision and the May ballot would allow everyone who wanted to get more educated on the pros and cons to have time to do so. Your decision to prevent us from voting on incorporation seems to rest on 1) the rush to be on the May ballot, 2) the condition of Oceanside roads and lack of a comprehensive drainage plan, 3) thinking our proposed .08% city tax rate is too low and 4) the exclusion of The Capes. On a related topic, we have comments on the Capes Meares Loop Road relocation project.

Rush to be on the May ballot—This was addressed in the Incorporation Report and asked and answered in the hearing. If we miss the May ballot, we would have no funding for the first year and a half. If you thought a .08% tax rate was too low to form a city government, try to do it with zero dollars.

Condition of Oceanside roads and lack of a comprehensive drainage plan—The Oceanside budget included the road maintenance cost that Chris Laity advised. It did not include costs to correct decades of neglect or drainage problems, but given that currently those are the responsibility of Tillamook County, it begs the question what is your plan and what have you done. Sarah Absher's predecessor, Lisa Phipps, discussed the need for a comprehensive drainage plan but nothing ever happened. Thirty percent of TLT in Tillamook County is supposed to go to roads, but over the past 8 years since TLT passed, Oceanside has not received anything close to the 30% portion of TLT generated in Oceanside. As an incorporated city with the TLT funds and with grants, we could start addressing the road and drainage problems that Tillamook County has not.

Proposed Oceanside City Tax Rate of .08%—Oceanside is a compact geographic area with only 600 houses and about 350 residents. It already has its own sewer district, water district and fire district with separate lines on our property tax bills. The proposed Oceanside city tax rate .08% along with the 30% TLT would allow Oceanside to take over responsibility from Tillamook County planning, vacation rentals, tourist management and emergency preparedness—all areas that we believe Tillamook County has not handled adequately for us. All of these areas as well as police and other services are currently included in the .1459% every property owner in Oceanside pays in property taxes to Tillamook County and since there is no plan to reduce the .1459%, Tillamook County will effectively be getting the same taxes for providing less services.

Exclusion of The Capes—The Capes is geographically separate from the main part of Oceanside. The developer of The Capes lobbied for its inclusion in Oceanside versus Netarts, assumedly because of the cache of its name, but they would lose nothing by being excluded and they very much don't want to be included. The Capes is a gated community so no tourists and their CCNR's prohibit vacation rentals. Their HOA building requirements are very strict and their fees cover roads maintenance and according to Sarah Absher, they have emergency management covered. Since planning, vacation rentals, tourist management and emergency preparedness are the areas that the city of Oceanside would be responsible for, The Capes would have no benefit from Oceanside incorporation and apparently The Capes also get little benefit from Tillamook County though they pay the same .1459% that we do.

We fell in love with Oceanside the first time we visited and knew we wanted to live here. Oceanside's lack of commercialization appealed to us although we still mourn the loss of the Anchor Tavern. It was our only local watering hole and a place to meet locals and hear local musicians perform. Oceansiders organized to prevent replacing the Anchor Tavern with a hotel that had no parking spaces and was effectively twice as tall as the old structure but it was to no avail.

When we bought our house 24 years ago, we were surrounded by wooded lots. The woods are gone as are most of our old neighbors. Many of both the old and new houses have been turned into vacation rentals including the house next door to us. We have only a handful of real neighbors in Camelot and vacation renters generally make lousy neighbors—noise, trash, bad behavior, intrusive lights, fireworks, and dog poop.

There used to be a tourist season and in the off-season we'd get a break from vacation renters, enjoy peace and quiet and be able to park in the village and walk on the beach and eat at the local restaurants, but that has changed in the past couple of years. Oceanside has been discovered and the norm is traffic, speeding accidents, parked cars blocking our narrow streets, and erosion to Highway 131 roadside caused by people and parked cars endangering the only road out of Oceanside.

Several times over the past 24 years, Highway 131 has failed due to landslides or culvert collapses. In 2007 a severe storm left downed trees blocking the road and power was out for a week. In 2020 a fire near the Capes caused by a downed power line blocked the only road out and we weren't aware of it till after it was over. With an earthquake or tsunami, we could be trapped here and it could be more than just a few weeks. It won't matter which neighborhood you live in, Oceansiders will need to rely on each other because that may be all we have for a long time.

Mary Flock  
5565 Castle Drive  
Tillamook, OR 97141

Jud Griner  
5565 Castle Drive  
Tillamook, OR 97141

David Yamamoto

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**From:** Susan Songer <songer@portcoll.com>  
**Sent:** Monday, February 7, 2022 1:02 PM  
**To:** David Yamamoto; Erin Skaar; Mary Faith Bell  
**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.]

Dear Commissioners Yamamoto, Skaar, and Bell--

As a long-standing property owner in Oceanside, I am disheartened by your decision to override the will of Oceanside residents on the issue of incorporation. The majority of Oceanside residents favor a vote on incorporation, and along with it, the ability to have a voice in the character of our own community. I urge you to reconsider your decision.

Sincerely,  
Susan Songer  
5435 Norwester Rd  
Oceanside, OR 97134

## David Yamamoto

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**From:** Randall Koch <randallkoch1@me.com>  
**Sent:** Monday, February 7, 2022 1:29 PM  
**To:** David Yamamoto; Erin Skaar; Mary Faith Bell  
**Cc:** Jerry Keene  
**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.]

Dear Commissioners,

I write to you after following the meetings, newsletters and conversations by the CAC Chairs regarding the Incorporation of Oceanside. I am writing as a citizen of Tillamook County for over 40 years, and a member of an Unincorporated Community. (Not as the Pro term Chair of the Neskowin CAC and Vice Chair until our Chair can return to his responsibilities, as I have not been asked by the community to respond on their behalf.)

I am very concerned based on my understanding of the actions of the Commissioners regarding the three of you and the County Treasurer's lack of due diligence in reading and understanding of the thorough and considered research of the important Oceanside incorporation documents and the lack of transparency in making your decision. Your decision to deny a vote by Oceanside community members on Incorporation makes one wonder of your motivations and the apparent fear you have of communities holding onto funds generated in unincorporated communities by STR's so those communities can decide how to deliver funds to address issues (road improvements, STR ordinance enforcement) the County has often failed to address in unincorporated communities for the last ten years.

I hope you will research your apparent objections to Oceanside's proposed tax rate numbers and road budget and reconcile with the Oceanside Community to allow them to move forward on their efforts to vote for or against incorporation as a city in Tillamook County.

I welcome your response to help me understand your positions, as the decision to not allow a vote based on the reason's you provided do not hold water relative to the research done by Oceanside and the endorsement of their number by Chris Laity regarding road maintenance expenses. I believe the County Treasurer's due diligence will reveal the reasonable nature of the proposed \$.80 per \$1000 proposed tax as well.

Randall Koch  
Neskowin

David Yamamoto

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**From:** Ron Dolen <rondolen@gmail.com>  
**Sent:** Monday, February 7, 2022 2:17 PM  
**To:** David Yamamoto; Erin Skaar; Mary Faith Bell  
**Subject:** EXTERNAL: Allow a vote on 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.]

Tillamook County Commissioners:

I've been visiting Oceanside for decades with my family; I love the town's off-the-beaten track location and quaint character. I've been following the incorporation conversation closely, and I was upset to learn that you recently denied Oceansiders the right to vote on incorporation, even though they had fulfilled all the legal requirements and gone through a painstaking research process. This community deserves the right to vote on this issue. Please reconsider your decision.

Ron Dolen

## David Yamamoto

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From: Jdprat13 <jdprat13@aol.com>  
Sent: Monday, February 7, 2022 2:58 PM  
To: David Yamamoto  
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.]

Commissioner Yamamoto:

As a local voter and resident of the Terrasea community in Oceanside I am writing to you to express my disappointment with your decision to reject the petition concerning the matter of Oceanside incorporation.

I believe the Economic Feasibility Statement (EFS) was more than sufficient for Oceanside voters to decide whether incorporating Oceanside was in their best interest.

Those opposed to incorporation sought to do everything they could to keep the issue out of the hands of the voter. Unfortunately, you took the bait and denied the petition.

I am saddened on several counts:

1. I believe Tillamook County, for which I would want to see the most positive image portrayed possible around the State, unfortunately does not look very good after the rendering of this decision. The entire record is in the public domain. Just one example for all to see: The County Treasurer admitting to not be very familiar with the EFS was never-the-less prodded to form an opinion questioning the proposed budget with little or no review of the documents. This occurring well after public response and comment closed and Petitioner could not respond to the Treasurer's comments. You, the Commissioners could question the Treasurer and encourage her to accept the direction in which you were headed but Petitioner could not. You became the Respondent and were no longer independent decision makers.

2. THE EXCUSE YOU PROPOSED, DELAYING, TO SEEK ADDITIONAL INFORMATION, ONLY WOULD HAVE HAD THE PURPOSE OF KILLING THE PETITION. Statutory time requirements (90 days required before the May 17<sup>th</sup> special election to approve the Petition and the County property tax cycle (July 1, 2022) make a vote on May 17<sup>th</sup> critical for this year. Collection of property tax revenue which would occur in November just five months after incorporation. If a vote on the petition were put off until the November general election and approved this timing would result in no property tax revenue received until 12 months later. The EFS would require revision and new meetings held and a new Petitions circulated.

KILL IT NOW BY DELAY AND MAYBE, HOPEFULLY IT WILL GO AWAY ALTOGETHER. Definitely a strategy of those opposed to incorporation and one which you collectively have found compelling.

3. Seeking additional information, I believe, also means that you, the County Commissioners believe, based upon all the information already provided, to include but not limited to the EFS that voters cannot within 90 days inform themselves in such a manner as to cast an educated vote on how best to proceed concerning the subject of Oceanside incorporation.

4. And then there are multiple red herring issues promoted by those opposed to incorporation (ACTUALLY PRESENTED BY THOSE OPPOSED TO EVEN LETTING VOTERS DECIDE).

A. 1,000 plus tax lots but only 350 voters – VOTERS DECIDE ISSUES IN THEIR COMMUNITIES. I am not aware in the Oregon Statutes governing incorporation there is any requirement to inform every lot owner within the proposed incorporation boundaries.

B. "I just found out about it and need more time to analyze the issue." If you had even once looked at the Oceanside Neighborhood Association web site it was all there. Besides you would have had 90 DAYS to analyze the issues and make a decision.

C. The Capes vacant lot sewer issues should The Capes no longer be in Oceanside – they will still be within the legally defined boundary of the Sanitary District an independent political entity;

D. Only The Capes Homeowners' Association, Inc. provided a statement that they be excluded from the proposed incorporation boundaries. The Terrasea Association provided no statement. The Trillium Homeowners Association provided no statement. Neither Avalon West nor Radar Road have Homeowner Associations yet Tillamook County Community Development submission materials would appear to state each of these areas was seeking to opt out.

Would any of these, or perhaps a new red herring be the basis to put off a future petition with more information and/or research needed after petition submittal and result in killing that effort?

5. Finally, Jerry Keene has put in a tremendous amount of work on the incorporation effort. Other members of the team has also helped and contributed to the effort. I believe it not unreasonable to assume Jerry has put 500 hours or more into the effort. If this had been a law firm doing the work at \$200 an hour Jerry's work would be worth \$100,000 plus, all for the betterment of the Oceanside Community, an effort you as Commissioners have now rejected.

## David Yamamoto

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**From:** Terri Warren <twestover@mac.com>  
**Sent:** Monday, February 7, 2022 11:54 AM  
**To:** David Yamamoto; Erin Skaar; Mary Faith Bell  
**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.]

It was with great dismay that I watched you three county commissioners ignore the will of the Oceanside people by rejecting our bid for incorporation. So much work went into this proposal, and it appeared that so little time was spent on your part, evaluating the very carefully researched financial plan for our new city. I also find it disturbing that the money that so little of the tax revenue that has been collected from short term rentals has gone back to Oceanside every year, while so much has gone to Pacific City as direct allocations (not grants). Also disturbing to me is that by rejecting our proposed incorporation, the county continues to control all of the money generated by short term rentals to do as they wish with the money. Isn't this a bit of a conflict of interest on the part of the county commissioners? Clearly, Oceansiders would keep most of the STR money if we incorporate and the county would have far less of it.

Terri Warren RN, ANP  
Tillamook County voter  
5480 Aster, Oceanside, OR 97134  
503-701-2798

## David Yamamoto

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**From:** Arielle Olson <ariellenolson@me.com>  
**Sent:** Monday, February 7, 2022 12:09 PM  
**To:** David Yamamoto  
**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.]

Dear Commissioner Yamamoto,  
Please review your negative vote against the Oceanside petitioners. They fulfilled all legal requirements to put the question of Oceanside incorporation onto the ballot.  
You need to meet your legal obligations and allow the voters to decide.  
Sincerely,  
Arielle and Clarence Olson, 2020 Maxwell Mountain Road, Oceanside Oregon 97134

## David Yamamoto

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**From:** Vicki Hurley <vhurley@teleport.com>  
**Sent:** Monday, February 7, 2022 12:52 PM  
**To:** David Yamamoto  
**Subject:** EXTERNAL: Oceanside - Motion for Reconsideration

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

Commissioner Yamamoto,

My name is Vicki Hurley and my husband and I have been a property owner in Oceanside for over twenty-five years. Your ruling last Wednesday to deny Oceansiders a spring vote regarding incorporation was disappointing and, I believe, misguided and in error.

It appears that the decision was based primarily on the perception that the tax rate proposed is too low. What is troubling is that hundreds of people have reviewed the rate before it was submitted. If the Commissioners have concern, fair enough. However, I believe you OWE IT TO THE PEOPLE to raise the issue for further discussion rather than unilaterally making your decision and stopping the petition.

The County Treasurer, although she admitted not reading the support material, indicated that she saw NO RED FLAGS. From some of the questions asked by Commissioners during hours of meetings it appears that the submitted material was not adequately reviewed and understood by the Commissioners.

All we ask is the Commissioners reconsider their decision and be open for additional conversation on the proposed tax rate.

I also believe it should be left up to a vote by the community to decide what direction we go in the future.

Ask yourself, are you afraid to put this to a vote of the people because you may lose the transient lodging tax revenue?

Thank you,

Vicki Hurley  
5320 Woodlawn  
Oceanside

Sent from Mail for Windows

## David Yamamoto

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**From:** Bob <bobdeph@aim.com>  
**Sent:** Monday, February 7, 2022 1:34 PM  
**To:** David Yamamoto; Erin Skaar; mfbell@co.tillamook.or.u  
**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.]

Dear Commissioners:

I provided oral testimony at the February 5 hearing on Oceanside incorporation. I'm pasting a copy of that testimony below as a reminder that taking away the right of informed voters to have an open and fair debate about issues of importance to their community, and then vote up or down, is how democracies work. I urge you to reconsider your decision - not to come up with what you think is a better justification for denial, but to let the voters of Oceanside decide as this process contemplated. Thanks for reading this and your work.

Bob Joondeph  
Oceanside

My name is Bob Joondeph and I am a homeowner on Hillcrest Av in Oceanside. Thank you, commissioners, for the opportunity to share my comments with you today. Direct community involvement and democratic process are the "Oregon way." They are also the Oceanside way. I value the institutions that support our way of doing things and the residents who volunteer their time and talents to make it work. I'm sure you do too.

As I see it, the Oceanside Neighborhood Association volunteers did not have to engage in the extensive process that they did. Its process was open to all stakeholders, and not just registered voters. The volume of documentary support that has been offered to you by the petitioners should not be dismissed as highfalutin legalese, but praised as attesting to a sincere and successful effort to engage the entire community in conversation about issues that are clearly of interest to anyone who lives in Oceanside.

We all know about the challenges that growth, investment and increased tourism have posed for Oceanside and other coastal communities. Oceansiders are talking about a huge new subdivision slated for Avalon Heights, we read in the Pioneer about a proposed three-story hotel on the downtown oceanfront. Summer traffic jams and parking woes have gotten our attention. Changes are upon us and many of us recognize the need to manage that change for good Oceanside.

Through an open Neighborhood Association process, a strong majority of stakeholders have asked for a new way to assess building heights and to control flood lighting. Thus far, I have heard nothing about this from the county. Now, a community consensus has

## David Yamamoto

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**From:** Mike Hurley <hurley@teleport.com>  
**Sent:** Monday, February 7, 2022 10:40 AM  
**To:** David Yamamoto  
**Subject:** EXTERNAL: Oceanside - Motion for Reconsideration

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

Commissioner Yamamoto,

My name is Mike Hurley and we have been a property owner in Oceanside for over twenty-five years. Your ruling last Wednesday to deny Oceansiders a spring vote regarding incorporation was, I believe, misguided and in error.

It appears that the decision was based primarily on the perception that the tax rate proposed is too low. What is troubling is that hundreds of people have reviewed the rate before it was submitted. If the Commissioners have concern, fair enough. But, I believe you OWE IT TO THE PEOPLE to raise the issue for further discussion rather than unilaterally making your decision and stopping the petition.

The County Treasurer, although she admitted not reading the support material, indicated that she saw NO RED FLAGS. From some of the questions asked by Commissioners during hours of meetings it appears that the submitted material was not adequately reviewed and understood by the Commissioners.

All we ask is that the Commissioners reconsider their decision and be open for additional conversation on the proposed tax rate.

I also believe it should be left up to a vote by the community to decide what direction we go in the future.

Ask yourself, are you afraid to put this to a vote of the people because you may lose the transient lodging tax revenue?

Thank you,

Mike Hurley  
5320 Woodlawn  
Oceanside

## David Yamamoto

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**From:** Jeannie Songer <jsonger@gmail.com>  
**Sent:** Monday, February 7, 2022 10:44 AM  
**To:** David Yamamoto; Erin Skaar; Mary Faith Bell  
**Subject:** EXTERNAL: Allow the vote!!

[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 County Commissioners,

I just heard that you have denied Oceansiders the right to vote on incorporation and would like to ask you to reconsider. This issue is very important to many of us, and it feels as though you have struck it down without explanation. What is the legal ground for the denial? Please allow the community to make its own decisions -- a vote will allow our voices to be heard.

Sincerely,  
Jeannie Songer, home owner

## David Yamamoto

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**From:** Sue Wainwright <sue@trek-tech.com>  
**Sent:** Monday, February 7, 2022 11:00 AM  
**To:** David Yamamoto; Erin Skaar; Mary Faith Bell  
**Subject:** EXTERNAL: Well-intentioned comments.

[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 Bell, Skaar and Yamamoto,

I offered testimony and watched the Wednesday, February 9<sup>th</sup>, hearing on the Petition for Incorporation for the City of Oceanside. While I appreciate that being a county commissioner is a difficult job, and you are no doubt exceedingly busy, it was imperative that you have the facts. Your Board was provided with all the facts, amassed by dozens of Oceanside residents who worked very hard for a number of months in anticipation of the hearing. But it appears that none of you took the time to read the information provided, nor did you try to get clarification of the facts from the Petitioners who were in the room during the hearing.

The packet of information you received to help you ascertain that Oceansiders' had done the necessary work to justify their determination that the issue of incorporation should be placed on the ballot in May was exhaustive. It would have taken some time to read and digest the information, but the questions you raised and the conclusions you drew gave the impression that you didn't give the topic the time and attention it deserved. One of you even stated that you didn't fully understand exactly how to make a decision about the legality and completeness of the Petition.

Sadly, for all of us in Oceanside who worked so hard to draw our own conclusion that the idea of incorporation was an idea whose time had come, you greatly confused the issue and spent literally hours debating things that did not pertain to whether the Petition satisfied the requirements and that the Petition was legally complete.

As I believe you all know, the financial path to funding any new city must be very carefully assessed. All new cities grow gradually, allocating funding as money becomes available. Funding comes from numerous sources, not just the permanent tax rate.

The permanent tax rate for other cities are in some cases, even lower than Oceanside's as proposed in the Economic Feasibility Study. I am sure you also realize that the higher the permanent tax rate is, the harder it will be to ask for people's votes. In our research we learned that PTR's are exceedingly varied. However, whether or not the proposed rate for Oceanside is initially set too high or too low is not relevant to placing the issue on the ballot. One would need a crystal ball to know exactly where the PTR should be set at the outset of a newly incorporated city. That is why so much effort was placed in determining a rate that voters might accept but is not excessive.

So it really looked like you were trying to derail this process before the people were allowed the due process that they should be entitled to.

As Jerr / Keene very carefully explained at the outset, your job was to decide whether or not the Petitioners met the legal requirements for submitting the Petition, including but not limited to a very carefully written Economic Feasibility Study. You were to evaluate elements of the petition, but the permanent tax rate, and sewer availability were not meant to be the crux of this hearing.

You also appeared to be confused as to the workings of Special Districts. Considering the large number of Special Districts in Oregon, that was hard to believe. Entities such as NOSD, operate independently of incorporated cities or

unincorporated cities. They essentially operate as any business would, apart from the fact that DEQ must be answered to and can mandate changes. Such districts are governed by the Oregon Revised Statutes and their own District Bylaws. Special Districts provide services to people within their unique boundaries which are defined in the incorporation documents of the district. In the case of Netarts-Oceanside Sanitary District, the boundary includes both communities, and does NOT include Radar Road...at the present time. Incorporating some of the properties within a district's boundaries would not cause users in unincorporated areas to lose the services of the district that serves them.

The NOSD boundary stops well short of the Radar Road area. That could be changed in the future if DEQ were to mandate it. If they did, it would probably be due to water and or ground contamination (or possibly both) caused by leaking septic tanks. That timing is impossible to predict and worrying about that issue in conjunction with the validity of the Petition question would require a second crystal ball and is not a basis for approving or disapproving the Petition.

I know that I have been blunt, and may have irritated, possibly offended, all of you. I have to say that your performance in Wednesday's hearing was an unexpected disappointment. Not because you didn't approve the Petition for placement on the ballot, but because you did so for what are irrelevant reasons. You really appeared to have a prior agenda and it was not in favor of bettering the lives of Oceansiders as a whole.

If the petition had not been denied for reasons that do not correlate to the requirements for review of the Petition as outlined, Oceansiders would now be embarking in a new community discourse. For the three months following approval of the Petition, the questions that stumped the three of you will either be satisfactorily answered in the minds of the members of the community, or the incorporation effort will end in failure in the May election.

I respectfully implore all of you to reconsider the objections you made that caused you not to approve the Petition. Had the Petition been insufficient, your actions would have been completely understandable. As things stand now your decision, based on invalid reasons, will reflect very badly on your competency as a Board.

Very sincerely yours,

Susan Wainwright  
Oceanside, Oregon

David Yamamoto

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From: kathie Norris <knorris43@charter.net>  
Sent: Monday, February 7, 2022 10:36 AM  
To: Mary Faith Bell; Erin Skaar; David Yamamoto  
Subject: EXTERNAL: Oceanside's Incorporation request decision

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

Mary Faith Bell: [mfbell@co.tillamook.or.us](mailto:mfbell@co.tillamook.or.us)  
Erin Skaar: [eskaar@co.tillamook.or.us](mailto:eskaar@co.tillamook.or.us)  
David Yamamoto: [dyamamoto@co.tillamook.or.us](mailto:dyamamoto@co.tillamook.or.us)

Dear Commissioners:

With all due respect, I was surprised and incredibly disappointed in your lack of responsiveness to the desire and investment of the citizens of Oceanside to put our incorporation request on the May ballot. This decision is yet another example of your disregard of our wishes and a strong factor in our request to incorporate.

Moreover, this decision does not appear to be an appropriate execution of your duties by seemingly not thoroughly reviewing our proposal, especially the budget related aspects.

I strongly urge you to REVERSE your decision to deny our request to put incorporation on the May ballot. Give us a chance to choose our future.

Sincerely,

Kathryn S. Norris

## David Yamamoto

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**From:** sixt7gta@aol.com  
**Sent:** Sunday, February 6, 2022 6:44 PM  
**To:** David Yamamoto; Erin Skaar; Mary Faith Bell  
**Cc:** jerrykeene@aol.com  
**Subject:** EXTERNAL: Reconsideration of 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.]

To: Board of Commissioners  
Tillamook County

As a property owner and voting member of Tillamook County we were indeed shocked and disappointed to learn that you, the Commissioners, have denied the property owners in Oceanside, Oregon the chance to vote for or against Incorporation this spring. We listened to the two lengthy meetings which were recently held by the county in discussing Oceanside's application. As a resident of Oceanside, we have spent time studying, discussing, reading and understanding all the issues to consider, expenses, and responsibilities this will require. Oceansiders did due diligence to meet the requirements the county requested.

Why are we as Oceanside residents not being allowed to vote for or against Incorporation this spring?

How is this not a conflict of interest for the Commissioners when Tillamook County will be losing about \$300,000 annually in revenue from Oceanside should the voters approve this? Seems like a conflict of interest for the Commissioners to decide? Why would you ever approve a request for Oceanside to Incorporate when it causes a loss of revenue to Tillamook County? Why not let the Oceanside residents decide what's best for their community by allowing us to vote for or against Incorporation.

Please **reconsider**, and carefully **review again** all the information that the Committee in Oceanside worked diligently on and was submitted, a well researched budget, estimates and information to be considered by the county, so that residents of Oceanside could decide for themselves about their own community moving forward with a yes or no vote.

Robert & Marcella Semet

## David Yamamoto

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From: Neunzert <neunzert@gmail.com>  
Sent: Sunday, February 6, 2022 6:53 PM  
To: David Yamamoto; Erin Skaar; Mary Faith Bell  
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.]

Dear Commissioners Yamamoto, Skaar and Bell,

Please reverse your decision on the Oceanside incorporation petition. Let Oceanside voters determine what is best for Oceanside in the May elections!

Every effort was made by the petitioners to provide and document how and why the tax rate was set to \$.80/\$1000 of assessed valuation. This number has been reviewed and debated thoroughly by a large number of Oceanside residents and the consensus is that this is a good number. It should be up to the Oceanside registered voters to decide if that value is acceptable. Your responsibility is only to confirm that there was credible logic leading up the proposal. That logic was documented and presented clearly. The tax income from The Capes was excluded (see below) so the proposed budget is correct.

There was considerable deliberation during the meeting about whether The Capes should have been excluded. They Insisted that they be excluded. The issue of belonging to a community in order to receive sewer services was addressed with The Capes' willingness to annex onto the Netarts community, leaving their sewer situation unchanged from what it is today.

Please thoroughly read the information provided by the petitioners at the behest of the residents and property owners of Oceanside, This is a thoughtful, well developed proposal so the decision about incorporation should be turned over to the voters to decide.

Michael Neunzert  
Home Owner  
1780 Maxwell Mountain Road  
Oceanside, OR 97134

## David Yamamoto

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**From:** JANE SANDQUIST <turtlejane@mac.com>  
**Sent:** Sunday, February 6, 2022 7:25 PM  
**To:** David Yamamoto  
**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.]

Mr. Yamamoto,

We are disappointed in your decision to not put the Oceanside Incorporation issue on the May ballot. The legal requirements for the petition were met. The proposal, developed by dozens of well-informed Oceanside residents, was thorough and well done. There were numerous supporting documents. It doesn't seem like Oceanside has been a high priority to you. It is our belief that the democratic process should provide registered voters who reside in Oceanside opportunity to vote yes or no and that can only happen if you place it on the ballot.

Please reconsider.

Don and Jane Sandquist

Full Time Residents of Oceanside.

## David Yamamoto

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From: rob <robhoeper@gmail.com>  
Sent: Sunday, February 6, 2022 9:03 PM  
To: David Yamamoto  
Subject: EXTERNAL: Oceanside Overreach

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

Commissioner Yamamoto,

I am a full time resident of Oceanside and have closely followed the discussions and hearings regarding incorporation.

I would like to point out a few comments that I heard during testimony and deliberations:

*"I see no red flags."* County Treasurer Shawn Blanchard, when pressed repeatedly for her impression of the admittedly brief time she had to look at the Economic Feasibility Statement.

*"Have the petitioners met the criteria? Yes."* Commissioner Yamamoto

*"We should leave it to the voters."* Commissioner Skaar

*"I believe due diligence has been done. Petitioners have met the statutory process."* County Council Joel Stevens

*"Petitioners have met the statutory requirements but the statute is inadequate."* Commissioner Bell

And yet after comprehensive testimony was provided by the petitioners, you closed public comment and voted to deny the petitioners' request based upon a "feeling" that the tax RATE was too low. This denial was made with very little effort to review the facts of the Economic Feasibility Statement which the petitioners could clearly have addressed if this concern had been raised during public comment.

Whether I support Oceanside incorporation or oppose it I feel that it is up to me to make that decision at the ballot box. Your decision has denied me that opportunity. It will, however, help me decide how to vote in future elections.

I support the petitioners' request for reconsideration of the denial.

Respectfully,

Rob Hoeper  
1800 Maxwell Mountain Road  
Oceanside

## David Yamamoto

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**From:** Margaret Farrell <margaretfarrell3113@gmail.com>  
**Sent:** Monday, February 7, 2022 7:18 AM  
**To:** David Yamamoto; Erin Skaar; Mary Faith Bell  
**Subject:** EXTERNAL: Please reconsider Oceanside petition

[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 was very disheartened to hear that you summarily rejected our petition to proceed with the Oceanside incorporation effort. Various of our community members put in many hundreds of hours of work to do an amazing amount of research, which the rest of the community had an opportunity to review prior to voting to move forward. The perception is that your group did not fully appreciate the details of this research and/or may not have even reviewed it sufficiently. I understand your main concern was around the tax rate being too low, and if you review the details, you should find there is an abundance of data to support the original rate.

It would be a miscarriage of the system for you to prevent Oceanside from pursuing more local control. Your position really doesn't make sense, unless there is some unstated conflict of interest. The people of Oceanside want to establish the City of Oceanside, and this conclusion has been made after careful consideration of the facts. We only ask that you put in the same effort to thoroughly review the data and you are bound to reach the same conclusion that we have.

Sincerely,  
Margaret Farrell  
1435 Sunset Ave, Oceanside

## David Yamamoto

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From: Brett Hardt <bartco58@comcast.net>  
Sent: Monday, February 7, 2022 8:04 AM  
To: Mary Faith Bell; Erin Skaar; David Yamamoto  
Subject: EXTERNAL: Reconsider your decision

[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 commissioners,

My name is Brett Hardt.

I own a home in Oceanside.

I would like to ask you all to please reconsider your decision on letting three voters of Oceanside decide to incorporate or not.

I feel the residents will have and make an informed decision if allowed to vote on this issue.

Thank you for your time.

Respectfully  
Brett Hardt  
1645 Rosenberg Loop Oceanside

**David Yamamoto**

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**From:** Kris Woolpert <kriswoolpert@gmail.com>  
**Sent:** Monday, February 7, 2022 9:19 AM  
**To:** Erin Skaar; Mary Faith Bell; David Yamamoto  
**Subject:** EXTERNAL: motion for reconsideration 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 Commissioners,

I support the 'motion for reconsideration' to put incorporation of Oceanside on the May ballot. Please allow this time for the petitioners to discuss with you the financial budget which had not been a well discussed topic of discussion during the hearings.

thank you,

kris woolpert

1535 Sunset Ave. Oceanside

David Yamamoto

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From: Roossinck, Marilyn J <mjr25@psu.edu>  
Sent: Monday, February 7, 2022 9:26 AM  
To: David Yamamoto  
Subject: EXTERNAL: A plea to reconsider!!

[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 Commissioner Yamamoto

I am writing to express my dismay at the recent actions of the Tillamook county commissioners. I find it shocking that three people have hijacked the democratic process for the people of Oceanside, who spent months researching every aspect of the incorporation process, had numerous public meetings on the topic, and had 81 signatures on their petition (over 30 % more than required) to put the question of incorporation on the May ballot. The question of finance was clearly an excuse because you could not find anything wrong with the process from the Oceanside perspective. If this had been a real concern why was it only brought up after comments were closed? Why did the commissioners rely on the opinion of someone who admittedly had not even read the detailed proposal? I don't know who got to you, but it is a travesty that you are representing the county. Since you do not support democracy, you will never have my vote again.

Sincerely,  
Marilyn Roossinck  
1860 Chinook Ave.  
Oceanside

David Yamamoto

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**From:** Liz Stephens <ems@lclark.edu>  
**Sent:** Monday, February 7, 2022 9:54 AM  
**To:** David Yamamoto; Erin Skaar; Mary Faith Bell  
**Subject:** EXTERNAL: Oceanside United Motion for Reconsideration

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

Commissioners,

My husband and I have owned property in Oceanside since 1990. We are members of ONA and I have served on the OPA board in the past. We are well aware of all of the hard work and numerous hours volunteers throughout the past 30 years have donated to making Oceanside a desirable and functioning community. We feel it is time to turn over the responsibility for the operation of our village to a professional staff that will be responsive to the will of the community. That is why we supported Oceanside United's petition.

I listened to almost all of the Tillamook County Commissioner's hearings for deciding on a vote for incorporation. I was appalled at the short shrift you gave to the months of study and research our group donated to make sure every contingency was addressed. Understandably you have much on your plate, but it seemed as though you had not read or understood what was submitted or what your own agencies recommended.

You must right this wrong and reverse your decision and let the voters decide. Otherwise, who are you serving?

Respectfully,

Liz Stephens  
5405 Birch  
Oceanside OR

## David Yamamoto

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**From:** Mike Mahaffa <mikemahaffa@gmail.com>  
**Sent:** Monday, February 7, 2022 10:04 AM  
**To:** David Yamamoto  
**Subject:** EXTERNAL: An Oceanside property owner, husband & wife for 11 years strongly requests Our Rights to Vote!

[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 and I are in agreement that we want the opportunity to vote on incorporation of Oceanside. That is our constitutional right— —the American Way, as we were taught in American civics class in the 8th grade in our public school.

Do not shut us out of that American, basic right, To Vote!

Our Property is in Avalon Heights, off Highland Avenue.

*Mike Mahaffa*  
[mikemahaffa@gmail.com](mailto:mikemahaffa@gmail.com)  
[michaelmahaffa@facebook.com](https://www.facebook.com/michaelmahaffa)  
503 799 2538

## David Yamamoto

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**From:** Sarah Heiner <sarahmayheiner@gmail.com>  
**Sent:** Monday, February 7, 2022 10:29 AM  
**To:** David Yamamoto  
**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 David,

I am sending this email to request that you and the other Commissioners reconsider your decision and allow the people of Oceanside to vote in May. We have owned a house in Oceanside since 2004 and love it there (not rented out). We plan to retire there and feel that there are some key issues that would be best addressed by the local Oceanside residents then the larger county. Tillamook is a very large county with varied demographics and issues and because of this feel that the county is stretched to address all the needs of the citizens.

Thank you for your consideration,

Sincerely,

Sarah (and Rory Heiner)

## David Yamamoto

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**From:** Michelle Druce <michelledruce50@gmail.com>  
**Sent:** Sunday, February 6, 2022 2:51 PM  
**To:** David Yamamoto  
**Cc:** Tracy Nichols  
**Subject:** EXTERNAL: Oceansiders United / Motion for Reconsideration

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

County Commissioner Yamamoto :

I am writing to request that the County Commissioners reconsider the oral decision to deny a public vote on Oceanside's petition for incorporation. As the Commissioners acknowledged, Oceansiders United met all of the legal requirements. However, the decision that the proposed tax rate was "too low" was made in the last hour, without discussing the general revenue and spending figures. The Petitioners were not allowed to address the concerns the Commissioners raised.

The County Treasurer acknowledged that she had not studied the proposed budget prior to the hearings and she missed the appointment that Oceansiders United scheduled with her in December to go over the proposed budget. A Commissioner also suggested that not enough money had been allocated to roads and public roads which contradicted the Public Works Director's statements that the amounts budgeted were reasonable. I am concerned that your decision did not include a thorough review of the detailed documentation or the balanced revenue and spending projections for staffing and road work based on recommendations provided by the Public Works Director.

I urge you to reconsider your decision to deny the petition and allow Oceansiders to vote on this important decision.

Regards,

Michelle Druce and Tracy Nichols

**David Yamamoto**

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**From:** Dianna Fitzgerald <diannalynnfitz@gmail.com>  
**Sent:** Sunday, February 6, 2022 3:24 PM  
**To:** David Yamamoto  
**Subject:** EXTERNAL: disappointment

[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 Sir,

As a full time resident of Oceanside I want to express my disappointment at the derailment of our incorporation movement. A great deal of time and effort was invested by many committee members resulting in a 34 page report that was summarily disregarded by you and the other commissioners. The county treasurer didn't even read the report.

I respectfully request that you reconsider your decision and let those of us who live in Oceanside decide the fate of incorporation efforts by allowing us to vote on the matter.

Sincerely,  
Dianna Fitzgerald

## David Yamamoto

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**From:** Melissa Farlow <melissafarlow@me.com>  
**Sent:** Sunday, February 6, 2022 5:07 PM  
**To:** David Yamamoto  
**Subject:** EXTERNAL: Oceanside incorporation appeal

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

Commissioner Yamamoto,

I cannot tell you how disappointed we are in your decision to prevent Oceanside voters from making a decision on incorporation.

It is apparent that Tillamook County Commissioners went beyond the scope of your legal responsibilities and manufactured issues that our petitioners were not even allowed to address. I was shocked that during the hearing that the County Treasurer attempted to explain she was not familiar with the budget numbers and had not reviewed them carefully, and yet you relied on her unformed expertise to make your decision. She cancelled a meeting with our leaders when they wanted to meet to explain budget numbers. Why did you neglect to ask our petitioners questions about their calculations if your decision rested on that information?

Why did you negate your own roads department manager's support and conclusion when he said that Oceanside would help the county's road situation because we can apply for grants and that would help our community as well as the county?

We understand the commissioners are very busy people overseeing many communities and other county business. But this petition is the most important and collective decision in Oceanside made in many years, and we deserved better than a casual glance at a serious proposal. Was this just a power play? Many people volunteered and spent weeks working to calculate the viability. We met through the holidays, discussed the issues and then voted to move forward. I was not part of the core group of discovery, and yet in my small role to verify voters, I spent more than a week working just to authenticate legitimate voters and make sure we were accurate. We deserve answers.

Oceanside met the requirements for the question of our incorporation to be placed on the ballot. You overstepped your legal authority when you acted last week. We deserve leadership that is knowledgeable and progressive on issues that affect us. We believe our local leaders care about retaining the uniqueness of Oceanside and a high quality of life. We ask you to please re-evaluate your decision and support the democratic process. Let Oceanside vote.

Melissa Farlow and Randy Olson

Oceanside, Oregon

## David Yamamoto

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**From:** Katie Songer <songerk@yahoo.com>  
**Sent:** Sunday, February 6, 2022 9:51 AM  
**To:** David Yamamoto; Erin Skaar; Mary Faith Bell  
**Subject:** EXTERNAL: Allow Oceanside to vote on 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 County Commissioners,

I was shocked and angered by your decision to deny Oceansiders the right to vote on incorporation. After so many local people have put so much time, energy, and care into the proposal, it sounds as though, in the lead-up to the hearing, you took no time to seriously consider it or work with the community on it. You then denied it with only the thinnest of explanations. I can only conclude that Tillamook County wants to prevent this vote out of fear over the precedent Oceanside's incorporation might set--and ramifications for the County's future budget.

This is outrageous! If Oceansiders have met all legal obligations, the vote should proceed. Please reconsider your decision--please allow this community to make its own local decisions about where its tax revenues will go.

Sincerely,  
Katie Songer  
(Oceanside business manager)

David Yamamoto

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From: Rita Mahaffa <ritamahaffa@hotmail.com>  
Sent: Sunday, February 6, 2022 10:41 AM  
To: David Yamamoto  
Subject: EXTERNAL: 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.]

We have property in Oceanside and appreciate all the efforts a concerned group of citizens have done to have a vote on incorporation. Our roads are poorly maintained—if the county can legally stop even a vote from occurring, the County should provide decent, fundamental public services.

The desire for incorporation would never have occurred to us if our services were clearly substandard.

Rita Mahaffa, owner of 2 properties in Oceanside.  
Sent from [Mail](#) for Windows

David Yamamoto

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From: ferrisp <ferrisp@teleport.com>  
Sent: Sunday, February 6, 2022 10:57 AM  
To: David Yamamoto  
Subject: EXTERNAL: Oceanside Incorporation meetings and fair play

[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 Commissioner,

I am a homeowner and Tillamook County voter.

I Zoomed the last County Commissioner meeting on Oceanside incorporation proposal.

It was voted down unimously as "risky" financially.

This was based mainly upon the County Treasurer's quick judgement who stated that she had not read Jerry Keene's 14 page proposal.

All the County Commissioner's fell in behind her evaluation.

This is "short shrift", unfair, and undemocratic to the majority of Oceansiders who want incorporation.

Can this incorporation proposal be reconsidered?

Can the proposed financial figures be read, examined, and discussed legitimately and individually by all sides?

If the numbers are "risky", let them be shown as such, item by item.

I would be content with any decision done that way.

Stay well and thanks for representing Tillamook County.

Paul Ferris  
5375 Norwester Rd.  
Oceanside, OR 97134

Sent from my Verizon, Samsung Galaxy smartphone

David Yamamoto

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From: Ken Moyle <kmoylesr1@yahoo.com>  
Sent: Sunday, February 6, 2022 11:50 AM  
To: David Yamamoto; Erin Skaar; Mary Faith Bell  
Cc: Hana Moyle; Jerry Keene  
Subject: EXTERNAL: Oceanside incorporation initiative

[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 Commissioners:*

*We have a home in Oceanside and have been following the incorporation discussions from the outset. We were shocked at the Board's decision to deny us the right to make a local determination on this issue. For the record, we are still undecided and considering the pros and cons, so we could vote either way on the initiative. We can only speculate on the real motivations for your denial since the stated reason seems specious. I don't want to specify what we think the possible real reasons could be because most seem arrogant, petty, or resentful. Please rethink your positions since you are supposed to be representing the interests of all Tillamook residents, including Oceansiders.*

*Ken and Hana Moyle*

*5301 Netarts Hwy*

*Oceanside, Oregon 97134*

*[kmoylesr1@yahoo.com](mailto:kmoylesr1@yahoo.com)*

*(503) 539-2428*

*Ken Moyle*

*24825 SW Daniel Rd.*

*Beaverton, OR 97078-5491*

## David Yamamoto

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**From:** Tillamook County OR <tillamookcounty-or@municodeweb.com>  
**Sent:** Sunday, February 6, 2022 12:03 PM  
**To:** David Yamamoto  
**Subject:** EXTERNAL: [David Yamamoto] Oceanside Incorporation Decision

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

Kevin Faris ([kevinfaris1@gmail.com](mailto:kevinfaris1@gmail.com)) sent a message using the contact form at <https://www.co.tillamook.or.us/>.

Dear Vice-Chair Skaar, Thank-You for your service to Tillamook County. As a 30 year property owner-1465 Sunset Ave. I would have hoped commissioners would have allowed voters of Oceanside to vote on their future and vision. We are very disappointed in the Commissioners decision. The leadership and work completed by ONA and our neighbors is inspiring, selfless, visionary and community-focused leadership. If residents had the opportunity to vote and may have approved incorporation would have lessened the workload of county resources & managed the Oceanside future. The ONA efforts to energize & transparently coalesce neighbors towards a common good & vision in this era is so special.

I observed both Tillamook County Commission hearings in full & attended many of the ONA Zoom calls, information sessions and votes. The Economic & Financial work completed by ONA required many many volunteer hours and was very detailed. The .80 cent per thousand we don't think was too much to invest in the future of Oceanside and adequate financial resources are available.

We very much appreciate all of the support Sara Absher & other staff members have provided our community. The ONA has made positive impacts on street flow, slow down signs, restrooms & trash collection to name a few visible things our community desperately needs and the county and state have limited staff and resources to support. Please reconsider your decision and place the incorporation decision on the May ballot.

Kind Regards,

Kevin and Lori Faris

503-703-4158

1465 Sunset Ave. Oceanside Oregon

## David Yamamoto

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**From:** carolyn carr <carrc@reed.edu>  
**Sent:** Sunday, February 6, 2022 12:11 PM  
**To:** David Yamamoto  
**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.]

Dear David Yamamoto,

Please reconsider the petition to incorporate Oceanside, OR

We understand that after approximately ten hours of hearings, the Tillamook County commissioners unanimously agreed that the Oceanside Incorporation Petition met all legal requirements for incorporation but denied the petition based on a cursory review (only in the final hour of hearings) of the budget. Furthermore, an important December meeting between Oceansiders United and one of the commissioners to discuss the proposed budget was missed by the appointed commissioner.

It is important that Oceansiders should have the right to vote for, or against, Incorporation.

Personally, we would like to secure the future for Oceanside, Oregon with incorporation.

Respectfully,  
Carolyn and Walter Carr  
(part time residence since 1978)  
5495 Daisy  
Oceanside, OR  
503-246-0691 or 503-706-7610

David Yamamoto

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From: Leslie Kay <leskayvida@gmail.com>  
Sent: Sunday, February 6, 2022 9:37 AM  
To: David Yamamoto  
Subject: EXTERNAL: Oceanside incorporation-please reconsider and refer to May ballot

[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 Commissioner Yamamoto,

I was dismayed by the failure of the Commissioners to refer the Petition to Incorporate Oceanside for the May ballot for Oceansiders to decide up or down. It is my understanding that the Commissioners have a narrow role in the consideration and modification of an incorporation petition and I believe that your determination went beyond that role prescribed by law. Please do the right thing and refer this matter to the voters. The pros and cons of incorporation can be subject to continuing scrutiny until the election.

I tuned into both of the Commission hearings and believe that the lengthy petition and appendices contain the level of assurances we need to address the Commissioners concerns about budget and boundaries at this stage of the process.

The development of the incorporation petition by Oceansiders United was substantive and careful and based on in-depth research and consultation with experts. The consultation and engagement process with the Oceanside Neighborhood Association (ONA) which includes both registered voters/residents from across the proposed City, second home owners, lot owners and businesses located in Oceanside was meaningful and resulted in overwhelming support to refer this matter to the ballot.

A respectful, urgent call for action ...

On Wednesday, the Tillamook County Board of Commissioners shocked many Oceansiders by denying us the opportunity to vote for (or against!) incorporation this spring.

While conceding we met all of the legal requirements, the Board summarily ruled that the proposed tax rate was "too low" to render the city economically feasible. Before doing so, they neither discussed the general revenue and spending figures, nor even seemed aware of the explanatory budget notes in the materials provided to them.

It is unclear whether the Commissioners realized how much time and effort that hundreds of Oceansiders devoted to studying and understanding the ONA economic analysis, including the tax rate, before endorsing such a consequential measure.

We also wonder if they realize how disrespectful and condescending it was to deny Oceansiders (both supporters and opponents) the right to decide for themselves if the tax rate was "too low." This is that kind of disregard that prompted the petition in the first place.

On Friday, Oceansiders United filed a Motion for Reconsideration based on the events listed below. The incorporation hearing resumes on February 9, 2022. The next few days offer a window of opportunity to alert the Commissioners of our reaction to their decision and to urge them to reconsider it.

**We recommend that you send any emails by noon on Tuesday, February 8, 2022. Even a sincere message of 2 or 3 sentences will help convey our community's demand for the chance to choose our future.**

The email addresses are:

David Yamamoto: [dyamamoto@co.tillamook.or.us](mailto:dyamamoto@co.tillamook.or.us)

Erin Skaar: [eskaar@co.tillamook.or.us](mailto:eskaar@co.tillamook.or.us)

Mary Faith Bell: [mfbell@co.tillamook.or.us](mailto:mfbell@co.tillamook.or.us),

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Here is how the disappointing story of the derailed Petition unfolded.

In October and November 2021, the ONA circulated a series of more than 30 email newsletters that explored and debated the pros and cons of forming a

new City of Oceanside. Each one was opened and read by 300 to 400 Oceansiders within hours of being sent.

During that time, scores of Oceansiders accessed and read the 34-page ONA Incorporation Report, which included a 3-year budget based on information provided by the county's own experts.

During the first week of December, between 100-150 Oceansiders discussed and debated incorporation in 6 hours of Zoom forums over 4 days, to prepare for a 5th meeting of final debates and a vote.

On December 11, 2021, over 200 registered ONA members attended a Special Meeting to vote. They approved the Incorporation Report by a margin of 76%-24%. They then voted to immediately endorse an Incorporation Petition by a margin of 62%-38%.

In less than two weeks (including Christmas week), more than 80 Oceanside registered voters rushed to sign a Petition requesting the opportunity to vote on the issue of incorporation at the May 17, 2022, election.

On January 24, the Petitioners (Oceansiders United) provided the Commissioners with a 112-page report detailing how they had done everything legally required to earn Oceanside the right to vote on incorporation. This included balanced revenue and spending projections for staffing and road work based on recommendations provided by the county's own Public Works Director.

At hearings on January 26 and February 2, the Tillamook County Commissioners conceded that the Incorporation Petition satisfied all of the legal requirements to earn Oceansiders a vote on incorporation.

During nearly 10 hours of hearings over two sessions, the Commissioners

raised no concerns and asked no questions about the proposed tax rate for the city. It was only during the final hour that the tax rate was first questioned, after Petitioners were barred from further input.

In those final minutes, the Commissioners asked the County Treasurer to comment on the proposed budget. She protested that she had been away for a week and had not read the Petitioners economic report. (She missed the appointment Oceansiders United made to go over it with her in December.) When pressed by the Commissioners to comment anyway, she skimmed the bare budget chart and offered that it was "a bit low". She cautioned that she was always "conservative" however, and also said that she saw "no red flags" in the budget.

The Commissioners subsequently moved to deny the Petition for an incorporation vote because the proposed tax of .80 per \$1000 was "too low." They did not examine (or even mention) how much money that rate would generate based on Oceanside's high property values.

Another commissioner also briefly suggested that not enough money had been allocated to roads and public roads, contradicting the county Public Works Director's own recommendation that the amounts budgeted were reasonable.

As a result, in a brief and cursory conversation, the Commissioners disregarded and dismissed a detailed economic analysis that hundreds of Oceansiders had studied, debated and approved over a period of weeks.

Commissioner Bell moved that the petition be denied based on "economic feasibility," which passed unanimously.

On Friday, February 4, 2022, Oceansiders United hand-delivered a Motion for Reconsideration to the Commissioners offices.

Jerry Keene

ONA President  
oceansidefriends@gmail.com



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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

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**David Yamamoto**

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**From:** Tamara Vanderpool <tamvan@msn.com>  
**Sent:** Sunday, February 6, 2022 7:12 AM  
**To:** David Yamamoto  
**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.]

Dear Mr. Yamamoto,

I am a resident of Oceanside, Oregon, and a registered voter in Oceanside. I am greatly concerned about your vote to deny the people of Oceanside the opportunity to vote for incorporation. The Oceanside community has spoken, and we want an opportunity to vote on whether or not to incorporate our city.

I feel it is highly undemocratic for the council to prevent our community from voting on this issue. Many hours and much effort has been put forth by leaders in Oceanside. Please reconsider your decision, and allow the people to Oceanside to vote this spring whether or not to incorporate as a city.

Sent from my iPhone

David Yamamoto

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From: Marilyn Gordon <marilynngord@gmail.com>  
Sent: Saturday, February 5, 2022 8:37 PM  
To: David Yamamoto; Erin Skaar; Mary Faith Bell  
Subject: EXTERNAL: Oceanside request to schedule vote on incorporating as a city

[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 you on behalf of our family whose history in Oceanside dates from 1922, when my husband's grandparents purchased one of the first three cottages built in Oceanside in 1923, and which has been a treasured home, both as vacation spot and as full time residence, over the last 100 years. We care a great deal about the future of Oceanside and want to voice our full support of the proposal to incorporate as the City of Oceanside.

As a retired attorney myself, I am in awe of the dedication and diligence with which Mr. Keene and others on the committee have explored all the matters pertinent to the proposal, including, very importantly, the financial aspects. They have fully provided information to Oceansiders in hours of online meetings.

My family and I are thoroughly in favor of the incorporation proposal and encourage your board to grant approval of the petition for the vote by the citizens on incorporation.

We have great fondness for Oceanside with our family's connection there for these last 100 years. We believe that the best way to preserve the community of Oceanside as a place that continues to "thrive" as a small but welcoming place will be to let us control our environment and preserve its character for the future, for the good of all.

Sincerely,

Marilynn Gordon, on behalf of the Gordon Family

{503} 680-5126

## David Yamamoto

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**From:** Gill Wiggin <gill.wiggin@gmail.com>  
**Sent:** Saturday, February 5, 2022 9:15 PM  
**To:** David Yamamoto; Erin Skaar; Mary Faith Bell  
**Subject:** EXTERNAL: A voter's appeal for reconsideration of Oceanside Petition

[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 board of commissioners:  
David Yamamoto  
Erin Skaar  
Mary Faith Bell

My name is Gill Wiggin and I am an Oceanside resident and registered voter in Tillamook County, I'm also an *active* voter. I am writing to you today to implore you to reconsider your decision on Wednesday, February second regarding the incorporation petition for Oceanside.

While you cited the tax rate as your reason for denial you failed to provide substantial, or any, evidence to defend your position on it. You vaguely cite the cost of roads, but we must have been in different meetings when Chris Laity was speaking because he clearly stated that the proposed roads budget was sufficient, even adding that there would be additional income available for roads from ODOT and other sources that the statute prevents petitioners from speculating on. This is to say that there would only be more money available for roads, not less.

Your treasurer was clearly unprepared for the hearing, having not taken the time to read the budget or the budget notes prior to the meeting and even still she stated that there were no apparent "red flags" in the budget that she could see.

When describing your concerns about the tax rate you mentioned a "ten year or fifty year" timescale, outside the bounds of the statute which asks for a one year and three year budget. In all of this you brought up these concerns after the time that the petitioners could respond to your queries, denying them due process in the hearing. I can not help but feel that a subjective, political decision was made in place of the objective, evidence based decision required by Oregon law. In doing so you have failed to uphold your responsibilities as county commissioners and your oath of office, to uphold the United States Constitution and to impartially discharge the duties of your office.

I again urge you, let Oceanside decide the future of Oceanside. **As elected officials bound by Oregon statutes you have a duty to reconsider your decision and vote to approve the petition for incorporation.**

Gillean E. Wiggin  
5445 Daisy Street  
Oceanside, Oregon

## David Yamamoto

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**From:** Simeon Dreyfuss <simeon@teleport.com>  
**Sent:** Saturday, February 5, 2022 6:59 PM  
**To:** David Yamamoto; Erin Skaar; Mary Faith Bell  
**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.]

Dear Tillamook County Commissioners,

I support Oceanside United's Motion to Reconsider the proposal for Oceanside's Incorporation. I believe that the only fair judgement on the proposal would be one rendered by the voters of Oceanside. The job of the Tillamook County Commissioners is to make certain that what might go before the voters has been carefully considered. In this case this proposal absolutely has been; far more carefully, I fear, than was what feels your cursory and and overly quick denial. (The reasons you gave don't make sense, on which more in a moment.)

I was initially opposed to the idea of Oceanside incorporation. I mistrusted the people who were pushing for it. The process felt like it was moving far too fast. I thought we should be aiming for a November vote on the idea, when voter turnout would be at it's highest, and I made that view known at a number of the public meetings held by the Oceanside Neighborhood Association (ONA).

However when I looked into the proposal in detail and at leisure, after I had attended many of the meeting over November and December in which the proposal was thoroughly debated and discussed, I came to believe that Incorporation would be in the best interest of the citizens of Oceanside. It would give us far more control over the nature of our small community (I am one of the people who lives here full time and always votes!). Best were all of the conversations among neighbors, at the ONA meetings, in a number of newly developed online forums not managed by ONA, and most of all in conversations on the street or at the Post Office. We did not always agree, but we did have long and deep discussions on the idea.

Your concerns on the economic feasibility of the proposed city are noted. I happen to disagree. I've spent some time going over the proposed budget line-by-line and I think it was responsibly drawn; I believe it responsibly underestimates revenues and overestimates costs, as such a proposal should. My reading is that there is a comfortable cushion as drawn.

At this point I believe the community is well primed to make a reasoned decision on the May ballot. I am not one for predicting the outcome of such a vote; there is still disagreement on the idea, as there will always be on such a proposal. But there has been a community-wide process. We deserve to have our say, up or down on the merits.

Thank you for reconsidering. Please do allow the residents of Oceanside a chance to vote on this proposal.

Feel free to contact me if you have any questions.

Yours,

Simeon Dreyfuss  
1325 Sdnset Ave (PO Box 324)  
Oceanside OR 97134  
503-349-9740

## David Yamamoto

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**From:** Dani C. <danielle.coggin@gmail.com>  
**Sent:** Tuesday, February 8, 2022 9:02 PM  
**To:** David Yamamoto; Erin Skaar; Mary Faith Bell  
**Subject:** EXTERNAL: Oceanside Oregon Incorporation Petition

[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: David Yamamoto, Erin Skaar, Mary Faith Bell

Dear Tillamook County Commissioners,

First I want to thank you for denying the petition for the Incorporation of Oceanside OR as a city. I have listened to the many hours of meetings in which the petitioners and yourselves discussed the issues surrounding this petition.

Specifically I want to reiterate that I am opposed to the inclusion of Avalon West in this city. We specifically chose this property due to the rural and undeveloped nature of the area. As well as the opportunities to work directly with our immediate neighbors to manage our neighborhood. I believe Avalon West has done a great job of addressing our needs and problems and appreciate the opportunity to continue to work directly with my neighbors, and not be managed by a separate entity that may not have the best interests of our neighborhood in mind.

As I stated in a previous letter submitted to your office, there is no evidence of benefit to the Avalon West Neighborhood to be included in this city. Our neighbors have already proved that we can work together to maintain our roads and solve problems that arise in our community. Our neighborhood is on the furthest south end of the proposed map for this new city. We border the Capes development and are closer to Netarts than Oceanside, we are in a different zip code and must get our mail in Tillamook. Making it very unlikely that we enter Oceanside village on a regular or daily basis.

In the meetings I heard discussions about emergency preparedness plans as being a reason to be included or excluded from this incorporation due to the chance that "hundreds of visitors flooding the neighborhood in the case of a Tsunami" - this is a ridiculous notion for our neighborhood as we are not in proximity where beach goers would easily access our neighborhood. However if this is considered an important factor, we would appreciate the opportunity to make those plans ourselves, as we are the most knowledgeable of the needs of our neighborhood in case of an emergency of any kind.

In addition I heard you give the petitioners an opportunity to extend this discussion, so that some of these issues could be discussed further and to allow more community input. We heard the petitioners say NO to that offer and force you to make a decision on the spot.

This caused great concern to me and my neighbors as it indicates that the petitioners are only interested in the tax money we could offer them this year, and not interested in direct discussions with all members of the community to determine our interest and needs in this process. The whole process feels very rushed and despite the claim that proper notice was given to the whole community, we only found out about this a very short time ago.

We also would like the opportunity to consult with legal representatives, as those submitting the petitions are lawyers, and may have an unfair advantage to push their agenda without proper consideration of the interests and rights of the Avalon West neighborhood and the greater community that they wish to rope into their plan.

Finally we request that you stand by your decision to deny the petition to incorporate Oceanside and specifically request the Avalon West Neighborhood be excluded from the proposal map.

Respectfully,

Danielle Coggin  
Avalon West Neighborhood  
115 Reeder Street  
Tillamook OR 97141

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Tony MacDonald  
5500 South Ave N.W.  
Tillamook Oregon 97141

Dear Tillamook County Commissioners,

I would like to thank you all for the painstaking time that was spent on the deliberations of the Oceanside incorporation hearing. I was present for the two hearings over this issue, I am happy to say I stand by your decision,

After the first meeting I knew that the time has come to stand up for what is right. I'm one not to take bullying lightly. I've witnessed this tactic firsthand before and during the first and second meeting. And now it continues in our community Mr. Keene has rallied his minions (Oceansiders United) to do everything in their power to change your minds. I say along with my fellow neighbors stand up, hold fast to your decision, do not allow the lies and deceit to continue to erode this community. There are other avenues that need to be pursued before we engage in an incorporation that will be destructive to all areas around the village.

I have lived here most of my life, when I did leave, for my Job, I returned, why because I like the way it is around here. You will find that just about everywhere you go there are new commers, they most likely moved because they did not like the way the local government was invading on their rights or over taxation. These outsiders, they are our neighbors. But it does not take long for these outsiders to forget why they moved here in the first place. Then for some reason they think that if they form their own government, they can change it to what they feel comfortable with. I understand that change is inevitable, and someday, not today it may happen. This is not the time or the way to force this in.

I love this area, I built my home here, my family lives here, we spend our time enjoying this place, yes there has been an increase in the number of people coming here to enjoy it. We knew that it would happen someday. But having Oceanside incorporated is not going to fix this or any other problem that the Oceansiders United can dream up. It's like the new hotel that they dreamed up to rally their troops to stop something that is fictional.

Stand by your decision do not allow these fast-talking lawyers to railroad You and our community into making this grievous mistake.

Thanks for your time

Tony MacDonald

## David Yamamoto

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**From:** Thomas Kearney <Thomas.Kearney@OceanCrestRentalsLLC.com>  
**Sent:** Monday, February 7, 2022 4:57 PM  
**To:** David Yamamoto  
**Subject:** EXTERNAL: Oceanside Incorporation - Alternative Approaches Exist

[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 David Yamamoto,

Alternatives Approaches to managing growth. Not Oceanside Incorporation. I am property owner and voter in West Avalon.

### Reasons to Reject Incorporation Petition (preferred)

ONA Work Within The System: Work with Tillamook County Staff, Commissioners and Sarah Absher to define "managed growth" solutions within the existing system. Do not create a redundant set of services already provided by Tillamook County. A few members of ONA "who know better" have created an unfortunate divisive issue that is dividing our community.

ONA Government and Budget Inexperience. The inevitable property tax increases to local residents of Oceanside incorporation will be an ongoing issue.

I agree with the commissioners decision that the .80 per 1000 tax rate would not support a City of Oceanside.

### Reasons to Modify Incorporation Petition

ONA Include all of Oceanside in Incorporation Boundaries. The current exclusions of Capes looks like "gerrymandering".

ONA Move Incorporation Vote to General Election date. Perception is a May vote will draw the motivated, instead of general electorate.

Sincerely,  
Thomas Kearney  
170 Reeder St  
150 / 160 Reeder St

David Yamamoto

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From: Greg Rutter <greg.rutter@gmail.com>  
Sent: Monday, February 7, 2022 6:37 PM  
To: David Yamamoto  
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,

I just wanted to send a short note to say how much I appreciate your ruling on the Oceanside incorporation hearing recently. There is a very vocal contingent of local residents that have led the charge on this issue, but I've spoken with many others who feel like the organization and their proposal were naive about the difficult realities of managing a city. I'm sure you've certainly received a number of emails that were upset about the the Board's decision, but I wanted to make sure you also know that there were many others who applaud the decision and hope the neighborhood organization will turn to more productive issues that will benefit our community.

Yours,  
Greg Rutter

## David Yamamoto

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From: Sarah MacDonald <stmac11@gmail.com>  
Sent: Monday, February 7, 2022 7:17 PM  
To: David Yamamoto  
Subject: EXTERNAL:

[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 Commissioner Yamamoto,

I am personally writing to you to thank you for declining the petition to Incorporate Oceanside. It truly is a gem on the coast and would be completely ruined with a local government. We have no problem here in Avalon West to be part of a wonderful county government and we hope it remains that way. Our address is 5500 South Ave NW, Tillamook, OR 97141 and we hope it will always remain that way. I was born here in Tillamook and hope to retire here and live out my years here in this wonderful part of the world. We don't need outsiders coming in and trying to change things especially if we feel bullied into it by one local individual who is pushing for this. He has made no effort to acquire TLT funds to further his interest therefore he has not used his resources wisely and this is not a person I want in a position to govern over my hard earned tax dollars. His feasibility statement is so way off on his totals it's ridiculous.

I know you have had many lengthy letters to read and I feel for you in that regard. I just really wanted to thank you for not giving in to the pressure. All of the communities outside of the "Village" really will not benefit from Incorporation and we do not need to fund the "Village" projects. We have our own neighborhoods to maintain and we want to keep it that way. Please don't let Oceanside become a failure on the coast and that is what it will be.

If this area ever Incorporates in the future we need everyone on board, even "The Capes" all for one and one for all. There was a huge division and it has made everyone choose sides. It created bad feelings and these feelings are running rampete out here and it's too bad that one individual is doing it.

Thank you again,

--

*Sarah MacDonald*  
*"House of MacDonald BNB"*

**David Yamamoto**

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**From:** Steve Puls <stevepuls@clearcap.com>  
**Sent:** Tuesday, February 8, 2022 8:06 AM  
**To:** David Yamamoto; Erin Skaar; Mary Faith Bell  
**Subject:** EXTERNAL: Oceanside Incorporation Vote

[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 Commissioners,

I am writing in regards to the recent vote by the Commissioners to reject the current incorporation petition for Oceanside. I believe you are correct in your assessment that the tax rate presented was inadequate for both the true cost of running a municipal government and the maintenance needs. Thank you for your votes to deny the incorporation petition.

As you may already know, the ONA has labeled your vote as disrespectful in an email distributed today. They site a number of reasons. In my opinion, this is unfair. I would term your vote as a cautious and sensible decision. What is disrespectful is an incorporation process that leaves non resident property owners without a voice in the matter. I see a determined group of residents attempting to push through incorporation banking on the fact there are more significant numbers of non residents who cannot vote once the matter is on the ballot. The commission is our only guardrail against an improperly planned or funded municipal government.

The County Commission and staff need to understand the roots of this incorporation effort. Many in the community of Oceanside feel neglected and easily dismissed by the county. Again, non resident taxpayers that do not have a vote in electing local leaders. There are serious issues within our community caused by growth, short term rentals, increased crowds, public safety and deteriorating streets. These issues are shared by all Tillamook County residents.

I would like your brief comments on the following questions as they get to the heart of the incorporation issue.

1. Are the county revenues being generated in Oceanside fairly returned to the community?
2. Has Tillamook County found the ONA to be a difficult or an unwilling partner? Why does the ONA site county inaction as rampant therefore a municipal government is needed.
3. Do we need fresh representatives from Oceanside who can better collaborate with the commission and county staff to get action on issues important to our community?

I would appreciate answers to these questions. If your answer is to sensitive to put in an email, please call at the number below. There has to be a better solution. I find it hard to believe that another layer of government and costs are needed to address these issues.

Thank you,

Steve Puls  
1610 Oceanside Lane  
Oceanside, OR  
971-409-6784

## David Yamamoto

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**From:** David Turner <dwtpdx@msn.com>  
**Sent:** Tuesday, February 8, 2022 9:11 AM  
**To:** David Yamamoto; Erin Skaar; Mary Faith Bell  
**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.]

Dear Commissioners,

Thank you for your vote to deny the Oceanside City Incorporation effort. You are correct in assessing that the petitioner's budget is not robust enough to create, fund and run a city government in this community.

I urge you not to allow a motion for reconsideration. The petitioners have an appeal process through the Oregon Land Use Board of Appeals(LUBA) if they choose to use it. An appeal to LUBA would all but eliminate a chance for this to be on the May ballot giving both sides more time to analyze this proposal and ensure all community voices are heard.

Respectfully,  
David Turner  
690 Hillsdale St. W

## David Yamamoto

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**From:** Jerry Palmer <jerrygpalmer@gmail.com>  
**Sent:** Monday, February 7, 2022 3:54 PM  
**To:** David Yamamoto; Erin Skaar; Mary Faith Bell  
**Subject:** EXTERNAL: Oceanside Incorporation - Motion for Reconsideration

[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 wanted to thank you for a very inclusive process and your full and careful deliberations when considering the petition for the incorporation of Oceanside. I believe your conclusion to delay approval and hold additional hearings to further explore the proposed tax rate, the budget and especially the roads situation was correct, and I support that decision completely.

I believe the road maintenance budget is not sufficient for a number of reasons but mostly because the cost numbers used by Chris Laity for his estimates given to ONA were only those incurred since 2011 (email from Chris Laity to Jerry Keen dated Jan. 19, 2022 1:06 PM). The County stopped maintaining Local Access roads in this area prior to that date (2008 or 2009?), so costs to maintain these roads could not have been included in the budget submitted by the petitioners. Those living on Avalon Way have been paying for the maintenance of this county road since 2009.

I was not notified, but I understand the petitioner's; "Oceanside United", has filed a "Motion For Reconsideration" of your decision of February 2. I strongly support the decision you made on February 2 and encourage you **not to change** your position.

Thanks again for your wisdom and decision to not allow for the incorporation of Oceanside to be on the May 2022 ballot.

Jerry Palmer  
605 Avalon Way  
Oceanside, Oregon

David Yamamoto

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From: Steve <sjplaisted@charter.net>  
Sent: Monday, February 7, 2022 1:15 PM  
To: David Yamamoto  
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.]

Mr. Yamamoto,

I'm a full-time resident and registered voter who lives in The Capes. I wish to voice my support on the recent decision to deny the petition for the incorporation of Oceanside.

Much like the interactions with The Capes, the ONA, in a recently released newsletter, has misrepresented what transpired during hearings. Rather than recognize and reflect on the shortcomings of their petition, the ONA has chosen to incite their membership.

The close proximity of Netarts and Oceanside means a region of the Oregon coast that has a common history, shares infrastructure and services, and faces the same disaster and visitor issues. Any changes to how Oceanside would be governed would have an impact on the entire region.

The future of region should not be decided on by a privileged minority who are trying to cling to the past.

Steven Plaisted  
405 Fall Creek Drive  
Oceanside, OR

Sent from my iPhone

## David Yamamoto

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**From:** Susan Hunter <skayhunter@gmail.com>  
**Sent:** Monday, February 7, 2022 2:23 PM  
**To:** Erin Skaar; David Yamamoto; Mary Faith Bell  
**Subject:** EXTERNAL: Oceanside needs your guidance

[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 Commissioners Erin Escar, David Yamamoto and Mary Faith Bell,

I am writing to you regarding Oceanside's efforts to become incorporated as a city. I own property at The Capes and I am not involved in Oceanside Neighborhood Association, however I did attend a zoom meeting with 85 others last Saturday. I left the meeting with many concerns. My chief concern is the way forward, now.

I understand the ONA thought it was well prepared to present to you [last week] the reasons they should be allowed to incorporate. I also understand that you suggested that if the issue was wanting a way to control the impact of short-term rentals on their community, Oceanside Neighborhood Association could have begun by bringing that issue to you to be worked through, together.

I am grateful you did not nod your ok for the incorporation of Oceanside because I think it is perhaps premature. But that is work further down the road

What I hoping you will consider is putting together a Task Force to help Oceanside Neighborhood Association work through the issues, such as:

- inclusivity, forums and meetings that bring in Netarts, Oceanside, The Capes and other areas that are outside Tillamook, but are part of the unincorporated areas so everyone is well informed, has opportunities to give feedback and there is consensus and unity of vision
- crafting a five year community and economic development plan for this new area
- understanding the impact of a new city in terms of tax base, is it enough to maintain critical services such as fire, police, water, sewer, and ongoing needs for road maintenance, electricity, building, emergency preparedness, emergency health care and other services relevant to a vibrant community.
- helping delineate what issues might a new city need to consider for day-to-day smooth operations.
- delineating municipal relationships between cities, counties and the state

I am recently retired and have only been a member of The Capes community since June, 2020. However, during that time I helped The Capes raise more than \$60,000 for the Netarts-Oceanside Rural Fire District [NORFD] to purchase needed equipment and safety training. I see what potential we have for helping our community evolve. We know, like former Mayor of Portland Bud Clark, that "good citizens are the riches of a city." Please help us create a process that will get us back working together again.

sincerely yours,

Susan Kay Hunter, MBA  
405 Capes Drive  
Oceanside, Oregon  
503-863-4408

## David Yamamoto

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**From:** cindy Stellmon <cindyraestel@gmail.com>  
**Sent:** Monday, February 7, 2022 11:21 AM  
**To:** David Yamamoto; Mary Faith Bell; Erin Skaar  
**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.]

My husband Bill and I are full-time residents in the Terrasea development in Tillamook county. We are OPPOSED to Oceanside incorporation, and were relieved with your recent decision. When we first learned in December of the campaign to incorporate, we were open to learning more about it-- but the time frame and urgency insisted upon by the incorporation organizers made us uncomfortable. If incorporation is a good idea this month, it should still be a good idea in one month, a few months, or a year. The Now or Never approach that the promoters seem to be taking feels like we're being rushed into making a decision. We have been well served by Tillamook County, and hope that you will stand by your recent decision to not allow an incorporation vote at this time.

Thank You,  
Cindy Stellmon

**David Yamamoto**

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**From:** Eileen Trost <eileenktrorst@gmail.com>  
**Sent:** Monday, February 7, 2022 11:21 AM  
**To:** David Yamamoto  
**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.]

Hi,

Wise decision to deny the incorporation vote of Oceanside. It dosen't make fiscal sense.  
Keep up the good work.

Eileen Trost

## David Yamamoto

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**From:** Edward Gorzynsk <egor32@charter.net>  
**Sent:** Monday, February 7, 2022 10:51 AM  
**To:** Mary Faith Bell; David Yamamoto; Erin Skaar  
**Subject:** EXTERNAL: Oceanside Incorporation rejection

[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 want to thank you for your vote to reject the ONA'S attempt to incorporate Oceanside.

As I previously stated in e-mails to you there is no compelling reason for incorporation. I was a committee member 13 years ago when we unanimously recommend not to incorporate. I have reviewed their proposal several times especially the budget. You and I know you cannot operate a city with 2 or 21/2 persons. They claim it would take \$30K to maintain the streets. Without a public works dept. it would have to go out to bid and \$30K wouldn't cover potholes. The budget is falsely stated. They are either lying to us or don't know what it takes to run a city.

I am confused and concerned about this petition. The ONA submitted the proposal, however, signatures were collected by "Oceanside's United" . In the 2/5 ONA zoom meeting Mr. Keene informed us that " Oceanside's United" is very similar to a " Political Action " committee. Having said this tell me who is running this incorporation process?

Thank you for this opportunity to voice my concerns and humbly request you deny the ONA reconsideration request.

Ed Gorzynski. 1520. Alder St. Oceanside

**David Yamamoto**

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**From:** Yuriy C <ychanba@gmail.com>  
**Sent:** Monday, February 7, 2022 10:55 AM  
**To:** Mary Faith Bell; Erin Skaar; David Yamamoto  
**Subject:** EXTERNAL: Oceanside Incorporation - thank you!

[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,

A quick but enormous "thank you" for your time, efforts and thorough consideration of Oceanside Incorporation petition.

I've observed both hearings online from start to finish, and was really impressed how open and receptive the Commission was both to the proponents and the opponents of incorporation.

Everyone who wanted to provide testimony and speak up was given the chance. The petitioners were even given a chance of further hearings to discuss areas of concern, but chose not to take the Commission on this generous offer.

It obviously was not an easy decision, given no much precedent in Oregon history and mixed (and some disastrous) results of past incorporation efforts in other communities.

However, here is another, 2-days old example on how financial projections/budgets must be given extremely careful consideration, especially in our current economic environment.

This past Saturday, at a regular ONA meeting, the ONA President who's also one of the chief petitioners of Oceanside incorporation, provided an update on the beach access project in Oceanside.

As reported by the ONA President, the initial budget for the project was \$80,000. The County recently realized that it was not enough money, and upped that to \$120,000 or \$130,000 (I can't recall exactly which number was reported in the meeting). The ONA President reported that 2 companies submitted bids for the project, and both quoted around \$180,000.

Given this significant disconnect between initial budgets and reality, proposed Oceanside City budget, with it's low \$0.80/1,000 in assessed value property tax, would clearly put our community on a very dangerous financial footing.

Thank you again for safeguarding Oceanside.

Sincerely,

Yuriy Chanba

5378 Woodlawn St  
Oceanside, OR

5037094270

## David Yamamoto

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**From:** Karen Allen <allenkp74@gmail.com>  
**Sent:** Sunday, February 6, 2022 9:01 PM  
**To:** David Yamamoto; Mary Faith Bell; Erin Skaar  
**Subject:** EXTERNAL: Thank you, from 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.]

Hello-

I wanted to Thank you, Commissioners, for making the decision to deny the Oceanside incorporation petition at this time. I agree with you that the budget should be checked over and not be rushed. My concern is the exclusion of The Capes in the taxes and how it effects the budget.

As a resident in the Terrasea Neighborhood, I don't believe we would benefit from the incorporation either.

I think the letter sent out recently by Jerry Keene was very harsh and disrespectful to you. There is a huge group of Oceansiders that do not think we need to be incorporated. We have always come together to solve any issues we have and for now I think we should keep it that way.

Thank You,  
Karen Allen

Sent from my iPhone

**David Yamamoto**

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**From:** Jim Young <jimyoung4990@gmail.com>  
**Sent:** Monday, February 7, 2022 8:08 AM  
**To:** David Yamamoto; Erin Skaar; Mary Faith Bell  
**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.]

Dear Commissioners,  
You did right to deny the bid for Oceanside incorporation. Thank you.

Jim Young

## David Yamamoto

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**From:** davefr <davefr@gmail.com>  
**Sent:** Monday, February 7, 2022 9:34 AM  
**To:** David Yamamoto  
**Subject:** EXTERNAL: Thank you for rejected the flawed Oceanside 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.]

Commissioner Mr. Yamamoto,

Thank you for voting to reject the flawed Oceanside incorporation proposal once the petitioners refused to continue the process. There has been a false sense of urgency in this entire process since its inception. As such, the risk of failure is too great for such a significant endeavor. The ONA needs to regroup and address all the deficiencies/concerns in their proposal.

I'd like to point out just a few of the more serious flaws in the process/proposal. Given time, maybe these can be worked out to where an overwhelming majority of residents and landowners wish to proceed. But that's far from the current environment we are in.:

- Oceanside is a heterogeneous/diverse community. (The Capes, Avalon, Camelot, Trillium, Terrasea, North Rural Oceanside and the Core Village). The Capes was excluded at the very outset without their resident involvement. Yet these other areas are also not benefited from incorporation for similar reasons but ONA includes them anyway. (OR 211.040.02 Violation).
- The gerrymandering of the Capes is creating unintended boundary consequences. This process has not been thought out.
- ONA touts road "improvements" as a deliverable but the budget only allows for very limited road "maintenance". Where are the "improvement" \$'s coming from or is this another false claim?
- Only a small % of Oceanside residents and land owners have been part of the community communication process since this whole process has been so rushed. ("Ready, Fire, Aim").
- Oceanside residents generally want limits placed on STR's yet Oceanside would become dependent on STR taxes/fees. Residents shouldn't have to vote until Tillamook County establishes an overall direction on STRs. This will allow for a more informed voting process.
- Similar size incorporated cities have a city tax rate averaging \$3.59/1k. Are we really sure Oceanside can make a meaningful community impact for \$.80/1k other than to simply create a new bureaucracy.
- The controversy among residents is extremely high at approx. 50/50 approve/disapprove.. Can incorporation be a success with such a large percentage of the residents in total disagreement? This needs to change or it'll be a repeat of the failed Damascus incorporation fiasco.
- The false sense of urgency in this process has been partially driven by the chief petitioner's desire to retire as ONA president. (he pretty much admitted this in his testimony on 1/26/22).

Please don't let this "half baked" proposal go to a vote until it's refined and overwhelmingly accepted within our community. Otherwise it's doomed to fail.

Thank you for listening to us throughout this process.

**David Yamamoto**

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**From:** Erwan OUATTARA <eouattara@hotmail.com>  
**Sent:** Monday, February 7, 2022 9:45 AM  
**To:** David Yamamoto; Erin Skaar; Mary Faith Bell  
**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.]

Good morning,

I am writing this email to express my support over the decision you made last week and my disagreement with how the ONA is handling the process.

We have not been consulted for the reconsideration so I am not even sure it is a legal request.

As for the content of the request I fully appreciate that you took the time and provide a feedback raising doubts on the financial feasibility.

During different ONA meetings several of us rose questions on this matter and they were never really answered. We could definitely picture that some members had a personal agenda to defend that will not go in the benefits of the community.

Following the meeting you had last week, it was a nice feeling to see that ONA couldn't advance their agenda on the base of bias calculations.

It was great to get the feedback from professional and experienced people who have to deal with the constraints of running a county, staff,...

As I am not sure what is next, it is important for me to express full support to the county decision made last week.

Regards

Erwan Ouattara  
310-926-3118  
Castle Lane.

## David Yamamoto

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**From:** Wendy Shi <shanchun32@gmail.com>  
**Sent:** Monday, February 7, 2022 10:14 AM  
**To:** David Yamamoto; Erin Skaar; Mary Faith Bell  
**Subject:** EXTERNAL: Oceanside incorporation decision

[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 morning,

I wanted to take a moment to thank you for denying the decision to incorporate Oceanside. Not all Oceansiders wanted to incorporate. With such a small town and population incorporation does not make sense fiscally nor does it make any sense in the current times where labor sourcing is far more difficult than in the past. I understand that time and effort was placed into the study, but I do not believe the results are realistic. Also, the incorporation is being done under the false pretense of bettering the community when the goals are clearly to meet the needs of a few individuals with specific interests. I have never heard of the Oceanside United which agreed to submit a motion for reconsideration and we never voted on this as a group, so I am surprised that the request is being made. The financial feasibility of this request was not thoroughly discussed and not adequately investigated and I wanted to express that if a motion to reconsider was submitted that it be denied as well.

Thank you,

Wendy Shi

## David Yamamoto

---

**From:** kissmekait21@yahoo.com  
**Sent:** Sunday, February 6, 2022 4:15 PM  
**To:** David Yamamoto  
**Subject:** EXTERNAL: February 9th 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.]

Hello Mr. Yamamoto

I am writing you to find out if the meeting regarding Oceanside's incorporation set for February 9th is still on? As I understand it, this petition has been denied, so I was wondering if this meeting was cancelled.

Jerry Keene, as I understand it, said he would not move for an appeal of this decision. Has he gone back on his word and requested to appeal this in the meeting on the 9th?

Please respond to this email address with an answer.  
Thank you!

Kaitlyn Sawyer

Avalon West resident  
Netarts water district customer.

Sent from Yahoo Mail on Android

## David Yamamoto

---

**From:** Eric Pleschner <eric@beckerfoundation.org>  
**Sent:** Sunday, February 6, 2022 2:33 PM  
**To:** David Yamamoto  
**Subject:** EXTERNAL: No Oceanside "Inc." - THANK YOU Commissioner!

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

David Yamamoto, Tillamook County Commissioner,

I thank the Board of Commissioners for not passing the Oceanside Inc. proposal, as it was presented. This past Saturday, ONA (Oceanside Neighborhood Assn. aka Oceansiders United) held their regularly scheduled monthly meeting; immediately following this meeting an email was sent to ONA followers recommending that individuals email the Board of Commissioners with their disappointment for not passing the ONA incorporation petition. I don't share this perspective.

I'm a permanent full-time resident of The Capes community (registered voter at my residence), and followed the ONA proposal closely. I feel their communication on Saturday is disingenuous to the recent hearing (their dialog copy/pasted below), it lacks transparency (recommendations made to ONA from the hearing), and arguably perhaps, illustrates an unclear agenda that ONA seems to have in its effort. The proposal has lacked transparency from my and many of my neighbors perspectives since we all were first alerted to their initiative in December. At the very least, it has seems rushed and somewhat exclusive (vs finding ways to build-in inclusivity).

The hearing seemed to illuminate a number of possibly adverse affects to outlying communities that weren't fully (if at all) taken into account in the ONA Inc. initiative investigation process. Becoming aware of these interrelated issues, ONA seems to take a "we don't care" approach, rather than consider building solutions that can wholesale benefit this entire region of coast (Netarts to Oceanside, for example).

There are many infrastructure resources shared between this stretch of coastline "community", water, sewer, and fire/emergency/rescue districts as an important few. The intertwine of these entities would seem to provide a foundation upon which to build from, vs ideas otherwise.

Thank you for your time to consider my comments.

Respectfully,

Eric Pleschner

### ONA COMMUNICATION 2/5/22 (copy/paste):

David Yamamoto: [dyamamoto@co.tillamook.or.us](mailto:dyamamoto@co.tillamook.or.us)  
Erin Skaar: [eskaar@co.tillamook.or.us](mailto:eskaar@co.tillamook.or.us)  
Mary Faith Bell: [mfbell@co.tillamook.or.us](mailto:mfbell@co.tillamook.or.us),

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Here is how the disappointing story of the  
derailed Petition unfolded.

In October and November 2021, the ONA circulated a series of more than 30 email newsletters that explored and debated the pros and cons of forming a new City of Oceanside. Each one was opened and read by 300 to 400 Oceansiders within hours of being sent.

During that time, scores of Oceansiders accessed and read the 34-page ONA Incorporation Report, which included a 3-year budget based on information provided by the county's own experts.

During the first week of December, between 100-150 Oceansiders discussed and debated incorporation in 6 hours of Zoom forums over 4 days, to prepare for a 5th meeting of final debates and a vote.

On December 11, 2021, over 200 registered ONA members attended a Special Meeting to vote. They approved the Incorporation Report by a margin of 76%-24%. They then voted to immediately endorse an Incorporation Petition by a margin of 62%-38%.

In less than two weeks (including Christmas week), more than 80 Oceanside registered voters rushed to sign a Petition requesting the opportunity to vote on the issue of incorporation at the May 17, 2022, election.

On January 24, the Petitioners (Oceansiders United) provided the Commissioners with a 112-page report detailing how they had done everything legally required to earn Oceanside the right to vote on incorporation. This included balanced revenue and spending projections for staffing and road work based on recommendations provided by the county's own Public Works Director.

At hearings on January 26 and February 2, the Tillamook County Commissioners conceded that the Incorporation Petition satisfied all of the legal requirements to earn Oceansiders a vote on incorporation.

**David Yamamoto**

---

**From:** Kaitlyn Sawyer <kissmeeekait@yahoo.com>  
**Sent:** Sunday, February 6, 2022 9:59 AM  
**To:** David Yamamoto  
**Subject:** EXTERNAL: Fw: Thank you!

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

Doing a resend...

Sent from Yahoo Mail on Android

----- Forwarded Message -----

**From:** "Kaitlyn Sawyer" <kissmeeekait@yahoo.com>  
**To:** "dyamamoto@co.tillamook.or.us" <dyamamoto@co.tillamook.or.us>  
**Sent:** Sun, Feb 6, 2022 at 9:26 AM  
**Subject:** Thank you!  
David Yamamoto,

I just wanted to thank you for voting to deny Oceanside's request for incorporation.

Since none of the communities out here that are provided water services by Netarts water district should be included in this Oceanside incorporation. That would eliminate quite a few properties from their proposed city limits boundary. As you made your decision to deny incorporation based on lack of funding this adjustment to their proposed city limits boundary would eliminate funding as well.

Once again thank you for your wise decision on this matter.

Avalon West resident

Kaitlyn Sawyer

Sent from Yahoo Mail on Android

## David Yamamoto

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**From:** John Pilmer <zangor7@gmail.com>  
**Sent:** Sunday, February 6, 2022 12:03 PM  
**To:** David Yamamoto; Erin Skaar; Mary Faith Bell  
**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.]

Dear Tillamook County Commissioners:

Thank you for denying the petition to incorporate Oceanside. I support this decision for the following reasons:

1. There is no evidence that an incorporated city could do a better job of managing the resources of the community than the county already does.
2. My biggest concern is the cost and expertise required to maintain our roads and build a reserve for dealing with potential unforeseen large expenditures brought about by our unique geology and climate.
3. Oceanside is a small community from which to draw expertise and resources. The county provides a larger pool of potential talent and financial resources.
4. Part time residents not registered to vote in Tillamook County will not be able to vote on this decision, though we are tax payers. This is probably a large percentage of local property owners. We have lived in Oceanside 49% of the time for over 30 years. We maintain a permanent residence in Portland.

Thank you for your time and consideration of this important matter.

Sincerely,

John and Janelle Pilmer  
1065 S Castle Lane  
Tillamook, OR 97141

4216 SE Rex  
Portland, OR 97206

## David Yamamoto

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**From:** Jackie Rosbach <jackierosbach@gmail.com>  
**Sent:** Sunday, February 6, 2022 12:08 PM  
**To:** David Yamamoto; Erin Skaar; Mary Faith Bell  
**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.]

Thank you for your response to the request for incorporation of Oceanside. Many residents have been concerned that incorporation is not the best answer for our community. I appreciate the time you took to look into this matter, and manner in which you responded with knowledge, respect, and integrity./

As a full-time resident of Oceanside and registered voter, I am not in favor of incorporation.

Thank you.

Jacqueline Rosbach  
1100 Mordred Court  
Tillamook, Oregon. 97141

Sent from my iPhone

## David Yamamoto

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**From:** Dusty Trost <dustytrost@gmail.com>  
**Sent:** Sunday, February 6, 2022 12:46 PM  
**To:** David Yamamoto; Erin Skaar; Mary Faith Bell  
**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.]

David, Erin and Mary Faith,

I want to thank you for denying the recent petition to allow Oceanside to vote on incorporating. That was the responsible position to take and I support your decision.

Oceanside United's effort to incorporate was rushed and does not represent the wishes of the majority of property owners in Oceanside. I agree that incorporating would ultimately prove financially unfeasible and would place an undue/unnecessary burden on all property owners in the Oceanside community.

Prior to approving such a petition (now or in the future), I feel it's necessary that there be at least one public forum (or forums) to allow all voices in the community to be heard. By public forum, I mean in person; not held on-line. Despite the ONA's efforts to keep the property owners apprised of what's going on through e-mail updates and Zoom meetings, there are a large number of potentially affected property owners who are either not aware of what's going on and whose opinions/wishes have not been considered.

Thanks again,

Dusty

--

**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](mailto:dustytrost@gmail.com)  
[www.RobTrost.com](http://www.RobTrost.com)

## David Yamamoto

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**From:** Cynthia Miller <cynthia.l.miller@icloud.com>  
**Sent:** Sunday, February 6, 2022 2:09 PM  
**To:** Lynn Tone; David Yamamoto; Erin Skaar; Mary Faith Bell  
**Cc:** Richard Miller  
**Subject:** EXTERNAL: Oceanside Incorporation Input  
**Attachments:** Are you upset by the county incorporation decision?.eml

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

Happy Sunday to all!

I'm writing this in response to Jerry Keene's email to the ONA email distribution list (attached below) wherein he is requesting a communication be sent to the Tillamook County Commissioners to request Reconsideration to put the matter of incorporating Oceanside as a city. I take exception to the tone of his email, sent under the ONA banner, and am disappointed he chose to use that vehicle for distribution.

First of all, I commend the Commissioners for what I heard as VERY respectful hearings. Everyone who wanted to voice an opinion was given an opportunity to do so. I did not hear any disrespect nor condescension from any of the Commissioners. I fully support your vote to deny the petitioners a public vote. You provided Mr. Keene with a platform and gave him more than ample opportunity to deliver (and continue) his garrulous discourse.

The comments regarding the budget and roads was a straight-up, fact-based discussion. Clearly, the proposed budget did not take a step back to consider not only immediate but also future demands on this infrastructure we call home.

Additionally, as Oceansiders (sic) United (not exactly sure who this group propose to represent, but certainly not me) saw fit to file a Motion for Reconsideration without discussing it with the Oceanside community in any type of forum is a perfect example of the process that has been followed to date. A small number of solely like-minded individuals that believe they know what this little Village needs, and include surrounding neighbors to boost the tax revenue model.

I, too, was very impressed with the public hearings and would like to thank you for your patience and thoughtful openness to listen to all parties which, in turn, led to a thoughtful decision.

Thank you so much for your wise decision!

Best regards,

Cynthia Miller  
735 Ridgewood Road W  
(Terrasea)

## David Yamamoto

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**From:** Kaitlyn Sawyer <kissmeeekait@yahoo.com>  
**Sent:** Sunday, February 6, 2022 9:26 AM  
**To:** David Yamamoto  
**Subject:** EXTERNAL: Thank you!

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

David Yamamoto,

I just wanted to thank you for voting to deny Oceanside's request for incorporation.

Since none of the communities out here that are provided water services by Netarts water district should be included in this Oceanside incorporation. That would eliminate quite a few properties from their proposed city limits boundary. As you made your decision to deny incorporation based on lack of funding this adjustment to their proposed city limits boundary would eliminate funding as well.

Once again thank you for your wise decision on this matter.

Avalon West resident

Kaitlyn Sawyer

Sent from Yahoo Mail on Android

## David Yamamoto

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**From:** rmclyne@aol.com  
**Sent:** Sunday, February 6, 2022 7:47 AM  
**To:** David Yamamoto  
**Subject:** EXTERNAL: ONA's Oceanside Incorporation 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.]

Dear Mr. Yamamoto

I want to genuinely thank you for your welcome vote to reject the ONA's attempt to force incorporation of Oceanside, despite its certain harmful affect on our community.

The process alluded to in the attached, in my opinion, was extremely one-sided (i.e. biased presentation of the facts). Misrepresentations were frequent, by not only how things were said, but also by what was conveniently not said. In addition, the notion of incorporating Oceanside was studied in depth 13 years ago, again by and for the ONA (I was the chair person of the committee tasked with the study and to make a recommendation). We (the committee) unanimously recommended *NOT* to incorporate, based on the overwhelming cost (i.e. additional tax burden) to do so. Our findings were substantiated by mayors of other towns who had decided to incorporate prior to our thorough study. One such town even decided to reverse their decision, four years after incorporating!

Numbers are often presented in the most favorable light in order to achieve a desired outcome. I, for one, based on my observations of the ONA's attempt to ram rod this trough -and quickly (i.e. May vote!), am left with the impression that a small minority of Oceansiders apparently have a self serving agenda, given the passion and speed in which they have acted.

Again, I'm eternally grateful for your decision. It was clearly the right one for Oceanside.

Regards  
Rick Clyne

300 Fall Creek Drive  
Oceanside

-----Original Message-----

**From:** Oceanside Friends - Jerry Keene <oceansidefriends@gmail.com>  
**To:** rmclyne@aol.com  
**Sent:** Sat, Feb 5, 2022 5:59 pm  
**Subject:** Are you upset by the county incorporation decision?

[View this email in your browser](#)



## David Yamamoto

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**From:** Christy Reeder <reederfamily511@yahoo.com>  
**Sent:** Saturday, February 5, 2022 8:32 PM  
**To:** David Yamamoto  
**Subject:** EXTERNAL: Uphold Oceanside incorporation decision

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

February 5, 2022

To my county commissioners,

I want to thank you for your denial of the petition to incorporate Oceanside. I appreciate that you took your time and recognized the fatal flaws in the plan. I also appreciate that you tried to find a way to let the petitioner adjust the petition so that all their work was not in vain. Their failure to adjust the plan when given the opportunity shows their inability to be flexible and to take constructive criticism and advice from others that also have experience and were concerned about the success of the petition. That is not what I am looking for in my government. Give and take is important. Some of the voters such as myself might not have the knowledge of what it takes to create and run a city. A tax base is not something I pretend to know anything about. So I am thankful for my county commissioners watching out for my family and our interests.

I also continue to see no benefit to the neighborhood of Avalon West to be included in the incorporation of Oceanside.

I respectfully request that you stand by your decision to deny the petition to incorporate Oceanside.

Thank you,  
Christy Reeder  
5450 South Ave NW  
Tillamook, OR 97141

## David Yamamoto

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**From:** Pam Zielinski <pzielinski@bhhsnw.com>  
**Sent:** Sunday, February 6, 2022 6:08 AM  
**To:** Mary Faith Bell; Erin Skaar; David Yamamoto  
**Subject:** EXTERNAL: Please do NOT reconsider your decision

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

Jerry Keene emailed members of the ONA asking them to email you directly to ask you to reconsider your decision to decline the petition for the Oceanside Incorporation vote. Please do NOT reconsider. Please stay with your good decision.

The more this issue is discussed, the more complicated it becomes as new information is revealed during these hearings. I am sure this issue will not go away just because we need more time to study the ramifications. If it is a good decision, then let it happen in good time when all affected parties can understand what is being done to them and what their options are to defend themselves. Even many of the voters who signed the petition are confused about what all this means. We all need to better understand the ramifications.

This issue is not going to go away, but there are way too many unanswered questions to be able to make a good decision at this time. If it does not make the May ballot in 2022, then they can ask for it to be on the May ballot in 2023. That would still allow the new city to start operations with money from the 2023 tax revenue in Nov 2023.

Thank you so much.

*Pam Zielinski  
5680 Castle Dr  
Oceanside  
503-880-8034*

## David Yamamoto

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**From:** Jan Holloway <jan.holloway@gmail.com>  
**Sent:** Sunday, February 6, 2022 6:59 AM  
**To:** Erin Skaar; David Yamamoto; Mary Faith Bell  
**Subject:** EXTERNAL: Incorporation of Avalon West 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.]

Commissioners:

I understand there has been an appeal to your decision to dismiss the request by the ONA to incorporate Avalon West and others into the ONA.

I repeat my testimony and letters to you at the first meeting online that there is no benefit to Avalon West, simply more taxes for a "city" that has no place in the limited confines of the area and paid bureaucrats to administer unnecessary services.

The Oceanside village residents and owners have failed to keep up their streets, which has now become a very large and expensive deferred maintenance job. We in Avalon West should not be expected to pay for that and the other things that the ONA wants to do. None of those things benefit us.

The push to present this request to you during the holiday season was an obvious ploy to ram it through with no input from anyone except ONA members. I object to this manipulation.

I've owned and operated the vacation rental property at 180 Reeder Street since 2005. It has been renovated top to bottom in that time. It is a positive asset to the neighborhood, earning revenues for us and the county. No one contributed to that asset except us and the other owners of Avalon West by maintaining the roads and the properties on a regular basis. ONA wants to tax us to build their roads. I object to this taking of our hard-earned income.

Thank you for the opportunity to express my opinion. I am not alone in these objections, as you know.

Jan Holloway  
180 Reeder Street  
Tillamook, OR  
503-720-2289

## David Yamamoto

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**From:** Bruce Jaeger <nguyenjaeger@gmail.com>  
**Sent:** Saturday, February 5, 2022 7:30 PM  
**To:** David Yamamoto; Erin Skaar; Mary Faith Bell  
**Subject:** EXTERNAL: Oceanside Incorporated Petition request Denied

[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 Commissioners and best Saturday night wishes. I received an email a moment ago from Jerry Keene requesting as an ONA member I write to you. I am very disappointed with this request he made from the community.

I believe the decision to deny the public vote was correct. I recall you being very considerate when you discussed postponing the decision and letting Jerry Keene contribute in this consideration. True to form, Jerry was not willing to further consider another idea and requested you make your ruling. Now, he is back ruffling everyone's feathers, and further creating divide in our community.

Regarding the budget and specifically the roads maintenance, Laity did say the budget of \$50,000 could be enough to maintain the roads, subject to first spending \$800,000 to \$1,000,000 on current paved roads and another \$2,000,000 on gravel roads to bring them up to benchmark level. I asked ONA where will these funds come from and never received acknowledgement from Jerry or a satisfactory answer. The budget is lacking in foresight, admittedly hypothetical, and has no room for errors.

His request of Oceansiders to reach out again to you is another perfect example of the way he railroads until he gets his way.

I was very impressed with the hearings, the skills you employed in research and discovery, the openness you demonstrated in listening to all parties, the thoughtful communication, and the manner in which you weighed your decision.

Respectfully,

Bruce Jaeger  
(503) 317-6150

**David Yamamoto**

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**From:** reos neabay.com <reos@neabay.com>  
**Sent:** Tuesday, February 8, 2022 3:24 PM  
**To:** David Yamamoto  
**Cc:** Erin Skaar; Mary Faith Bell  
**Subject:** EXTERNAL: Oceanside petition for reconsideration

[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:

We are writing to applaud Tillamook Co. Commissioners for rejecting the proposed petition to vote for the incorporation of Oceanside.

Your analysis of budget considerations are correct.

The values presented are unrealistic and off by a factor of 5 to 10.

Please continue to examine and reject these applications.

Thank you,  
R.E. Sullivan  
E.P. Sullivan



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Mary Faith Bell

Tillamook County Commissioner

Dear Ms Bell

As a resident in Avalon West, I was, as were my neighbors , in agreement with the original denial to incorporate Oceanside. Financial viability and failure to contact all residents in the impact area were and still are major concerns.

Furthering our concerns was the reconsideration of the denial after President Keene requested and was given your decision of denial based on your rational assessment.

We are in total agreement to maintain that denial since there are no changes in the reconsideration.

Additionally, President Keene has suggested an appeal, if the denial is maintained, to the members of ONA.

There seems to be no end to a final solution that has divided our residential community immensely.

Your original denial should be the final decision.

Robert Ault 165 Reeder St Oceanside

Received

MAR 29 2022

Tillamook County  
Board of Commissioners

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David Yamamoto

Tillamook County Commissioner

Dear Mr Yamamoto,

As a resident in Avalon West, I was, as were my neighbors , in agreement with the original denial to incorporate Oceanside. Financial viability and failure to contact all residents in the impact area were and still are major concerns.

Furthering our concerns was the reconsideration of the denial after President Keene requested and was given your decision of denial based on your rational assessment.

We are in total agreement to maintain that denial since there are no changes in the reconsideration.

Additionally, President Keene has suggested an appeal, if the denial is maintained, to the members of ONA.

There seems to be no end to a final solution that has divided our residential community immensely.

Your original denial should be the final decision.

Robert Ault 165 Reeder St Oceanside

Received

MAR 29 2021

Tillamook County  
Board of Commissioners

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Erin Skaar

Tillamook County Commissioner

Dear Ms Skaar,

As a resident in Avalon West, I was, as were my neighbors , in agreement with the original denial to incorporate Oceanside. Financial viability and failure to contact all residents in the impact area were and still are major concerns.

Furthering our concerns was the reconsideration of the denial after President Keene requested and was given your decision of denial based on your rational assessment.

We are in total agreement to maintain that denial since there are no changes in the reconsideration.

Additionally, President Keene has suggested an appeal, if the denial is maintained, to the members of ONA.

There seems to be no end to a final solution that has divided our residential community immensely.

Your original denial should be the final decision.

Robert Ault 165 Reeder St Oceanside

Received

MAR 29 2007  
Tillamook County  
Board of Commissioners

Lynn Tone

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**From:** Tillamook County OR <tillamookcounty-or@municodeweb.com>  
**Sent:** Wednesday, February 9, 2022 10:31 AM  
**To:** David Yamamoto  
**Subject:** EXTERNAL: [David Yamamoto] Reconsideration

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

Brett Hardt ([bartco58@comcast.net](mailto:bartco58@comcast.net)) sent a message using the contact form at <https://www.co.tillamook.or.us/>.

Mr. Commissioner,

Thank you for reconsidering the hearing's for the incorporation of Oceanside.

Brett Hardt

**Lynn Tone**

---

**From:** Pat Himes <pathimes2011@gmail.com>  
**Sent:** Sunday, February 6, 2022 1:30 PM  
**To:** David Yamamoto  
**Subject:** EXTERNAL: Allow Oceanside to decide!

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

2/5/2022

Dear Commissioner Yamamoto,

I am writing to express concerns regarding the recent Commissioners' hearing about whether the unincorporated community of Oceanside met the legal requirements to place incorporation on the May, 2022 ballot. Having attended, virtually, the two hearings, I must say I was distressed that the commissioners failed our community in several key ways.

The decision not to allow a vote was based on the proposed tax basis information. The budget was not reviewed during the testimony portion of the hearing this past Wednesday. The County Treasurer, who admitted that she failed to review the budget prior to the meeting and had insufficient time to make a determination regarding feasibility of the budget, was pressed to make an off-the-cuff assessment. The petitioners had thoroughly addressed the budget in the submitted materials, would have addressed any concerns during the open testimony had they questioned, and had clearly excluded the Capes from the estimated tax income.

If the budget was the primary concern of the Commissioners, why had this not been addressed during the public comment period of the testimony? Why was the Treasurer not prepared to discuss the budget and question the petitioners? Why had the Commissioners failed to address their concerns by reviewing the materials presented by the petitioners?

It was also distressing that the Commissioners apparently failed to comprehend Chris Laity's presentation regarding road maintenance in Oceanside. He clearly stated that, as a city, Oceanside would be able to apply for state funding for road projects, funding which is currently not available to the county. Thus, according to Chris, both the city of Oceanside and the County would benefit from incorporation.

It clearly seemed that the hearing was essentially a rejection in search of a rationale. Instead of enabling our community to decide whether the prospect of incorporation was not only beneficial but feasible, the Commissioners made the possibly illegal but definitely paternalistic decision for us. I am very upset and disappointed at this undemocratic process. It seemed that the purpose of the hearing to determine if the petitioners met the legal requirements to place the vote on the ballot was subverted by the commissioners.

Since the purpose of the hearing was to determine if the petitioners met the legal requirements to place incorporation on the ballot, which they clearly did, it behooves the Commissioners to allow the vote to proceed. To do otherwise would not only be undemocratic but a violation of your legal obligations. I would strongly encourage you to revise your decision and allow the legally required democratic process to proceed.

Pat Himes,  
Oceanside, OR

**Lynn Tone**

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**From:** Edward Gorzynsk <egor32@charter.net>  
**Sent:** Tuesday, February 8, 2022 5:38 PM  
**To:** Mary Faith Bell; David Yamamoto; Jerry Keene  
**Subject:** EXTERNAL: Oceanside budget

[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 just looked at Manzanitas 2021 budget. Very interesting, their population 361 per 2020 census about same as Oceanside. Budget called for 15 employees \$1.5 million includes salary and benefits. ONA's budget total \$650K 2.5 employees. Who is blowing smoke Ed Gorzynski Sent from my iPad

Lynn Tone

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**From:** Edward Gorzynsk <egor32@charter.net>  
**Sent:** Wednesday, February 2, 2022 4:21 PM  
**To:** Mary Faith Bell; David Yamamoto  
**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.]

If a meeting between Jerry Kean and public works director takes place to discuss costs for road maintenance as you discussed during today's hearing please make sure I am informed so I may attend.

Ed Gorzynski, Oceanside  
Sent from my iPad

## Lynn Tone

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**From:** rubdom@yahoo.com  
**Sent:** Tuesday, February 8, 2022 10:21 AM  
**To:** David Yamamoto; Erin Skaar; Mary Faith Bell  
**Cc:** rubdom@yahoo.com  
**Subject:** EXTERNAL: Oceanside incorporation - your reasonable decision

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

Honorable Commissioners,  
Bottom line: I think you made a reasonable decision when last week you unanimously voted to deny the petition for Oceanside to incorporate.

Many are disappointed with that decision. I expected your vote in favor of incorporation and thought we would be on our way to a May vote. However, based on what I witnessed sitting through the nearly 6-hour hearing last week, it became evident to me that we need to adjust our petition to address its two main weaknesses: the proposed city boundary (and thus the income it would generate) and the economics of the newly formed city. While your decision called out economic feasibility as the reason for denial, from your two-hour deliberation it was clear that the size of the city would impact its income (tax collection) and expenses (sewer, roads and storm water management). We need to plan for higher operating expenses that account for infrastructure planning, studies, headcount, and inflation. All of these items were called out by the county staff in their reports.

I believe revising our economic feasibility statement with increases in property tax rate and expenses may also increase the risk that we (Oceansiders) will be less enthusiastic in supporting it, this is still the way to keeping going forward. I trust you will give us another opportunity at making our case for incorporation.

Best regards,  
Jerzy Rub  
1710 Portland Ave. Oceanside, Oregon

"Advocate without accusation, disagree without disrespect, and see differences as places of encounter rather than exclusion." And be grateful.

## Lynn Tone

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**From:** davefr <davefr@gmail.com>  
**Sent:** Tuesday, March 29, 2022 12:00 PM  
**To:** Lynn Tone  
**Subject:** EXTERNAL: Oceanside Hearing 3/30/2022

[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,*

*I sent this letter directly to the commissioners following the Feb. 9 public hearing. I believe Mr. Yamamoto indicated that these emails needed to be logged into the official public record prior to the 3/30 hearing. If that's still the case would you please include this letter.*

*Thanks,  
Dave Friedlund*

Commissioners Ms. Skaar, Ms. Bell and Mr. Yamamoto,

Thank you for voting to reject the flawed Oceanside incorporation proposal once the petitioners refused to continue the process. There has been a false sense of urgency in this entire process since its inception. As such, the risk of failure is too great for such a significant endeavor. The ONA needs to regroup and address all the deficiencies/concerns in their proposal.

I'd like to point out just a few of the more serious flaws in the process/proposal. Given time, maybe these can be worked out to where an overwhelming majority of residents and landowners wish to proceed. But that's far from the current environment we are in.:

- Oceanside is a heterogeneous/diverse community. (The Capes, Avalon, Camelot, Trillium, Terrasea, North Rural Oceanside and the Core Village). The Capes was excluded at the very outset without their resident involvement. Yet these other areas are also not benefited from incorporation for similar reasons but ONA includes them anyway. (OR 211.040.02 Violation).
- The gerrymandering of the Capes is creating unintended boundary consequences. This process has not been thought out.
- ONA touts road "improvements" as a deliverable but the budget only allows for very limited road "maintenance". Where are the "improvement" \$'s coming from or is this another false claim?
- Only a small % of Oceanside residents and land owners have been part of the community communication process since this whole process has been so rushed. ("Ready, Fire, Aim").
- Oceanside residents generally want limits placed on STR's yet Oceanside would become dependent on STR taxes/fees. Residents shouldn't have to vote until Tillamook County establishes an overall direction on STRs. This will allow for a more informed voting process.
- Similar size incorporated cities have a city tax rate averaging \$3.59/1k. Are we really sure Oceanside can make a meaningful community impact for \$.80/1k other than to simply create a new bureaucracy.

- The controversy among residents is extremely high at approx. 50/50 approve/disapprove. Can incorporation be a success with such a large percentage of the residents in total disagreement? This needs to change or it'll be a repeat of the failed Damascus incorporation fiasco.

Please don't let this "half baked" proposal go to a public vote until it's refined and overwhelmingly accepted within our community. Otherwise it's doomed to fail.

Thank you for listening to us throughout this process.

Dave and Rose Friedlund  
2500 Cape Meares Loop  
Oceanside, OR

## Lynn Tone

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**From:** Tigger Oregon <tigger\_oregon@hotmail.com>  
**Sent:** Tuesday, February 8, 2022 2:49 PM  
**To:** Lynn Tone; David Yamamoto; Erin Skaar; Mary Faith Bell  
**Subject:** EXTERNAL: Oceanside Incorporation 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 Commissioners,

As residents of Terrasea (Oceanside) for the past 15 years, we really want to thank you for what we felt was an excellent decision to not include the Oceanside Incorporation on the upcoming May Ballet. We definitely are not supporters of this Incorporation for primarily the reason you denied the motion. We truly believe the tax rate being recommended is too low and if this passes, we will continually see huge increases to this rate as they realize what road repairs and other projects (including staffing) will actually cost. It confuses us how the \$.80 cent rate did not change even after dropping The Capes out of the Oceanside City Limits. The Capes is a huge community with very high home values. There is no way possible that the ONA could still accomplish their plans without increasing the rate.

In addition, we think the ONA communication on this issue has been poor. They basically use an email list for the community vs using mailings to ALL taxpayers in the affected area. We also have a home in Downtown Portland and we get notices all of the time in items that are affecting our neighborhood. These come in the mail to all property tax payers in the area which allows for public response for 100% of the tax paying community vs input strictly from the ONA mailing list.

We fully support your initial rulings on this matter and hope you stand strong on your initial concerns. This is a waste of time to put on a ballet and it's an issue that is extremely controversial in the neighborhood...and dividing the neighborhood vs unifying the neighborhood. We have a great number and appreciate the great support we receive from Tillamook County. We do not need another layer of government.

Thanks you.

Regards,

Eugene Troyer & Bob Wanta  
590 Ridgewood Rd,  
Tillamook (Oceanside), OR  
97141

February 8, 2022

Dear Commissioner(s) Bell, Skaar, and Yamamoto,

Please know that the latest email from Jerry Keene to the ONA distribution list dated February 5, 2022, is not a reflection of many Oceanside residents. The ONA membership should not be used as a representative number of persons who are supportive of his efforts. Many of us joined the mailing list at the last minute after we learned of the Oceansiders United intentions to put the city incorporation on the May ballot. (This was the only communication from them that provided any type of information.) The email list is a small number as compared to the number of parties affected by their proposal.

Once again Jerry's email uses the same tactics as the last attempt by setting very short time-frames, exaggerating and/or misconstruing facts (ie. the "hundreds" of Oceansiders devoted to studying and understanding..."), and once again limiting the number of residents notified of his intentions by only reaching out to the ONA email list.

I watched the entire hearing last Wednesday and did not observe any Commissioner or other county employee show disrespect or a condescending attitude. I commend you for your ability to see through their haste to get this on the ballot. Your final decision was in the best interest of our community.

Thank you,

Sally Tuttle  
Oceanside resident (Terrasea development)

## Lynn Tone

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**From:** Chandra Allen <ranragirl@gmail.com>  
**Sent:** Tuesday, February 8, 2022 10:22 AM  
**To:** Mary Faith Bell; Erin Skaar; David Yamamoto  
**Cc:** Lynn Tone; Chandra Allen  
**Subject:** EXTERNAL: Oceanside Incorporation Hearings - Note for Commissioners for 2/9 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.]

Hi Lynne!

Thank you for your assistance throughout the process and coordinating letters for the commissioners for the Oceanside incorporation hearings. I have included the commissioners' individual emails as well, but if you would be able to ensure the following is included in materials for tomorrow's hearing, that would be great. Thank you very much for your help!

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February 8, 2022

Good morning, Commissioner Bell, Commissioner Skaar and Commissioner Yamamoto!

Thank you for your efforts in representing Tillamook County. I am writing today about the Oceanside incorporation efforts. I listened to the hearing on Feb. 2 as testimony was heard from people for and against the decision to incorporate Oceanside, as well as the government entities. I found the process interesting and commend you for listening to all the information shared and raising concerns and asking questions. I am not a landowner, but I have lived in the Avalon West neighborhood for nearly 11 years. I lived in Netarts for eight years prior. I consider myself to be a part of the Netarts/Oceanside community.

I appreciate the time you took to make the thoughtful decision about denying the petition. There are several concerns that my neighborhood has, one of which is why the Capes was allowed to be dismissed from the boundary while Avalon West, which is next door to the Capes and made the same request, was denied. I don't feel that there is adequate reasoning to that decision to not consider Avalon West's removal, and we're still lacking some of the reasoning for the Capes to be allowed to be removed other than it wasn't a benefit. Why one neighborhood and not the other? If there is

no benefit for the Capes, there is equally no benefit for Avalon West to be included in the boundary as the focus of the efforts are village-centric and not inclusive of the surrounding areas.

Another concern is the lack of inclusivity of the notices and the petition to surrounding neighborhoods impacted to ensure their voices are heard, to make sure that all neighborhoods were represented in the conversations. I felt that this effort has been focused on the desires of the village of Oceanside and not the surrounding area of Oceanside. I heard a statement made last week that "Those who are late to the party are often disgruntled." I am not disgruntled for being late to the party. I am "disgruntled," or rather concerned, that I did not know about the party, was intentionally not invited to the party but am being held to the party rules. In all the years I have lived in the area, attended community events, received mail, interacted with my neighbors, I never heard of the ONA until the end of 2021 when this all came to a head. It does not take any great effort to do door stuffers, send mailers to specific zip codes, post sandwich boards at neighborhood entrances. I was never welcomed by the ONA when I moved into Avalon West. I was never marketed to as a resident, and I was never asked to join the association or to learn more about the ONA and the Association's efforts.

I was disappointed when the statement was made that the group could have done more but that they didn't need to. They met the statutory requirements. They did the minimum required and intentionally did not put forth the effort to include the surrounding area that they intend to impact and to tax. Sadly, I feel this is an example of how business would be done if the petition were to be approved and an attempt made to incorporate. I don't believe that there has been an above-board effort to ensure that the interests of all impacted are taken into consideration. I also am not entirely certain that there would be a sufficient volume of interested parties reflecting the diverse interests of the area for a potential city council or other elected positions that would not be favored one way or the other. If the effort is not made in the initial call to action to contact, listen to, and to represent the diversity of the neighborhoods in the proposed boundary, how can I trust the effort is there later?

This petition does not represent my interests. It does not represent the interests of my landowners, who would not be allowed to vote since they are not residents of Tillamook County. It does not bring value or benefit to my neighborhood, nor I think to Tillamook County or to Oregon. I urge you to not overturn your decision and to deny the petition once again.

Thank you very much for your time and have a great day!

Chandra

Chandra Allen

Tenant, 161 Reeder Street

## Lynn Tone

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**From:** Susan Allen <sjallen1385@gmail.com>  
**Sent:** Tuesday, February 8, 2022 9:35 AM  
**To:** David Yamamoto; Erin Skaar; Mary Faith Bell  
**Cc:** Lynn Tone  
**Subject:** EXTERNAL: Oceanside Incorporation Hearings Follow Up

[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 morning. I am writing to each of you to personally thank you for your careful consideration, thoughtful concerns and ultimate decision regarding the effort to include Oceanside incorporation on the upcoming ballot. I am relieved, yet remain concerned that ONA and its lawyer leader will continue to force the issue.

My husband and I have owned a home in Avalon West for nearly 12 years. We are currently renting it to a long-term tenant. During that time, ONA has never communicated with us, informed us of its existence or invited us to join its organization. If it had not been for our tenant and Avalon West neighbors, we would not have known about the efforts to include our neighborhood in ONA's incorporation push. Jerry Keene suggests that they could have communicated with everyone, but chose to only meet the minimum petition guidelines. By making that decision, he chose to keep the majority of homeowners in the dark. Additionally, his decision meant that he could just gather signatures from the ONA members that support his efforts. I believe his actions have been deceptive.

At the hearing, Keene suggested late-comers are often disgruntled. Yes, I am angry and dissatisfied. I believe ONA has tried to railroad the community into voting on an important initiative for which they have not been adequately informed. In fact, it appears the majority of property owners have been purposefully kept uninformed. Keene and ONA should have ensured that every property owner had complete information regarding the financial impact and potential benefits and/or challenges of incorporation before gathering petition signatures. Initiatives such as these, which affect a person's tax liability and property value, should be completely transparent. A lawyer may not think \$.80/\$1000 of assessed value amounts to much. Residents on fixed incomes think otherwise. And, those of us who own property in the area, but live elsewhere, will not even have a vote on whether we should be burdened with additional taxes.

I have read through the documents ONA has online. The math doesn't add up. I believe that Keene and ONA want it both ways. They want to be independent, but financially responsible for only a few services and projects. They seem to expect the county to continue to pick up the cost of the high-priced services. Over time, I can see taxes rising and services diminishing. Additionally, the benefits of incorporation outlined in their documents exclusively apply to the village of Oceanside. There is nothing listed that even remotely benefits Avalon West. Like The Capes, Avalon West owners voluntarily maintain the roadways and come together to address community issues. We do not need, nor will we benefit from, incorporation. I can see, however, that Keene and ONA need our taxes if they have any hope of making their scheme work.

I am disappointed that Keene and ONA can be so disingenuous about their efforts. They obviously think that it's not important to inform those affected by the proposed new taxes and additional layer of bureaucracy. If that is true now, what confidence can we have that we will be informed in a newly incorporated Oceanside. I continue to remain opposed to including this initiative on any ballot without further discussion of the true and accurate fiscal impact and without documented assurances that incorporation will benefit ALL property owners - not just those residing in the village.

Thank you, again, for your consideration and leadership.

Susan Allen (owner: 161 Reeder St.)

14681 SW Spirit Rock Dr.  
Powell Butte, OR 97753

## Lynn Tone

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**From:** Larry Taylor <sendlat@gmail.com>  
**Sent:** Monday, February 7, 2022 6:39 PM  
**To:** Lynn Tone  
**Cc:** David Yamamoto; Erin Skaar; Mary Faith Bell  
**Subject:** EXTERNAL: RE: Please DENY Oceansiders' United Motion for Reconsideration

[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 Honorable Tillamook County Commissioners:

First, thank you for not approving the petition presented by Jerry Keene and the ONA regarding the proposed incorporation of Oceanside! We, along with many other property owners were elated.

As we watched the hearing, we were amazed that despite the commission's offer to allow the petitioners more time to revise and resubmit their proposal, they demanded a decision be made that afternoon. The petitioner exhibited the same impatience and arrogant behavior we all experienced during the December zoom meetings around this topic. We continue to have the following concerns on the matter:

- The proposed tax rate \$0.80 per \$1,000 (assessed value) is too low. The draft budget lacks detail.
- The manner and timing in which the Capes was excluded is suspect. It is unclear how/why the Capes residents were given notice and opportunity to have a private survey (conducted by the Capes HOA). It is also odd that when the Capes HOA informed the ONA that they would vote against incorporation, the ONA's action was to exclude the Capes (and the potential 175 NO votes) from the proposed city boundary.
- The decision on incorporation warrants far more study and time by all Oceanside residents. The flurry of zoom meetings over 5 days culminated by a yes/no vote was completely without reason.

In closing, we ask that the commissioners *deny* the Oceansiders' United Motion for Reconsideration.

Respectfully,  
Larry Taylor and Jan Emerson (2662 Radar Rd, Oceanside, Oregon 97134)

## Lynn Tone

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**From:** Oceanside Friends - Jerry Keene <oceansidefriends@gmail.com>  
**Sent:** Saturday, February 5, 2022 6:00 PM  
**To:** cynthia.l.miller@icloud.com  
**Subject:** Are you upset by the county incorporation decision?

[View this email in your browser](#)



A respectful, urgent call for action ...

On Wednesday, the Tillamook County Board of Commissioners shocked many Oceansiders by denying us the opportunity to vote for (or against!) incorporation this spring.

While conceding we met all of the legal requirements, the Board summarily ruled that the proposed tax rate was "too low" to render the city economically feasible. Before doing so, they neither discussed the general revenue and spending figures, nor even seemed aware of the explanatory budget notes in the materials provided to them.

It is unclear whether the Commissioners realized how much time and effort that hundreds of Oceansiders devoted to studying and understanding the ONA economic analysis, including the tax rate, before endorsing such a consequential

measure.

We also wonder if they realize how disrespectful and condescending it was to deny Oceansiders (both supporters and opponents) the right to decide for themselves if the tax rate was "too low." This is that kind of disregard that prompted the petition in the first place.

On Friday, Oceansiders United filed a Motion for Reconsideration based on the events listed below. The incorporation hearing resumes on February 9, 2022. The next few days offer a window of opportunity to alert the Commissioners of our reaction to their decision and to urge them to reconsider it.

**We recommend that you send any emails by noon on Tuesday, February 8, 2022. Even a sincere message of 2 or 3 sentences will help convey our community's demand for the chance to choose our future.**

The email addresses are:

David Yamamoto: [dyamamoto@co.tillamook.or.us](mailto:dyamamoto@co.tillamook.or.us)

Erin Skaar: [eskaar@co.tillamook.or.us](mailto:eskaar@co.tillamook.or.us)

Mary Faith Bell: [mfbell@co.tillamook.or.us](mailto:mfbell@co.tillamook.or.us),

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Here is how the disappointing story of the  
derailed Petition unfolded.

In October and November 2021, the ONA circulated a series of more than 30 email newsletters that explored and debated the pros and cons of forming a new City of Oceanside. Each one was opened and read by 300 to 400 Oceansiders within hours of being sent.

During that time, scores of Oceansiders accessed and read the 34-page ONA Incorporation Report, which included a 3-year budget based on information provided by the county's own experts.

During the first week of December, between 100-150 Oceansiders discussed and debated incorporation in 6 hours of Zoom forums over 4 days, to prepare for a 5th meeting of final debates and a vote.

On December 11, 2021, over 200 registered ONA members attended a Special Meeting to vote. They approved the Incorporation Report by a margin of 76%-24%. They then voted to immediately endorse an Incorporation Petition by a margin of 62%-38%.

In less than two weeks (including Christmas week), more than 80 Oceanside registered voters rushed to sign a Petition requesting the opportunity to vote on the issue of incorporation at the May 17, 2022, election.

On January 24, the Petitioners (Oceansiders United) provided the Commissioners with a 112-page report detailing how they had done everything legally required to earn Oceanside the right to vote on incorporation. This

included balanced revenue and spending projections for staffing and road work based on recommendations provided by the county's own Public Works Director.

At hearings on January 26 and February 2, the Tillamook County Commissioners conceded that the Incorporation Petition satisfied all of the legal requirements to earn Oceansiders a vote on incorporation.

During nearly 10 hours of hearings over two sessions, the Commissioners raised no concerns and asked no questions about the proposed tax rate for the city. It was only during the final hour that the tax rate was first questioned, after Petitioners were barred from further input.

In those final minutes, the Commissioners asked the County Treasurer to comment on the proposed budget. She protested that she had been away for a week and had not read the Petitioners economic report. (She missed the appointment Oceansiders United made to go over it with her in December.) When pressed by the Commissioners to comment anyway, she skimmed the bare budget chart and offered that it was "a bit low". She cautioned that she was always "conservative" however, and also said that she saw "no red flags" in the budget.

The Commissioners subsequently moved to deny the Petition for an incorporation vote because the proposed tax of .80 per \$1000 was "too low". They did not examine (or even mention) how much money that rate would generate based on Oceanside's high property values.

Another commissioner also briefly suggested that not enough money had been allocated to roads and public roads, contradicting the county Public Works Director's own recommendation that the amounts budgeted were reasonable.

As a result, in a brief and cursory conversation, the Commissioners disregarded and dismissed a detailed economic analysis that hundreds of Oceansiders had

studied, debated and approved over a period of weeks.

Commissioner Bell moved that the petition be denied based on "economic feasibility," which passed unanimously.

On Friday, February 4, 2022, Oceansiders United hand-delivered a Motion for Reconsideration to the Commissioners offices.

Jerry Keene  
ONA President  
oceansidefriends@gmail.com



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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](#).



## Lynn Tone

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**From:** len chaitin <eljayinv@gmail.com>  
**Sent:** Sunday, February 6, 2022 12:43 PM  
**To:** Lynn Tone  
**Subject:** EXTERNAL: may ballot

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

Thank you for denying the "incorporation" initiative. I believe the hearings were fair to both sides, and I appreciate your detailed consideration. I now understand there is an appeal process. The facts or my opinion have not changed.. Please, if necessary, deny the application again.

Thanks again

Len Chaitin

OCEANSIDERS UNITED  
P.O. BOX 338  
OCEANSIDE, OREGON 97134

February 4, 2022  
(hand delivered)

David Yamamoto, Chair  
Erin Skaar, Co-Chair  
Mary Faith Bell, Member  
Tillamook County Courthouse  
201 Laurel Avenue  
Tillamook, Oregon 97141  
(hand delivered)

Re: Petition for Incorporation of Oceanside  
NO. 851-21-000449-PLNG

PETITIONERS' MOTION FOR RECONSIDERATION

INTRODUCTION

On behalf of Oceansiders United, I respectfully request the Board to reconsider its decision to deny Oceansiders the opportunity to vote on whether to become a city this May. We earned that opportunity for the citizens of Oceanside by satisfying every aspect of incorporation statutes. For the reasons stated below, the Board should reconsider and reverse its abrupt and hastily-fashioned conclusion that incorporating Oceanside as proposed is not economically feasible.

Based on the determinative motion, the Board ultimately determined that the proposed tax rate of .80 per \$1000 was "too low" and compromised the economic feasibility of the new city. This motion is not so much a request for you to change your minds on that issue, although that is our ultimate goal. It is a plea to open your minds, step back and objectively evaluate both your decision process and the evidence you disregarded in making it. We want to be on record as having offered this Board an opportunity to repair this flawed decision without the delay and expense of an appeal. During the hearing, it was suggested that an appeal might clarify the law by providing guidance on the meaning of some of its undefined terms we were all struggling to apply. Please be clear that our appeal will not merely be based on ambiguities in the incorporation statute. Instead, it will challenge the Board's compliance with well-established rules governing how all quasi-judicial decisions must be made and explained. Prosecuting an appeal on such procedural grounds will serve neither party and will set no helpful precedent.

I worked for over 30 years as an attorney specializing exclusively in appealing the decisions of governmental agencies to the Oregon Court of Appeals and Supreme Court. I was commonly viewed as a preeminent practitioner in the field, having appeared in nearly 1000 such cases. Nearly all of them entailed an evaluation of whether the relevant agencies adequately explained their decisions and whether the evidence in those records provided adequate support for their

conclusions. It is on the basis of that experience that I am confident that either LUBA or the appellate courts will quickly appreciate that neither the process, the reasoning nor the evidence in the record was legally sufficient to justify the decision articulated by the Commissioners hearing. In that event, they will remand the matter with instructions to reopen the record and try again.

#### DISCUSSION

From Petitioners' vantage, the Board's decision turned on a general conclusion that the proposed tax rate limit was "too low," which was deemed sufficient to sustain an objection to the economic feasibility statement. In the course of that discussion, one Commissioner voiced an additional justification framed as doubts over adequacy of the projected allocation for "public works" and specifically road repair and maintenance.

Here are some of the main procedural and substantive flaws in that decision that Petitioners will point out to a reviewing tribunal.

1. Due Process. The transcript record will confirm that no Commissioner – none - voiced concern over the adequacy of the proposed tax rate or its impact on economic feasibility during the proceeding until *near the close* of deliberations. The Staff Reports and submissions from county staff unanimously supported the EFS data, and in fact such data was provided by the county. Moreover, the Commissioners offered no questions or comments reflecting such concerns during Petitioners' presentations or during the public comment period. Petitioners had every right to conclude that the economic sufficiency of the petition was not in question. Consequently, when such questions first arose at the tag end of the proceeding after all comment had been closed, Petitioners were afforded no notice of opportunity to provide answers or point to evidence already in the record that amply addressed those concerns.<sup>1</sup>
2. Objections Based on "Political" Grounds. A broader legal problem is that the Commissioners off-handed comments that the tax rate was "too low" to establish economic feasibility was expressed as a general political opinion about tax rates *per se*, and not as part of any reasoned analysis of the specific revenue and resource figures presented in the EFS. As was plainly stated at hearing, the Board was not authorized to grant objections to incorporation based on such broad "political grounds". *Mcmanus v. Skoko*, 1255 Or 374, 379 (1970).

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1. Scattered questions were raised about individual line items, such as whether the budget appropriately reflected constraints on spending TLT funds, and whether the city tax revenue was discounted to reflect exclusion of The Capes. These were immediately answered in the affirmative, both in testimony and in unambiguous budget notes in the EFS.

3. Substantial Reason/Substantial Evidence. The transcript will document that the Board's brief and belated critique of the tax rate was both incomplete and lacking in adequate reasoning. In legal terms, it failed to articulate a "rational" connection between the evidence in the record and the conclusion that was drawn. County Counsel appeared to recognize this problem when he interrupted the statement of the motion to emphasize the need for stating an explicit factual basis. Commissioner Yamamoto twice evinced his impatience with this advice, protesting that the basis for concerns over economic feasibility were replete in the previous discussions. He was mistaken in this, and an appellate reviewer would side with County Counsel.

There were only two explanatory comments offered by the Commissioners to support the tax rate objection:

- a. *The proposed tax rate of .80 per \$1000 was "too low" or "a bit low."*

This was a meaningless explanation unless accompanied by an appreciation for how much revenue the rate would generate. The Commissioners made no reference or consideration to this missing link in its chain of reasoning. As reflected in the EFS and unambiguous budget notes, given Oceanside's outsized assessed value, the proposed rate would generate from \$180,000 - \$200,000 annually. Had Petitioners been afforded an opportunity to respond to the observation, they could have apprised the Board that the resulting revenue was comparable to or even exceeded that generated in cities with higher populations, more services and higher tax rates, such as Bay City and Wheeler.

The Board may have been recalling cursory comments from County Treasurer Shawn Blanchard during the post-comment exchanges with staff. Notably, she offered them with much reluctance and only after being pressed by Commissioner Yamamoto. After protesting that she had not read the EFS report and was only skimming the naked budget figures in the chart, Blanchard vaguely commented the figures might be "a bit low," but that she was "conservative" in that way. (She did not indicate which figures, or whether she was referencing revenues or expenditures.) Blanchard did not state or even hint that her glancing impression of where the figures fell on a liberal-to-conservative spectrum were sufficient to invalidate the broader budget analysis or render the entire proposal economically unfeasible.

- b. *The revenue was potentially inadequate for public works needs that would arise over time.*

Petitioners are at a complete loss to find logical or evidentiary support for this observation in the record. It is illogical because the EFS proposed spending as much or more on Oceanside's roads than the county itself has spent or is likely to spend in the foreseeable future. It lacks evidentiary support because the EFS figures were obtained from the county's own Public Works Director – who continued to support them in his comments at the hearing.

Given the opportunity, they could have directed the Commissioners' attention to the EFS budget notes indicating a minimum annual allocation of \$50,000 to road work as a baseline, and that this was based on the county's own records of public expenditures on Oceanside's roads over the span of a decade. The Supplemental Staff Report and attached submissions also included an updated memo and chart from Director Chris Laity, which confirmed that the county had expended an average of approximately \$50,000 a year for road maintenance and capital improvements combined. The budget notes in the EFS emphasized that public works would be the first priority for allocation of any extra funds or unspent revenue over time, and that the figure did not include grants available to small cities, but not to unincorporated communities. The Commissioners evinced no awareness of this critical information when summarily dismissing the public works allocations. Without any apparent information that they had factored such information, an appellate reviewer will reject the Board's determination.

4. Due Process Again. While it was not entirely clear from their statements on the record (which is a problem all its own), the Commissioners appeared to have been influenced by what they perceived as supportive comments invited from staff members immediately before transitioning to deliberations. In the case of Director Laity, as noted above, this was a mistaken perception. In the case of Treasurer Blanchard's vague impressions, it was an insufficient basis to reject the entire EFS. Either way, to the extent the Commissioners felt their comments "raised questions" about the tax rate or economic feasibility, they committed error in relying on such statements as substantive evidence where Petitioners were offered no opportunity for rebuttal. This is especially true given the failure to raise such questions during Petitioners' initial presentation or rebuttal.

#### CONCLUSION

At one point during the deliberations, Commissioner Yamamoto and Commissioner Skaar suggested that any perceived doubts about the EFS projections should be resolved in favor of allowing voters to factor them into their decisions at the ballot. That insight was consistent with the democratic principles underlying the petition process. It was also consistent with the sophisticated analysis and debate that Oceansiders have already demonstrated in bringing the issue this far. Petitioners hope that by highlighting problematic aspects of the initial decision process, and identifying evidence that was originally overlooked, we can persuade the Commissioners to reconsider and strike a new balance in favor of the voters' right to choose.

REQUEST FOR RELIEF

For the reasons stated above, Petitioners respectfully request that the Commissioners reconsider and withdraw its oral decision in this matter and instead order that incorporation be placed on the ballot in the May 17, 2022, Primary Election.

Respectfully submitted,

Jerry Keene  
Oceansiders United

cc: Joel Stevens, County Counsel (via e-mail)  
Sarah Absher, Director of Community Development (via e-mail)  
Chris Laity, Director of Public Works (via e-mail)

# Jill Princehouse

P.O. Box 346  
Oceanside, OR 97134

Home Phone 503-812-9707

e-mail: [oceanfrontcabin@seanet.com](mailto:oceanfrontcabin@seanet.com)

February 4, 2022

To the Tillamook County Commissioners:

David Yamamoto, chair  
Erin D. Skaar, vice chair  
Mary Faith Bell

Dear commissioners:

My name is Jill Princehouse. I've been a homeowner in Oceanside for over 45 years. I have spent many hours studying the value or not of incorporating Oceanside. After doing my homework to learn and study the effects of incorporating Oceanside, I've become a VERY STRONG SUPPORTER. I sat through the marathon of the hearing last Wednesday, February 2, 2022.

In that hearing I learned that you, as commissioners had forgotten your promise to the public and your oath of office, to act as impartial judges when voting on issues before you. You forgot that you promised your votes would be based on facts and not on your personal biases or off-the-wall opinions of others who hadn't studied the issues or facts. What I experienced by listening in on that hearing was your not having done your research and that you voted on your personal off-the-wall biases/fears. If you had studied the issue, the facts would have shown we had studied the budget and impact on Oceanside to incorporating, and I would have hoped you would have voted to put the issue on the May 17, 2022 ballot. We as Oceansiders deserve to vote on the issue. Instead you voted to remove our right to vote even though we had fulfilled all the requirements to be able to do so. That really should not be your choice.

Oceansiders, via the ONA, proudly and heartily endorsed Jerry Keene and Blake Marvis to serve as our petitioners. We, the ONA, presented you with every detail required of us in this process. We showed you we had studied the issues and knew them well. The budget committee could not have done a more thorough job of studying all the costs involved, and in fact made it public exactly how the budget committee did their research and came up with the results they did, i.e., that the \$0.80 per thousand assessed property value increase in our taxes would more than cover expenses. You had access to the information too, but instead of studying the facts, you voted based on your own fears and hunches. That was so disingenuous of you!

Oceansiders overwhelmingly indicated they wanted the opportunity to vote on this. That's the American way- we are allowed to choose with our votes. You hold the gold, so to speak, to be able to deny us our rights as Americans. We followed the rules exactly. What a disgrace that you're choosing to prevent us from voting. In America we make choices with our votes. To have a gang of 3 going against their oath of office and prevent us from participating in our right to vote is unconscionable!

Contrary to you, I'm sincere, honest, and keep my promises,

Jill Princehouse, Oceanside homeowner since July, 1976  
1775 Rosenberg Loop  
Oceanside OR 97134  
P.O. Box 346

## Lynn Tone

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**From:** Cynthia Miller <cynthia.l.miller@icloud.com>  
**Sent:** Wednesday, February 9, 2022 10:47 AM  
**To:** Lynn Tone; David Yamamoto; Erin Skaar; Mary Faith Bell  
**Cc:** Richard Miller  
**Subject:** EXTERNAL: Resubmission: Oceanside Incorporation Input

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Now that the issue has been re-opened, please receive this for review.

On Feb 6, 2022, at 2:09 PM, Cynthia Miller <cynthia.l.miller@icloud.com> wrote:

Happy Sunday to all!

I'm writing this in response to Jerry Keene's email to the ONA email distribution list (attached below) wherein he is requesting a communication be sent to the Tillamook County Commissioners to request Reconsideration to put the matter of incorporating Oceanside as a city. I take exception to the tone of his email, sent under the ONA banner, and am disappointed he chose to use that vehicle for distribution.

First of all, I commend the Commissioners for what I heard as VERY respectful hearings. Everyone who wanted to voice an opinion was given an opportunity to do so. I did not hear any disrespect nor condescension from any of the Commissioners. I fully support your vote to deny the petitioners a public vote. You provided Mr. Keene with a platform and gave him **more** than ample opportunity to deliver (and continue) his garrulous discourse.

The comments regarding the budget and roads was a straight-up, fact-based discussion. Clearly, the proposed budget did not take a step back to consider not only immediate but also future demands on this infrastructure we call home.

Additionally, as Oceansiders (sic) United (not exactly sure who this group propose to represent, but certainly not me) saw fit to file a Motion for Reconsideration without discussing it with the Oceanside community in any type of forum is a perfect example of the process that has been followed to date. A small number of solely like-minded individuals that believe they know what this little Village needs, and include surrounding neighbors to boost the tax revenue model.

I, too, was very impressed with the public hearings and would like to thank you for your patience and thoughtful openness to listen to all parties which, in turn, led to a thoughtful decision.

Thank you so much for your wise decision!

Best regards,

Cynthia Miller  
735 Ridgewood Road W  
(Terrasea)

<Are you upset by the county incorporation decision?.eml>

## Lynn Tone

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**From:** Erin Skaar  
**Sent:** Wednesday, February 9, 2022 2:49 PM  
**To:** Lynn Tone  
**Subject:** FW: EXTERNAL: [Erin Skaar] Oceanside incorporation



**Erin D. Skaar** (she/her) | Commissioner  
TILLAMOOK COUNTY | Board of County Commissioners  
201 Laurel Avenue  
Tillamook, OR 97141  
Phone (503) 842-3403  
Mobile (503) 812-9877  
[eskaar@co.tillamook.or.us](mailto:eskaar@co.tillamook.or.us)

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**From:** Tillamook County OR <tillamookcounty-or@municodeweb.com>  
**Sent:** Wednesday, February 9, 2022 2:35 PM  
**To:** Erin Skaar <eskaar@co.tillamook.or.us>  
**Subject:** EXTERNAL: [Erin Skaar] 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.]

Matt Bennett ([Bennett\\_matt@me.com](mailto:Bennett_matt@me.com)) sent a message using the contact form at <https://www.co.tillamook.or.us/>.

Dear Erin Skaar,

I'm writing as a full time resident of Oceanside, Oregon to express my firm disapproval of the commissioners refusal to allow our petition for incorporation to appear on the May ballot. Several members of our community have spent months and countless hours acquiring the data needed to make this proposition feasible. The time is now.

I understand this proposal would cut a significant portion out of the counties budget received through Oceanside's TLT money. This makes me wonder if something more political is at play than any genuine concerns about the feasibility of our budget or city boundaries.

You still have time to do the right thing and allow us to vote.

Sincerely,

Matt Bennett  
Oceanside, Oregon

3  
1

3  
1

February 9, 2022

Re: Oceanside Incorp request

Dear Commissioners:

I have collected a summary of roads and maintenance reports from various sources to help see the whole picture easily. I apologize for the length of this letter. Jerry Keene requested source documentation be provided with statements, so I am doing my best to comply.

Concern 1: Budget does not include funds necessary to bring the roads to "benchmark" or "annual maintenance" level. Mr. Laity states that annual maintenance after paved roads are improved is estimated to be \$30,000. He does not speak to annual maintenance of gravel roads (only "once paved"). *See Note 1*

Concern 2: Budget does not include local access roads in the historical review of funds spent. *See Note 2*

Concern 3: Use of roads and maintenance funds are not inclusive of all neighborhoods paying taxes.

Concern 4: Based on \$20,000 per year budget to be saved for "benchmark" estimate of \$800,000 to \$2,800,000 to bring the roads to "annual maintenance" level the new City would be saving for 40 to 140 years.

Concern 5: Mr. Laity states updating stormwater drainage in the village should be a priority over roads improvement to ensure newly paved roads are not later torn-up to repair stormwater drainage (avoiding redundant costs). The cost of the stormwater drainage study alone is estimated at \$200,000. There is no line item in the budget accounting for these funds. *See Note 3*

Concern 6: No attention or reference has been given to non-village neighborhoods in regards to stormwater drainage management plans. No line items or notes represented in the budget.

Concern 7: Analysis from Mr. Laity shown in Staff Report graphic states a 10-year history but only shows a six-year period ending 2016. From 2011 (the same time period of the graphic) the County has not been maintaining local access roads. The true cost of local access road maintenance has not been shown. *See Note 4*

Concern 8: Consideration in the Staff Report Budget has not been given to the time it takes (and the continued deterioration during this time) the City to accumulate the funds needed to bring the roads to "benchmark" level. Additional funds would be needed during this progress.

Concern 9: Both Mr. Laity and Mr. Keene have referred to issuing City Bonds to shore up community project funding shortages. The issuance of bonds impacts the total tax payer cost. So far discussions have only included \$.80 per \$1,000 permanent tax rate. This could appear deceptive to some in the community. *See Note 5*

From Page 82 of Staff Report (also referred to as Page 6), Jan 19, 2022

Road Maintenance and Construction/Storm water Management Given its small size, modest road system and small growth rate, the new city will not initially employ public works personnel or equipment. Instead, it anticipates that the city will place a priority on recruiting staff with expertise in

public works contracting. Staff will be assisted in this by several local residents with years of relevant experience who have already indicated their willingness in surveys to advise and or serve on relevant civic committees. The projected budget includes a fixed, annual baseline allocation for filling potholes and limited maintenance with the expectation that the new City Council will prioritize roadwork when allocating unanticipated revenues or surplus funds that result from budget adjustments over time. The new city will also participate in the grant programs, such as the ODOT Small City Allotment Program for more ambitious grading and paving projects. Tillamook Public Works Director Chris Laity advised

Petitioners note that a broad program of road improvement would eventually implicate a need for updated stormwater drainage infrastructure in the core village and associated drain water treatment. An incorporated Oceanside is expected to continue existing county efforts to locate grant funding for such a project.

From Chris Laity email to Jerry (sent Jan 19, 2022)

Road Maintenance and Construction/Storm water Management Given its small size, modest road system and small growth rate, the new city will not initially employ public works personnel or equipment. Instead, it anticipates that the city will place a priority on recruiting staff with expertise in public works contracting. Staff will be assisted in this by several local residents with years of relevant experience who have already indicated their willingness in surveys to advise and or serve on relevant civic committees. The projected budget includes a fixed, annual baseline allocation for filling potholes and limited maintenance with the expectation that the new City Council will prioritize roadwork when allocating unanticipated revenues or surplus funds that result from budget adjustments over time. The new city will also participate in the grant programs, such as the ODOT Small City Allotment Program for more ambitious grading and paving projects. Tillamook Public Works Director Chris Laity advised Petitioners that a broad program of road improvement would eventually implicate a need for updated stormwater drainage infrastructure in the core village and associated drain water treatment. An incorporated Oceanside is expected to continue existing county efforts to locate grant funding for such a project.

(Note 4)

	2011	2012	2013	2014	2015	2016
Actual Maintenance	\$ 7,400	\$ 8,500	\$ 19,200	\$ 6,700	\$ 14,500	\$ 30,500
3% Inflation adjusted						
2030	\$13,001.06	\$14,494.10	\$31,756.44	\$10,771.69	\$22,609.13	\$46,151.07

Average Annual in  
2030 \$39,498.14

Average Annual in  
2030 (exclude 2017) \$26,778.53

The chart is cut off and does not show the 10-years Laity speaks to (Page 129 of Staff Report)

From Page 56 of Staff Report, Jan 19, 2022

2. Roads. County Public Works Director Chris Laity indicated in conversations with Jerry Keene that he would probably request that Oceanside assume responsibility for all roads except Cape Meares Loop and Highway 131 (a state highway) as part of the transition process if Oceanside incorporates.

Jerry Palmer notes in letter to Commissioners (email Feb 7, 2022) (*Note 2*)

----- Forwarded message -----

From: Jerry Palmer <jerry@palmer@gmail.com>

Date: Mon, Feb 7, 2022 at 3:53 PM

Subject: Oceanside Incorporation - Motion for Reconsideration

To: <tyamamoto@co.tillamook.or.us>, <eskaar@co.tillamook.or.us>, <mtbell@co.tillamook.or.us>

I wanted to thank you for a very inclusive process and your full and careful deliberations when considering the petition for the incorporation of Oceanside. I believe your conclusion to delay approval and hold additional hearings to further explore the proposed tax rate, the budget and especially the roads situation was correct, and I support that decision completely.

I believe the road maintenance budget is not sufficient for a number of reasons but mostly because the cost numbers used by Chris Laity for his estimates given to ONA were only those incurred since 2011 (email from Chris Laity to Jerry Keene dated Jan. 19, 2022 1:06 PM). The County stopped maintaining Local Access roads in this area prior to that date (2008 or 2009?), so costs to maintain these roads could not have been included in the budget submitted by the petitioners. Those living on Avalon Way have been paying for the maintenance of this county road since 2009.

I was not notified, but I understand the petitioner's, "Oceanside United", has filed a "Motion For Reconsideration" of your decision of February 2. I strongly support the decision you made on February 2 and encourage you **not to change your position**.

Thanks again for your wisdom and decision to not allow for the incorporation of Oceanside to be on the May 2022 ballot.

Jerry Palmer  
605 Avalon Way  
Oceanside, Oregon

Page 173 of Staff Report, Jan 19, 2022

Also, quote from the petition: "Tillamook Public Works Director Chris Laity advised Petitioners that a broad program of road improvement would eventually implicate a need for updated stormwater drainage infrastructure in the core village and associated drain water treatment. An incorporated Oceanside is expected to continue existing county efforts to locate grant funding for such a project".

Page 13 Oceanside Supplemental Report Jan 26, 2022

Public Works/Roads Chris Laity, Director of the Tillamook County Public Works Department, generously offered assistance to the Budget Team in estimating the costs Oceanside should anticipate in any effort to update and maintain the roads falling within the Oceanside Community Growth Boundary. His analysis included both "county" roads and "local access" roads (not historically maintained by the county), but did differentiate between paved and graveled roads. He met with the Team in an extensive question-and-answer session and offered charts and spreadsheets in support of his analysis 1 based on county records. His analysis excluded any costs related to Highway 131 or Cape Meares Loop Road, both of which would initially be excluded from the city's jurisdiction. None of his long-term estimates allowed for inflation, a factor he quantified at 3% a year. (*Note 1*) As a benchmark, the Team asked Laity to

presume a goal of improving all Oceanside roads to the current condition of Chinook Avenue, which was newly paved in the past few years. He described this as adding a 2- to 3-inch gravel "lift" with asphalt and ([or?] "chip seal." Based on county contract costs for comparable roads, Laity broadly estimated that it would cost roughly \$800,000 to \$1 million to improve Oceanside's paved roads and approximately \$2 million to improve and pave its current graveled roads. Once improved, Laity estimated the currently paved roads could be maintained at an annual cost of roughly \$30,000. [Note: contact Chris for a maintenance estimate that includes all roads, once paved.] Laity emphasized that it would be a waste of resources to pave roads subject to deterioration by deficient stormwater drainage. The county has been forced to adopt a patchwork approach, improving drainage only on the roads it has been able to fit into its schedule and budget over the past few years. **Laity recommends that the new city either budget, (Note 5) bond or seek grants for a consulting contract to compile a "master plan" for drainage and roads to be implemented and funded in intervals as funds allow. (Note 3)** He estimates the cost of such a study at \$200,000 and is ready to recommend several engineering firms capable of doing good work on it. [Sarah Absher indicated that she and Chris Laity have unsuccessfully approached ODOT for grant funds to do county drainage planning, with Oceanside at the top of the list.] Laity also suggested that the new city approach the Netarts-Oceanside Sanitary District for ways to collaborate on such an initiative, for example to obtain maps of their current underground network. Finally, Laity estimated that negotiating and managing road construction contract work would require staffing at about .25 FTE. Before ending the conference, the Team asked Chris to share his data and maps electronically, and also to provide information on the county costs expended in Oceanside over the past few years so that we might set a "baseline" against which to compare what a new city might be able to do.

As you see from above, my main concern is where are the funds going to come from to bring the roads up to "annual maintenance" level?

From Oceanside Chat email Feb 6, 2022 Jerry Keene writes

3. Our road work cost estimates were based directly on the figures from Public Works Director Chris Laity. They indicated that the new City could feasibly devote \$30,000 a year to maintenance of existing roads and allocate an additional \$20,000 a year to capital improvements - for a combined yearly allocation of \$50,000. We left it for the City Council to determine how to spend the accumulate the annual \$20,000 for capital improvements - **for example, by letting it build up for larger projects or use it to make payments on (Note 5) long-term bonds without increasing annual taxes.** These figures were explicitly supported by an updated memo from Director Laity that we submitted for the record after the first hearing. It was supported by a chart and analysis of all county public works expenditures in Oceanside over the past decade. Unfortunately, the Commissioners did not seem to be aware of the updated memo. (After we were barred from further input, Commissioner Yamamoto kept quoting - and misconstruing - a memo containing a second-hand summary of generalized information Director Laity had provided in an oral interview with the Budget Team months earlier.) Director Laity went over those updated figures for the Commissioners late in the hearing, but it is not clear they appreciated what he was trying to convey. In an unrelated telephone conversation after the hearings, Director Laity shared that he was surprised by the county's reaction to our road work budget.

**The \$1 - \$2 million conversation is a complete red herring.** Neither the county nor the city ever intended (or could afford) to spend \$1 - \$2 million in some kind of lump sum project to improve Oceanside's roads all at once. We asked Laity for that **theoretical, "pie in the sky" figure** only to provide context for evaluating the scope of needed work over the extreme long term. Instead, Laity completely endorsed our concept of making steady progress over time by spending \$30,000 a year on maintenance and structuring \$20,000 a year for gradual improvements - supplemented by grants. In that regard, Laity told the Commissioners at least three times that the city would be able to pursue grants for engineering studies and roadwork that the county could not. Finally, the Commissioners never exhibited any awareness of our budget note indicating that \$50,000 a year represented the minimum road work allotment. This was clearly explained in the Economic Feasibility Statement budget notes (page 13), which stated: *"This amount does not include available State of Oregon transportation / roadwork grants available to small cities. Petitioners anticipate that a roadwork reserve will also be the highest priority for unanticipated revenue or funds resulting from overestimating other budget expenditures."*

Mr. Keene states "The \$1-\$2 million conversation is a complete red herring". Yet it is clearly reported earlier that the team states

**"As a benchmark, the Team asked Laity to presume a goal of improving all Oceanside roads to the current condition of Chinook A venue, which was newly paved in the past few years. He described this as adding a 2- to 3-inch gravel "lift" with asphalt and ([or?] "chip seal." Based on county contract costs for comparable roads, Laity broadly estimated that it would cost roughly \$800,000 to \$1 million to improve Oceanside's paved roads and approximately \$2 million to improve and pave its current graveled roads."**

"Once improved, Laity estimated the currently paved roads could be maintained at an annual cost of roughly \$30,000. [Note: contact Chris for a maintenance estimate that includes all roads, once paved.]"

Mr. Keene states "pie in the sky figure" but earlier shows it was referred to as "as a benchmark" in the report he submitted.

#### **Additional Concern #10: Too much power in the hands of a few**

Our population and budget size are inadequate to support a city structure; effectively representing members in all neighborhoods, controlling special interests of a few, and having a fair level of oversight in our processes. I am also concerned with what we are losing from the County in support. A more robustly funded and supported ONA would better meet our community needs without the added bureaucracy and administrative costs found in a city. Three united votes on a council of five members opens the door to the promotion of special personal interest over the needs of the community, coercion, excessive control of authority, and too limited oversight. The result will likely lead to a divisive community, which is a very sad thought.

From Oceanside Chat email Jan 11, 2022

ONA Board: Jerry Keene, Marilyn Roossinck, Mary Flock, Carol Horton (per Officers ONA website--any other Board Members?)

City Petitioners: Jerry Keene, Blake Marvis, and 85 other signatures

Task Force Members: Sharon Brown, Mike Dowd, Carol Kearns, Jerry Keene, Blake Marvis, Susan Moreland, John Prather, Sue Wainwright

Unofficial but likely candidates for City Council: Filing a candidacy for City Council hasn't started yet. Personal discussion reveals Jerry Keene, Blake Marvis, and Gill Wiggin have a strong interest in City Council seats.

Jerry Keene <oceansidefriends@gmail.com>

Jan 8, 2022, 1:04 PM ☆ ↶ ⋮

to Oceanside ▾

I appreciated your effort to reach out, Bruce, and enjoyed reviewing the data with you. As to your question about continuing to rely on ONA volunteers, I offer this to you and a number of others who have made such suggestions, but have not, to my knowledge, ever been involved. One of the reasons we pursued the incorporation initiative is that the ONA is widely recognized as the most active and effective community association in the county - yet we are burning out and falling behind.

### Final Concern #11: Capacity is Questioned

Per the Feasibility Report, the new city will have 1.5-2 FTE staff for City Management, City Finance, City Marketing, City Human Resources, City Budgeting, City Compliance, Land Use/Building Services, Road Maintenance and Construction, Stormwater Management, Code Compliance, Enforcement, Emergency Preparedness, Coordination with City Public Services (Water treatment, Water, Fire, Police), and fundraising. I have concerns that we need to be more realistic with what <2 FTE can successfully manage. Compare this to the number of FTE the County has allotted for these functions, and you can easily see my point.

The budget is lacking in foresight, admittedly hypothetical, and has no room for errors. A city of our population size places too much power in the hands of a few people. The expectations of the City Manager are too demanding for a realistic and successful community outcome.

Thank you again for your excellent work and contributions. I was very impressed with the hearings, the skills you employed in research and discovery, the openness you demonstrated in listening to all parties, the thoughtful communication, and the manner in which you weighed your decision.

Please deny the petition to incorporate and help me reunite our community.

Respectfully,

Bruce Jaeger

(503) 317-6150

## Lynn Tone

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**From:** Erin Skaar  
**Sent:** Tuesday, February 15, 2022 6:43 AM  
**To:** Lynn Tone  
**Subject:** Fwd: EXTERNAL: Fw: Incorporation Oceanside

Get [Outlook for iOS](#)

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**From:** jgluzinski <jgluzinski@charter.net>  
**Sent:** Monday, February 14, 2022 6:08:46 PM  
**To:** Erin Skaar <eskaar@co.tillamook.or.us>  
**Subject:** EXTERNAL: Fw: Incorporation 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.]

I am totally against incorporating Oceansid. They want more control over my life and charge me for the opportunity to do so, and I DON'T WANT IT .

Joseph Gluzinski 2635 Radar Road 503 842 1256

## Lynn Tone

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**From:** Erin Skaar  
**Sent:** Wednesday, February 16, 2022 2:56 PM  
**To:** Lynn Tone  
**Subject:** FW: EXTERNAL: Fwd: ONA News Updates.



**Erin D. Skaar** (she/her) | Commissioner  
TILLAMOOK COUNTY | Board of County Commissioners  
201 Laurel Avenue  
Tillamook, OR 97141  
Phone (503) 842-3403  
Mobile (503) 812-9877  
[eskaar@co.tillamook.or.us](mailto:eskaar@co.tillamook.or.us)

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**From:** [rmclyne@aol.com](mailto:rmclyne@aol.com) <[rmclyne@aol.com](mailto:rmclyne@aol.com)>  
**Sent:** Wednesday, February 16, 2022 2:54 PM  
**To:** David Yamamoto <[dyamamoto@co.tillamook.or.us](mailto:dyamamoto@co.tillamook.or.us)>; Mary Faith Bell <[mfbell@co.tillamook.or.us](mailto:mfbell@co.tillamook.or.us)>; Erin Skaar <[eskaar@co.tillamook.or.us](mailto:eskaar@co.tillamook.or.us)>  
**Subject:** EXTERNAL: Fwd: ONA News Updates.

[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

It seems to me that the *"train has left the station"* for the ONA to get this on the May, 2022 Ballot (*re: February 14, 2022 deadline*).

Please confirm? (If not, then why not?)

Many thanks!

Best regards  
Rick Clyne

300 Fall Creek Drive  
Oceanside, Or 97134  
503-842-4311

-----Original Message-----

From: Oceanside Friends - Jerry Keee <[oceansidefriends@gmail.com](mailto:oceansidefriends@gmail.com)>

To: [rmclyne@aol.com](mailto:rmclyne@aol.com)  
Sent: Wed, Feb 16, 2022 2:31 pm  
Subject: ONA News Updates.

[View this email in your browser](#)



Some News and Information of Interest to Oceansiders ...

County and State Parks Come Through with Surprise  
Funding for Oceanside Beach Access Project!

Last month, we reported that the bids for **upgrading the beach access at Oceanside Beach** came in at nearly double the expected amount - leaving a **funding gap of more than \$100,000**. Things did not look good for the 5-year ONA initiative. Then - just last night (Feb. 15) - the Oregon Parks and Recreation Department (**OPRD**) **offered a surprise commitment of \$55,000** toward the deficit if the county would match it. This morning (Feb. 16), the County Commissioners abruptly expedited a **vote to allocate \$60,000 in TLT funds** to the project. Barring further obstacles, the County will formalize a contract for installation **in hopes of completion before Spring Break**. Fingers crossed! Here is a link to the **engineering drawings** for the new beach path:

[4 CONCEPTUAL SITE PLAN \(oceansidefriends.org\)](#)

Incorporation Update from Oceansiders United

On February 9, 2022, the County Commissioners held a **third hearing** on **Oceansiders United's** petition to place incorporation on the **May 17, 2022**,

**Primary Election ballot.** They noted that the petitioners had submitted a **Motion for Reconsideration** of their original decision **denying** the petition. Commissioners Yamamoto and Skaar **voted to withdraw and reconsider the decision**, but **postponed further proceedings until March 30, 2022**, when Commissioner Bell could be present. They also noted that the Commissioners had **each received 80-90 emails from the public** in response to their initial denial, which they could not legally address but **did allow** to be made part of the hearing record.

Petitioners had no opportunity at the hearing to clarify that the Motion for Reconsideration **had requested a decision in time to meet the February 14, 2022, deadline** for placing the issue on **the May 2022 ballot**. After the hearing, Oceansiders United wrote a letter reminding the Commissioners that missing the May election will **cause the new city to miss a critical tax notice deadline** in July 2022, which means that it **would go without tax revenue for a year-and-a-half** - until **November 2023**. (The incorporation petition was based on a budget that allowed for only a **6-month** delay in tax revenues.) For these reasons, Oceansiders United advised the Commissioners that it deemed its Motion for Reconsideration to have been denied and requested that it **proceed with issuing a final decision at the March 30 hearing**. After that, Oceansiders United indicated that it will decide whether to **appeal this decision** or to **initiate a new petition** with additional documentation later this year that is timed to guarantee an incorporation vote in the **May 2023 Primary Election**.

Jerry Keene  
ONA President  
[oceansidefriends@gmail.com](mailto:oceansidefriends@gmail.com)  
[www.oceansidefriends.org](http://www.oceansidefriends.org)



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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

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**David Yamamoto**

**Tillamook County Commissioner**

**Dear Mr Yamamoto**

Received

FEB 15 2022

Tillamook County  
Board of Commissioners

**My neighbors in Avalon West have received a notice that ONA President Jerry Keane has filed to have the Commissioners reconsider your petition denial for ballot.**

**We neighbors are in agreement that your decision was based on proper and impartial reasoning, respecting and thanking you for many hours of consideration.**

**President Keene made the choice to exclude revenue from the Capes without a vote of ONA members.**

**President Keene fast-tracked a petition for incorporation on suspect financial backing and without reaching out to those in the impact area.**

**President Keene expressed that a decision must be made with no further discussion and without response from ONA members.**

**President Keene filed a motion for reconsideration, again, without a vote of the ONA members the day before their general meeting.**

**President Keene now represents a group Oceanside United, not ONA, for this motion.**

**The apparent conclusion is that President Keene has made basically most decisions without regard to the ONA members and to this hearing process.**

**Please maintain your unanimous decision for denial. Thank you.**

**Robert Ault 165 Reeder St Oceanside**

**Mary Faith Bell**

**Tillamook County Commissioner Chair**

**Dear Ms Bell,**

**My neighbors in Avalon West have received a notice that ONA President Jerry Keane has filed to have the Commissioners reconsider your petition denial for ballot.**

**We neighbors are in agreement that your decision was based on proper and impartial reasoning, respecting and thanking you for many hours of consideration.**

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**Please maintain your unanimous decision for denial. Thank you.**

**Robert Ault 165 Reeder St Oceanside**

**Received**

**FEB 15 2022**

**Tillamook County  
Board of Commissioners**

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**Erin Skaar**

**Tillamook County Commissioner**

**Dear Ms Skaar,**

**My neighbors in Avalon West have received a notice that ONA President Jerry Keane has filed to have the Commissioners reconsider your petition denial for ballot.**

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**Please maintain your unanimous decision for denial. Thank you.**

**Robert Ault 165 Reeder St Oceanside**

Received

APR 15 2022

Tillamook County  
Board of Commissioners

## Lynn Tone

---

**From:** Sarah Absher  
**Sent:** Friday, February 18, 2022 1:01 PM  
**To:** Lynn Tone  
**Subject:** OCEANSIDE INCORPORATION

Please save for March Hearing

**From:** Tillamook County OR <tillamookcounty-or@municodeweb.com>  
**Sent:** Friday, February 18, 2022 12:52 PM  
**To:** Sarah Absher <sabsher@co.tillamook.or.us>  
**Subject:** EXTERNAL: [Sarah Absher] 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.]

ROBERT SIADAL ([RDSIADAL@GMAIL.COM](mailto:RDSIADAL@GMAIL.COM)) sent a message using the contact form at <https://www.co.tillamook.or.us/>.

Regarding the Oceanside Incorporation Proposal Report, subsection titled "...EXCLUSION OF LANDS & BENEFIT": During the petition gathering process, The Capes development was excluded from incorporation because "...it was determined by the property owners and petitioners (emphasis added) there would be no 'benefit' to the properties...a private development with a private road system maintained by the Homeowner's Association ...through Conditions, Covenants and Restrictions (CC&R's)".

"No land shall be included in the proposed city which will not, in the judgment of the court, be benefited" (Millersburg v. Mullen).

By their own action, the petitioners have set the criteria for exclusion. So, to achieve equity, upon review of the petition by the BOC, the County has an obligation to exclude all other developments that meet that criteria and do not "benefit" from incorporation.

There are numerous developments within the proposed city boundary that either meet the same or very similar criteria as The Capes for exclusion and many residents have already requested to be excluded from incorporation, including: Avalon, Terrasea, Trillium, Ocean Pines, Camelot, as well as, later subdivisions such as the numerous partitions, particularly including, but not limited to, PP 2004-18 & 19, etc.

Since the petitioners had knowledge that the residents of The Capes wished to be excluded, yet erred in not adequately reviewing the rules governing these additional developments before proceeding, it would be in the best interest of the BOC to postpone any decision on the incorporation until this issue is thoroughly reviewed.

An alternative would be for the BOC to simply exclude these developments from incorporation that do not, much like The Capes, "benefit" from such action ("...authorized by law to make the decision as to boundaries...") should do so at the next scheduled hearing.

These areas can, at a future date be added by petition.

I suggest that the incorporation boundary be reduced to that area lying north and west of Cape Mears Loop, south of Short Creek and east of the Pacific Ocean, locally known as "The Village" since this seems to be the focus of most interest and need for improvement.

Sincerely,  
R. D. Siadal  
670 Hillsdale St. W  
Tillamook, Or 97141

## Lynn Tone

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**From:** Kalei Luyben <kaleiluyben@msn.com>  
**Sent:** Monday, February 21, 2022 8:22 AM  
**To:** David Yamamoto; Erin Skaar; Mary Faith Bell  
**Cc:** Lynn Tone; stmac11  
**Subject:** EXTERNAL: Oceanside Incorporation Plan --Ltr. 2

[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: Commissioners

David Yamamoto  
Erin Skaar  
Mary Faith Bell

From: Ted and Kalei Luyben  
240 Reeder Street  
Tillamook, OR 97141

Dated: February 22, 2022

Re: Oceanside Incorporation Petition  
Economic Feasibility Statement

Re: Highway 131 Transportation Refinement Plan, June 2007  
For: Economic Development Council of Tillamook County

About us.

We are retired persons who must see to it that our expenses never exceed our income. We are persons who have discovered the health benefits of living at the Oregon coast. Specifically, our blood oxygen level is higher at the coast than it is in the Willamette Valley. So, although we have heavily invested our lives in civic engagement and community activism in Portland, we have been escaping stress by going to the coast. Beginning in 2010 we have worked to reform the Portland Police Bureau, focusing on the serious professional subjects of Professional Accountability, Officer Wellness, Civilian Oversight and Community Engaged Policing. We have, in the past, rented in Roads End, Lincoln County, and then in Rockaway Beach and finally in Avalon West, in Tillamook County. All areas of law enforcement must provide legal, civil, constitutional and human rights to citizens, with "freedom and justice for all." In 2016, we finally bought a home at 240 Reeder Street, and have been working on establishing ourselves as full-time residents of Tillamook. At our age, everything is slow, especially moving household acquisitions from Portland to Tillamook. On February 25th, we will celebrate our 50<sup>th</sup> Wedding Anniversary. We are not ready to be identified as true and proper Mooks, but we might be thought of as Moos-on-the-move, slowly moving toward full-time residency in Tillamook, hopefully by the end of the year. We are registered to vote in Multnomah County, where taxes are high and services low.

## Concerns

We were motivated to attend the meeting of February 9<sup>th</sup> because of a statement by Oceanside Neighborhood Association (ONA) which said, among other things: "Even a sincere message of 2 or 3 sentences will help convey our community's demand for the chance to choose our future." It was the word "demand" which informed us that we were not imagining a shift in tone has already occurred, damage has already begun, and what we most feared was in fact already happening. Namely, neighbors are actively turning against neighbors. When neighbors lose faith, hope and trust in the steady good will, reliable common sense and basic honesty of our neighbors, then we begin to destroy the very neighborhood we claim to represent and support. When we fail to listen respectfully, we lose the unity that might have made us strong and healthy. And when we "demand" action by our elected leaders, we become tyrannical.

With regard to the petition of the Oceanside Neighborhood Association (ONA), we at first thought the Economic Feasibility Statement was simply unrealistic, assuming lack of experience as the underlying cause of hugely underestimated or at least hugely understated costs for the new City of Oceanside. Now we think ONA is deliberately misleading the public in rushing forward its proposal to incorporate as the City of Oceanside. The leaders of ONA cannot possibly believe they can both radically change the duties and responsibilities -- especially the liabilities -- and yet stay essentially the same.

The result of the February 9<sup>th</sup> meeting, as we understand it, is to keep the record open and to keep the matter pending before the Tillamook Commission, with another meeting scheduled for March 30<sup>th</sup>. That is a gracious gesture toward the ONA. However, it does put a lot of us to the task of additional research and communication with the Commission.

We apologize for the extra burden we are now placing on your shoulders.

## Research

In 2007, consultants reported to the Economic Development Council of Tillamook County, the Tillamook County Department of Community Development, and the State of Oregon on the subject of HIGHWAY 131 TRANSPORTATION REFINEMENT PLAN. The report was prepared by CH2MHILL, ALTA PLANNING AND DESIGN, and ANGELO PLANNING GROUP. (June 2007) Interestingly, the report treats both Netarts and Oceanside equally, in the sense of enhancing both livability and safety of both communities. This concept treats these as twins, so to speak. The whole report has a lot of good ideas in it and might help us to better envision our future.

What strikes us is this concept:

"Two alternatives for Pacific Avenue were developed and presented.... The first alternative was referred to as the 'Traditional Concept'" The traditional concept would implement on-street parking and sidewalks on Pacific Avenue. The second alternative was referred to as the "Slow Street Concept." A slow street is a common space shared by low-speed vehicles, pedestrians, and bicyclists." The report goes on to say that, "Because removing the center stripe on Pacific Avenue would be inconsistent with adopted highway standards, jurisdiction of Pacific Avenue would need to be transferred from ODOT to Tillamook County or to a future incorporated Oceanside to implement the slow street concept." The slow street concept was preferred by citizens.

Regardless of who owns and pays for these improvements in safety and livability, just for Oceanside alone, the total estimated cost, in 2007 dollars, was \$1,918,030. The current projected budget for The City of Oceanside is pegged at \$375,000 for FY 2022-23; \$660,000 for FY 2023-24; and \$675,000 for FY 2024-25.

The Oceanside petition goes on to say that [T]he city will place a priority on recruiting staff with expertise in public works contracting. Staff will be assisted in this by several local residents with years of relevant experience who have already indicated their willingness in surveys to advise and or serve on relevant civic committees." Pg. 6, Oceanside Incorporation Petition.

Our experience with public works projects is that they are very expensive and so are the professionals who bring expertise to each and every question under discussion. Registered Professional Engineers, for example, cannot give advice without incurring liabilities, so they don't give out free advice. Neither do doctors or lawyers. As long as public works is just a conversation, professional persons have little to say.

[Note: In the interest of full disclosure, Ted Luyben is retired from CH2MHILL, which has since been merged into Jacobs Engineering. He had nothing to do with and knew nothing about this project. His work was in wastewater treatment construction in Milwaukee, WI, 1983-1989.]

Sent from [Outlook](#)

## Lynn Tone

---

**From:** Erin Skaar  
**Sent:** Tuesday, March 1, 2022 10:25 AM  
**To:** Lynn Tone  
**Subject:** FW: ONA push to Incorporate Oceanside.

Comment for the record



**Erin D. Skaar** (she/her) | Commissioner  
TILLAMOOK COUNTY | Board of County Commissioners  
201 Laurel Avenue  
Tillamook, OR 97141  
Phone (503) 842-3403  
Mobile (503) 812-9877  
[eskaar@co.tillamook.or.us](mailto:eskaar@co.tillamook.or.us)

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**From:** rmclyne@aol.com <rmclyne@aol.com>  
**Sent:** Tuesday, March 1, 2022 10:08 AM  
**To:** Erin Skaar <eskaar@co.tillamook.or.us>; David Yamamoto <dyamamoto@co.tillamook.or.us>; Mary Faith Bell <mfbell@co.tillamook.or.us>  
**Subject:** ONA push to Incorporate Oceanside.

Thank you for your response, Erin.

I must confess that I do not understand how a simple procedural question cannot be answered re: whether the ONA sponsored Oceanside Incorporation matter can still be included on the May, 2022, election ballot, even though we're well past the deadline. By your refusing to comment, I'm left to conclude that there is a possibility that an exception could be made, depending upon the outcome of the March 30th hearing. Certainly, since that meeting isn't until the end of the month, if somehow, some rationale was subsequently crafted in order to include it on the May ballot (with literally only half of the required 90 day lead time remaining), I would think that such a decision could, and likely would, be easily challenged in court regarding its legitimacy. Just my opinion, FWIW.

In any event, thank you, again, for getting back to me, and I thank you for your service, as well.

Best regards  
Rick

-----Original Message-----

**From:** Erin Skaar <eskaar@co.tillamook.or.us>  
**To:** rmclyne@aol.com <rmclyne@aol.com>; David Yamamoto <dyamamoto@co.tillamook.or.us>; Mary Faith Bell <mfbell@co.tillamook.or.us>  
**Sent:** Tue, Mar 1, 2022 7:55 am  
**Subject:** RE: EXTERNAL: Re: ONA News Updates.

Good Morning Rick,

Thank you for reaching out. Because this is an ongoing land use issue I am unable to comment in any way on the issue itself. The hearing has been continued to March 30<sup>th</sup> when you are welcome to listen in if you wish.

Sorry!  
Erin



**Erin D. Skaar** (she/her) | Commissioner  
TILLAMOOK COUNTY | Board of County Commissioners  
201 Laurel Avenue  
Tillamook, OR 97141  
Phone (503) 842-3403  
Mobile (503) 812-9877  
[eskaar@co.tillamook.or.us](mailto:eskaar@co.tillamook.or.us)

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**From:** [rmclyne@aol.com](mailto:rmclyne@aol.com) <[rmclyne@aol.com](mailto:rmclyne@aol.com)>  
**Sent:** Tuesday, March 1, 2022 7:32 AM  
**To:** David Yamamoto <[dyamamoto@co.tillamook.or.us](mailto:dyamamoto@co.tillamook.or.us)>; Mary Faith Bell <[mfbell@co.tillamook.or.us](mailto:mfbell@co.tillamook.or.us)>; Erin Skaar <[eskaar@co.tillamook.or.us](mailto:eskaar@co.tillamook.or.us)>  
**Subject:** EXTERNAL: Re: ONA News Updates.

[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 never received a reply to the attached email.

Would one of you be kind enough to provide one?

Many thanks!

Regards  
Rick Clyne

-----Original Message-----

**From:** [rmclyne@aol.com](mailto:rmclyne@aol.com)  
**To:** [dyamamoto@co.tillamook.or.us](mailto:dyamamoto@co.tillamook.or.us) <[dyamamoto@co.tillamook.or.us](mailto:dyamamoto@co.tillamook.or.us)>; [mfbell@co.tillamook.or.us](mailto:mfbell@co.tillamook.or.us) <[mfbell@co.tillamook.or.us](mailto:mfbell@co.tillamook.or.us)>; [eskaar@co.tillamook.or.us](mailto:eskaar@co.tillamook.or.us) <[eskaar@co.tillamook.or.us](mailto:eskaar@co.tillamook.or.us)>  
**Sent:** Wed, Feb 16, 2022 2:53 pm  
**Subject:** Fwd: ONA News Updates.

Dear Commissioners

It seems to me that the "*train has left the station*" for the ONA to get this on the May, 2022 Ballot (*re: February 14, 2022 deadline*).

Please confirm? (If not, then why not?)

Many thanks!

Best regards  
Rick Clyne

300 Fall Creek Drive  
Oceanside, Or 97134  
503-842-4311

-----Original Message-----

From: Oceanside Friends - Jerry Keee <[oceansidefriends@gmail.com](mailto:oceansidefriends@gmail.com)>

To: [rmclyne@aol.com](mailto:rmclyne@aol.com)

Sent: Wed, Feb 16, 2022 2:31 pm

Subject: ONA News Updates.

[View this email in your browser](#)



Some News and Information of Interest to Oceansiders ...

County and State Parks Come Through with Surprise  
Funding for Oceanside Beach Access Project!

Last month, we reported that the bids for **upgrading the beach access at Oceanside Beach** came in at nearly double the expected amount - leaving a **funding gap of more than \$100,000**. Things did not look good for the 5-year ONA initiative. Then - just last night (Feb. 15) - the Oregon Parks and Recreation Department (**OPRD**) offered a **surprise commitment of \$55,000** toward the deficit if the county would match it. This morning (Feb. 16), the County Commissioners abruptly expedited a **vote to allocate \$60,000 in TLT funds** to the project. Barring further obstacles, the County will formalize a contract for installation in **hopes of completion before Spring Break**. Fingers crossed! Here is a link to the **engineering drawings** for the new beach path:

Incorporation Update from Oceansiders United

On February 9, 2022, the County Commissioners held a **third hearing** on **Oceansiders United's** petition to **place incorporation on the May 17, 2022, Primary Election ballot**. They noted that the petitioners had submitted a **Motion for Reconsideration** of their original decision **denying** the petition. Commissioners Yamamoto and Skaar **voted to withdraw and reconsider the decision**, but **postponed further proceedings until March 30, 2022**, when Commissioner Bell could be present. They also noted that the Commissioners had **each received 80-90 emails from the public** in response to their initial denial, which they could not legally address but **did allow** to be made part of the hearing record.

Petitioners had no opportunity at the hearing to clarify that the Motion for Reconsideration **had requested a decision in time to meet the February 14, 2022, deadline** for placing the issue on **the May 2022 ballot**. After the hearing, Oceansiders United wrote a letter reminding the Commissioners that missing the May election will **cause the new city to miss a critical tax notice deadline** in July 2022, which means that it **would go without tax revenue for a year-and-a-half** - until **November 2023**. (The incorporation petition was based on a budget that allowed for only a **6-month** delay in tax revenues.) For these reasons, Oceansiders United advised the Commissioners that it deemed its Motion for Reconsideration to have been denied and requested that it **proceed with issuing a final decision at the March 30 hearing**. After that, Oceansiders United indicated that it will decide whether to **appeal this decision** or to **initiate a new petition** with additional documentation later this year that is timed to guarantee an incorporation vote in the **May 2023 Primary Election**.

Jerry Keene

ONA President

[oceansidefriends@gmail.com](mailto:oceansidefriends@gmail.com)

[www.oceansidefriends.org](http://www.oceansidefriends.org)



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Oceanside, OR 97134

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## Lynn Tone

---

**From:** Yuriy C <ychanba@gmail.com>  
**Sent:** Friday, February 11, 2022 4:09 PM  
**To:** Lynn Tone  
**Subject:** EXTERNAL: RE: Oceanside Incorporation - thank you!

[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 again, Lynn.

I forwarded below e-mail to you on Monday when the record was closed.  
Since it is open now, please include it in the record.

Thank you for all the hard work with compiling these "incorporation" messages – the count must be over 200 by now!

Regards,

Yuriy Chanba

**From:** Yuriy C  
**Sent:** Monday, February 7, 2022 10:55 AM  
**To:** mfbell@co.tillamook.or.us; Erin Skaar; dyamamoto@co.tillamook.or.us  
**Subject:** Oceanside Incorporation - thank you!

Dear Commissioners,

A quick but enormous "thank you" for your time, efforts and thorough consideration of Oceanside Incorporation petition.

I've observed both hearings online from start to finish, and was really impressed how open and receptive the Commission was both to the proponents and the opponents of incorporation.

Everyone who wanted to provide testimony and speak up was given the chance. The petitioners were even given a chance of further hearings to discuss areas of concern, but chose not to take the Commission on this generous offer.

It obviously was not an easy decision, given no much precedent in Oregon history and mixed (and some disastrous) results of past incorporation efforts in other communities.

However, here is another, 2-days old example on how financial projections/budgets must be given extremely careful consideration, especially in our current economic environment.

This past Saturday, at a regular ONA meeting, the ONA President who's also one of the chief petitioners of Oceanside incorporation, provided an update on the beach access project in Oceanside.

As reported by the ONA President, the initial budget for the project was \$80,000. The County recently realized that it was not enough money, and upped that to \$120,000 or \$130,000 (I can't recall exactly which number was reported in the meeting). The ONA President reported that 2 companies submitted bids for the project, and both quoted around \$180,000.

Given this significant disconnect between initial budgets and reality, proposed Oceanside City budget, with it's low \$0.80/1,000 in assessed value property tax, would clearly put our community on a very dangerous financial footing.

Thank you again for safeguarding Oceanside.

Sincerely,

Yuriy Chanba

5378 Woodlawn St  
Oceanside, OR

5037094270

## Lynn Tone

---

**From:** Yuriy C <ychanba@gmail.com>  
**Sent:** Friday, February 11, 2022 9:24 AM  
**To:** Lynn Tone  
**Subject:** EXTERNAL: Oceanside Incorporation - please add this to 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.]

Hi, Lynn.

I just e-mailed this to Sarah Absher through the County portal. Now that the Commissioners scheduled next hearing for March 30 and opened the record, can you please add this communication to the record.  
Thank you!

Yuriy Chanba

-----  
Hi, Sarah.

My name is Yuriy Chanba. I'm a part time resident at 5378 Woodlawn St in Oceanside.

As a Community Development Director for Tillamook County, could you please respond with the status of Oceanside Incorporation petition?

There is a lot of confusion in Oceanside community over what's going on right now, and what the hearing scheduled for March 30 is going to be about.

The petitioners indicated on numerous occasions that if the Commission did not approve the petition on February 9, then continuing with the petition does not make sense.

Yet, after being asked in public forums numerous times on the status with the petition efforts, and with clear indication the petitioners are getting the messages, the petitioners keep it quiet.

Moreover, there are indications that the petitioners, having received most recent public decision on February 9, are trying to push for favorable decision outside of public channels.

As a County Official, can you please confirm that any such attempts by the petitioners to work out any kind of deal with the County outside of public record will become part of the record, now that the Commission opened the record.

Thank you very much for prompt response and confirmation of receiving this communication.

Sincerely,

Yuriy Chanba

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## PETITION FOR OCEANSIDE INCORPORATION STAFF REPORT

Report Date: January 19, 2022

Report Prepared by: Sarah Absher, CFM, Director

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### 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 with the exceptions of those properties part of "The Capes" development (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

## REVIEW OF PETITION APPLICATION:

Review of the petition materials included in "Exhibit B" confirms the petitioners have complied with the filing and public hearing notification requirements outlined in ORS 221.031 and ORS 221.040. An economic feasibility study is also included in "Exhibit B". Petition also includes summary of community engagement efforts and a community vote with an outcome to proceed with the petition for incorporation (Exhibit B).

The economic feasibility study includes a description of the services and functions to be performed or provided by the proposed city; an analysis of the relationship between those services and functions and other existing or needed government services; and proposed first and third year budgets for the new city demonstrating its economic feasibility. The study includes a proposed permanent rate limit for operating taxes to provide revenues for urban services a discussion demonstrating ability to comply with statewide planning goal and rules pertaining to needed housing for cities as well as ability to comply with requirements for development of a city comprehensive plan and implementing zoning ordinances. Study also includes discussion of plans to provide urban services to meet current needs and projected growth by way of utilizing existing services within the area or by establishing agreements with Tillamook County or existing service districts to continue to provide urban services.

Properties within the proposed city boundary and larger area of the Unincorporated Community of Oceanside are currently served by the Tillamook County government including the Tillamook County Sheriff's Office, Public Works Department and Community Development; Netarts-Oceanside Sanitary District; Oceanside Water District; Netarts-Oceanside Fire Department; Tillamook School District #9 and Tillamook People's Utility District (PUD).

Public comments regarding the proposed petition received on or before the date of the staff report are included in "Exhibit C". Comments received are both in favor and in opposition of the proposed incorporation. Comments in favor of incorporation include demonstration that incorporation is financially feasible; support for more local control over community growth; ability to develop and a land use program more reflective of the areas values, desires and needs; stronger short-term rental enforcement; more resources for road and stormwater management improvements; additional resources to support community public safety needs as well as concerns raised about the County's lack of funding and resources to meet the needs of the community.

Comments in opposition to the proposed incorporation include lack of adequate community outreach and engagement efforts to ensure all community residents were aware of the proposal; lack of opportunity to participate or vote in community process; lack of time to vet incorporation proposal; concerns that economic feasibility report is not comprehensive or reflective of actual costs for city operation; arguments raised that there are no benefits to incorporating; opposition to increased tax rate. Comments received also include additional request for areas within the community to be excluded from the proposed city boundary. A map depicting these request exclusion areas is also included in "Exhibit A".

Petitioner's submittal responds to several of the concerns summarized above. Petitioner's submittal also includes analysis on basis for which a decision on these hearings must be made.

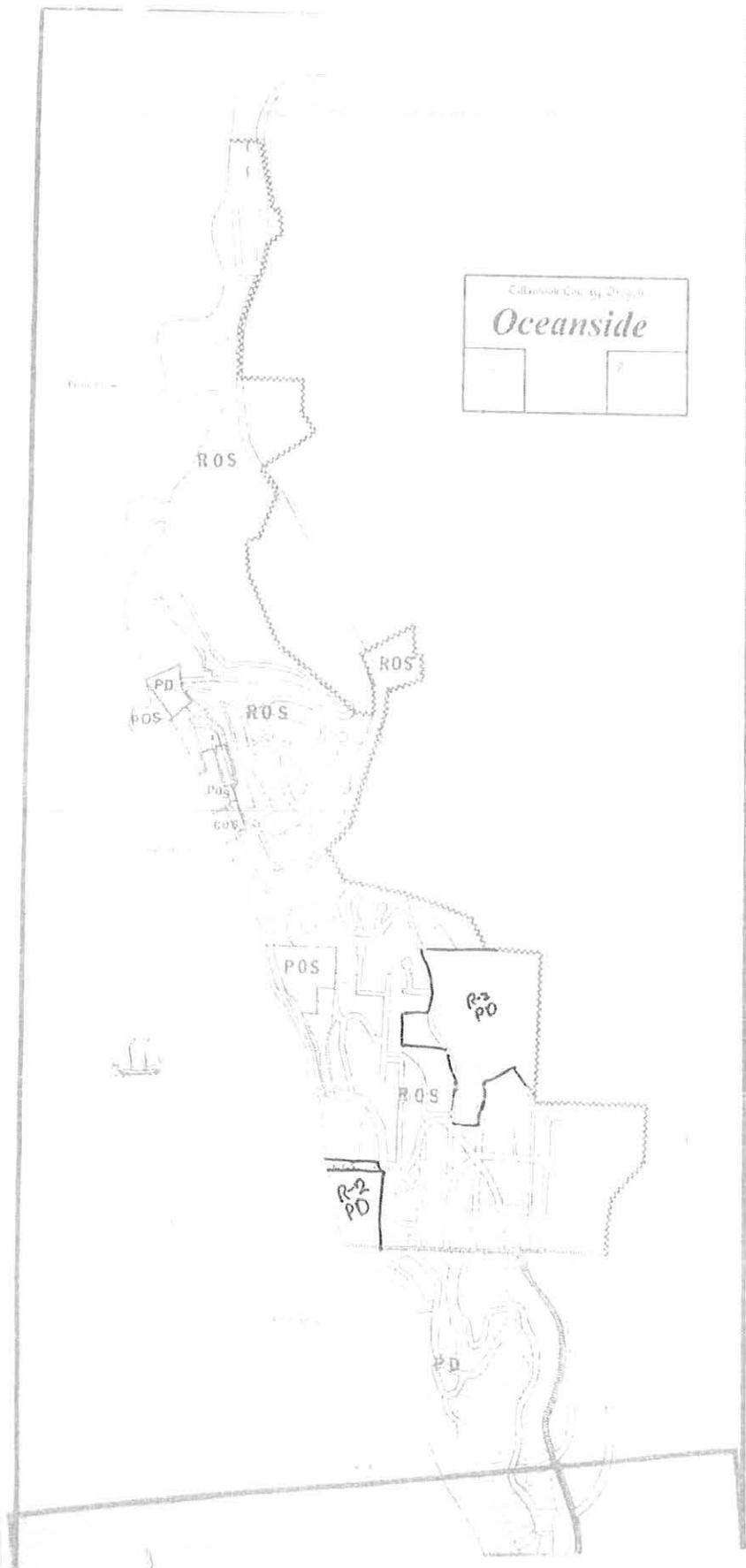
A presentation on the petition proposal and a supplemental staff report will be shared with the County Commissioners at the January 26, 2022, hearing. Staff recommends that public comment on this request remain open at least through February 2, 2022, as new information and testimony will be received at the January 26<sup>th</sup> hearing.

EXHIBITS

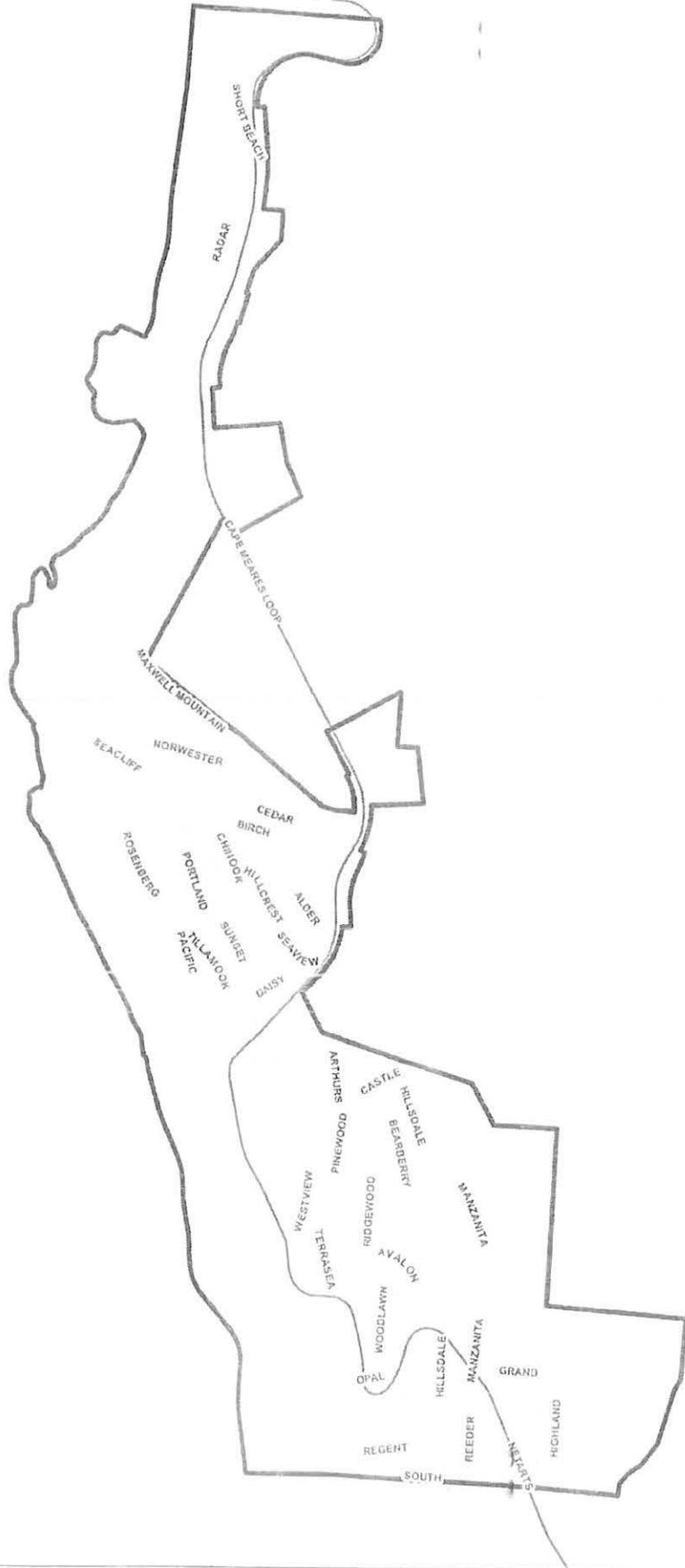
- A. Maps
- B. Petitioner Submittal
- C. Public Testimony

# EXHIBIT A

Clatsop County, Oregon  
**Oceanside**



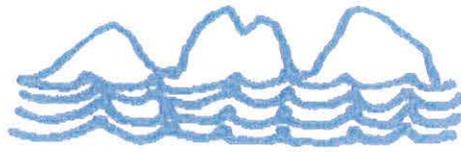
1-1-12 183-112







# EXHIBIT B



Petition for Incorporation of  
Oceanside

Petitioners' Analysis and  
Proposed Findings

Before the  
Tillamook County Board of Commissioners  
January 26, 2021

# Petitioners' Analysis and Proposed Findings

Petition for the incorporation of the Unincorporated Community of  
Oceanside and the creation of the City of Oceanside  
Application No. 851-21-000449-PLN  
Hearing Date: January 19, 2022

Submitted January 18, 2022

# OCEANSIDE PETITION FOR INCORPORATION PETITIONER'S ANALYSIS AND PROPOSED FINDINGS

## I. NATURE OF THIS HEARING

On December 13, 2021, Oceanside residents Jerry Keene and Blake Marvis, sponsored by the group "Oceansiders United," filed a prospective petition and accompanying documentation seeking to incorporate Oceanside as an Oregon "city" pursuant to ORS 221.031(1). The Oceanside Neighborhood Association CAC ("ONA") had formally endorsed the initiative on December 11, 2021, after a thorough investigation and extensive community debate. Petitioners then gathered and submitted signatures in support of the petition, which the County Clerk verified as sufficient on January 4, 2022. The matter now arises before the Tillamook County Board of Commissioners pursuant to ORS 221.040(1), which provides for a public hearing by a "county court" (county commissioners).

## II. SCOPE OF THIS HEARING

ORS 221.040(2)<sup>1</sup> describes the matters that the Commissioners are to consider during a hearing on a petition for incorporation. They are:

1. Objections to the granting of the petition;
2. Objections to the formation of the proposed incorporated city;
3. Objections to the estimated rate of taxation set forth in the petition; and

---

<sup>1</sup> ORS 221.040(2) provides:

"At the time and place fixed for the hearing, or at any time and place at which the hearing may be continued or postponed, any person interested may appear and present oral or written objections to the granting of the petition, the forming of the proposed incorporated city or the estimated rate of taxation set forth in the petition. The court may alter the boundaries as set forth in the petition to include all territory which may be benefited by being included within the boundaries of the proposed incorporated city, but shall not modify boundaries so as to exclude any land which would be benefited by the formation of the proposed city. No land shall be included in the proposed city which will not, in the judgment of the court, be benefited. If the court determines that any land has been improperly omitted from the proposed city and the owner has not appeared at the hearing, it shall continue the hearing and shall order notice given to the nonappearing owner requiring the owner to appear before it and show cause, if any the owner has, why the owner's land should not be included in the proposed city. \*\*\*"

4. Whether to alter the proposed city boundary to include territory which "may be benefited" by being included or to exclude territory which "will not ... be benefited" by being included.

In *1000 Friends of Oregon v. Wasco County*, 299 Or 344, 360 (1985) (hereafter "*1000 Friends*"), the Oregon Supreme Court amplified the statutory inquiry and added this hearing issue to this list:

5. Whether "it is reasonably likely that the newly incorporated city can and will comply with [the Oregon land use] goals once the city assumes primary responsibility for comprehensive planning in the area to be incorporated."

Taken together, these inquiries assign the Commissioners a critical, but limited, gatekeeper role that requires them to examine the petition's process and particulars, but not to litigate the merits of incorporation *per se*. For example, the statute does not require or authorize the Commissioners to determine whether incorporation is generally prudent or appropriate for the residents of Oceanside, or to deny the Petition based on a conflict between incorporation and some contrary county policy. Nor does the statute task the Commissioners with resolving arguments over whether the benefits of incorporation are "worth" the cost of the proposed city tax. Those decisions are reserved to the voters of the proposed city, if and when the Commissioners approves placing the issue of incorporation on the ballot.

The Oregon Supreme Court put it this way:

There is not the slightest implication [in the incorporation statutes or their legislative history] of any intent to authorize the county court, *on political grounds*, to deny the right of 150 inhabitants of a particular area to decide by a majority vote whether to incorporate their area as a city. We are satisfied that if the legislature had intended to give such power to a county court it would have expressed its intention in plain terms.

We agree with the court below that the Board of Commissioners had no right, under the pretext of finding that none of the proposed area would be benefited, to deny the residents of that area the right to vote on incorporation because, in the view of the Commissioners, an additional city in Clackamas County was "not commensurate with good governmental practices and not in the best interest of the general public nor in the general welfare."<sup>2</sup>

Petitioners will first address the three issues explicitly described by the statute. We will then separately address the land use inquiry appended by the Court in *1000 Friends*.

---

<sup>2</sup> *McManus v. Skoko*, 255 Or 374, 379-80 (1970) (*emphasis added*).

### III. ANALYSIS OF STATUTORY OBJECTIONS AND ISSUES

#### A. Petitioners will assume that the statutory issues are properly raised

Most of the hearing inquiries specified by ORS ~~212~~<sup>221</sup>040(2) are premised on an assumption that some "interested" person has raised them at the hearing by lodging a relevant objection. For purposes of this analysis, the discussion below assumes that the Commissioners deem it necessary and appropriate to address the pertinent issue based on developments at the hearing.

#### 1. Objections to the granting of the petition

As noted above, the statute does not contemplate that the Commissioners will grant objections to a Petition based merely on a disagreement over its political merits. It follows that the statute must contemplate objections that are more technical in nature, i.e. arguments that the petition was procedurally deficient or noncompliant.

#### Analysis

Petitioners have complied with all pertinent statutory requirements. On December 13, 2021, they complied with ORS ~~212~~<sup>221</sup>031 and ORS ~~212~~<sup>221</sup>035 by filing the following documents:

- (1) a completed Form SEL 701 cover sheet ("Prospective Petition for Incorporation of a City") that stated the lead petitioners, the city name, and the proposed permanent tax rate (App-56);
- (2) a map of the required dimensions (App-59); and
- (3) an Economic Feasibility Statement ("EFS") (App-37) that included:
  - (a) a description of the services and functions to be provided by the proposed city;
  - (b) an analysis of the relationship between those services and functions and other existing or needed government services; and
  - (c) proposed first and third year budgets for the new city demonstrating its economic feasibility.

The EFS also complied with ORS 221.031(3)(f) by affirming that incorporation would not entail dissolution of any special districts. On December 14, 2021, after consultation with County Counsel, County Clerk Tassi O'Neil acknowledged submission of a qualifying Petition and authorized the gathering of signatures. (App-57, -58)

On December 29, 2021, Petitioners complied with ORS 221.040(1) by submitting a packet of completed Form SEL 702s ("Petition for Incorporation of a City") bearing 85 signatures. On January 4, 2022, the County Clerk certified that 81 signatures were valid, exceeding the required number of 65 signatures (20% of registered Oceanside voters – see ORS 221.040(1)). (App-60) Accordingly, the Clerk referred the matter for a hearing.

221 On January 4, 2022, the Community Development Department complied with ORS 221.040(1) by arranging for the publishing of two weekly notices and the public posting of three separate notices within the proposed city – each announcing that hearings on the incorporation petition would be held on January 19, 2022, and January 26, 2022. On January 7, 2022, it arranged for the publishing and public posting of amended notices that the hearing was rescheduled for January 26, 2022, February 2, 2022, and February 9, 2021. (App 61)

### Proposed Finding

The record supports a finding that Petitioners and county staff complied with the statutory prerequisites for submitting, processing and perfecting the Incorporation Petition in anticipation of a hearing and the scheduling of a public vote.

## **2. Objections to the "formation" of the proposed incorporated city**

### Analysis

#### *a. Objections to "formation" include challenges to its economic feasibility*

ORS 221.040(2) provides for an incorporation hearing to present objections to the "formation" of a city. As noted above, the Commissioners may not approve generalized political objections to the formation a new city, so it is not clear what type of objections this provision refers to. One clue is that the ORS 221.040(2) explicitly allows objections targeted to two of the three statutory components of an incorporation petition: the *proposed boundary* and the *permanent tax rate*. The third required component – the Economic Feasibility Statement (EFS) - is not mentioned. By process of elimination, and lacking other guidance, Petitioners assume that objections to the "formation" of the proposed city includes objections to the conclusions offered in the EFS.<sup>3</sup> If "interested"

<sup>3</sup> Another possibility is that this provision refers to objections to the "formation" of a new city that might be lodged by neighboring cities, special districts, relevant boundary commissions or

persons lodge other objections to formation of the city, Petitioners request an opportunity for more specific rebuttal.

*b. Challenging feasibility requires more than mere disagreement with the hypothetical projections in the EFS*

ORS 221.021(2) and ORS 221.035(2)(c), instruct incorporation petitioners to produce an EFS as an exercise to generally “demonstrate ... the economic feasibility” of the proposed city. Specifically, the EFS must demonstrate that the petitioners have proposed a “permanent rate limit for operating taxes that would generate operating tax revenues sufficient to support an adequate level of municipal services.” To that end, the EFS must include a hypothetical analysis of needed services, estimate their costs and project the “first and third year budgets” for the city.

Importantly, however, the only elements of the incorporation petition that take effect upon incorporation are the proposed *boundary* and permanent *tax limit*. See ORS 221.050(5)(a), (b). In contrast, the specifics of the organizational structure and budget allocations in the EFS are deemed *hypothetical projections* without legal effect. This makes sense as a matter of civics because, otherwise, the new City Council would be forced to implement budget priorities and an organizational structure formulated by the unelected Petitioners without public input or oversight. It also means that incorporation opponents who object that forming a new city is not economically feasible must do more than merely disagree with the specific allocations or priorities reflected in the EFS.

*c. Petitioners' EFS conclusions are sound and based on exhaustive investigation*

While opponents may not ask the Commissioners second-guess the specifics of the EFS projections, they may object that the EFS overall projections fail to demonstrate that incorporation is economically feasible, i.e. reasonably capable of being carried out successfully.<sup>4</sup> In the event of such a challenge, Petitioners will rely on the information

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other institutional entities whose land use planning schemes or economic interests would assertedly be compromised or infringed. Those situations are contemplated and separately addressed in portions of the incorporation statute, such as ORS ~~221.032~~<sup>221</sup>, ORS ~~221.024~~<sup>221</sup> and ORS ~~221.026~~<sup>221</sup>, but none of those scenarios are implicated by this Petition. Oceanside is already an acknowledged “urbanized” community with an acknowledged community boundary that is located more than 6 miles from the nearest incorporated city (Tillamook). The new city would not infringe any other city’s growth boundary, nor is it subject to the jurisdiction of a boundary commission.

<sup>4</sup> The statute does not define “feasibility,” but Black’s Law Dictionary defines it to mean “capable of being done, executed, affected or accomplished (*emphasis added*).” The Miriam-

and analysis provided in the EFS (App-37), which referenced and incorporated the exhaustive investigation findings, analysis and resources outlined in the attached *ONA Incorporation Report of ONA Incorporation Task Force* (hereafter "*ONA Incorporation Report*") (App-1). The Executive Summary of that report stated:

*"This Task Force was asked to investigate and recommend whether incorporation is a feasible option for Oceanside worthy of community consideration and debate as a way to preserve and enhance the quality of Oceanside's civic life. To do so, the Task Force focused its efforts on three key factors: (1) benefits (services) the "city" of Oceanside might reasonably provide; (2) financial feasibility (costs and revenues), and (3) practical feasibility (community participation). Here is a summary of the Task Force's findings and conclusions:*

*1. On the issue of feasible benefits, the Task Force concluded that incorporation has the potential to significantly enhance those aspects of civic life that Oceansiders have identified as priorities: road improvements, localized land use planning and visitor management.*

*2. On the issue of financial feasibility, the Task Force concluded that the availability of more than \$430,000 in revenue from "external sources" (TLT, grants, STR fees) combined with the city's modest staffing needs, would enable the city to function effectively with a city property tax rate of no more than 80 cents per \$1000 of tax-assessed value (generating \$250,000<sup>5</sup>.) Given that this city tax revenue will be matched by a significantly greater amount of external revenue, the Task Force concluded that this could feasibly be considered a prudent investment in Oceanside's civic life.*

*3. On the issue of community participation, the Task Force concluded Oceansiders' history of involvement and service in previous community initiatives feasibly indicates that Oceansiders will rise to the occasion if they feel their efforts will actually matter to the quality of their civic life.*

*In sum, when considered as a choice between forming a city or continuing to rely on county officials to preserve and enhance Oceanside's civic life, the Task Force*

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Webster Online Dictionary similarly defines it to mean "1. capable of being done or carried out, as in a feasible plan; 2. capable of being used or dealt with successfully, 3. reasonable, likely."

<sup>5</sup> As reflected in the EFS (App-47), this initial city tax revenue estimate was subsequently reduced to approximately \$190,000 after subtracting assessed property values in The Capes when it was excluded from the incorporation proposal. The reduction was offset by additional revenue sources based on data that became available by the time the EFS was drafted.

*concluded that incorporation is a feasible option worthy of community consideration and debate.” (See App-2, -3)*

The *ONA Incorporation Report* was extensively distributed and debated in the Oceanside community upon completion. As discussed in more detail below, its conclusion that “incorporation is a feasible option worth of community consideration and debate” was approved by a 3-to-1 margin in a vote by over 200 verified Oceanside residents and property owners.<sup>6</sup>

#### Proposed Finding

The Commissioners should find that the EFS amply demonstrates the economic feasibility of incorporating Oceanside as a city.

### **3. Objections to the estimated rate of taxation set forth in the petition**

#### Analysis

Petitioners again rely on information and analysis presented in the EFS and *ONA Incorporation Report*. The proposed maximum city tax rate of 80 cents (\$.80) per \$1000 in county assessed property value translates to an annual city tax of \$320 for a home assessed at \$400,000 and \$400 for a home assessed at \$500,000. As explained in the EFS budget notes of the EFS (App-47) and the chart below, this tax rate is projected to generate net revenue for the new city of between \$180,000 and \$200,000 annually after the first (partial) revenue year (excluding the assessed value of new construction). When combined with more than \$100,000 in projected TLT funds available for unrestricted use, this results in base general fund revenue of more than \$300,000, and an additional \$300,000 in special fund revenues projected from TLT (tourism-facilities), short term rental operator's dues, short term rental licensing fees, available franchise fees and business taxes, and shared state revenue from taxes on gas, marijuana, cigarettes).

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<sup>6</sup> Petitioners have appended information documenting the public outreach and debate process. See “Oceanside Incorporation Public Process and Data” at App-65 thru App-85.

PROJECTED RESOURCES

	Fiscal Year 2022-23	Fiscal Year 2023-24	Fiscal Year 2024-25
(1) City Tax	144,000	148,000	152,000
(2) Previous Year City Tax		37,000	38,000
(3) Transient Lodging Tax	180,000	300,000	310,000
(4) STR Operator's Fees	40,000	80,000	80,000
(5) STR License Fees	15,000	30,000	30,000
(6) State Revenue Sharing		35,000	35,000
(7) Misc. Fees and Taxes		30,000	30,000
TOTAL	375,000	660,000	675,000

Petitioners submit that in the context of the new city's limited services obligations and ample "external" revenue sources, this city tax rate is reasonable, prudent and "sufficient to support an adequate level of municipal services" pursuant to ORS 221.031(3)(c).

*Proposed Finding*

The Commissioners should find that the proposed maximum city tax rate of 80 cents (\$.80) per \$1000 of assessed value, when considered in the context of other revenue sources, is sufficient to support an adequate level of municipal services.

4. Whether to alter the proposed city boundary to include territory which "may be benefited" by being included or to exclude territory which "will not...be benefited" by being included

*Analysis*

- a. *What does "benefit" mean, and how is it determined?*

Petitioners anticipate that some Oceanside property owners or groups of owners may appear at the hearing to seek exclusion from the new city based on arguments that their individual properties or neighborhoods will not be sufficiently "benefited" by specific aspects or services in the event of incorporation to justify the imposition of a new tax. Such arguments assume that the Commissioners' determinations regarding a city boundary are comparable to adjudicating land use applications, where the Commissioners weigh evidence to adjudicate specific uses or impacts on individual properties. They

would have the Board approve or disapprove individual segments based on a property-by-property cost v. benefit analysis.

The courts have made it clear that this is not the approach contemplated by the incorporation statute when it comes to reviewing the proposed boundary. Instead, as the court stated in *Millersburg Development Corp. v. Mullen*, 14 Or App 614, 623 (1973) (Supreme Court review denied; disavowed on other grounds), evaluating boundaries for a new city entails a broader analysis:

“[T]he determination of the boundaries of a city [as] a political subdivision of the state transcends the individual interests of each parcel of property proposed to be located therein. It becomes a matter of *general interest in the whole area* a matter of general policy (*emphasis added*).”

Accordingly, the Commissioners should decline to alter the proposed city boundary unless those seeking exclusion offer arguments or evidence that implicates policy considerations *beyond* the benefit to specific homeowners or neighborhoods. Conversely, the Commissioners should also factor the negative impact of *excluding* particular properties or neighborhoods on the “general interest in the whole area,” for example where excluding an area would result in anomalous gaps or illogical carve-outs in the city’s configuration.

b. *How will incorporation benefit the “general interest in the whole area”?*

Identifying the “benefits” of incorporation is complicated by the fact that Petitioners’ predictions and services proposals will not be binding on the new city or its elected representatives. Indeed, should incorporation occur over their objections, those who seek exclusion will *themselves* be part of deciding and shaping such benefits as citizens of the new city.

To manage this conundrum, Petitioners will defer to the opinions expressed in three, representative essays by Oceansiders below – two from full-time residents and one from a part-time resident. They reflect sentiments shared during the flurry of “pro” and “con” comments that the ONA solicited and published in its Newsletter preceding the incorporation vote on December 11, 2021. Collectively, they capture the essence of what Oceansiders *themselves* identified as the benefits of becoming a new city shortly before voting overwhelmingly to endorse incorporation.

The first comments are from a retired Oceanside couple who reside in the Camelot area, where feelings on incorporation are decidedly mixed. They wrote:

*"We support incorporation for these reasons:*

- 1. Oceanside has not received a fair share of the Transient Lodging Tax (TLT) revenue in the 8 years since it started January 1, 2014. We have received few grants from the 70% of our TLT, but Pacific City has received millions. We also have received few road improvements from the 30% of our TLT supposedly being used for roads. The City of Oceanside would decide how to use our TLT money on "tourism" projects that benefit Oceanside as well as tourists (such as bike paths) and which roads in Oceanside need improvement.*
- 2. Oceanside has received a huge influx of tourists from the advertising that Tillamook County Visitor Association has done with our TLT revenue, but Oceanside has received little in the way of support in dealing with the resulting problems of parking, trash, safety, and inconsiderate behavior from Tillamook County in dealing with these problems. The City of Oceanside could use the TLT revenue and revenue from other sources to address these problems.*
- 3. If you're not living next door to a vacation rental, you're lucky and if you do live next door to a vacation rental, we feel your pain. Some renters are invisible and others are your worst nightmare. Tillamook County has done little to address noise, lights, and other nuisance complaints or enforce violations of limitations specified in the license such as the number of vehicles allowed. Oceanside short term rental owners and neighbors could collaborate to design a system for addressing complaints and the City of Oceanside could hire someone to investigate, inspect and enforce the system. Short term rental owners would be involved in Oceanside emergency preparedness.*
- 4. If Oceanside was a city, Oceanside would not have been excluded from the preliminary meeting about the demolition of The Cabins for a new 25 room 3 story hotel and Oceanside wouldn't be waiting on Tillamook County Planning Commission to review the new lighting ordinance and building height calculation ordinance voted on weeks ago. The Oceanside Community Plan would be taken into consideration instead of routinely ignored.*
- 5. As a city Oceanside would be eligible for grants available to Oregon's small cities, such as a street paving grant of \$100,000, emergency preparedness grants and federal infrastructure grants currently in the pipeline.*

*Jud Griner & Mary Flock"*

The second narrative is from a part-time resident of Oceanside:

*"I support incorporation of a City of Oceanside. I have owned a home in the village of Oceanside since 2013 and feel extremely fortunate. Before then, for more than 20 years, I was an annual vacation home renter from Portland. I believe that incorporation will allow the residents of Oceanside a more dispositive voice over the nature of future development and conservation, and preservation issues in Oceanside. I have watched as pandemic, wildfires, and a growing population have brought more visitors to Oceanside. I have watched actual gridlock on our streets during peak summer weekends. I have*

*watched as new construction becomes larger and larger. I have seen the proposed plans for a 35-foot high hotel in the heart of the "commercial district" that will challenge anyone's idea of what a "village" is and contribute to even more vehicular congestion.*

*I believe that the proposed city tax rate is manageable\* and I believe that the proposed City boundaries are logical and include the residents of the new city who would benefit from those future planning efforts. Oceanside is larger than any one street or neighborhood. We live in a very precious and unique area with a national refuge offshore and a state recreational area as our playground. Anyone in the vicinity bears some responsibility for preserving this special place. I support using City tax dollars to hire a lean professional staff to carry out the operational and planning work that very dedicated (and tired) Oceanside Neighborhood Association volunteers have shouldered for years.*

*I have concluded that the Tillamook County government does not have the resources to adequately respond to the unique issues facing Oceanside despite good intentions. I believe that an incorporated City of Oceanside will be able to leverage new sources of revenue that will benefit the City and Tillamook County alike. I have watched as it has taken a number of years to coordinate the jurisdictions involved to build a sorely need accessible beach ramp in Oceanside. I have observed variances routinely granted by the county permitting non-conforming structures. I have seen the height restrictions skirted by clever designers. We have witnessed a disproportionate amount of the short term rental tax generated by Oceanside vacation homes distributed to other areas of the county. Forming a City will allow Oceansiders to have a meaningful voice in local issues and to find the way forward on creating affordable housing, maintaining its historic role providing vacation rentals, and planning for the increased use of our beaches in the pandemic and as a vacation destination and home for Oceansiders. Hopefully incorporation will deepen and strengthen our relationship with Tillamook County.*

*For all of these reasons I support incorporation of a new City of Oceanside.*

*Leslie Kay*

*\* To the extent that the new tax would be an economic hardship, some seniors and disabled people may qualify for property tax deferral through State of Oregon programs. <https://www.oregon.gov/dor/programs/property/Pages/deferral.aspx>*

This final excerpt is from a letter by a 30-year homeowner in Oceanside:

*"Our property taxes are definitely high enough, but I support incorporation because, unlike most taxes, I will see concrete benefits from a city tax that costs me a few hundred dollars a year - benefits that support a "vision" of Oceanside where ...*

*1. ... the community assumes control of Pacific Avenue and musters the resources to sensibly design how visitors drive and park around the beach access, staying out of village neighborhoods;*

2. ... *the community can plan ahead for anticipated growth along Cape Meares Loop Highway to avoid chaotic commercial development and promote housing options that will attract younger residents;*
3. ... *the community that bears the effects of lodging strangers in our neighborhoods actually benefits from the taxes they generate;*
4. ... *a council of local residents writes and enforces the rules governing requests for exceptions to our zoning rules by developers such as Fusion Lodging;*
5. ... *a report of late-night noise, unsafe fireworks, improper parking or an unruly dog prompts a timely and reliable response by a paid community staff person or patroller;*
6. ... *the community has the resources to plan ahead for natural disasters, like tsunamis or wildfires, may leave residents and hundreds of summer or spring break day visitors stranded together for an extended period of time;*
7. ... *local roads in all parts of Oceanside receive scheduled maintained and potholes are filled with days of being reported;*
8. ... *the community has the TLT resources to build tourism-related infrastructure, like trails or paths, that benefit Oceansiders as well as visitors; and*
9. ... *the community provides meaningful and rewarding ways for our accomplished population to offer their skills and experience for the good of our community.*

*In short, which 'vision' of a future Oceanside should we choose? Ten years from now, will Oceanside be better off by continuing to rely on County management, or by taking control of our own destiny by uniting as an incorporated City of Oceanside? I hope the answer is as clear to our neighbors as it is to me.*

*Rob Hoeper"*

Necessarily, many of these anticipated "benefits" are aspirational and subject to political, practical and economic considerations as the new city works its way forward. For the purpose of this hearing, however, the issue is not how or whether such benefits will be *realized*, but whether there are areas within the proposed city boundary to which such anticipated benefits would *not extend*. Petitioners contend that incorporation, at least as viewed by the majority of ONA members who support it, will generate broad civic benefits that do not lend themselves to segregation based on neighborhood-by-neighborhood cost-benefit analysis or objections.

d. *Specific boundary issues*

As explained in the EFS, Petitioners originally proposed a city boundary that adhered to the Oceanside Community Boundary, which was adopted as part of the Tillamook County Comprehensive Plan in the 1980s. In so doing, Petitioners were aware that the Commissioners would eventually hold a hearing at which some areas might seek to be excluded from the new city. Because the Oceanside Community Boundary was established in the course of a formal land use acknowledgment process decades ago, Petitioners decided it would be presumptuous and improvident to unilaterally alter it.

Petitioners were also aware that the incorporation statute implicitly discourages gerrymandering the proposed boundary by excluding potentially "benefitted" areas merely because the residents might vote against it.

During the ONA's "Incorporation Conversation" and associated public outreach, however, certain developments persuaded Petitioners to adjust the boundary as follows.

**Northern and Eastern Boundaries.** After comparing the decades-old map to current development in the area, Petitioners expanded the northern boundary to incorporate the homes subsequently constructed on and near Radar Road. (The homeowners at the northernmost edge of the new boundary support incorporation and embraced this adjustment.) Based on recommendations by the County Assessor's office, Petitioners further adjusted the northern boundary and some sections of the eastern boundary of the Community Boundary to avoid splitting existing tax lots.

**The Capes.** The *ONA Incorporation Report* concluded that the primary benefits of incorporation for Oceanside would be:

- (1) local control of land use and zoning decisions;
- (2) better road maintenance,
- (3) retention of locally generated TLT revenue, and
- (4) local management of parking and misconduct by visitors.

From the outset, Petitioners deemed it improbable that The Capes residents would realize any of these benefits because:

- (1) The Capes Homeowners' Association already imposes and enforces strict development and design rules stricter than any likely city building standards;
- (2) The Capes residents, through their Association, fund the maintenance of their self-contained road system at a level the new city could not feasibly match;
- (3) The Capes bans short term rentals, rendering city regulation moot, and
- (4) The Capes is an insular, gated community that provides for its own security and internal code enforcement.

Petitioners were also cognizant that The Capes' distance from Oceanside's central village area and its proximity to Netarts amenities would attenuate any intangible benefits it might otherwise enjoy from municipal improvements to Oceanside's central core. Finally, The Capes geographical location and self-contained street configuration allowed for exclusion from the proposal by an administratively simple boundary adjustment. For

these reasons, Petitioners deemed it a near-certainty that the County Commissioners would agree to exclude The Capes from the incorporation effort if its residents expressed a strong and unified request to be excluded at the eventual hearing. As noted above, however, Petitioners initially elected not to unilaterally preempt a decision that the incorporation statutes assign to the County Commissioners.

It was in this context, that Petitioners received and considered communications from The Capes HOA Board in late November and early December 2021 indicating that nearly 100% of the respondents they surveyed held a strong opinion that they would not enjoy the asserted "benefits" from Oceanside's incorporation and sought to be excluded. (See Letter from The Capes HOA at App-86.) Based on this formal request and the clear logic of the situation as outlined above, Petitioners determined it would serve no purpose to force The Capes to pursue a formal objection to the boundary in a hearing. Accordingly, they had the map redrawn to exclude The Capes development from the Petition map.

Perhaps inevitably, this led protests by some individuals that Petitioners should similarly exclude their neighborhoods or properties. Petitioners declined such requests and recommended that they make their case to the Commissioners. They did so based not only on the considerations discussed above, but also because the factors listed below rendered exclusion a much closer question:

- (1) the proximity of the neighborhoods to the central village and its amenities;
- (2) the likelihood that such neighborhoods would enjoy at least some of the benefits of incorporation;
- (3) the illogical gaps or distortion that would result from configuring the boundary to exclude them;
- (4) the absence of contractual development constraints and other HOA benefits rendering city benefits moot;
- (5) the lack of any formal request or organized survey results by an entity representing the neighborhood, and/or
- (6) the mixed opinions about the benefit of incorporation reflected in ONA surveys and feedback.

In summary, Petitioners are unaware of requests by residents of any nearby area to be included within the proposed city boundary. While Petitioners are aware of prospective requests to be excluded from the boundary by individual residents or homeowners in some neighborhoods, we are unaware of objections grounded in sufficiently broad *policy* considerations to warrant a decision by the Commissioners to alter the proposed city boundary.

*Proposed Finding*

The Commissioners should find that the record lacks objections or evidence of sufficient policy significance to warrant a legislative alteration of the proposed Oceanside city boundary, either to include or exclude new territories.

**IV. ANALYSIS OF "LIKELY" COMPLIANCE WITH LAND USE GOALS**

**A. The courts require the Commissioners to generally find that it is "reasonably likely" that an incorporated Oceanside can and will comply with Oregon land use goals**

In *1000 Friends v. Wasco County*, the Oregon Supreme Court ruled that the incorporation hearing order must include a finding that the proposed incorporation is "in accordance with" Oregon's land use goals. The Court emphasized, however, that this determination "differs" from adjudicating whether a proposed Comprehensive Plan actually complies with those goals – since no Plan will be formulated unless and until incorporation occurs.<sup>8</sup> Instead, the review entails "some meaningful degree of foresight" about the proposed city's "likely" willingness and ability to comply with the land use goals after incorporation:

"A county discharges its planning and zoning responsibilities with regard to whether a proposed incorporation is 'in accordance with the goals' if the county is satisfied that after a successful incorporation election it is reasonably likely that the newly incorporated city can and will comply with the goals once the city assumes primary responsibility for comprehensive planning in the area to be incorporated (underscoring added)."

The Court further stated:

"The county cannot expect the proponents of incorporation to present a concrete or even a tentative comprehensive plan before the election, and we do not believe that the legislature intended this, although proponents may wish to offer their own ideas for a plan in making their record for approval of the proposed incorporation. The county can, however, expect that the proponents present evidence of the purposes sought to be achieved by incorporation insofar as these bear on future land use, such as the kind of municipal services that the city is expected to provide and the

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<sup>8</sup> DLCD's administrative rules codify this requirement in OAR 660-14-0010(4), which allots no more than four years from incorporation to obtain acknowledgment of their Comprehensive Plan and associated ordinances, or to obtain an approved extension of time.

projections about future population and tax base that these purposes assume or necessarily imply.

Petitioners submit that they have generally satisfied this requirement in the analysis preceding this section, as supplemented by the EFS and the *ONA Incorporation Report*. In particular, Petitioners reiterate that the special districts which are expected to provide essential services associated with the prospective city have already confirmed their capacity to accommodate the 10% growth in residential structures anticipated from the newly approved 60-lot residential subdivision. That should suffice for the limited findings required from this hearing, given the US Census report that Oceanside's population has remained essentially unchanged over the past decade.

Petitioners also rely on the enclosed memorandum summarizing a videoconference that the ONA Task Force's "Legal" team (including both Chief Petitioners) solicited with DLCD officials Lisa Phipps, DLCD North Coast Regional Representative, and Jim Jinings DLCD Community Service Specialist. Jinings was the DLCD official assigned to work with La Pine, Oregon, during its process of formulating a Comprehensive Plan after its successful incorporation vote in 2006. Phipps is the local DLCD contact who, along with Jinings, would provide advice and resources during the same process for Oceanside. During that discussion, the DLCD officials offered a broad outline of the process, general description of how the Land Use Goals apply to it, a commitment to offer ongoing advice and tentative assurances that financial resources will be available to help the new city cover necessary legal expenses and studies. Since this conference, Petitioners have continued to apprise Phipps and Jinings of their progress and sought advice for specific land use issues that arose along the way. That outreach effort further supports a finding that Petitioners are not only aware of the land use obligations incumbent upon a new city, but also willing and able to take the steps necessary to meet them.

#### **B. Analysis of likely and willing compliance with specific land use goals**

Petitioners appreciate that an incorporated Oceanside will be required to formulate and obtain acknowledgment of its own Comprehensive Plan and associated ordinances in accordance with Oregon's 19 Land Use Goals. They also understand that the territory within the new city boundary falls almost entirely within the Oceanside Community Boundary, which was encompassed by the Tillamook County Comprehensive Plan approved in 1981.<sup>9</sup> That Plan and the associated process pre-positions Oceanside as an

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<sup>9</sup> To assist with this aspect of their hearing presentation, Petitioners consulted with Sarah Absher, Tillamook County Director of Community Development, and DLCD official Lisa Phipps, who graciously offered historical and technical insights into how the Goals will apply to Oceanside as an existing, urbanized unincorporated area regarding which the County has already taken acknowledged exceptions in its own Comprehensive Plan. (We note that securing such

urbanized unincorporated community with sewer, water, fire and other established services. As a result, many of the necessary classifications, inventories and exceptions necessary to formulate the city plan were already accomplished during the county Plan formulation and acknowledgment process. With this in mind, Petitioners offer the following discussion of the individual Goals, including their implications for Oceanside's future planning process and information indicating its readiness and ability to comply with them.

*Statewide Planning Goal 1 - Citizen Involvement: 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.<sup>10</sup> It also requires local governments to have a committee for citizen involvement (CCI) to monitor and encourage public participation in planning.*

Regarding Oceanside's likely compliance with this Goal, past is definitely prologue. Few communities in the county, if not the state, boast a documented history of organized and widespread community involvement in local planning efforts comparable to what has been accomplished over the years the Oceanside Neighborhood Association (ONA). Oceanside had already formed the ONA to facilitate such efforts well before Tillamook County formalized its own process for designating advisory committees in unincorporated communities. The ONA compiled its first "Oceanside Community Plan" as far back as 1996, mustering local funding for a survey of all community property owners to identify and prioritize their community goals and then express them in a policy statement organized around the Land Use Goals. Twice since then (2010 and 2018), the ONA has publicized, mustered and orchestrated community input for revisions and updates to the Community Plan, including submission for approval by the Community Development Department, the Planning Commission and the Board of County Commissioners.

In between such updates, the ONA has also effectively engaged volunteers for numerous special research projects and reports related to specific planning and livability issues, such as short-term rental regulation, membership voting reforms, emergency

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consultation further reflects the new city's awareness and readiness to comply with the Goals once incorporated.)

<sup>10</sup> These components are:

- Opportunities for widespread public involvement;
- Effective two-way communication with the public;
- The ability for the public to be involved in all phases of the planning process;
- Making technical information easy to understand;
- Feedback mechanisms for policy-makers to respond to public input; and
- Adequate financial support for public involvement efforts.

preparedness, building height standards, and exterior lighting. In terms of financing, the Oceanside community formed the "Oceanside Protection Society" two decades ago. It is a 501(c)(3) community foundation with the mission to preserve livability and foster community spirit. Over the years it has engaged in community fundraising and the dissemination of local grants to the ONA, the Oceanside Community Club and individuals organizing projects, such as a radon gas test kit lending program, an upgraded community bulletin board, garbage collection at the State Park Wayside and assistance with funding the Oceanside Centennial celebration scheduled in July 2022.

Last but not least, the ONA embarked upon an unprecedented and effective campaign to muster community awareness and involvement in debate and deliberations leading to the decision by its Members to formally endorse this incorporation process.<sup>11</sup> During those discussions, ONA members on both sides of the issue voiced a clear imperative that the ONA must continue its role as a focus for expression of the community's goals to any newly incorporated City Council.

*Statewide Planning Goal 2 - 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.*

During the community meetings and debate on incorporation, Oceansiders repeatedly noted that incorporation would trigger a legal obligation to formulate a city Comprehensive Use Plan and Urban Growth Boundary. As noted above Petitioners already commenced an outreach and research effort in anticipation of that requirement by consulting expert DLCD representatives, such as Lisa Phipps and Jim Jinings. Given Oceanside's quarter-century of public involvement and familiarity with formulating Community Plans based on the Land Use Goals, there is no reason to doubt the readiness and ability of the community to comply with this Goal.

*Statewide Planning Goal 3 - 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.*

Oceanside's readiness to comply with Goal 3 in its eventual city Comprehensive Plan is not relevant because an exception to Goal 3 was already taken for territory within the proposed city boundary during the process of compiling and obtaining acknowledgement of the Tillamook County Comprehensive Plan.

*Statewide Planning Goal 4 - 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."*

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<sup>11</sup> Petitioners have chronicled this process in App-65 thru App-86.

Oceanside's readiness to comply with Goal 4 in its eventual city Comprehensive Plan is not relevant because, during the process of preparing and obtaining acknowledgement of the Tillamook County Comprehensive Plan, an exception to Goal 4 was already taken for territory within the proposed City boundary.

*Statewide Planning Goal 5 - 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.*

Petitioners have secured a commitment from the Tillamook County Community Development to assist in inventorying Goal 5-protected areas within the proposed city boundary that were previously identified in the Tillamook County Comprehensive Plan. They envision that such areas will be incorporated during the development of the city Comprehensive Plan, a process that will also enable identification and inclusion of additional, significant areas or resources.

*Statewide Planning Goal 6 - 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 the new city.*

Oceansiders will need no urging to incorporate air, water and land conservation measures in its land use planning policies or Comprehensive Plan. Such concerns have already been identified and prioritized in each iteration of Oceanside's Community Plans over the decades, including their pioneering emphasis on preserving natural vegetation, "dark sky" initiatives and wildlife protection. It is also worth remembering that Oceanside's new city government will enjoy access to and support by its existing sewer and water districts, which already bear a responsibility to be aware of and ensure compliance with pertinent federal and state regulations governing water quality. Petitioners are also aware that stormwater management will become a pressing issue in the event that incorporation proponents are correct in predicting that road repair and maintenance will be a top city priority. Finally, Petitioners also note that Oceansiders have long demanded and supported local recycling programs made available by countywide programs and our private waste collectors.

*Statewide Planning Goal 7 - Hazards: Summary: Goal 7 deals with development in places subject to natural hazards such as wildfires, tsunamis, floods or landslides. It requires that jurisdictions apply "appropriate safeguards" (floodplain zoning, for example) when planning for development there. In Oceanside, 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.*

ONA leaders are already engaged in assisting with outreach efforts by Tillamook County to update its hazard planning by inventorying natural hazards and updating associated ordinances. That process will incorporate and capitalize on updated DOGAMI maps and studies, which included Oceanside. Petitioners anticipate that Oceanside city leaders and staff will capitalize on such involvement by taking advantage of the information and resources gleaned during the county's process to inform the formulation of its own development standards in compliance with Goal 7 guidelines. Petitioners note that when county officials held meetings to highlight gaps in its hazard communications system in the summer of 2021, ONA leaders rushed to consult local and county emergency officials, design a Wildfire Evacuation Advisory for electronic distribution and disseminate it to hundreds of recipients via its electronic newsletter list. Such concern for hazard planning is unlikely to be abandoned or slighted in the new city's planning processes.

*Statewide Planning Goal 8 - 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.*

Tillamook County inventoried recreational resources in the Oceanside area when formulating its own Comprehensive Plan. Such amenities are hardly difficult to find as Oceanside's entire community is centered on the State Park owned beaches that make up its front yard. The new city will be able to incorporate and build upon that inventory. It will also certainly preserve the "Park Zone" reflected in Oceanside's current zoning ordinances.

*Statewide Planning Goal 9 - Population and Economy: Summary: Goal 9 calls for diversification and improvement of the economy. It asks cities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.*

Oceanside's population and commercial locations are historically stable, and its existing zones already reflect diversity in allowing for residential, commercial and recreational (park) uses. Given its setting, surrounded by natural areas and features that are intensively regulated for environmental protection, it is unlikely that industrial or heavy commercial development will be sought or viable. On the other hand, those same attributes have engendered quasi-commercial activity in the form of 120 short term rentals in an area of less than one square mile, located in residential zones. Besides supporting a micro-economy in the form of cleaning and management services, these rentals do and will continue to draw customers to businesses that serve county visitors outside the proposed city. The new city is also expected to continue the ONA's focused efforts to invite upgraded broadband service, which would allow for further diversity in the form of entrepreneurial home-based businesses.

*Statewide Planning Goal 10 - Housing: Summary: This goal specifies that jurisdictions must plan for and accommodate needed housing types, such as multifamily housing. It requires an inventory of buildable residential lands, projection of future needs for such lands, and actions of planning and zoning enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing.*

Petitioners and the Oceanside community are aware that its eventual Comprehensive Plan must include planning policies for diversified housing to meet its needs. In fact, such diversity is desired by the community. During incorporation discussions, a number of Oceansiders cited the opportunities a new city might explore to diversify its population by enabling more families with children. In addition, while current building standards already allow for duplexes as a conditional use, Petitioners anticipate that the new city will also explore creative ways to allow ADUs in a way that is consistent with community standards and priorities.

*Statewide Planning Goal 11 - Public Services: 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 to be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs. In unincorporated communities outside urban growth boundaries counties may approve uses, public facilities and services more intensive than allowed on rural lands by Goal 11 and 14, either by exception to those goals, or as provided by commission rules which ensure such uses do not adversely affect agricultural and forest operations and interfere with the efficient functioning of urban growth boundaries. governments and special districts are required "to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development."*

Services and facilities relevant to Goal 11 include public schools, transportation, water supply, sewage disposal, solid waste disposal, police protection, fire protection, planning, zoning and subdivision control, energy service, and communications services. As outlined in the EFS and *ONA Incorporation Report*, the proposed city will continue to be served by existing special districts and county agencies or programs with independent funding. They provide water, sewer, fire protection, police protection, education and solid waste management to Oceanside and, in some cases, to the community of Netarts. Goals expressed by proponents during incorporation discussions emphasized that incorporation would enable additional and/or improved services by bringing on local planning staff, contracting for more intensive road maintenance, and funding a system that supplements the county's public safety services with a system for civil enforcement of building and conduct codes to better address issues like visitor misconduct and parking violations. Petitioners anticipate that planning and building services will continue to be provided by county staff during the interim between the incorporation vote and the establishment of city services.

*Statewide Planning Goal 12 - 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.*

As outlined in the EFS, Oceanside is one of the communities currently served by the Tillamook County Transportation District, which participates in the "NW Connector" program as part of the Northwest Oregon Transit Alliance. It currently maintains three round trip routes between Oceanside and the Tillamook Transit Center, where connections may be made to Portland and coastal communities to the north and south. In addition, Oceanside residents are eligible for on-demand service from the District's Dial-A-Ride Service. Both services abide by federal and state accessibility requirements. Petitioners do not anticipate that incorporation will affect the availability of this service, just as it does not affect current service to other incorporated communities.

*Statewide Planning Goal 13 - 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 a Comprehensive Plan.*

Oceanside's population consists primarily of active or retired professionals who are already oriented to and supportive of energy conservation measures, consistent with local priorities and standards. For example, in 2018, after public input and hearings, the ONA successfully sought BOCC approval of local ordinances that both contemplate and regulate the installation of "alternative energy" devices such as windmills and solar collectors. In addition, as noted above, Oceanside residents have historically been heavy users and supporters of recycling services offered by the county and under the local franchise agreement with City Sanitary Service. Petitioners anticipate that the new city will continue to reflect the interest in alternative energy availability and management.

*Statewide Planning Goal 14 - 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.*

Oceanside's readiness to comply with Goal 14 in its eventual city Comprehensive Plan is of limited relevance because, during the process of preparing and obtaining acknowledgement of the Tillamook County Comprehensive Plan, an exception to Goal 14 was already taken for territory within Oceanside's Community Boundary. That said, Petitioners are aware that incorporation will entail the development of a new

Comprehensive Plan and Urban Growth Boundary that builds on previous efforts, reflects the seven "factors" specified in Goal 14 and accommodates infrastructure reflecting updated projections of the area's growth projections and resulting needs. As noted previously, Petitioners have already alerted local DLCD representative of this, and they have responded with assurances of assistance.

Petitioners anticipate that the assumption of planning and zoning responsibilities by local officials, informed by local input, will promote more orderly and efficient development in areas that are the natural target of future growth by permitting a more detailed and nuanced analysis of the area's development potential and limitations than is currently available at the county level.

*Statewide Planning Goal 15 - Willamette River Greenway. Goal 15 is focused on the Willamette River, and applies to cities and counties along the river. The Willamette River Greenway is a corridor of water and land in which development is planned and built with recognition of the unique qualities of the Willamette River.*

Goal 15 does not apply to Oceanside's planning needs or obligations.

*Statewide Planning Goal 16 - 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.*

Petitioners are unaware of estuarine resources within the proposed city boundary that would implicate Goal 16.

*Statewide Planning Goal 17 - 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.*

Petitioners have secured a commitment from the Tillamook County Community Development to assist in inventorying and/or confirming previous exceptions to Goal 17-protected areas within the proposed city boundary that were taken and acknowledged in the Tillamook County Comprehensive Plan. They envision that such areas will be folded into the new city Comprehensive Plan, a process that will also enable identification and inclusion of additional, significant areas or resources.

*Statewide Planning Goal 18 - 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. Categories of dunes within Oceanside must be described in the plan along with discussion of areas are also inventoried within this element which allow for residential, industrial and commercial uses in dune areas that would otherwise be prohibited.*

Oceanside's readiness to comply with Goal 18 in its eventual city Comprehensive Plan is of limited relevance because, during the process of preparing and obtaining acknowledgement of the Tillamook County Comprehensive Plan, an exception to Goal 18 was already taken and acknowledged for all Goal 18-protected areas within the proposed City boundary. They envision that such areas will be incorporated during the development of the city Comprehensive Plan.

*Statewide Planning Goal 19 - Ocean Resources: Summary: Goal 19 aims "to conserve the long-term values, benefits, and natural resources of the nearshore ocean and the continental shelf." It involves with matters such as dumping of dredge spoils and discharging of waste products into the open sea. Goal 19's main requirements are for state agencies rather than cities and counties.*

While Goal 19 applies mainly to state agencies, the policy it reflects aligns closely with Oceanside's traditional community priorities and interests, as reflected in the succession of Oceanside Community Plans that have emphasized conservation and the protection of wildlife, local vegetation and scenic amenities. To the extent necessary, Petitioners anticipate that local authorities in the new city will readily work with DLCD to formulate and incorporate policies that align with Goal 19 priorities. Indeed, Oceanside will probably insist on being consulted and involved in initiatives such as updating the Territorial Sea Plan.

#### Proposed Finding

The record supports a finding that it is reasonably likely that the newly incorporated city of Oceanside can and will comply with the goals once the city assumes primary responsibility for comprehensive planning in the area to be incorporated.

#### V. CONCLUSION

Since its founding 100 years ago, Oceanside has grown from a collection of vacation cabins into an urbanized community with a stable population, a cohesive civic identity and an effective community apparatus for identifying and pursuing common goals. Incorporation is the natural next step in its evolution as a community – endorsed by a clear majority of roughly 200 community stakeholders after one of the most extensive local information campaigns ever assembled in the county, if not the state.

### A. Request for Order

Based on the information presented in this Analysis, the Economic Feasibility Statement and the *ONA Incorporation Report*, Petitioners respectfully request an Order reflecting the appropriate analysis and findings. It should also instruct the County Clerk, County Assessor and County Surveyor to complete the tasks necessary in a timely fashion sufficient to place the question of incorporating Oceanside, Oregon, including the approved boundary, legal description and permanent tax limit of \$.80 per \$1000 on the ballot for the Primary Election on May 17, 2022.

### B. Form of Order

In the event the Commissioners decide to grant the Incorporation Petition, ORS 221.040(3) specifies the elements to be included or addressed in their Order, as follows:

"Upon the final hearing of the petition, the court, if it approves the petition as originally presented or in an altered form, shall provide by order for the holding of an election relating to the incorporation of the proposed city. The order calling the election shall fix the date of the election on the date of the next primary election or general election that is not sooner than the 90th day after the date of the order. The order shall contain:

- (a) A description of the exterior boundaries of the proposed city as determined by the court. The description shall be a metes and bounds or legal description prepared by the county surveyor or county assessor. The description prepared under this paragraph shall accurately describe the exterior boundaries of the proposed city as indicated on the map filed under ORS 221.031 (Petition to incorporate) (3) unless those boundaries were altered by the county court, in which case the description shall accurately describe the boundaries as altered;
- (b) A provision requiring the county official in charge of elections to include on the ballot for the election a description of the boundaries of the proposed city using streets and other generally recognized features and a statement of the proposed permanent rate limit for operating taxes included in the petition for incorporation of the proposed city as required by ORS 221.031 (Petition to incorporate), which statement shall comply with the requirements of ORS 250.035 (Form of ballot titles for state and local measures); and
- (c) The date on which the election will be held in the proposed city."

Petitioners appreciate the time and effort that county staff and the Commissioners themselves have devoted to accommodating this unusual and historic incorporation effort.

Respectfully submitted,

Jerry Keene

Blake Marvis

Chief Petitioners  
Oceansiders United

APPENDIX

# OCEANSIDE PETITION FOR INCORPORATION

## PROPOSED ANALYSIS AND FINDINGS

### Index to Appendix Items

<u>Item</u>	<u>Page No.</u>
Final Report of the ONA Incorporation Task Force	App-1
Economic Feasibility Statement	App-37
Memo: Conference with DLCD Representatives	App-52
Letter from League Oregon Cities re: projected revenue	App-53
Incorporation Petition Filings & Notices	
• Form SEL 701: Prospective Petition for Incorporation of a City	App-56
• Form SEL 702: Petition for Incorporation (Approved 12/14/2021)	App-57
• Letter from T. O'Neil authorizing signature gathering (12/14/2021)	App-58
• Proposed Map for Incorporated City of Oceanside	App-59
• Petition Processing Report validating signatures (1/4/2021)	App-60
• Re-Notice of Public Hearings on Petition	App-61
Oceanside 2020 Census Summary / PSU College of Urban Planning	App-63
Oceanside Incorporation Public Process and Data	
• Timeline: How the ONA engaged Oceansiders in an "Incorporation Conversation:	App-65
• Community Orientation and Participation via Newsletters	App-67
• Incorporation Survey & Results (12/3/2021)	App-68
• Incorporation Conversation FAQs (12/9/2021)	App-73
• ONA Voter Confirmation and Guidelines for Voting	App-78
• ONA Meeting Ballot Questions and Results	App-80
• Community Engagement in ONA Process and Vote	App-82
• Oceanside Community Neighborhoods Map	App-83A
• "Feedback"	App-84
Letter from The Capes Homeowners Association (12/2/2021)	App-86

# Report of the ONA Incorporation Task Force

November 22, 2021



## Report of the Oceanside Neighborhood Association Incorporation Task Force

November 22, 2021

### EXECUTIVE SUMMARY OF FINDINGS AND CONCLUSIONS

This Task Force was asked to investigate and recommend whether incorporation is a feasible option for Oceanside worthy of community consideration and debate as a way to preserve and enhance the quality of Oceanside's civic life. To do so, the Task Force focused its efforts on three key factors: (1) benefits (services) the "city" of Oceanside might reasonably provide; (2) financial feasibility (costs and revenues), and (3) practical feasibility (community participation). Here is a summary of the Task Force's findings and conclusions:

1. On the issue of feasible benefits, the Task Force concluded that incorporation has the potential to significantly enhance those aspects of civic life that Oceansiders have identified as priorities: road improvements, localized land use planning and visitor management.
2. On the issue of financial feasibility, the Task Force concluded that the availability of more than \$430,000 in revenue from "external sources" (TLT, grants, STR fees) combined with the city's modest staffing needs, would enable the city to function effectively with a city property tax rate of no more than 80 cents per \$1000 of tax-assessed value (generating \$250,000.) Given that this city tax revenue will be matched by a significantly greater amount of external revenue, the Task Force concluded that this could feasibly be considered a prudent investment in Oceanside's civic life.
3. On the issue of community participation, the Task Force concluded Oceansiders' history of involvement and service in previous community initiatives feasibly indicates that Oceansiders will rise to the occasion if they feel their efforts will actually matter to the quality of their civic life.

In sum, when considered as a choice between forming a city or continuing to rely on county officials to preserve and enhance Oceanside's civic life, the Task Force concluded that incorporation is a feasible option worthy of community consideration and debate. Whether incorporation is an affordable or desirable option is for Oceansiders to decide for themselves. The Task Force members hope they find the information in this report helpful in doing so.



## REPORT

### I. INTRODUCTION

The ONA Board authorized ONA President Jerry Keene to recruit a task force to explore the feasibility of city incorporation in August 2021. That decision was prompted by growth events in the community and concerns over the implications of various county interactions that had come to a head. Among other things, these included the commencement of county proceedings to approve three subdivision/lot partition applications cumulatively seeking approval of 64 new building lots in Oceanside; the county's sudden imposition of day use fees at neighboring beach accesses, which drove visitors to Oceanside's free beach accesses, word that the county had recently advised the owners of Oceanside Cabins that their site was not considered "oceanfront" (and therefore not subject to a 24-foot height limit) and the Community Development Department's persistent inability (citing staff shortages) to commit to scheduling hearings on new lighting and building height standards that ONA committees had been working on for months. Such concerns were compounded when the Board of Commissioners ended a long moratorium on TLT awards by directly allocating millions of tourism facilities dollars to address visitor crowding and parking in Pacific City, while advising other communities to wait and compete for much smaller TLT facilities grants to be announced at some later point in the year.

It was widely recalled that a group of Oceansiders preliminarily explored the option of incorporation during the late 2000s but abandoned the effort as too costly.<sup>1</sup> To avoid wasting valuable volunteer time on a redundant investigation, ONA President Jerry Keene spent several months locating and reviewing incorporation guides, analyzing other city budgets and interviewing officials in other small towns to determine whether incorporation was even remotely workable for a town with Oceanside's population and resources. Once satisfied that changed circumstances now made incorporation at least arguably feasible, Keene sought the ONA Board's approval to set up an exploratory task force to confirm his initial impression.

### II. TASK FORCE MEMBERS

It quickly became apparent that the scope of the needed research was too broad for one group. Accordingly, Oceansiders with helpful backgrounds to serve on three specialized investigative teams composed of both full-time and part-time residents:

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<sup>1</sup> During our investigation, an e-mail surfaced indicating that the investigation had been "paused" based on disconcerting information about the cost of police in then-recently incorporated Damascus, Oregon, and news of impending assessments Oceansiders faced in connection with construction of a new, federally mandated waste processing facility by the Netarts-Oceanside Sanitary District.

App-4

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- A. **Budget/Services Team:** This team first worked to identify the primary services Oceansiders would likely expect from its municipal government, once incorporated. It then sought to project the range of costs for such services to assemble a projected personnel and materials budget for the first three years. For this team, we recruited current and former members of the Board of Directors from the Netarts Oceanside Sanitary District and a local community leader with experience in short term rental operation and regulatory issues. One of these members had served on the committee that evaluated and rejected incorporation in the 1990s.
- B. **Revenue Team:** This team was asked to investigate and verify the revenue sources and amounts available upon incorporation, including TLT funds, state revenue-sharing and block grants and a city property tax. For this team we recruited an Oceansider with business administration and investment expertise and the manager of a local business with experience as a Comptroller for a large nonprofit agency.
- C. **Legal/Procedures Team:** This team of retired and practicing attorneys took on the task of reviewing the relevant state statutes, administrative rules and local guidelines to confirm the procedures, timelines and criteria to be satisfied for incorporation. One of these members is the daughter of a surviving member of the previous incorporation committee who remains in close contact with him and provided valuable, multi-generational perspective.

The Oceansiders who contributed to the research and findings expressed in this Report are:

**Sharon Brown, Mike Dowd, Carol Kearns, Jerry Keene, Blake Marvis,  
Susan Moreland, John Frather, and Sue Wainwright**

### **III. METHODOLOGY**

The Teams conducted independent meetings on their respective research areas from early September through late October 2021. At such meetings, the members interviewed local officials, compared notes on their respective research assignments and agreed on further assignments for later meetings. To maintain Covid-19 protocols and also to accommodate the busy schedules of the officials and experts being consulted, most interviews were conducted by individual Team members via Zoom, with summaries presented to the other members at subsequent meetings. President Keene regularly touched base with each of the Teams, assisting as needed to coordinate their research progress, identify information resources, help schedule interviews and blend the three Teams' research findings into a single, cohesive report for community review.



### III. ANALYSIS AND CONCLUSIONS

After months of research and discussion, the Task Force assembled their findings and evaluated them in light of Oceanside's particular circumstances, resources and community priorities. While the decision requires consideration of many factors and a daunting amount of information, the Task Force felt the analysis ultimately reduced to three questions:

1. Would incorporation enhance the civic experience in Oceanside?
2. What are the likely risks and costs of such enhancements?
3. Would the benefits be worth incurring the risks and costs?

The Task Force members utilized these questions, not only to guide its research, but also as an outline for communicating their findings and conclusions. Those findings were detailed in ONA newsletter installments characterized as an "Incorporation Conversation" and scheduled for distribution in November 2021. Those installments are reproduced in Section IV below. At the end of each installment, "Research Notes" were subsequently appended to provide additional information, analysis and resources relevant to that installment.

**1. An Enhanced Oceanside?** As research progressed, the Task Force was struck by the narrow range of services or obligations the newly incorporated city would need to manage, given how many services are and will continue to be provided by separate Special Districts or other entities. Aside from managing the communications, fiscal transactions and decision-making processes of the municipal government itself, the city would be able to target most of its resources to three functions: (1) land use management (zoning, applications for variances, land partitions), (2) public works (roads), and (3) short term rental administration and regulation. By coincidence or not, the Task Force perceived that these are also the priorities on which most Oceansiders felt the County has historically fallen short. The public officials from other cities and the county that the Task Force consulted felt that even a small city like Oceanside could effectively manage this narrow range of functions with the right staff. Based on its independent evaluation, the Task Force agreed. **In that event, the Task Force concluded that incorporation has the potential to significantly benefit the aspects of civic life that most Oceansiders view as priorities.**

**2. Risks and Costs?** The Task Force felt the risks and costs of achieving these improvements are significant and should not be approached lightly. Two other Oregon towns have pursued incorporation in the past 30 years: La Pine in Deschutes County and Damascus in Clackamas County. While La Pine (population 1900) is generally viewed as a success, Damascus (population 11,084) is commonly viewed as a disaster. After talking with people from both efforts, the Task Force concluded that Oceanside's size, isolated rural setting and political circumstances are more comparable to La Pine than to Damascus.



The primary risk discerned by the Task Force is that Oceanside might not be able to field enough community members with sufficient time or interest for an effective City Council, Planning Commission or other Advisory Committees. Dysfunctional committees would discredit and doom the effort from the start. On balance, however, the Task Force determined that historical events warrant optimism about the community's capacity to muster sufficient leadership resources. This is based on the solid history of participation and progress achieved by the Oceanside Neighborhood Association in commissioning and then adopting the work of multiple committees and task forces dating to the 1990s on projects such as the Oceanside Community Plan (and two subsequent revisions), short term rental conflict resolution and updated building standards. Our community's history of constructive and meaningful civic interaction provides a reasonable basis to conclude that such interaction will continue after incorporation.

Another, contingent risk is that the new city would initially be dependent on TLT revenues derived from and proportional to revenue generated by local short-term rentals. The Task Force was aware of initiatives in other coastal communities, and particularly in Lincoln County, aimed at banning or at least capping the growth of short-term rentals. Upon reflection, the Task Force concluded that such a risk is manageable. First, because only 30% of TLT revenue may be used for general purposes, the impact of a cap or ban on short term rentals would be limited. Second, a countywide ban on STRs would not apply in Oceanside if it incorporates because cities govern their own short-term rentals. If Oceanside itself imposed such a ban or cap, it is unlikely it would do so without taking steps to mitigate the financial impact. Finally, the Task Force deems the risk of new state laws banning or capping short term rentals to be remote. It is far more likely that legislature will bow to pressure to allow counties and cities more flexibility in how to use TLT revenues.

The primary cost is the imposition of a new city property tax by a new City Council, which the Task Force projects at a maximum of 80 cents per \$1000 of tax-assessed value (as already determined for the county property tax). For Oceansiders with homes that have a county tax-assessed value of \$400,000, this would add \$320 as a new line item on their annual property tax bill. When the new tax is added to what Oceansiders already pay every year for water, sewer and fire protection, the total would be comparable to what residents of other incorporated cities pay for such combined services. Whether such a new city tax is affordable is a decision that, of course, must be made by each Oceansider based on their personal circumstances. Whether it is feasible to consider such a tax financially prudent is subject to some objective debate, which we have tried to capture below.

### 3. Risks v. Benefits.

Ultimately, the Task Force coalesced around a cost analysis along these lines: A city tax of 80 cents per \$1000 (\$320 in the example above) is not painless, but it would sting just once a year. By contrast, the benefits of better roads, locally controlled land use decisions and an effective



local mechanism for curbing visitors would be appreciated the rest of the year. One critical factor is that a new city tax would be matched by revenue from the TLT tax that our short-term rental operators collect from outside visitors. Instead of being spread elsewhere by the county, those funds would stay in the community to be used for purposes decided by local decisionmakers after local hearings. Incorporation would also render the city eligible for \$100,000 - \$200,000 in outside grants and state revenue sharing. When considered as a choice between forming a city with most of its revenues from outside funding or continuing to rely on county officials and their resources to manage Oceanside's future needs, the Task Force concluded that it would be reasonable to view the costs of incorporation as a prudent investment in Oceanside's future civic integrity and quality of life.

That said, this is just a recommendation based on our assessment of the information we gathered. The ultimate decision is up to Oceansiders. The Task Force sincerely hopes that Oceansiders will find the information and findings in this report to helpful in making this decision for themselves.

#### IV. COMMUNITY ENGAGEMENT – AN INCORPORATION CONVERSATION

The scope of the inquiry and resulting findings exceeded what might effectively be communicated (or absorbed) in one presentation. The Board and Task Force members decided the most effective way to share its findings and involve the broadest number of community members was to utilize the ONA e-mail newsletter list to present capsule summaries of the Task Force findings and conclusions. The ONA newsletter list includes more than 290 actively engaged e-mail address recipients (many of them serving multiple family members) representing subscribers who have affirmatively asked to receive ONA communications. Historically (according to our MailChimp records), ONA emails are opened on average by 240 to 260 recipients within 48 hours of being sent. By contrast, the Incorporation newsletters were regularly opened by 270-280 recipients within 24 hours of receipt.

The Task Force determined that it should present its findings in form of a community "Incorporation Conversation" to allow for sharing complex information in more readily absorbed installments, and to surface questions and comments along the way. To accomplish that, it decided to also invite and share the community feedback and questions in interim emails between each newsletter installment. Upon completion of the series, the Task Force decided to conduct a newsletter survey to gauge its impact and also to schedule an ONA Zoom Meeting for discussion and debate. Ultimately, Oceansiders will be asked to vote on whether the ONA should support submission and circulation of an Incorporation Petition in time to place the issue on the ballot at the May 2022 Primary Election.

What follows are the individual newsletter installments of the Task Force's findings to be shared with the community. In between them are research notes indicating the sources of the information or expanding on key aspects of the analysis.




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## Newsletter No. 1

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As our community approaches its 100<sup>th</sup> birthday, it is time to ask ...

### What does Oceanside want to be when it grows up?

We are all watching it happen. Multiple subdivision approvals, construction trends, increased traffic and mounting tourism numbers are bringing changes to Oceanside that will determine its character and quality of life for decades to come. As an unincorporated community, Oceanside currently relies on Tillamook County and its staff to anticipate and manage such changes, but we are one of 13 unincorporated communities vying for their attention. County staff are juggling competing demands for their time and resources by all of these communities on issues like road maintenance, parking, land use planning/zoning updates, short term rental regulation and more.

The County acknowledges these difficulties, and the situation is not likely to improve in the future. In exploring solutions, the ONA ORS has learned that one way to address this would be for Oceanside to "incorporate" as an Oregon "city," which would enable it to provide and manage such services for itself.

#### **Incorporation: Doing the homework.**

To take a closer look at this option, we recruited Oceansiders with helpful backgrounds for a Task Force of specialized teams to investigate the implications, costs, benefits and legal requirements of incorporation. They have spent the past several months:

- studying relevant state laws,
- reviewing available guides and consulting with incorporation experts,
- interviewing county officials about current services and costs,
- studying budgets/staffing levels in nearby incorporated towns, and
- confirming the financial resources that would be available to Oceanside upon incorporation.

Based on their research findings, the ONA ORS believes that incorporation is a feasible option that is worth Oceansiders' time to evaluate for themselves.

#### **Starting the conversation.**



The Task Force and the ONA ORS are now ready to share these research findings so that the community can check its work and weigh in. We propose to engage Oceansiders in an "Incorporation Conversation" with a series of emails on the following topics:

1. Starting an Incorporation Conversation: (This ORS.)
2. Oceanside and the County: Why consider incorporation now? (November 1)
3. Structure and Services: Picturing an incorporated Oceanside. (November 8)
4. Budgeting: Does Incorporation make financial sense? (November 15)
5. Incorporation Process: Who decides, and when? (November 22)
6. Survey: Weigh in with your thoughts on creating a City of Oceanside. (November 29)

In between these installments, we will share and respond to questions or comments that Oceansiders send our way by hitting "Reply" to this ORS or sending them directly to [ors@oceanside.org](mailto:ors@oceanside.org)

### **Choosing Oceanside's future.**

At the completion of this "conversation," the ORS will ask ONA Members to take a formal vote on whether or not to endorse going forward with submission of a Petition for Incorporation at the Regular ONA (Zoom) Meeting on December 2, 2021. The ORS is still evaluating whether it is prudent to also open the meeting for live attendance.

### **Our commitment to the community.**

Consistent with Oceanside's traditions, the ONA ORS intends every step of this initiative to be transparent and open to maximum Oceanside involvement and input! Our sole goal is to foster an informed and robust community conversation about how to prepare for Oceanside's second hundred years! The ultimate decision will be up to all of us.

### **Research Notes and Comments for Newsletter No. 1**

Here are more specifics about the research resources referred to in this newsletter:

1. **State Laws:** The statute outlining Oregon's city incorporation procedures and criteria is ORS 221.005 through 221.240
2. **Incorporation Guides and Experts:** The Teams leaned heavily on advice and information provided by the League of Oregon Cities in its manual entitled, "Incorporation Guide" (Revised 2017). We also consulted other LOC staff members on specific issues, including extensive e-mail exchanges with Matt Gharst, the LOC staff member who authored the Guide, for advice on specific issues.



See TFR resources including the following:

- [TFR Prior Oceanside Incorporation Consideration and Next Steps](#)
- [TFR Incorporation Study Overview](#)
- [TFR Town Services Study - Public Safety](#)

**3. County Officials:** The Teams arranged in-depth interviews with the county managers to obtain their input on the staff time and other costs it would take for Oceanside to take over the services they currently provide. These included Sarah Absher (Department of Community Development) (zoning and land use planning), and Chris Laity (Department of Public Roads) (road maintenance and stormwater drainage system).

See TFR resources including the following:

- [TFR Community Development Study - Land Use Planning](#)
- [TFR Public Safety Research - Public Safety](#)

**4. Other Town Budgets:** The Team reviewed published budgets for Wheeler, Bay City, Manzanita, Garibaldi, Rockaway and the City of Tillamook. We also interviewed Bay City Mayor Dave McCall and former Garibaldi City Manager Geoff Wullschlager, who now manages La Pine, which is Oregon's most recently incorporated city.

See TFR resources including the following:

- [TFR Management Advice email Keene.pdf](#)
- [TFR Bay City Public Safety email Keene.pdf](#)
- [TFR Public Safety Research email Keene.pdf](#)
- [TFR Public Safety Research email Keene.pdf](#)




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## Newsletter No. 2

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### Oceanside and the County: Why consider incorporation now?

At first glance, Oceanside seems well-positioned to pursue incorporation, based on:

1. its recognition as a discrete community by the U.S. Census;
2. a well-established boundary (Oceanside Community Growth Boundary);
3. a compact geographical setting with a manageable road system;
4. a civic-minded population united in their affection for our setting, and
5. an evolved statement of our common goals and values (the Oceanside Community Plan).

But that has always been true. Why consider incorporation now?

In a word, because Tillamook County admits that it is increasingly unable to serve Oceanside's emerging needs. Here are some recent examples:

**Local Improvements.** Since 2014, the County has collected over \$2 million in "transient lodging taxes" (TLT) from short term rentals (STRs) in Oceanside-Netarts but has returned only \$17,000 to fund TLT projects here. By contrast, the County Commissioners recently approved \$4 million from TLT funds to purchase oceanfront property and hire consultants to manage tourism crowding in Pacific City – on top of hundreds of thousands in TLT grants previously awarded there. The ONA has repeatedly questioned such unbalanced spending, with no tangible response. Similarly, with the notable exception of federal/county funding to restore the Cape Meares Loop Highway, the county has been forced to minimize work on Oceanside's roads in favor of more urgent infrastructure repairs elsewhere. The County has disclaimed any responsibility for much-needed repairs to what it deems "local access" roads, such as Hillcrest Avenue, Grand Avenue and Highland Drive.

**Land Use Management.** For several years, County staff assisted the ONA in its recent effort to update Oceanside's building and lighting regulations. (The County is only able to provide such assistance to each of the 13 unincorporated communities on a rotating basis every three or four years.) This past August, just one month before the critical community meeting to finalize our work, the county abruptly suspended its planning assistance to Oceanside (and all other communities) while it addressed a demand for priority attention by the county's building contractors protesting backlogged permits and inspections. Thanks to heroic overtime efforts, the County staff has since resumed some help. No one knows for how long, however, and this was not the first time that competing demands and short staffs compelled the County to sideline our local planning priorities.



**STR Regulation and Coordination.** Oceanside has roughly 120 short term rentals currently regulated by the County. We rely heavily on the county Short Term Rental Advisory Committee as a forum to communicate and address local STR issues and concerns, such as STR proliferation, parking issues and visitor misconduct. Despite their best efforts and repeated assurances, County staff have not had the time or resources to convene an STR Committee meeting in well over two years. Oceanside's representatives on the committee cannot seek action from the committee if it does not even meet.

**Parking.** Every coastal community has seasonal parking issues. In Pacific City/Woods, the County not only responded with millions of dollars to buy land and hire consultants (see above) but also devoted staff time and resources to an extensive study to address surging tourism at Cape Kiwanda. Oceanside has been offered no such help. Overcrowding similarly prompted the Commissioners to impose or increase day use parking fees at county facilities like Netarts and Bayocean Spit. This predictably drove additional visitors to Oceanside, where the beach waysides, street parking and State Park lots remained free of charge. Despite the obvious impact on Oceanside, however, the County did not consult our community, either before or after adopting these measures. Our community leaders were left on their own to contact the local State Park manager about possible remedial measures. (To be fair, the County did respond quickly when we requested them to place Porta Pottys and garbage receptacles at our beach waysides.)

**Visitor Disturbances.** The ONA regularly receives complaints about fireworks near trees, loose or unruly pets and late-night noise, usually during peak tourism periods. We refer them to the County Sheriff, but anyone who has reported such concerns knows the County simply does not have the personnel or resources to respond in a timely fashion.

What difference would incorporation make on these issues? What are the risks, benefits and costs?

These are critical questions, so we recruited a volunteer Task Force to explore answers – with specialized teams focusing on (1) Services and Budget, (2) Revenues and (3) Legal Issues and Procedures. As noted above, we will continue to share the information they've gathered over the next few weeks, followed by a Survey to invite your views and feedback.

### Research Notes and Comments for Newsletter No. 2

1. **Census.** The Team obtained assistance from the Portland State University Urban Studies department to obtain the 2020 Census Summary from Oceanside.

See TFR resources including the following:

[Oceanside's 2020 Census Summary](#)  
[Oceanside's 2020 Census Summary - Full Report](#)



**2. Boundary and Maps.** The team used the Oceanside Growth Boundary Map that is available online as part of the Tillamook County Comprehensive Plan. We have requested an easily shareable electronic version of the map for distribution by e-mail.

See TFR resources including the following:

[Oceanside Community Boundary.pdf](#)

**3. Oceanside Community Plan 2018.** The Plan is available [here](#). Several of the ONA Committee members who helped compile the Plan also worked on the Task Force.

**4. TLT Spending.** A list of the County's TLT tourism facilities grant expenditures is available on the Tillamook County website. The Master Plan for Cape Kiwanda is also posted there. In a subsequent e-mail, Director Laity emphasized that the county is expending \$2.2 million as its share of the costs for the federal-state project to realign and restore Cape Meares Loop Road. Some of those funds come from TLT revenues that the County designates for road repairs.

**5. County Roads:** The Team based its findings regarding county roads and maintenance costs on information submitted in response to our inquiries by Chris Laity, the County Public Works Director, during a Zoom interview. The Team is still awaiting a promised, written summary of these costs from Director Laity. In a subsequent e-mail, Director Laity emphasized that the county is expending \$2.2 million as its share of the costs for the federal-state project to realign and restore Cape Meares Loop Road. Some of those funds come from TLT revenues that the County designates for road repairs. The Board shared that information with the community in an ONA news e-mail.

See TFR resources including the following:

[TFR Roads Advice meeting notes 2/20/2021](#)

[OCOT Small City Allocation - Facts - Guide.pdf](#)

**6. Short-term Rentals:** More information is available in these TFR resources:

[Short-term Rentals - 2/20/2021 - 1/20/2021](#)

[Short-term Rentals - 2/20/2021 - 1/20/2021](#)

[Short-term Rentals - 2/20/2021 - 1/20/2021](#)



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## Newsletter No. 3

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### Structure and Services: Picturing an Incorporated Oceanside

Our volunteer task force focused most of its efforts to researching the **financial and practical ramifications** of incorporating Oceanside. They consulted incorporation experts and **guidance materials**, reviewed relevant **statutes and court decisions**, viewed online **budgeting seminars**, met with state and county officials for **cost and revenue data**, sought advice from other, **recently incorporated Oregon towns** and interviewed leaders from **nearby towns** about their budgets. The Teams then applied what they learned to Oceanside's **particular circumstances** and attempted to **project the key features, benefits and challenges** that our community would face. These are only **projections**, however. The **actual city structure** would be determined by an elected City Council of Oceansiders with the benefit of **community input and public hearings**.

#### I. Geography and Demographics

An incorporated Oceanside would adopt the existing boundary of the **Oceanside Community Growth Boundary**, which runs from **Fall Creek (including The Capes)** in the south to **Short Creek** in the north (including **Radar Road**), and stretches eastward from the coast into the forested area **beyond Highway 131/Cape Meares Loop Road** - an area of about **one square mile**. That area currently has **269 registered voters** (per the County Clerk) out of **366 residents** (per the 2020 Census), with all but a handful exceeding **65 years in age**. It contains roughly **600 residences** - only **half of which are owner-occupied** - with an average **market value ranging from \$400-500,000**. An incorporated Oceanside would probably assume responsibility for all county roads in the area (excluding **Highway 131 and Cape Meares Loop Road**), and most "local access" roads, such as **Grand Avenue, Highland Road and Hillsdale Street**.

#### II. Governmental Structure

Incorporation would add a layer of **government with taxing authority** to our civic lives. This should be **carefully considered**. Among other obligations, **Oregon law** would require an incorporated Oceanside to elect a **five-member City Council**, which would appoint residents to serve on a **Planning Commission** to rule on land use applications (variances, lot partitions and new subdivisions) and a **Budget Advisory Committee**. The City Council would have authority to enact **local ordinances** (including **zoning and building standards**), generate revenues (fees and taxes), hire **city staff**, approve **public spending projects** and contract for services like **road maintenance and code enforcement**. Importantly however, Oceanside's **limited programs** would likely require only a **modest paid staff or office space**. (See below and next



week's email installment.) City Council meetings would initially be held at the Netarts-Oceanside Sanitary District Conference Room.

### III. Key Benefits: Funding Opportunities and Local Control

Last week, we discussed Tillamook County's struggle to keep up with Oceanside's evolving needs, but could a new "city" of Oceanside do any better? Our research suggests that incorporation could significantly enhance Oceanside's ability to address its own problems. As just a few examples, incorporation would ...

- enable Oceanside to retain and control 90% of all transient lodging tax ("TLT") revenues generated here (currently over \$200,000 per year) for local services and projects, subject to certain state law restrictions. That revenue currently goes to the county for spending elsewhere;
- make Oceanside eligible to receive and control annual state revenue-sharing funds (roughly \$30,000), a state street paving grant (\$100,000), emergency preparedness grants (to be determined) and other infrastructure resources available to small towns;
- empower Oceanside to create its own local program for short term rental owners and residents to collaboratively address community STR concerns with the aid of more than \$60,000 in annual, combined STR licensing fees and "operations fees" that currently go to the county;
- entitle Oceanside to set its own land use policy and priorities (consistent with state law) to guide development policy on matters like variances that are currently left to the discretion of county officials;
- allow Oceanside to formulate and enforce its own traffic and parking management plan, including the option to assume control of Pacific Avenue.

### IV. Key Feature: Minimal Bureaucracy with Maximum Impact

An incorporated Oceanside would enjoy an important advantage compared to other local cities - the flexibility and funds to focus extra attention and resources on its priority concerns. Why? Because other small cities must devote most of their staff and revenues to providing services that Oceansiders already receive from our area's "special districts," such as the fire district, sewer district, water district, and transportation district. Those districts would continue to operate independently based on existing taxes or billing systems without interruption, even if Oceanside incorporates. Trash collection and Sheriff patrols would also continue. That means an incorporated Oceanside could function with minimal staff and



overhead, freeing up city resources to concentrate on the specific services where the county has fallen especially short: (1) roads, (2) land-use management, and (3) tourism/short-term rental concerns.

#### V. Key Challenge: Reliance on Resident Involvement

Aside from concerns over the cost (detailed in our next newsletter), perhaps the primary challenge or risk of incorporation is that a new "City of Oceanside" would rely heavily on the willingness of local residents to serve on other city decision-making bodies, such as a City Council (mandatory), a Planning Commission (optional) and a Budget Committee (mandatory). We would also need volunteers for citizen advisory teams to help the City Council set funding priorities for road improvements, short term rental initiatives and capital spending projects. Fortunately, Oceanside boasts an unusually high percentage of accomplished residents with a rich variety of skilled backgrounds who would excel at such efforts. On the other hand, most of us are retired - leaving it unclear how many Oceansiders would volunteer to lend time and expertise to help out on civic matters. That will be one issue we'll explore in our survey at the end of these emails.

#### Research Notes and Comments for Newsletter No. 3

1. **Boundary.** The Oceanside Growth Boundary was adopted and approved in the 1990s as part of the Tillamook County Comprehensive Plan. Most people living within it consider Oceanside to be their residence address. It is already well established by the Tax Assessor, Community Development Department and TLT Tax staff as a discrete zone for segregating population and revenue. By continuing to adopt the same boundary. The Task Force adopted the same boundary for its research because it seems like a logical choice, and using it will obviate the need to pay surveying costs to formulate new boundaries.

See TFR resources including the following: [Oceanside Community Boundary.pdf](#)

2. **Roads.** County Public Works Director Chris Laity indicated in conversations with Jerry Keene that he would probably request that Oceanside assume responsibility for all roads except Cape Meares Loop and Highway 131 (a state highway) as part of the transition process if Oceanside incorporates.

See TFR resources including the following: [Tillamook County Public Works Department](#)

3. **City Organization.** The structure of new cities is addressed in ORS 221.050.



**4. City Meeting Space.** The NOSD conference room was funded by a federal grant that included use of the conference room by other public agencies as a condition of funding. Superintendent Dan Mello has already indicated such use could be arranged. The Team anticipates that Oceanside Community Hall would also be available for public gatherings. Eventually, the Team projects that the new city would explore ways to utilize TLT funds that are reserved for “tourism facilities” to construct or remodel a new community event and meeting space that also accommodates a city office.

**5. TLT Revenues.** The TLT revenue attributable to individual county regions is available at the county website. Here is a link: [TLT Revenue Summary - Tillamook County, OR](#) That summary combines the revenue from Oceanside, Netarts and Cape Meares. More refined records subsequently obtained from the County Development Office indicate Oceanside has generated between \$1.5 and \$2 million dollars in TLT revenue since 2014. The broader Netarts-Oceanside area has generated in excess of \$3.5 million.

**6. State Revenue Sharing and Grants.** League of Oregon Cities staff member conducted a special study for our Task Force to project the Oregon revenue sharing and grant totals that would likely be available to Oceanside upon incorporation.

See TFR resources including the following: [TFR Summary of State Revenue Sharing and Grants](#)

**7. STR Licensing and Operations Fees.** Pursuant to the state TLT statutes and Tillamook County Ordinance Nos. 74 and 86, incorporation would enable Oceanside to take over receipt of the county’s annual STR licensing/renewal fees and a more recent “STR Operator’s” fee adopted to pay for workforce housing programs. The figure that the Task Force assumed may be too conservative, since the latter is assessed quarterly based on gross income, and the county had only collected the new fee for a few months at the time the time this report was released.

See TFR resources including the following:

[TFR Summary of STR and FE Tax Data.pdf](#)

[Tillamook County Ordinance 74 - TLT.pdf](#)

[Tillamook County Ordinance 86 - TLT Revenue Summary of](#)

[Tillamook County Ordinance 86 - TLT Revenue Summary of](#)

[Tillamook County Ordinance 86 - TLT Revenue Summary of](#)

**8. Land Use Planning Services.** The Task Force engaged in detailed conversations with County Development Director Sarah Absher and state LCDC officials Jim Jinings and Lisa Phipps to



ascertain the land-use ramifications of incorporating, which includes mandatory preparation of a Comprehensive Plan and Urban Growth Boundary. Jinings actively advised La Pine on such issues during its incorporation transition. He assured the group of LCDC's support, including likely financial support, and readiness to assist the new city with land use compliance in the event it incorporates.

See TFR resources including the following:

[TFR Department of Land Conservation and Development meeting notes Brown.pdf](#)

[TFR Community Development Advice meeting notes Keene.pdf](#)

[TFR Land Use Contracting Research memo Keene.pdf](#)

**9. Sheriff Patrols.** The ONA contacted the county Sheriff's office to ask whether it would continue to include Oceanside in its regular patrols if it incorporated. Under-Sheriff Kelly responded in writing that their office would continue including Oceanside in county patrols and call responses without any changes or charge even if it incorporates. That is because city residents would continue to pay county taxes, which go to fund the Sheriff's department. Bay City has the same agreement, which has been sufficient according to Mayor David McCall. Some city's contract for exclusive patrols or hire their own police officers. The Team explored the costs of those options and deemed them unrealistic for our small town. To be thorough, the Team also obtained a police log of all the Sheriff call responses in Oceanside over the past year. According to the Calls for Service log, the County Sheriff's Office responded to 210 calls in Oceanside for the period of August 12, 2020 through August 12, 2021. These calls varied from 11 to 31 calls per month with an average of 18. The number of visits was sufficiently high, and the incidence of serious or violent crime was so low, that the Team felt it could responsibly assume that continued reliance on existing Sheriff patrols was adequate and responsible – at least in the short term.

See TFR resources including the following:

[TFR Sheriff Services emails Keene.pdf](#)

[TFR Bay City Public Safety emails Keene.pdf](#)

[TFR Public Safety Research memo Keene.pdf](#)

[TFR Public Safety Research memo Brown.pdf](#)

[Tillamook County Sheriff Calls for Service in Oceanside August 2020- August 2021.pdf](#)

**10. ODOT.** The Task Force conducted a joint interview with Public Works Director Chis laity and local ODOT liaison Ken Schonkwiler. In that interview, Schonkwiler indicated he did not believe there would be any ODOT resistance should the new city with to assume jurisdiction of Pacific Avenue in order to control our own "main street."

**11. Special Districts.** Where special districts serve an area that falls both in and outside a new city, Oregon law permits it to remain in place and continue ordinary operations. All of the listed



Special Districts encompass an area beyond the proposed Oceanside city border. Representatives of the Task Force consulted with all of the Special Districts about this aspect of the incorporation proposal.

12. **City Priorities.** The Task Force will include questions about how Oceansiders would rank the relative importance of these services in the Membership Survey.




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## Newsletter No. 4

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### **Budgeting: Does incorporation make financial sense?**

Under Oregon law, towns that seek to incorporate must first prepare a **balanced budget** that demonstrates "**economic feasibility**." Oceansiders deserve that the same assurance before deciding whether to attempt incorporation. To that end, we assembled **two specialized Teams**: one to project the **likely expenses** of an incorporated Oceanside, and another to verify the **available revenues**. This difficult task required some assumptions and informed guesses, but we've done our best to present a **streamlined, fiscally conservative** proposal for Oceansiders to evaluate for themselves.

#### **Costs: A Proposed Budget for Programs and Staff**

**Programs:** As noted previously, an incorporated Oceanside will not need to budget for services that would continue to be provided by our regional Special Districts or the County. Specifically, Special Districts would continue to rely on existing tax assessments or billing arrangements to provide **Sewer, Water, Fire/Emergency Protection, and Public Transportation** (bus service), even if Oceanside incorporates. **Garbage service** and **County Sheriff Patrols** would also be unaffected. As a result, Oceanside's program expenses would generally be confined to these categories:

- **City / City Council Administration and Operations**
- **Financial Administration, Grants & Budgeting**
- **Land Use Planning Services**
- **Short Term Rental Licensing and Regulation**
- **Public Works Contracting (Roads and Drainage)**
- **Building Permits and Inspections**
- **Code Enforcement (Staff or Contracted)**

Some of these services would initially be deferred and others, such as **building permits**, will continue to be provided by the county staff on a **contract basis** ("intergovernmental agreement"), while the newly incorporated Oceanside City Council recruits staff and works through the practical steps needed to **begin operations**.

**Staff:** Our Services/Budget Team analyzed the budgets of nearby cities to discern how many **employees** and/or **contracted vendors** they employ to provide the same services Oceanside will offer. The Team also met with **County managers** to verify the staff time the County **currently** devotes to providing such services to Oceanside. Based on that data and other



Oceanside Neighborhood Association  
Oceanside Incorporation Task Force Report  
Page 20

informed advice, the Team concluded that Oceanside could adequately staff these programs with the equivalent of 2.5 to 3 full time employees ("FTE"s) hired gradually over a period of roughly two years and supplemented by contracted services from external vendors. The projected budget (below) also includes an allocation for

staff or contracted services devoted to enforcement of city ordinances or codes, such as lighting standards, building codes or noise standards. (The Incorporation Task Force Report that we post online next week will provide a more detailed analysis of the projected staff allocations and assignments.)

**Budget:** Based on this data, the Team assembled this rough projection of Oceanside's essential annual costs - once fully staffed:

Staff Salaries/Benefits (3 FTEs):	\$250,000 *
Equipment, Rentals, Utilities, Dues and Supplies:	25,000
Contracted Professional Services (legal, accounting, land use planning, etc.)	50,000
Contracted Public Works (Roads) (excluding grants)	50,000
Allocation for Code Enforcement	50,000
Miscellaneous Fees, Training, Insurance, Travel	30,000
<u>Non-Allocated Reserve for Contingencies</u>	<u>25,000</u>
<b>TOTAL EXPENDITURES</b>	<b>\$480,000</b>

\*During the first two years, staff costs will be significantly less than the allocated \$250,000 while the city gears up and gradually recruits employees. Funds that are not spent on staff during the first two years will be available to cover one-time consulting, legal services and other isolated expenses related to start-up arrangements for the new city.

**Revenues: Where would the money come from?**

From a revenue standpoint, Oceanside is in an enviable position in that over half of its anticipated income would come from what we're calling "external sources," with the balance coming from a city property tax. (See chart below.)

**External Sources:** As previously noted, incorporation would immediately enable Oceanside to retain and control 90% of the transient lodging tax ("TLT") revenues that our short-term rental operators ("STRs") now collect from visitors and pay to the county. The Team projects that Oceanside's TLT income will exceed \$300,000 a year based on county data. Under state law, however, a city may only utilize 30% of TLT revenues for general purposes and must reserve 70% for tourism-related capital projects. We've reflected this in the chart below. Oceanside would also be positioned to collect \$30,000 a year in short term rental licensing fees and at least \$50,000 a year in short term rental operations fees that currently go to the county. Incorporation would entitle Oceanside to receive state revenue-sharing funds, currently projected at \$30,000 annually, starting after its first year. Finally, the Team projected



Oceanside Neighborhood Association  
Oceanside Incorporation Task Force Report  
Page 21

modest annual revenue of \$20,000 from miscellaneous fees, fines or taxes that the new City Council may adopt, such as utility franchise fees, fines and penalties, new construction development charges or a business tax. Taken together, the chart below reflects our projection that these external sources would generate roughly \$430,000 per year, of which \$200,000 per year would be TLT revenues reserved for future capital projects.

**City Tax:** To balance the budget and qualify for state revenue sharing, Oceanside would need to initiate an annual city property tax. The creation of such a new tax is often understandably raised as the primary argument against incorporation. This consideration is complicated because the actual amount of such a tax is not determined unless and until voters actually approve incorporation. In that event, the new City Council would set a tax rate based on actual needs and community input solicited at mandatory hearings. To provide some clarity for voters, however, the Incorporation Petition and election ballot must specify a tax rate that will serve as a permanent cap on the eventual tax rate. This means that the City Council may subsequently decide set a lower tax rate than the one stated on the ballot, but may not exceed it.

For purposes of this community conversation, the Revenue Team elected to assume a tax rate that is probably higher than Oceanside will actually require to provide the services specified above. That made room in the budget to include a prudent reserve to cover unexpected contingencies that a brand new city might face. With this in mind, the Team assumed a maximum city tax rate of \$.80 [80 cents] per \$1000 of the tax-assessed value of a property (which is usually lower than market value). For a home with a tax-assessed value of \$400,000, this would result in an annual city property tax of \$320. While the eventual rate may be lower, even this rate would give Oceanside one of the lowest city tax rates in Tillamook County (Bay City's rate is triple this amount), but would still generate \$250,000 a year for the city's general fund. The Task Force will continue to re-evaluate this maximum tax rate based on evolving data and may adjust it in the actual Incorporation Petition. For now, however, the projected annual revenue picture looks like this:

Transient Lodging Tax	\$100,000	(plus \$200,000 in reserved TLT funds)
Short Term Rental Licenses	\$30,000	
STR Operations Fees	\$50,000	
State Revenue Sharing	\$30,000	
Misc. Fees and Taxes	\$20,000	
<u>City Property Tax</u>	<u>\$250,000</u>	
<b>TOTAL REVENUES</b>	<b>\$480,000*</b>	<b>(plus \$200,000 in reserved TLT funds)**</b>

\*This total revenue includes an adjustment to partially reflect recent, dramatic increases in the TLT revenue generated in Oceanside. It does not reflect increases the county annually makes to the tax-assessed value of properties countywide. It also does not include miscellaneous, one-time revenue sources, such as an available State of Oregon street paving grant of



Oceanside Neighborhood Association  
Oceanside Incorporation Task Force Report  
Page 22

\$100,000 or other federal and state grants that Oregon's small cities may apply for.

\*\*This figure represents the 70% of annual TLT revenue which must be reserved for facilities with a partial "tourism" purpose. The Task Force envisioned that Oceanside might use this to build a quality community hall for events like the Art Show and the Paragliders' annual conference, that would also be available for community gatherings or small concerts and include space for a modest City office. Ultimately, however, the new City Council and the people of Oceanside would decide how to use these funds.

ONA Treasurer and retired accountant Mary Flock created the following graphic to illustrate the potential impact of the assessment for a City of Oceanside, and comparing to the City of Garibaldi current assessments:

OCEANSIDE TAX ASSESSED VALUE	\$	PERCENTAGE		GARIBALDI TAX ASSESSED VALUE	\$	PERCENTAGE
TILLAMOOK COUNTY	1,171,100	44.5%	Same	TILLAMOOK COUNTY	1,171,100	44.5%
LEGISLATIVE DISTRICT OF OCEANSIDE HI	1,171,100	44.5%	Same	LEGISLATIVE DISTRICT OF OCEANSIDE HI	1,171,100	44.5%
LEGISLATIVE DISTRICT OF OCEANSIDE SD	1,171,100	44.5%	Same	LEGISLATIVE DISTRICT OF OCEANSIDE SD	1,171,100	44.5%
CITY OF OCEANSIDE	1,171,100	44.5%	Same	CITY OF GARIBALDI	1,171,100	44.5%
<b>TOTAL</b>	<b>4,684,400</b>	<b>177.0%</b>		<b>TOTAL</b>	<b>4,684,400</b>	<b>177.0%</b>

Oceanside already has its own fire and police districts. Oceanside has also received revenue from the Tillamook County Assessor's Office for the past several years. Garibaldi's revenue is derived from the Tillamook County Assessor's Office for the past several years. Garibaldi also has a fire and police district.

**Research Notes and Comments for Newsletter No. 4**

- 1. Economic Feasibility Statement.** This requirement appears in ORS 212.031 and ORS 221.035.
- 2. FTEs and Contracted Services.** The FTE reflects the Budget Team's assessment that the Programs listed could adequately be staffed by a City Manager, Assistant Manager and Clerical Assistant supplemented by specialized service vendors. Their time would be allocated roughly as follows:
  - City Administration.** Based on a review of budgets and staff allocations in other cities, the Budget Team estimated that administration, budget/finance and external relations would consume .75 FTE of a qualified manager at the pay level contemplated if clerical support is provided.

**Planning Services.** During an extended interview with the Budget Team, Tillamook County Community Development Director Sarah Absher estimated that Oceanside-planning services would justify a .75 FTE for routine applications and "counter work" (interacting with the public to field outside inquiries about building in Oceanside). This would be in addition to



Oceanside Neighborhood Association  
Oceanside Incorporation Task Force Report  
Page 23

contracted services from an outside vendor to cover complicated applications and appeals. The Team discounted this to .50 FTE (plus contracted services) based on the assumption that a City of Oceanside could better manage the time allotted for public interactions and inquiries.

Public Works. County Public Works Director Chris Laity estimated that .25 FTE would suffice to negotiate and manage contracts for Oceanside road maintenance.

Short Term Rental Administration: The Team projected approximately .5 FTE for staff time allocated to STR licensing, inspections and regulatory interactions. This is a speculative calculation because other incorporated cities do not have a sufficient number of STRs to warrant an independent staff allocation for administering them. This is subject to a reduction, however, if Oceanside entered into an agreement for the County or State to continue to handle Oceanside's STR licensing and inspections for a fee.

Clerical. The Budget Team estimated that .5 FTE would be a sufficient allocation for the limited amount of clerical support the city's administrative staff would require.

Contracted Services. Based on budget allocations in other cities (Wheeler, Bay City, La Pine) and tentative quotes obtained from vendors, the Budget Team allocated \$50,000 for contracted professional services (other than initial consulting and legal costs for the start-up process) as follows: \$20,000 for Planning Services, \$10,000 Municipal Judge, \$5,000 Accounting, and \$15,000 for miscellaneous services such as IT / website services, etc.)

Code Enforcement. The Budget Team allotted \$50,000 for use by the City Council to design a municipal program for enforcement of city ordinances and codes. Whether this function would be allocated to city staff or to contracted personnel was left for the City Council to decide based on further analysis of the options and public input.

See TFR resources including the following:

[ESD, Community Development Advice email/Attachment.pdf](#)

[TFR, Land Use Commission Decision/Attachment 1/2/3/4/5.pdf](#)

[TFR, Management Advice email/Attachment](#)

3. **TLT Revenue.** The Task Force generally relied on the League of Oregon Cities publication, "*Legal Guide to Collecting Transient Lodging Tax (2019)*" and the statutes referenced in it. We also reviewed the original and amended versions of the County ordinances addressing STR regulation and TLT collection. (Ordinance Nos. 74, 75, 84 and 85.) Pursuant to Oregon law, a city (including a newly incorporated Oceanside) may collect its own TLT tax from its short-term rentals. Pursuant to Ordinance No. 74, Tillamook County assesses a 10% TLT tax on all STRs,



but will reduce it to a rate of 1% if they are located in a city that assesses its own TLT of 9%. The Task Force assumed Oceanside would enact a 9% tax, effectively diverting 90% of what it currently pays to the County back to Oceanside for local use.

According to county records, Oceanside's STRs had already generated in excess of \$320,000 during the first three quarters of the 2021, with an additional \$30,000 anticipated in the fourth quarter. That would bring the total for 2021 to \$350,000, which represents a significant increase over the historical average of \$200,000 per year. To err on the safe side, the Budget Team discounted the 2021 total and projected only \$300,000 per year going forward. If accurate, this would result in an annual allocation of \$100,000 to the general fund and \$200,000 to the mandated "tourism facilities" reserve.

**4. STR Licensing and Operations Fees.** According to County records, Oceanside has approximately 120 licensed short-term rentals. Each of these pays an annual fee of \$250 to renew their licenses, which equals \$30,000 annually in licensing fees (not counting new STRs that come on line).

The County also collects a progressive "operator's fee" based on a percentage of each STRs gross receipts. The County has only collected this operator's fee for a single quarter in 2021, and a final count was not yet available. Based on partial returns, however, Oceanside's STRs were estimated to generate in excess of \$100,000 on "operator's fees" during 2021. Because this figure is so speculative, however, the Budget Team reduced it by 50% to avoid overstating the revenue picture.

See TFR resources including the following: [TFR Summary of STR and RE Tax Data.pdf](#)

**5. State Revenue Sharing.** Besides a one-time "paving" grant for small cities, Oregon distributes other miscellaneous revenue based on its collection of gas taxes, alcohol taxes and marijuana taxes on roughly a per capita basis. The Budget Team asked an expert at the League of Oregon Cities to do a work-up of what Oceanside could reasonably anticipate to receive in 2021-2022. His calculation was about \$30,000 a year. To qualify for such revenue sharing, however, the city must have assessed a "city property tax" during the preceding year. (See below.)

See TFR resources including the following:

[TFR State Revenue Sharing emails Keene.pdf](#)

[OGC Small City Allotment - Paying - Guide.pdf](#)



6. **City Property Tax.** According to the County Assessor, the tax-assessed value of properties in Oceanside is \$3,090,000. Based on this, a city tax rate of .00008% (or 80 cents per \$1000 of assessed-value) will generate approximately **\$250,000** per year.

See TFR resources including the following: [TFR Summary of CIP and NE Tax Study](#)




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## Newsletter No. 5

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### **Incorporation Process: Who decides, and when?**

Any unincorporated community of **150 or more people** is eligible for incorporation as an Oregon "city." (Oceanside's population is 366). While the ONA's **ultimate position on incorporation** will be critical if the matter comes to a County Commissioner hearing (see below), organizers may independently proceed to form a separate **Political Action Committee** to communicate with voters, fundraise and file the necessary election forms. They may also designate up to **three Oceansiders** as the required "**Chief Petitioners**" who nominally lead the initiative. They will formally notify the **County Clerk** of the intent to initiate the incorporation process. After that, Oregon law outlines a **specific procedure and timeline** for moving forward.

Proceeding with the **incorporation process** will entail a series of steps:

1. Formulate an "**Economic Feasibility Statement**," including (1) a **city name**, (2) an **official map**, (3) the **maximum city tax rate** and (4) a projection of the first and third year **budgets** accompanied by (4) a **description of city services**. This is a significant undertaking. The Task Force has already laid much of the groundwork in these "feasibility" newsletters and its Incorporation Final Report. It has also obtained copies of petition documents used by other cities and consulted Tillamook County officials about what they would specifically require in an Oceanside petition.
2. File the **Economic Feasibility Statement** along with a completed **Petition for Incorporation** form with the **County Clerk**. This will enable the organizers to **circulate the Petition** for signatures. Organizers will have **six-months** to do so.
3. Obtain valid **signatures** from **20% of the registered voters from within the proposed city limits**. Our review of information from the **County Clerk** indicates Oceanside currently has 376 registered voters, so at least **76 signatures** would be needed.
4. Submit the **Petition** with **signatures** to the **County Clerk**, who will then refer it to the **County Commissioners** for a **public hearing**. The ONA would appear at this hearing to testify on whether its membership supports or opposes incorporation, which means a formal vote will need to be taken by then. Notices of the hearing must be publicly posted in at least three county locations and advertised in a local newspaper for at least two weeks before the hearing.



5. Obtain the **County Commissioners' approval of the Petition, including proposed boundaries.** The Commissioners are empowered to **alter the proposed boundaries to include** other benefited areas, and **exclude areas** that would enjoy no benefit. (Residents of the affected areas usually raise and argue this to the Commissioners during the hearing.) At that time, the proponents must also demonstrate that the city is "reasonably likely" to be able to comply with Oregon's land use goals. **If approved,** the Commissioners will direct that the question of incorporation be placed on the ballot for the next Election that is at least 90 days after the approval.
6. Approval of the Petition also clears the way for **candidates** to file for provisional election to serve in **five positions on the new City Council** in the event incorporation passes. Candidates must be **registered voters** in the proposed city and must file the necessary paperwork with the **County Clerk** no sooner than **100 days** before the election and no later than **70 days** before the Election. They also have the option of submitting a **Voters' Pamphlet statement.**
7. Receive a **majority vote** for incorporation in the Election. (Only voters registered to vote in **Oceanside** may participate.) **Five City Council** members will also be elected with staggered **one- or two-year terms** depending on which ones receive the most votes.
8. If incorporation prevails in the Election, the city is **immediately deemed incorporated.** The newly elected **City Council** then selects one member as the **mayor,** establishes its **rules and procedures** and commences operations. Among other obligations, state law will require the new city to formulate and submit a **Land Use Comprehensive Plan** for approval within 4 years.

#### When?

Regardless of when the ONA membership ultimately schedules a formal vote on incorporation, the Task Force **strongly recommends** that the organizers **immediately proceed** with the preliminary steps necessary to **preserve the option** of placing the issue on the ballot for the **Oregon Primary Election on May 17, 2022.** If incorporation ultimately passes, this would enable the new City Council to **meet the July 15, 2022 filing deadline** necessary to start tax collections in **November 2022.** Even then, the new city would spend **six months** without significant revenue while setting up operations and recruiting staff. Deferring an incorporation petition until the **November 2022 General Election** would miss the 2022 funding cycle completely and force a delay in any city tax funded operations until **November 2023.**



### What now?

In our next newsletter, we will provide an **Executive Summary** of the Task Force's **Conclusions** and include a link to the complete "**Final Report of the Incorporation Task Force**" posted at [www.oceansideincorporation.org](http://www.oceansideincorporation.org). The **Final Report** will include all of the "**Incorporation Conversation**" newsletters, supplemented with additional information, explanations and the sources of the information in that installment. This will help those who wish to do **independent research** and also allow the Oceansiders who recently joined our newsletter list to come up to speed.

### Now it's up to you!

This concludes the "**Incorporation Conversation**" series except for the upcoming Survey. As we approach Oceanside's Centennial, the ONA Board's goal was to **share information about the option of incorporation** that we felt Oceansiders would want to **evaluate for themselves**. We also hoped to spark an **informed community discussion** about whether to approach the future as an independent city, or to **continue to work through the county as an unincorporated community**. **No matter how it comes out**, we believe Oceanside will be better off for having made an **intentional and informed choice** about how to start off our **second century**, rather than passively letting events take their course.

The ONA Board will soon send an email with a **Community Survey** to gather your views and share the results. In the meantime, we will continue to share **questions and comments** that you email to us.

### And finally, thank you to the Task Force volunteers!

Regardless of our eventual decision, the ONA Board is sure that Oceansiders share our **heartfelt gratitude** for the **months of hard work and thought** that went into gathering the information presented in these "**Incorporation Conversation**" emails and in its Task Force Report. Those volunteers were: **Sharon Brown, Mike Dowd, Carol Kearns, Jerry Keene, Blake Marvis, Sue Moreland, John Prather, and Sue Wainwright**. Take time to **thank them yourself** if you see them around town. They deserve it!

### Research Notes and Comments for Newsletter No. 5

1. Population: Population data is from the 2020 US Census Report for Oceanside obtained from Portland State University Urban Studies Program.
2. Oceanside Voters. Voter information obtained from the Tillamook County Clerk's office.



3. Incorporation Procedures: The procedures and timeline for an Incorporation Petition and election are outlined in the League of Oregon Cities in its "Incorporation Guide" (ORS 2017) and ORS 221.031 through ORS 221.061.

See TFR resources including the following:

[Form SEL701 – Prospective Incorporation Petition.pdf](#)

[Form SEL702 – Signatures for Petition for Incorporation.pdf](#)

[LOC Incorporation Guide Update.pdf](#)




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## Newsletter No. 6

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### Incorporation Survey

**Weigh in with your thoughts on incorporation!**

*To participate in this 10-question survey, simply click on "Reply" to this email. That will bring this survey up in a ready-made Reply email that will enable you to type in responses. When completed, hit "Send." Feel free to email us at [oceansidefriends@gmail.com](mailto:oceansidefriends@gmail.com) if you encounter problems.*

Please complete and return your Survey responses by **noon on December 3, 2021.**

1. Including yourself, how many ONA members or guests are responding on this form. Please list the names and whether each is an ONA member or a guest. (This is for compilation purposes only. The Survey responses will remain confidential unless you authorize us to share them.)

*(If responding for more than 1 person, and you have differing answers to some questions, simply mark more than one option or otherwise reflect the different positions in each response.)*

2. Have you reviewed the newsletters in our "Incorporation Conversation" emails or the **Incorporation Final Report** available at [www.oceansidefriends.org](http://www.oceansidefriends.org)? Choose one:

- a. not really
- b. somewhat closely
- c. very closely

3. Please rate the email series on how well it helped prepare you to form an opinion about incorporation.

- a. not helpful at all
- b. somewhat helpful
- c. very helpful.

Feel free to expand on your response.



4. Which of these best describes your current thoughts on whether Oceanside should incorporate as an independent city?

- a. strongly opposed
- b. leaning against
- c. entirely undecided
- d. leaning in favor
- e. strongly in favor

5. Which of these would **help you feel more comfortable** with firming up your decision before the ONA membership takes a final vote on whether to **endorse incorporation**?

- a. more Special ONA Zoom meetings for general questions and comments
- b. the opportunity to participate in a small group Zoom discussion
- c. more resource information I could review for myself - specify the topics
- d. other? (Please indicate what else might help)

6. Assuming Oceanside forms a city, please **list and rank** what you feel should be its **top 3 priorities** in its first two years.

- a. road improvements (name the road(s) you think the city should focus on)
- b. tourism visitor management (conduct and crowding)
- c. refining zoning and land use standards for future growth
- d. parking management
- e. short term rental regulation
- f. commercial development
- g. expanded housing options for diverse or younger residents
- h. crime prevention
- i. recreational facilities (parks, bike paths, etc.)
- j. emergency preparedness
- k. other (you name it)

Comments:

7. The Task Force has **cautioned** that the new city's success would depend on the **availability** and **willingness** of **Oceansiders** to serve on civic bodies, such as the City Council, a Budget Advisory Committee, and other special project committees like emergency preparedness, TLT capital projects and roadwork priorities, etc. If it is permitted to participate by Zoom or other videoconferencing, **which of the following** would you seriously consider taking part in. Feel free to pick **more than one** and indicate any **special interests**. The time requirements are just estimates.



- **City Council** (1 - 2 meetings per month - more at the beginning / significant "homework" between meetings)

- **Planning Commission** (quarterly meetings with scattered special meetings - significant homework for each meeting)

- **Budget Advisory Committee** (2 - 3 meetings during first quarter of each year - light homework)

- **Other Advisory Committees** (1 - 2 meetings per quarter - homework depending on subject)

- **Special Project Teams** (designing a town greeting sign, organizing special gatherings, charity drives) (time and homework as needed)

8. Regardless of whether you feel able to serve in one of the positions above, please indicate whether you have **background experience or expertise** in the following areas, provide a brief **description** and state whether you would be available to offer advice when needed.

- Service in any city, county or state elected position
- Municipal or county administration (any department)
- Grant applications and administration
- Public contracting
- Road engineering or construction management
- Land use planning
- Emergency Preparedness
- Law enforcement / public safety
- State or local courts
- Building construction or permitting
- Housing initiatives
- Other

9. Would you be willing to **sign** a **Petition** permitting that incorporation be placed on the ballot for the May 17, 2022 Primary Election?

- a. Yes, and I am a registered voter in Oceanside.
- b. Yes, but I am not registered to vote in Oceanside.
- c. Not yet, but perhaps later.
- d. No.



*At the December 11 Zoom meeting, the ONA Board will schedule a vote on whether to accept the Task Force's conclusion that incorporation is a **feasible option worth considering and debating**. (See the excerpt above.) Feedback is mixed, however, on whether the membership is ready to take a final vote on whether the ONA actually **endorses** incorporation. Some members want more time for study and debate, while others point to recent events and urge a quick decision.*

*The Task Force indicated it is possible for the ONA to defer taking a final vote on endorsing incorporation until later in the process. If we delay a final vote, it would likely be scheduled for early to mid-January for presentation at the public hearing that the County Commissioners must hold to hear supporters and opponents. In the meantime, however, the Task Force strongly recommended filing the necessary paperwork to gather Petition signatures for the May 17, 2022 Primary Election. Otherwise, the Task Force warned that delaying until the November 2022 ballot would cause the new city (if it passes) to miss critical deadlines and go without city tax funded operations until November 2023.*

(continued)

10. Which of the following best describes your opinion on how the ONA should proceed? (This survey is not an official vote, and it will be kept confidential).

a. The ONA should **reject** the Task Force's conclusion that "incorporation is a feasible option worthy of community consideration and debate" and take no further action on it.

b. The ONA membership should **accept** the Task Force's conclusion that "incorporation is a feasible option that is worthy of community consideration and debate" but it should **defer** a final ONA Membership vote on incorporation until later in the process.

c. The ONA membership should **accept** the Task Force's conclusion that "incorporation is a feasible option worthy of community consideration and debate" and **proceed immediately with a vote** on whether the ONA endorses incorporation.

Thank you for participating in our survey! We will announce the results here shortly before the December 4, 2021 ONA Zoom Meeting

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That completes our Final Report.

Respectfully submitted,

Sharon Brown



Oceanside Neighborhood Association  
Oceanside Incorporation Task Force Report  
Page 34

Mike Dowd,  
Carol Kearns,  
Jerry Keene  
Blake Marvis  
Sue Moreland  
John Prather  
Sue Wainwright

## Economic Feasibility Statement

## OCEANSIDE PETITION FOR INCORPORATION ECONOMIC FEASIBILITY STATEMENT

### I. INTRODUCTION

Oceanside's communal history, demographic, economy and setting render incorporation an economically feasible vehicle for it to provide needed services at a level that Tillamook County lacks the resources to match.

#### A. History

The site that is now central Oceanside was first settled by William Maxwell in 1885. He built a home near the beach in 1866 at what is now an Oregon State Park Beach Wayside. He farmed much of the mountainous area for about 35 years. The nearby offshore Three Arch Rocks were named by a pair of naturalists in 1901, and in 1907 President Teddy Roosevelt was persuaded to declare the site a National Wildlife Sanctuary.

In 1921 J.H. and H.H. Rosenberg purchased Maxwell's land, and on July 5th, 1922, they named the area "Oceanside." (Accordingly, Oceanside will celebrate its Centennial in July 2022.) The Rosenbergs built a dance hall (now the greenspace next to the community hall), a store (now Roseanna's), and their homes. Access to Oceanside was difficult, however, until the Rosenbergs financed a plank road from Netarts that opened on July 3, 1925. Hillcrest Court (currently the Oceanside Inn), and 40 small oceanfront cabins were early fixtures, and there were also many camp sites set up with tents. Oceanside soon evolved into a popular destination for tourists who wanted to escape summers in Portland and other parts of the West. In 1926, the Rosenbergs built a now famous tunnel in 1926 through Maxwell Point to allow access to the beach beyond it (now Tunnel beach) that could otherwise only be accessed during extremely low tides.

The village grew over the years, and homes began to creep up the mountain side. Most of the houses were modest and used as weekend and summer homes. Maxwell Mountain was opened up to new development in 1959, and a number of additional homes were built. Today Oceanside residents strive to help retain its rustic seaside village character, but that is changing rapidly. Today, vacation residences and rentals outnumber permanent residences, and the last of the original oceanfront cabins are slated to be demolished in late 2022, to be replaced by a three-story hotel.

#### B. Demographics and Economic Drivers

Oceanside has long been viewed, from outside and within, as a distinct and distinctive community with characteristics that lend themselves to feasible incorporation. These include:

- decades of recognition as a discrete community by the U.S. Census;
- a formally established boundary (Oceanside Community Boundary);
- a compact geographical setting with a cohesive road system;
- a civic-minded population united in their affection for their setting, and
- an evolved and detailed statement of common civic goals and values (Oceanside Community Plan).

Oceanside's economic drivers are also distinct, and even insular, when compared to other coastal communities, such as Manzanita, Pacific City, Garibaldi or Rockaway, where visitor growth and retail commerce drive each other. By contrast, Oceanside is hidden away, nine miles from Highway 101, with only a few hundred residences and a "main street" that barely accommodates its lone restaurant, two coffee shops and two motels. Oceanside is no commercial hub.<sup>1</sup>

Accordingly, Oceanside's potential as an economically viable city stems not from its commerce, but from its setting. Upon rounding that last turn on Highway 131, visitors are treated to an inviting prospect of jumbled houses nestled on terraced streets in the coved lee of Maxwell Point, jostling to share spectacular views of Oceanside Beach, Netarts Bay and Three Arch Rocks. Such visitors may encounter colorful paragliders circling above the village, an exposition by local artists at the community hall or a festive wedding gathering on the beach below. This unique ambience explains why travelers who "discover" Oceanside tend to claim it, sharing the discovery with friends as they would a favorite book or heirloom recipe.

It also explains why they also revisit it, by the thousands, again and again. Despite the dearth of commercial facilities, Oceanside's engaging setting draws over 300,000 annual visitors (and their business) to Tillamook County – more than communities many times its size.<sup>2</sup> People who manage to find Oceanside regularly return, often stopping for gas, groceries, meals or sightseeing in other county communities on their way. Its economic

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<sup>1</sup> The Oregon tourism website "Beach Connections.net" opens its description of Oceanside with this statement:

*"One tiny town has never provided so many means of fun and distraction. And  
It's all done without a single commercialized attraction."*

<sup>2</sup> When asked to provide data on the number of estimated annual visitors to the Oceanside Beach Wayside, OPRD Associate Director Chris Havel provided these counts:

2012: 328,096	2017: 314,992
2013: 313,534	2018: 317,992
2014: 303,882	2019: 317,760
2015: 327,670	2020: 244,956 (COVID)
2016: 315,020	

dynamic is also reflected in its thriving short-term rental economy, which in 2021 alone has generated over \$3 million in lodging fees to date, exclusive of separate cleaning fees that support a satellite economy of local small cleaning businesses and their employees. Indeed, Oceanside's 120 short term rentals are so active year-round that Oceanside ranks second only to much-larger Pacific City in generating annual Transient Lodging Tax revenues since the tax's inception in 2014. The 2020 U.S. Census report indicates that roughly half of all residences in Oceanside are owned by part-time residents or non-residents.

In and among the short-term rentals are its full-time residents: a population of 366 according to the 2020 Census, only 7.4% of which are under 18 and (it is generally acknowledged) the overwhelming majority of which are retired. This population has remained remarkably stable since the 2010 census (the population was 361), reflecting that people retire and relocate to Oceanside for full-time residence at about the same rate as those who depart, usually to be closer to medical facilities or family due to advanced age. The result is a surprisingly cohesive and homogeneous population core that is mature, relatively affluent, sparing in its demand for police or social services and deeply invested in the relaxed quality of life they relocated to Oceanside to enjoy.<sup>3</sup> As a side-benefit, Oceanside's population is rife with accomplished individuals graduated from successful careers in a variety of professions and businesses. Together, they offer a reservoir of skills and experience that the unincorporated community has repeatedly and successfully drawn upon to accomplish a number of civic goals.

### C. Boundary

Oceanside is categorized as a ruralized unincorporated community in Tillamook County's Comprehensive Plan. During that process, Tillamook County devoted extensive effort to delineating the boundary of the Oceanside Community Boundary. Out of respect for that process (and to avoid re-plowing old ground), Petitioners have mostly adopted that boundary in drawing the proposed map for an incorporated Oceanside – with two exceptions as follows:

#### a. The Capes

The Capes is a self-contained, gated community that was still under development when the county Comprehensive Plan and Oceanside's community boundary were formulated. Petitioners understand that the developers strongly urged including The Capes in the Oceanside community as opposed to the nearby Netarts community. Petitioners originally to include The Capes in the proposed incorporation area out of respect for this history. At the same time, Petitioners were cognizant of likely objections from The Capes residents and The Capes Home Owner' Association based on legitimate concerns that its distance from Oceanside's core, established civic structure, and privately-enforced community restrictions

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<sup>3</sup> In three successive Community Plans compiled since the late 1990s, the Oceanside Neighborhood Association has reflected widespread sentiment that preserving Oceanside's "rustic coastal village atmosphere" is its primary community objective.

would obviate most, if not all, of the benefits of incorporation. In the course of the Petitioners' public outreach campaign in early December 2021, the Capes Homeowners' Association President and Board conveyed a formal request for exclusion from the incorporation initiative, supporting it with an internal survey that overwhelmingly reflected that property owners in The Capes would enjoy none of the benefits to be realized by incorporating Oceanside. Because their own evaluation suggested the County Commissioners would probably agree, Petitioners modified the original map to exclude The Capes development.

b. Eastern/Northern Boundary Adjustments

In collaboration with the County Assessor's office, Petitioners made slight adjustments to the eastern and northern boundary to encompass additional homes that were built after the Oceanside Community Boundary was established in the 1980 and to avoid splitting tax lots.

## II. EXISTING AND PROPOSED CITY SERVICES

The proposed city encompasses an area comprising 1063 tax lots according to the County Assessor's office. According to the 2020 Census report, 653 of these are occupied housing units: 201 of which are "occupied" and 452 of which are "vacant or seasonally occupied." The average household size was reported at 1.82 individuals. The number of occupied housing units rose from 647 to 653 (approximately 1%) over the preceding decade.<sup>4</sup>

The people occupying these residences and the community's handful of modest commercial structures are currently served by Special Districts (listed below), franchised vendors or county departments with established delivery systems and funding mechanisms.

**Declaration regarding Special Districts:** Because each of these districts or entities also serves geographic areas outside of the proposed area, it would not be necessary or practical for the new city government to disturb these systems. In particular, the petitioners disclaim any intent or need to extinguish any of the existing Special Districts. See ORS 221.031(3)(f).<sup>5</sup>

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<sup>4</sup> The Census data presumably includes residences in "The Capes" and should be discounted accordingly. The Capes HOA has informed Petitioners that roughly 28 of their residences are occupied "full time," the rest are vacation homes, and none of them are short term rentals (which are prohibited).

<sup>5</sup> ORS 221.031(3)(f) provides:

"If the petitioners propose not to extinguish a special district pursuant to ORS 222.510 (Annexation of entire district) (2) or a county service district pursuant to ORS 451.585 (Duty of city when all or part of district incorporated or annexed) (1), the petition shall include a statement of this proposal."

Because existing entities will continue to provide these basic services, a new city will be able to focus its attention and resources on relatively few services or functions as prioritized by its residents and City Council.

A. Services to be Provided by the Proposed City – ORS 221.035(2)(a)

Before deciding to submit a Petition, the Petitioners worked with an ONA Task Force in an extensive but hypothetical<sup>6</sup> effort to project the city services Oceanside would provide if incorporated. Based on the relevant legal requirements and surveys conducted by the Oceanside Neighborhood Association, Petitioners envision that those services will mainly consist of the following:

Land Use Planning / Building Services

Land use planning is the only service specifically required of cities by Oregon law. Currently, every incorporated city in Tillamook County contracts with the Department of Community Development (DCD) to perform at least some of those services – particularly with regard to building and trade permits and associated inspections. Oceanside would initially continue to contract with the county for such services. This makes sense, financially and practically, because the county zoning ordinances and standards will continue to govern such permits until the City conducts the research and public notice process to enact its own.<sup>7</sup> Petitioners envision, however, that the new city will eventually recruit staff with significant experience in land use planning to assume some of these responsibilities with the assistance of contracted consultants to assist with training, complicated applications and the preparation of staff reports in planning disputes that are appealed. The projected budget incorporated and reflects this expectation.

In addition to services, an incorporated Oceanside will be required to prepare a Comprehensive Plan, including designation of an Urban Growth Boundary, within four years. When meeting with Petitioners to discuss this eventual obligation, officials of the Land Conservation and Development Commission (LCDC) indicated that it was likely the state will provide financial assistance for that project.

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<sup>6</sup> Should the Petition reach the ballot and be approved, the same election will select and seat a new City Council. ORS 221.050(1). Except for name, boundary and maximum city tax rate, however, the projections offered in the Economic Feasibility Statement in support of the Petition will not be binding on the new City Council. In particular, except for the maximum tax rate, it will start from scratch when allocating funds to services and reserves to assemble an initial budget.

<sup>7</sup> The Oregon Supreme Court helpfully clarified this in *1000 Friends v. Wasco County, et al.*, 299 Or 344, 365 (1985)

### **Road Maintenance and Construction/Stormwater Management**

Given its small size, modest road system and small growth rate, the new city will not initially employ public works personnel or equipment. Instead, it anticipates that the city will place a priority on recruiting staff with expertise in public works contracting. Staff will be assisted in this by several local residents with years of relevant experience who have already indicated their willingness in surveys to advise and or serve on relevant civic committees. The projected budget includes a fixed, annual baseline allocation for filling potholes and limited maintenance with the expectation that the new City Council will prioritize roadwork when allocating unanticipated revenues or surplus funds that result from budget adjustments over time. The new city will also participate in the grant programs, such as the ODOT Small City Allotment Program for more ambitious grading and paving projects.

Tillamook Public Works Director Chris Laity advised Petitioners that a broad program of road improvement would eventually implicate a need for updated stormwater drainage infrastructure in the core village and associated drain water treatment. An incorporated Oceanside is expected to continue existing county efforts to locate grant funding for such a project.

### **Code Compliance/Enforcement**

Based on research, a review of Sheriff patrol logs and interviews with leaders and managers in nearby cities, Petitioners do not envision that an incorporated Oceanside will require or be able to afford its own police force or jail facilities to address conventional crime or public safety issues. (See discussion of "Police/Public Safety" in Section IV. B. below.) However, one of the main drivers for incorporation is what many Oceansiders view as a persistent disregard by tourists and short term rental visitors for local standards or norms relating to noise, parking, loose pets, fireworks and the like. The projected budget includes a fixed, annual allocation from the general fund for addressing this issue, leaving it to the future City Council to determine whether it will be spent on staff or, for example, third-party security vendors to patrol Oceanside and respond to complaints during high volume visitor periods.

### **Emergency Preparedness**

A committee of ONA volunteers has already taken preliminary steps to plan and muster community resources for emergency survival and resiliency measures. This has been motivated by the realization that any significant disaster, such as a wildfire, tsunami-related inundation or earth movement, will probably leave the Oceanside community isolated from communication or material assistance for an extended period of time. The concern is compounded by the fact that the community will be confronted with hundreds of stranded visitors if such a calamity occurs during summer or spring break or other high-volume holidays. One significant hurdle to such planning is the scarcity of resources at the county or state level for unincorporated communities. Incorporation will not only enable the community to channel and devote its own resources to such planning, but also provide it

with staff time and the legal status to pursue federal, state and private grants available to municipalities. Petitioners deemed this goal too aspirational and undefined to identify a specific allocation in its projected budget.

### Recreational Services and Amenities

Oceanside's "front yard" is one of the Oregon's most beautiful and expansive beaches, featuring an Oregon State Park parking wayside and affording ready views of an offshore National Wildlife Refuge (Three Arch Rocks). The community makes intensive use of the beach for recreation and exercise. It has also consistently rallied to support (and helped fund) ways to make it more usable and welcoming, such as its pending community initiative for installation of a terraced ramp at the Oceanside Beach Wayside access path. This type of community support is typical and will undoubtedly continue. Another unmet need is safer access routes for pedestrians and bicycles to the beach and Oceanside's main street from the homes in the hillsides above. Petitioners anticipate that an incorporated Oceanside will aggressively press for broader guidelines to allow use of Transient Lodging Tax (TLT) "facilities" funds for such purposes. Regardless of its success in that direction, the hundreds of thousands of dollars in TLT revenue generated annually by Oceanside's short term rentals will be available to fund amenities such as a replacement for its venerable, but time-worn community hall, that would benefit both visitors and residents.

### B. Relationship Between Proposed and Existing Services – ORS 221.035(2)(b)

The city services envisioned above would complement and fill the narrow service gaps left by existing services providers, who would continue their operations uninterrupted and unaffected by incorporation. The following entities currently provide essential services to the Oceanside community, including established revenue sources independent of an incorporated Oceanside:

Waste Treatment:	Netarts-Oceanside Sanitary District <a href="http://netarts-oceanside-sanitary-district.org">Netarts-Oceanside Sanitary District (n-o-s-d.com)</a>
Water:	Oceanside Water District <a href="http://www.owd-oregon.com">http://www.owd-oregon.com</a>  Netarts Water District 4970 Crab Avenue, W. Tillamook, OR 97141 (no website)
Fire/Emergency Rescue:	Netarts-Oceanside Fire District <a href="http://www.netartsoceansidefire.com">www.netartsoceansidefire.com</a>

Each of the above, voter-approved Special Districts has served the area of the proposed city reliably for decades. (The water districts each serve approximately half of the proposed

geographic area.) During that time, the population of the area has remained stable. If that trend continues, the Special Districts will obviously be able to continue serving their needs, assuming continued good management and maintenance by their elected Directors and staff.

If Oceanside begins to grow in population and the number of residences, most of these Special Districts have recently issued formal communications confirming their capacity to serve a significant increase. Specifically, (except for the Oceanside Water District, which was not involved), these Districts formally confirmed their capacity to accommodate increased usage anticipated by the addition of 65 residential lots to the area's inventory – an increase of 10%.<sup>8</sup> Given the stable population history, an acknowledged capacity to accommodate a 10% increase in residences is ample. A capacity analysis by the Oceanside Water District was equally reassuring.<sup>9</sup>

Services in the form of public transportation are provided by:

**Public Transportation:** Tillamook County Transportation District

The Transportation District participates in the NW Connection program as part of the Northwest Oregon Transit Alliance. It currently maintains three round trip routes between Oceanside and the Tillamook Transit Center, where connections may be made to Portland and coastal communities to the north and south. In addition, Oceanside residents are eligible for on-demand service from the District's Link-A-Ride Service. Both services abide by federal and state accessibility requirements. Petitioners do not anticipate that incorporation will affect the availability of this service, just as it does not affect current service to other incorporated communities.

Law enforcement and public safety services are currently provided by:

**Police / Public Safety** Tillamook County Sheriff's Office

The Tillamook County Sheriff's Office currently services Oceanside by way of its established patrols and call response system. According to its "Data for Service Log".

<sup>8</sup> Over the past year, these Special Districts issued capacity confirmation letters to the county in conjunction with subdivision/partition applications regarding Building Permit Nos. 851-21-000095-PLNG; 851-21-000202-PLNG; 851-21-000047-PLNG and 851-21-000332-PLNG. These letters and other associated documents are available at Link to Applications Under Review - Tillamook County OR

<sup>9</sup> In response to a separate inquiry, the current Superintendent of the Oceanside Water District recently advised that it would only utilize 67% of its present capacity, even if you assumed the highest daily usage recorded over the last year, and assumed that rate every day for an entire year.

the County Sheriff's Office responded to 210 calls in Oceanside for the period of August 12, 2020 through August 12, 2021. These calls varied from 11 to 31 calls per month with an average of 18. The number of visits was sufficiently high, and the incidence of serious or violent crime was so low, that the Petitioners believe that is reasonable and sufficient for the new city to continue relying on them for its needs, at least in the near term. In emails and telephone conversations with the Petitioners, the Sheriff's office confirmed that incorporation would not affect the services it provides to Oceanside.

Solid waste disposal and curbside recycling services are currently provided to the Oceanside area by:

**Solid Waste Disposal/Recycling**    City Sanitary Service  
Tillamook Co. Solid Waste Administration

Petitioners anticipate that the new City Council will either ratify and adopt the franchise agreement currently in place between the county and City Sanitary or enter its own agreement under the same terms. Oceanside residents have also historically been avid supporters and users of the recycling services and facilities made available by the Tillamook County Solid Waste Administration. That will continue despite incorporation.

#### IV. PROPOSED FIRST AND THIRD YEAR BUDGETS

Pursuant to ORS 221.035(2), Petitioners must propose "first and third year budgets for the new city to demonstrate its feasibility." Petitioners have elected to project all three of the initial budgets to provide additional context for the feasibility determination. These calculations assume the new city is established in May 2022 and will operate based on a July 1 to June 30 fiscal year. Nearly all of the revenue in FY 2022-2023 will be deferred until Q3. Except for the maximum tax rate, these allocations are broad projections by the Petitioners based on research and advice. They will not be binding on the new City Council, should incorporation be approved by voters.

(continued)

PROJECTED RESOURCES

	Fiscal Year 2022-23	Fiscal Year 2023-24	Fiscal Year 2024-25
(1) City Tax	144,000	148,000	152,000
(2) Previous Year City Tax		37,000	38,000
(3) Transient Lodging Tax	180,000	300,000	310,000
(4) STR Operator's Fees	40,000	80,000	80,000
(5) STR License Fees	15,000	30,000	30,000
(6) State Revenue Sharing		35,000	35,000
(7) Misc. Fees and Taxes		30,000	30,000
TOTAL	375,000	660,000	675,000

NOTES REGARDING RESOURCE LINE ITEMS

- (1) These amounts are based on a tax rate of \$.80 per \$1000, a total county-assessed value of \$233,800,000 in FY 2021-2022 with 3% annual increases in assessed value thereafter and a non-payment rate of 5%. They do not incorporate any assumed increases in the number of taxed properties.
- (2) The Assessor's Office advises that more than 90% of taxpayers usually pay their entire annual tax bill by mid-November to take advantage of the prepayment discount, with the rest paying in installments thereafter. To be conservative, this budget assumes an initial lump sum payment rate of 80% with the remaining 20% paid during the subsequent fiscal year. It also includes a small adjustment for interest collected on the deferred installment payments.
- (3) These amounts assume the new City Council will expeditiously enact an ordinance imposing a 9% tax on short term rentals in the new city. In accordance with historic trends, annual revenues have been apportioned by quarter to reflect a 15%, 25%, 45% and 15% respectively in Q1 through Q4. They do not reflect anticipated increases in the number of individual STRs licensed in Oceanside or the significant revenue that will be realized for 25-unit hotel that has been proposed at the current site of Oceanside Cabins. They do reflect a likely 3% increase (inflation) in STR lodging fees, and therefore TLT revenues based upon them, in FY3
- (4) These amounts assume Oceanside will act expeditiously to impose short term rental operator's fees at rates comparable to those which Tillamook County currently assesses in unincorporated areas. The amounts were derived by extrapolating the county's revenues collected in the third quarter of 2021. They are necessarily speculative and based on incomplete data because (1) only one quarter of collections has occurred to date and (2) the county is currently in the process of revising the

payment factors and formula in its ordinance to align it with current interpretations of relevant state law.

- (5) This amount assumes Oceanside will act promptly to replicate and assess short term rental licensing and license-renewal fees comparable to the \$250 annual fee currently imposed by the county. It does not include any associated inspection fees (currently \$100) as it is anticipated the city will enter into an IGA with the county to continue to conduct such inspections in exchange for retaining the fees.
- (6) The League of Oregon Cities provided Petitioners with an analysis projecting that an incorporated Oceanside could reasonably expect cumulative state revenue sharing revenue of \$92.00 per capita commencing in FY 2023-2024 for taxes on gas, tobacco, and marijuana. The amount shown is based on a population of 367 per the U.S. Census. It is not included in FY 2022-2032 because cities are ineligible for some of these amounts only after enacting and collecting a city property tax during the preceding year. The entry for FY2 and FY3 do not include any inflation factor. The gas tax portion of this revenue (approximately \$28,000) must be used for roads or similar transportation construction or maintenance. This is included in the allocation for roads in the Expenses chart.
- (7) This amount reflects substantial, as-yet undetermined revenue sources available to the new city, such as system development charges, utility franchise fees, other permit fees.

(continued)

PROJECTED EXPENDITURES

	FY 2022-2023	FY 2023-2024	FY 2024-2025
1. Staff Salary/Benefits	60,000	180,000	250,000
2. Election Costs	6,000		
3. Office Rent, Equipment, Supplies, Utilities	15,000	20,000	20,000
4. Fees, Training, Dues, Subscriptions, Travel	7,000	5,000	5,000
5. Insurance	6,000	10,000	10,000
6. Professional Services/Legal	60,000	60,000	30,000
7. Land Use Planning Services	20,000	25,000	25,000
8. Transfer to Roads Fund (Gas Tax allotment)	28,000	30,000	30,000
9. Transfer to Roads Fund	22,000	25,000	25,000
10. Code Compliance	10,000	50,000	50,000
11. Municipal Court	5,000	20,000	20,000
12. Transfer to TLT Tourism Reserve	126,000	200,000	200,000
13. Undetermined Contingency Reserve	10,000	35,000	10,000
<b>TOTAL</b>	<b>\$375,000</b>	<b>\$660,000</b>	<b>\$675,000</b>

NOTES REGARDING EXPENDITURES LINE ITEMS

1. Salary/benefit amounts reflect an assumption that one full-time manager will be employed at a salary of no more than \$75,000 commencing in the 2nd quarter of FY1 supplemented by part-time or contracted clerical support as needed. It is anticipated that a part-time or full-time assistant manager, if needed, will be recruited in the 3<sup>rd</sup> quarter of FY2 at an annual salary of \$50,000. The full-time positions will include benefits estimated at 30% of salary and medical benefits subject to negotiation at hire.
2. This expenditure reflects the estimated election costs to be invoiced by the County Clerk for the incorporation election pursuant to ORS 221.061(1).

3. This amount includes allotments for rent, furniture, computer, printer, supplies and utilities for a modest office to serve as a center of operations and communications. Private and public meeting space will be made available without charge in the public meeting room at the Netarts-Oceanside Sanitary District.
4. This item reflects expenditures for association dues, subscriptions and fees to access education programs, training, group insurance programs and consulting offered by organizations such as the League of Oregon Cities. They anticipate participation in such training, not only by staff, but also by elected and appointed officials on issues such as municipal operations, liability, public meetings and public budgeting.
5. This allocation is a placeholder for any property/casualty/liability or workers' compensation insurance premiums. Actual quotes or even broad estimates were refused by insurers we contacted unless an application was completed. This estimate is based on a review of comparable expenditures budgeted for such insurance in other Tillamook County cities.
6. This item reflects an allocation for accounting, legal services and other professional service. The outsized estimates for FY1 and FY2 includes a significant allocation for legal services anticipated for the process of drafting and implementing the city's baseline ordinances, policies and procedures.
7. The Petitioners anticipate that the city will retain a land use planning consultant/services provider to assist with initial training, staff reports on appealed applications and the baseline work to prepare for drafting the city's Comprehensive Plan. Officials with LCDC has indicated it is likely their agency will offer financial support for such preparation.
8. This amount reflects a proposed, regular allotment for roads repair and maintenance to be contracted by staff with outside vendors to be reserved in combination with funds from the gasoline tax portion of revenue sharing allotments from the State of Oregon. This amount does not include available State of Oregon transportation/roadwork grants available to small cities. Petitioners anticipate that roadwork reserve will also be the highest priority for unanticipated revenue or funds resulting from overestimating other budget expenditures.
9. This amount reflects a transfer of gas tax revenue from the State of Oregon to a reserve for road maintenance and repair.
10. This amount represents an undifferentiated allocation for "code compliance" or "code enforcement" services aimed at providing an effective patrol, warning and sanction regime for misconduct or infractions too minor to warrant interventions by county law enforcement. The Petitioners left it to the City Council and staff to determine whether this will best accomplished by staff assignments or third-party service providers.

11. The city will contract for periodic services from a private Municipal Judge.
12. This expenditure reflects an anticipated transfer of 70% of TLT revenues to a reserve for future expenditures for "tourism promotion" or "tourism facilities" pursuant to state law.
13. This amount reflects transfers to a reserve for unanticipated contingencies that will be converted to a cash carryover to the following fiscal year if not expended.

Respectfully submitted,

Jerry Keene  
Blake Marvis  
Chief Petitioners and organizers of  
Oceansiders United

Brown notes from meeting with Jon Jinings and Lisa Phipps of the Oregon Department of Land Conservation and Development September 29, 2021

Topic: Land Use Planning and Comprehensive Plan Development

Caveat: I did not take these notes planning to be a recorder, but rather for my own benefit. I later realize they might be helpful to others. I am not an expert on land use planning. The meeting was approached from the perspective of IF incorporation is pursued, what would be required of a new city in these areas.

We began the meeting by describing Oceanside to Jon and Lisa. Oceanside is a bit unique as a census designated unincorporated community consisting of (then) 269 registered voters, approximately 700 residences with less than half full-time occupied by mostly retirement age folks, the remainder a combination of second homes/part-time residents and short-term rentals. Highway 131 ends at the state park. Oceanside is densely populated within the urban growth boundary with primary zones R-1 and a tiny commercial zone and park zone. Oceanside is served by quite a few special service districts, including sewer, water, fire, and transportation, and incorporation would not affect those services. The new city would most likely handle administration, land use, roads, and the short-term rental businesses.

Jon began his comments by noting Oceanside is currently an urban unincorporated community with a state park in our front yard. He suggested the League of Oregon Cities as a great resource for revenue sharing studies and insurance information. He noted that ORS 221 may or may not require an economic feasibility study, but strongly suggested that it be prepared even if not required.

Jon noted the land use planning process is a marathon, not a sprint. He and Lisa were very involved in the most recent incorporation effort in LaPine, and noted that a new city has four years to develop all of the land use planning and comprehensive plan goals required by Oregon statutes. During that four years, LaPine developed a memorandum of understanding with the county to cover services and implementing ordinances. The Oregon State Land Use Planning Goals (particularly goals 2-14), found in OAR 660-015, are the guide for the planning. Jon emphasized the intent is to read the goals together and harmonize them when they may seem to be in competition. The urban growth boundary for Oceanside is in part dictated by geography – water to the west and privately-owned forest lands to the east. Development of a plan will involve creating a 20-year land supply plan with possible help from PSU for the population forecasts.

Next steps identified include determining how LaPine developed interim zoning and planning practices after incorporation, draft a feasibility study or address the components if one is not required, obtain a twenty-year population forecast, learn from LaPine's incorporation experience, and begin the comprehensive plan outline.

Email from Mark Gharst, Lobbyist for the League of Oregon Cities to Jerry Keene  
8/16/2021

**RE: Oceanside, Oregon**  
ONA EMAILS/INCORPORATION

**Mark Gharst** Mon, Aug 16, 4:16 PM to me

Hi Jerry,

Per our conversation I looked into what Oceanside might expect from state shared

revenue were it to incorporate. Most of this information comes from our 2021 State Shared Revenue report. We estimate revenues out through the 2022-23 fiscal year, and I am using those numbers as the basis of the below numbers. These are obviously estimates only, and could be affected by either a law change or the general economy. The pandemic has obviously affected these numbers, and the estimates do not assume future lockdowns due to the Delta variant for instance. Finally, some of the sources have requirements that must be met to receive the funds.

Transportation is pretty straightforward, you are looking at **\$76.32 per capita** for the 2022-23 fiscal year. These funds are restricted, permitted use includes construction, reconstruction, maintenance, etc. of highways, roads, streets, bike paths, foot paths and rest areas. See ORS 366.790; Art. IX, section 3a of the Oregon Constitution; and statutes pursuant to that section. There are also competitive grants for small cities, so there could be some additional resource there. Cities must file an online bridge and payment conditions report with ODOT, see ORS 184.657.

Cigarette taxes have been a loser for us revenue wise as folks have quit smoking, not a bad thing. Cities are expected to receive **\$0.73 per capita** for 2022-23, though there are some assumptions built into that number around how much smoking will decrease with the recent \$2.00 per pack increase in tax. These funds are unrestricted and there are no real certification requirements in cities in counties with a population under 100,000 (like Tillamook).

Alcohol is more complex, cities receive 34% of net revenues from the sale of alcohol and there are two pots, referred to as the 20% share and the 14% share. Our 2022-23 estimate for the 20% share of revenues is **\$19.27 per capita**. The 14% share is distributed based on a complex formula that takes into account total taxes in the city (higher income and property taxes relative to other cities increases distributions) but all

things being equal it would amount to maybe \$13.49 per capita, though this could be significantly higher or lower depending on where your property tax rate landed and what your residents pay in income tax, see ORS 221.770 (4). In order to receive a share of alcohol revenues your city would need to certify to the Oregon Department of Administrative Services by July 31 that the city levied a property tax in the prior year, see ORS 221.770. These funds are unrestricted and can be used for any city services.

State marijuana revenues also have a similar split distribution, 75% of the total city share is by population, and we anticipate that will be \$1.26 per capita for 2022-23. The remaining 25% of the total share is based on the number of licensees, I believe you said you had no stores, so you would not receive any of those funds. In order to receive any of these funds a city must certify to DAS that they do not ban any type of marijuana establishment (grow, retail, processor, or medical), see ORS 475B.759. If you did have a store, you could also seek voter approval to levy an additional 3% local marijuana tax on the retail sales price. These funds are unrestricted and can be used for any city services.

I will just close by reiterating what I said at the beginning, these are estimates, and there are assumptions built in that may or may not be correct in a couple years. So, no promises, but I hope this helps!

Mark



Mark Gharst, *Lobbyist*

503-588-6550 direct: 503-540-6574; cell: 503-991-2192  
1201 Court St. NE, Suite 200, Salem, OR 97301-4194



From: Oceanside NA <[oceansidefriends@gmail.com](mailto:oceansidefriends@gmail.com)>  
Sent: Friday, August 13, 2021 7:30 AM  
To: Mark Gharst <[mgharst@orcities.org](mailto:mgharst@orcities.org)>

## Incorporation Petition Filings

Prospective Petition for Incorporation of a City

SEL 701

rev 01/14  
ORS 221.031

To the City Elections Filing Officer/City Recorder (Auditor),

We, the undersigned, chief petitioners, swear or affirm we are electors registered within the boundaries of the proposed city. Further, it is estimated that a permanent rate limit for operating taxes of \$ .80 per thousand dollars of assessed value is sufficient to support an adequate level of municipal services. A map is attached to this petition indicating the exterior boundaries of the proposed city.

Name of the Proposed City: Oceanside

Economic feasibility statement attached (ORS 221.035):  Yes  No

Designating Chief Petitioner

Every petition must designate not more than three persons as chief petitioners, who shall be electors registered within the boundaries of the proposed city, setting forth the name and residence address and title (if officer of sponsoring organization) of each. All chief petitioners must sign this form

Name print <b>Jerry Keene</b>			Signature 		
Residence Address 1800 Maxwell Mountain Road			Mailing Address if different P.O. Box 338		
City Oceanside	State OR	Zip Code 97134	City Oceanside	State OR	Zip Code 97134
Contact Phone 5033205087	Email Address oceansidefriends@gmail.com		Sponsoring Organization if any Oceansiders United		

Name print <b>Blake Marvis</b>			Signature 		
Residence Address 5200 Grand Avenue			Mailing Address if different P.O. Box 341		
City Oceanside	State OR	Zip Code 97134	City Oceanside	State OR	Zip Code 97134
Contact Phone 5038126889	Email Address blakemarvis1@gmail.com		Sponsoring Organization if any Oceansiders United		

Name print			Signature		
Residence Address			Mailing Address if different		
City	State	Zip Code	City	State	Zip Code
Contact Phone	Email Address		Sponsoring Organization if any		

Please read the instructions for circulators and signers on the reverse side

SEL 701

App-57

Petition for Incorporation of a City Signature Sheet

Petition ID 24-2021-1

This is a petition for the incorporation of a city. Signers of this page must be active registered voters in the county listed.

- Signatures must be verified by the appropriate county elections official before the petition can be filed with the filing officer. The presiding officer should allow ample time for the verification process to be completed before 5pm on the filing deadline day.
- Do not sign this petition more than once.
- Do not sign if map is not attached to this sheet.

RECEIVED

County TILLAMOOK

DEC 14 2021

Petition for Incorporation of the City of

Name of Proposed City OCEANSIDE

TASSI O'NEIL  
COUNTY CLERK

To the County Elections Official, We, the undersigned voters, of the area proposed to be incorporated, petition the county court to form the city named hereon and as descried and defined by the attached map.

Signers must initial any changes the circulator makes to their printed name, residence address or date they signed the petition.

Signature	Date Signed mm/dd/yy	Print Name	Residence or Mailing Address, street, city, zip code
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

**Circulator Certification** This certification must be signed by the circulator.

You should not collect any additional signatures on this sheet once you have signed and dated the certification!

I hereby certify that I witnessed the signing of the signature sheet by each individual whose signature appears on the signature sheet and I believe each person is a qualified voter in the county (ORS 211.031).

Circulator Signature

Date Signed mm/dd/yy

Sheet Number

Sheet will be numbered by group submitting the petition

Printed Name of Circulator

Circulator's Address, street, city, zip code

December 14, 2021

Jerry Keene  
1800 Maxwell Mountain Rd / PO Box 338  
Oceanside, OR 97134

Blake Marvis  
5200 Grand Ave / PO Box 341  
Oceanside, OR 97134

Chief Petitioners,

RE: "Oceanside Incorporation" and authorization to circulate petitions

This letter is to confirm that the text, map, and petition received in my office have been reviewed and are in compliance with state and county requirements for prospective petitions. Please find the attached approval SEL 702 Petition for Incorporation of a City Signature Sheet.

Please pay close attention to the laws regarding petition circulators and review the legal requirements and guidelines for circulating a petition. Failure to comply with the legal requirements and guidelines will result in rejection of signature sheets.

Under ORS 221.040, a petition for incorporation described in ORS 221.031 that is signed by 20 percent of the electors registered in the area proposed shall be filed with the county clerk. Please be sure to get over the 20 percent to ensure there will be enough valid signatures to move the process forward.

Sincerely,

Tassi O'Neil | Tillamook County Clerk

TILLAMOOK COUNTY | Clerk  
201 Laurel Avenue  
Tillamook, OR 97141  
Phone (503) 842-3402  
toneil@co.tillamook.or.us

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County: TILLAMOOK User Name : O'Neil, Tassi	<b>Petition Processing Statistics Report</b> Date : 1/4/2022 8:22:26 AM
Number : 29-2021-1 Title : Proposed City of Oceanside	

Petition Information

Petition Name : Proposed City of Oceanside  
 Petition Date : 12/14/2021 Date Filed : 12/14/2021  
 End Circulation Date : 12/29/2021  
 Minimum Signatures Required : 65 Accepted Of Minimum : ( 124.62% )  
 Total Signatures Processed : 85

Processing Summary Sample: All

Total Accepted Signatures : 81 (95% ) Of Those Processed  
 Total Rejected Signatures : 4 (5% ) Of Those Processed

Accepted Reason	Total	(% Rejected)
Valid Signature	81	(100%)
Rejected Reason	Total	(% Rejected)
Not Registered	3	(75%)
Pending when signed	1	(25%)

JAN - 4 2022



*Jessi O'Neil*



Tillamook County Department of Community Development  
*BUILDING, PLANNING & ON-SITE SANITATION*

1510-B Third Street  
 Tillamook, Oregon 97141  
<http://co.tillamook.or.us>

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

## RE-NOTICE OF PUBLIC HEARINGS TO UPDATE HEARING DATES TILLAMOOK COUNTY BOARD OF COMMISSIONERS

Public hearings will be held by the Tillamook County Board of Commissioners at 10:30am on January 26, 2022, at 10:00am on February 2, 2022, and at 10:00am on February 9, 2022, in the Board of County Commissioners Meeting Rooms A & B of the Tillamook County Courthouse, 201 Laurel Avenue, Tillamook, OR 97141 to consider the following:

**#851-21-000449-PLNG:** 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). Properties proposed to be included in the city limits for the City of Oceanside include all properties currently within the Oceanside Unincorporated Community Boundary with the exception of those properties located within "The Capes" development.

Notice of public hearings, a map of the request area, and a general explanation of the requirements for submission of testimony and the procedures for conduct of hearing are posted in three public places within the Oceanside community pursuant to ORS 221.040(1). A copy of the public hearings notice, a map of the request area, and a general explanation of the requirements for submission of testimony and the procedures for conduct of hearing can also be found on the Tillamook County Department of Community Development webpage: <https://www.co.tillamook.or.us/commdev/landuseapps>.

The Board of County Commissioners will hear this matter at 10:30am on January 26, 2022, at 10:00am on February 2, 2022, and at 10:00am on February 9, 2022, pursuant to the procedures set forth in ORS 221.040. Board action on this matter will be taken no sooner than 10:00am at the February 2, 2022, hearing. Action may be taken along with signature of the Board Order reflecting action taken on this matter at the February 9, 2022 hearing.

Hearings will take place virtually with limited opportunity for in-person attendance following OHA guidelines and COVID restrictions. Oral testimony will be heard at the hearings. For instructions on how to provide oral testimony at the hearings, please email Kelly Fulton, Executive Assistant, Board of County Commissioners at [kfulton@co.tillamook.or.us](mailto:kfulton@co.tillamook.or.us). The virtual meeting link as well as a dial in number for those who wish to participate via teleconference will be provided with the agenda on the Board of County Commissioner webpage: <https://www.co.tillamook.or.us/meetings>.

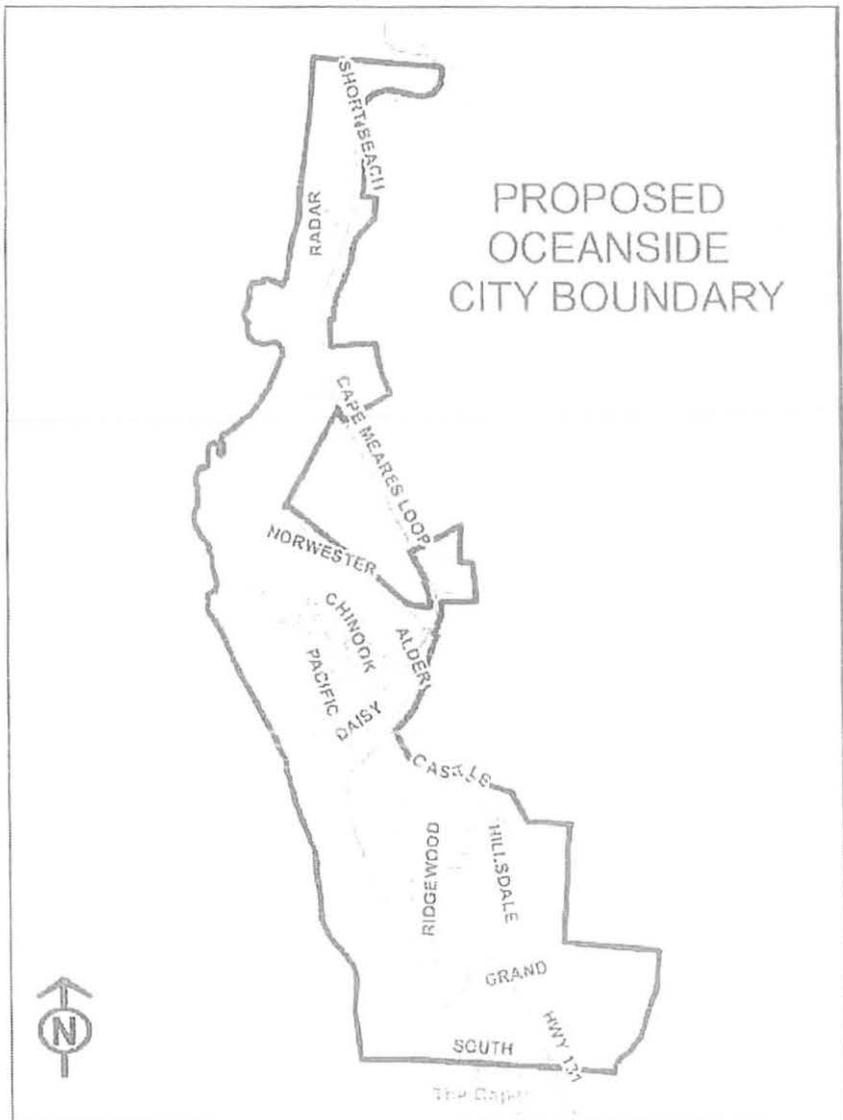
Written testimony submitted to the Tillamook County Department of Community Development by 4:00 p.m. on January 18, 2022, will be included in the packet provided to the Board of County Commissioners prior to the January 26, 2022, hearing. Please contact Lynn Tone, DCD Office Specialist 2, Tillamook County Department of Community Development, [ltone@co.tillamook.or.us](mailto:ltone@co.tillamook.or.us) as soon as possible if you wish to have your comments included in the staff report that will be presented to the Tillamook County Board of Commissioners.

The documents and submitted application are also available on the Tillamook County Department of Community Development website (<https://www.co.tillamook.or.us/commdev/landuseapps>) or at the Department of Community Development office located at 1510-B Third Street, Tillamook, Oregon 97141. A copy of the petition and related materials may be purchased from the Department of Community Development at a cost of 25 cents per page. The staff

report will be available for public inspection on January 26, 2022. Please contact Lynn Tone for additional information, [ltone@co.tillamook.or.us](mailto:ltone@co.tillamook.or.us) or call 1-800-488-8280 x3423.

The Tillamook County Courthouse is handicapped accessible. If special accommodations are needed for persons with hearing, visual, or manual impairments who wish to participate in the hearing, please contact 1-800-488-8280 ext. 3303, at least 24 hours prior to the hearing in order that appropriate communications assistance can be arranged.

Tillamook County Department of Community Development  
Sarah Absher, CFM, Director



# Oceanside CDP

## 2020 Census Summary

**INTRODUCTION** Results of the 2020 Census released in August, 2021 provide counts of the population in households and group quarters and allow us to measure racial and ethnic diversity at the block level for the first time in a decade.

	2010		2020		Change	
<b>TOTAL POPULATION</b>	361	100.0%	366	100.0%	5	1.4%
In households	361	100.0%	366	100.0%	5	1.4%
In group quarters	0	0.0%	0	0.0%	0	N/A
Institutionalized	0	0.0%	0	0.0%	0	N/A
Non-institutionalized	0	0.0%	0	0.0%	0	N/A
Under age 18	38	10.5%	27	7.4%	-11	-28.9%
Age 18 and older	323	89.5%	339	92.6%	16	5.0%
Persons per square mile (land area)	348		353		5	1.4%
<b>TOTAL HOUSING UNITS</b>	647	100.0%	653	100.0%	6	0.9%
Occupied	191	29.5%	201	30.8%	10	5.2%
Vacant or seasonally occupied	456	70.5%	452	69.2%	-4	-0.9%
Average household size	1.89		1.82		-0.07	-3.7%
<b>HISPANIC OR LATINO ORIGIN BY RACE</b>						
Not Hispanic/Latino Total	342	94.7%	352	96.2%	10	2.9%
American Indian or Alaska Native	1	0.3%	0	0.0%	-1	-100.0%
Asian	2	0.6%	7	1.9%	5	250.0%
Black or African American	1	0.3%	2	0.5%	1	100.0%
Native Hawaiian or Pacific Islander	0	0.0%	0	0.0%	0	N/A
Some other race	0	0.0%	3	0.8%	3	N/A
White	335	92.8%	317	86.6%	-18	-5.4%
Two or more races	3	0.8%	23	6.3%	20	666.7%
Hispanic or Latino Total	19	5.3%	14	3.8%	-5	-26.3%
American Indian or Alaska Native	0	0.0%	0	0.0%	0	N/A
Asian	0	0.0%	0	0.0%	0	N/A
Black or African American	0	0.0%	0	0.0%	0	N/A
Native Hawaiian or Pacific Islander	0	0.0%	0	0.0%	0	N/A
Some other race	12	3.3%	2	0.5%	-10	-83.3%
White	5	1.4%	6	1.6%	1	20.0%
Two or more races	2	0.6%	6	1.6%	4	200.0%
<b>RACE ALONE OR IN COMBINATION*</b>						
American Indian or Alaska Native	1	0.3%	9	2.5%	8	800.0%
Asian	4	1.1%	18	4.9%	14	350.0%
Black or African American	2	0.6%	11	3.0%	9	450.0%
Native Hawaiian or Pacific Islander	2	0.6%	1	0.3%	-1	-50.0%
Some other race	13	3.6%	12	3.3%	-1	-7.7%
White	344	95.3%	344	94.0%	0	0.0%

\*Race alone or in combination contains total races tallied and may sum to over 100% of the population.

**ABOUT PRC:** Located within the College of Urban Planning and Affairs at Portland State University, we track Oregon's growth and use housing, socioeconomic, and health data to measure and understand demographic change. PRC also produces population projections, redistricting analysis, and other solutions to support policy analysis and help agencies meet statutory requirements.

[www.pdx.edu/prc](http://www.pdx.edu/prc)

[askprc@pdx.edu](mailto:askprc@pdx.edu)

## Oceanside Incorporation Public Process Data

## OCEANSIDE INCORPORATION PETITION PUBLIC PROCESS

### How the ONA engaged Oceansiders in an “Incorporation Conversation”

Only two cities in Oregon have incorporated during the last 100 years, and one of those ultimately “disincorporated.”<sup>1</sup> Incomplete records and the unavailability of contemporaneous participants in those efforts afforded Oceanside incorporation proponents little guidance on the public process preceding their respective incorporation hearings and subsequent elections. What follows is a timeline outlining the public process that ultimately led to a public meeting at which a record number of residents and property owners voted overwhelmingly to endorse incorporation.

May 2020 through August 2020:	ONA President Jerry Keene conducted a personal research effort exploring options for addressing growing community concerns in Oceanside over growth-related issues and the lack of available staff and resources to manage them.
August 2020	Keene conveyed the results of his research to the ONA Board of Directors. The Board voted unanimously to approve formation of a special Incorporation Task Force to confirm and expand upon Keene’s preliminary research.
August – October 2020	Eight Oceanside volunteers with specialized backgrounds and skills were recruited from among Oceanside part-and full-time residents to serve on three Task Force Teams: (1) City Services/Budget, (2) Revenues and (3) Legal Issues/Procedures. The Teams embarked on separate, extensive research efforts to evaluate the costs, benefits, procedures and ramifications of incorporating as a city.
October 2020	The information, analysis and conclusions offered by the three Teams were combined into a Final Report that ultimately concluded incorporation was an economically feasible option for Oceanside to address key concerns.
October 2020 – December 2020	The complexity of the issues and analysis prompted the Task Force to release the Final Report in paced installments distributed to the ONA electronic newsletter list and organized in a logical progression to orient the community on the context and issues and scheduled as follows:

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<sup>1</sup> Damascus residents voted to incorporate in 2004 and, after much litigation and intervention by the Legislature, was ultimately deemed disincorporated in 2016. La Pine voted to incorporate in 2006 and remains a city today.

1. Starting an Incorporation Conversation: (October 29)
2. Oceanside and the County: Why consider incorporation now? (November 1)
3. Structure and Services: Picturing an incorporated Oceanside. (November 8)
4. Budgeting: Does Incorporation make financial sense? (November 15)
5. Incorporation Process: Who decides, and when? (November 22)
6. Survey: Weigh in with your thoughts on creating a City of Oceanside. (November 29)

Between these installments, the ONA intermittently shared e-mail comments on the series; relayed pro- and con- essays submitted by ONA members; offered FAQs and responses and offered additional information about the Task Force research and analysis in response to inquiries.

While the Task Force initially intended to schedule a vote on acceptance of the Task Force Final Report at the regularly scheduled ONA Meeting on December 2, 2021, widespread requests for more time prompted it defer the vote until a Special Meeting scheduled for December 11, 2021.

November 23 – December 1, 2021

On November 23, 2021, the ONA Board distributed a Survey via the ONA Newsletter to obtain feedback on the quality and helpfulness of the Newsletter installments, and also to gauge initial Member sentiments on the issue.

December 2 – December 7, 2021

On December 2, 5, 6 and 7, 2021, Task Force leaders led well-attended public Zoom forums for public comment and questions about the information and conclusions in the Task Force Report.

December 11, 2021

On December 11, 2021, the ONA Board convened a Special Zoom Meeting for final deliberations and votes, with the following results

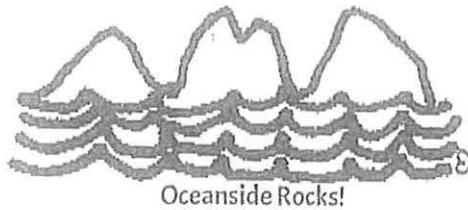
1. The ONA membership approves the Task Force conclusion that ‘incorporation is a feasible option worthy of community consideration and debate.’ **164 Yes (74.2%) - 57 No (25.8%)**
2. The ONA membership should immediately announce support for incorporating Oceanside. **124 Yes (62.3%) – 75 No (37.7%)**
3. The ONA membership should defer and reschedule a vote on incorporation until the Tillamook County Board of Commissioners invites public comment at an incorporation hearing. **This vote was rendered moot by the results on Question No. 2**

OCEANSIDE INCORPORATION PETITION  
PUBLIC PROCESS

Participation via ONA Newsletter Emails

Below is a list of the “Incorporation Conversation” emails sent out during the “Incorporation Conversation” initiative. The “opens” indicates how many recipients opened the e-mail to read it. “Clicks” refer to the numbers of recipients who accessed the link to a video recording.

<u>Date</u>	<u>Subject</u>	<u>Opens/Clicks</u>
10/30/2021	Incorporation Series: Part I - Starting an “Incorporation Conversation”	311
11/01/2021	Incorporation Series: Part II - Oceanside and the County: Why consider incorporation now?	298
11/05/2021	Initial Feedback on our Incorporation Series	298
11/08/2021	Incorporation Series: Part III - Structure and Services: Picturing an Incorporated Oceanside	315
11/12/2021	Incorporation Midweek: Community Feedback on the Incorporation Conversation	300
11/15/2021	Incorporation Series: Part IV - Budgeting: Does incorporation make financial sense?	311
11/22/2021	Incorporation Series: Part V – Incorporation Process: Who decides, and when?	331
11/23/2021	Incorporation Task Force Final Report Posted Online – www.oceansidefriends.org	342
11/24/2021	Incorporation Series: Part VI – Survey. Weigh in with your views on incorporation.	340
11/26/2021	Incorporation Feedback and FAQs	349
11/30/2021	ONA Voter Confirmations (sent only to registered ONA voters)	122
11/30/2021	Registration Reminder and Form (reminder to all that only registered ONA members can vote)	361
12/02/2021	The Capes Excluded from Incorporation Proposal	396
12/04/2021	Reminder and Zoom Link for 12/04/2021 ONA Incorporation Forum	342
12/07/2021	Apology (for reaching 100 login limit at meeting) – Link to View Recording of 12/04 Meeting	373 / 56
12/07/2021	Reminder and Zoom Link for 12/07/2021 Incorporation Forum	367
12/08/2021	Zoom Link to View Video Recording of 12/07/2021 Incorporation Forum	380 / 57
12/08/2021	Reminder and Zoom Link for 12/08/2021 Incorporation Forum	342
12/09/2021	Incorporation FAQs form emails and forums	377
12/09/2021	Zoom Link to View Video Recording of 12/08/2021 Incorporation Forum	331 / 34
12/09/2021	Updated/Revised Incorporation City Budget	376
12/09/2021	Reminder and Zoom Link for 12/09/2021 Incorporation Forum	331
12/10/2021	Zoom Link to View Video recording of 12/09/2021 Incorporation Forum	335 / 49
12/10/2021	Incorporation Perspectives – Essays from Oceansiders Opposing Incorporation	363
12/10/2021	Incorporation Perspectives – Essays from Oceansiders Supporting Incorporation	369
12/10/2021	Incorporation Series: Part II – Starting an “Incorporation Conversation (sent only to new voters)	61
12/10/2021	Advance Notice: Questions to be voted on at 12/11/2021 ONA Meeting	377
12/10/2021	Voting Rules and Zoom Link for 12/11/2021 ONA Meeting / Vote	382
12/11/2021	ONA Endorses Incorporation!	415
12/14/2021	Zoom Link to Recording of 12/11/2021 ONA Meeting / Votes	352 / 178
12/15/2021	County Clerk Approves Incorporation Petition	390
01/02/2021	Petition Signatures Submitted / County Commissioners Schedule Incorporation Hearing	418
01/06/2021	County Incorporation Hearing Postponed	403
01/13/2021	Submission Date Changed for Public Comment on Incorporation Hearing	361



## INCORPORATION SURVEY RESULTS

108 Oceansiders Responded to our Incorporation Survey by today's noon deadline. The vote tabulations appear below. Please note that not every participant answered all of the questions, so the tabulations vary by question.

Thanks to all of those who took the time to participate!

Don't forget the Community Forum on incorporation scheduled for the ONA Regular Zoom Meeting on Saturday, December 4, 2021, at 10-11:30 a.m. We will send out a Zoom link later today, which will also include information for those who will be listening in on the meeting by telephone.

### Incorporation Survey

1. Including yourself, how many ONA members or guests are responding on this form. Please list the names and whether each is an ONA member or a guest. (This is for compilation purposes only. The Survey responses will remain confidential unless you authorize us to share them.)

108 Participants

*(If responding for more than 1 person, and you have differing answers to some questions, simply mark more than one option or otherwise reflect the different positions in your response.)*

2. Have you reviewed the newsletters in our "Incorporation Conversation" emails or the Incorporation Final Report available at [www.oceansidefriends.org](http://www.oceansidefriends.org)?

- a. not really -- 4
- b. somewhat closely -- 24
- c. very closely -- 77

3. Please rate the email series on how well it helped prepare you to form an opinion about incorporation.

- a. not helpful at all -- 4
  - b. somewhat helpful -- 22
  - c. very helpful -- 79
- > 101 = 96%

4. Which of these best describes your current thoughts on whether Oceanside should incorporate as an independent city? If you're willing, we would appreciate it if you would share the factors of most importance to your decision.

- a. strongly opposed -- 25
  - b. leaning against -- 20
  - c. entirely undecided -- 5
  - d. leaning in favor -- 28
  - e. strongly in favor -- 30
- > 45 = 38%

Main Reasons:

- Proponents generally listed a need for local control of land use issues, roads and tourism issues.
- Opponents generally indicated that the benefits were not worth the cost or an added level of government.

5. Which of these would help you feel more comfortable with firming up your decision before the ONA membership takes a final vote on whether to endorse incorporation?

- a. more Special ONA Zoom meetings for general questions and comments -- 27
- b. the opportunity to participate in a small group Zoom discussion -- 15
- c. more resource information I could review for myself - specify the topics -- 19
- d. more newsletters sharing community questions, comments and responses -- 28
- e. other (let us know what else might assist you) -- 17

6. Assuming Oceanside forms a city, please list and rank what you feel should be its top 3 priorities in its first two years.

*These are the raw votes cast for each issue. Not all participants ranked their selections, and not all identified 3 priorities.*

- a. road improvements (name the road(s)) -- 33  
(Roads included Grand Avenue, Radar Road, Nor'wester, Highland and Avalon Way)
- b. tourism visitor management (conduct and crowding) -- 34
- c. refining zoning and land use standards for future growth -- 44
- d. parking management -- 23
- e. short term rental regulation -- 24
- f. commercial development -- 22
- g. expanded housing options for diverse or younger residents - 7
- h. crime prevention -- 11
- i. recreational facilities (parks, bike paths, etc.) -- 15
- j. emergency preparedness -- 25
- k. other (you name it) -- 6

*(Some participants checked "Other" and indicated that all issues were important.)*

7. The Task Force has cautioned that the new city's success would depend on the **availability and willingness of Oceansiders** to serve on civic bodies, such as the City Council, a Budget Advisory Committee, and other special project committees like emergency preparedness, TLT capital projects and roadwork priorities, etc.. If it is permitted to participate by Zoom or other videoconferencing, **which of the following** would you seriously consider taking part in. Feel free to pick more than one and indicate any special interests. The time requirements are just estimates.

- City Council - 6 Oceansiders expressed interest
- Planning Commission - 15 Oceansiders expressed interest
- Budget Advisory Committee - 12 Oceansiders expressed interest
- Advisory Committees/Special Projects - 30 Oceansiders expressed interest

8. Regardless of whether you feel able to serve in one of the positions above, please indicate whether you have background experience or expertise in the

following areas, provide a **brief description** and state whether you would be available to offer **advice** when needed.

- Service in any city, county or state elected position
- Municipal or county administration (any department)
- Grant applications and administration
- Public contracting
- Road engineering or construction management
- Land use planning
- Emergency preparedness
- Law enforcement / public safety
- State or local courts
- Building construction or permitting
- Housing initiatives
- Other

*The varied responses indicated that a significant number of Oceansiders have backgrounds in **elected office, planning, grant writing and administration, construction/design, emergency preparedness, law, and law enforcement.***

9. Would you be willing to **sign a Petition** permitting that incorporation be placed on the ballot for the May 17, 2021 Primary Election?

- a. Yes, and I am a registered voter in Oceanside -- 23
- b. Yes, but I am not registered to vote in Oceanside -- 33
- c. Not yet, but perhaps later -- 17
- d. No -- 24

(continued)

10. Which of the following best describes your opinion on how the ONA should proceed? (This survey is not an official vote, and it will be kept confidential).

24 votes - a. The ONA should reject the Task Force's conclusion that "incorporation is a feasible option worthy of community consideration and debate" and take no further action on it.

28 votes -- b. The ONA membership should accept the Task Force's conclusion that "incorporation is a feasible option that is worthy of community consideration and debate" and proceed with the preliminary Election paperwork, but it should defer a final ONA Membership vote on incorporation until later in the process.

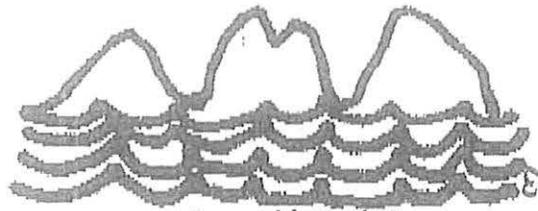
37 votes -- c. The ONA membership should accept the Task Force's conclusion that "incorporation is a feasible option worthy of community consideration and debate" and proceed immediately with a vote on whether the ONA endorses incorporation.

5 votes for "other" - Some Oceansiders preferred that all progress on an initiative petition be deferred even if it delays incorporation until 2022-2023.

**See you at the ONA Zoom Meetings on December 4 and December 11, 2021 - both at 10-11:30 a.m. Watch for the Zoom link and telephone numbers later today.**

Jerry Keene  
ONA President  
oceansidefriends@gmail.com  
www.oceansidefriends.org

App-73  
12/9/2023

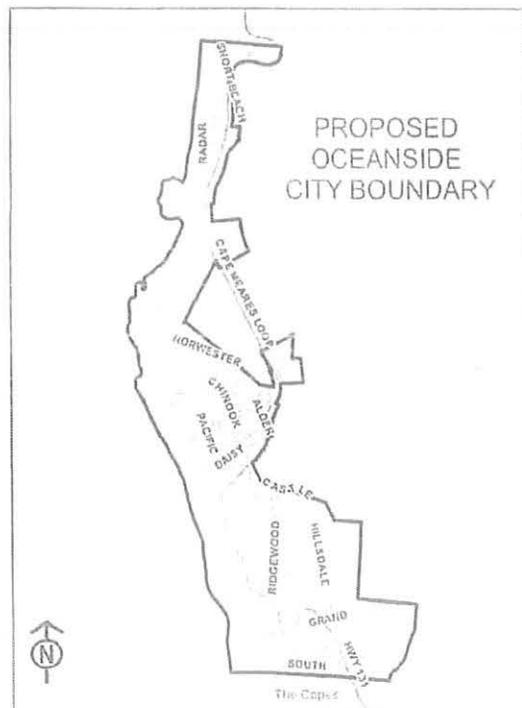


Oceanside Rocks!

## Incorporation Conversation ... FAQs

Here are some frequently asked questions posed by Oceansiders ... and our best effort to provide answers.

1. What is the proposed boundary for a new city of Oceanside?



The proposed city boundary mostly follows the Oceanside Community Boundary established by Tillamook County when formulating its

Comprehensive Plan in the 1980s. The biggest exceptions are that the northern and eastern boundaries were adjusted in places to avoid splitting existing tax lots and the southern boundary was moved to exclude The Capes. If the incorporation petition gathers sufficient signatures, the County Commissioners will hold a hearing at which those who object to the boundary may present evidence and submit testimony in writing or in person (COVID permitting). The Commissioners may modify the boundary based on their evaluation of whether excluded or included areas would be "benefited" by incorporation. That's the map that will be on the ballot as part of the incorporation measure to be voted upon.

## 2. What kind of legal liability would incorporation entail for Oceanside?

Cities and their employees/officials do face potential liability for misconduct and negligence in the course of their duties. State law (the "Oregon Tort Claims Act," however, limits and caps the damages for most of the types of claims that can be made. Such liabilities are readily covered by special insurance packages available to cities and counties (see below). Such insurance also covers related attorney fees. The Task Force consulted with one of the lead attorneys at League of Oregon Cities ("LOC") to assess the potential liabilities and explore the ways that other cities address them. They indicated that most liability relates to (1) public building conditions and vehicle operation, (2) employee interactions with the public (especially police), (3) interactions among city employees and officials (for example, sexual harassment and discrimination), and (3) negligent performance of duties or operations ("errors and omissions"). At least at the outset, Oceanside would have no public buildings or vehicles, very few employees and no police. Also, many of its operations will be performed by outside services vendors under contracts that would hold the city "harmless" for any claims or lawsuits they prompt. Other cities and governmental bodies manage such risk, not only by purchasing special insurance packages negotiated for their members by groups such as LOC, but also by arranging regular training for employees and officials to avoid problematic situations and conduct. Based on this advice, the Task Force budget included generous annual allocations for

both insurance premiums and training in its proposed budget.

3. Oceanside would rely on short term rental taxes and fees for much of its outcome. Won't it be vulnerable if the county bans short term rentals as recently happened in Lincoln County?

This is an important consideration. Bans or limits on short term rentals could come from the county, the state or even from Oceanside's city government. The Task Force did analyze this risk, as follows.

County laws. The county only regulates short term rentals located in unincorporated areas. If Oceanside incorporates, new county laws would not affect short term rentals located inside its boundary.

City laws. It is unlikely that the city of Oceanside would ban or limit our own short-term rentals without evaluating and addressing the effects on its own operations and services.

State laws. State laws could override city laws, but most of the political pressure in Salem recently has not been to ban short term rentals. To the contrary, because so many local governments now rely on TLT funds, legislators are facing pressure to keep short term rentals and ease the restrictions on how cities and counties may spend the resulting TLT revenue. It is also important to remember that, because of those constraints, Oceanside will only be able to spend 30% of its TLT revenue on "operations and services." That limits the impact a ban would have on those operations. It would also "turn off the spigot" regarding the 70% TLT funds that must go into a special "reserve" for tourism related infrastructure. A ban would not affect the funds already accrued in the fund, however.

4. If the city incorporates and the maximum city tax rate of .08 per \$1000 in assessed value goes into effect, can taxes be increased in the future?

The city tax rate that goes into effect upon incorporation is a "permanent" rate

that cannot be increased in the future. The county, however, may increase the assessed value of a home up to 3% a year. If a house is tax assessed at \$400,000, the city tax will be \$320 ( $\$400,000 \times .08\%$ ). The following year, the county may increase the assessed value of the house by up to 3% - raising it to \$412,000. In that event, the city tax would increase by \$12.96 - from \$420 to \$432.96 ( $\$412,000 \times .08\%$ ). Property taxes may also be increased if city voters or county voters approve bonds ("levies") for special projects or operations in an election - like a library levy or roads levy. Here is a link to a helpful summary on the State of Oregon website:

[State of Oregon: Property Tax - How property taxes work in Oregon](#)

**5. What about retired Oceansiders with fixed or limited incomes who cannot afford an increase in property taxes?**

Affordability is a key issue in this debate that each of us must assess based on our personal circumstances. That said, the State of Oregon does have a program that permits homeowners over a certain age or disabled homeowners to defer paying property taxes (but accrue interest) until the home is sold or passed on to others. Washington County has posted a concise summary of the state's program here:

[Senior and Disabled Citizens Deferral of Property Taxes](#)

It is unclear whether the city would be able to design its own relief programs affecting just the city tax portion of property bills. We welcome information that Oceansiders might have on the legality of that option.

**6. May Oceansiders with two homes switch their voter registration in order to sign the incorporation petition or to vote in the May 17th, 2022, Primary Election, if incorporation is placed on the ballot?**

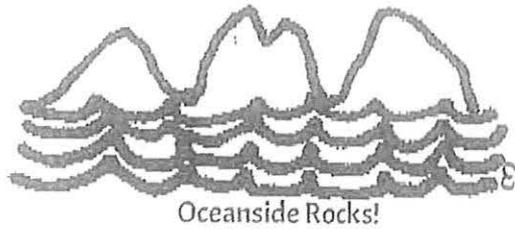
This is a subjective question that each person must evaluate for

themselves based on Oregon law. Here is a link to the relevant state law:

[ORS 247.035 - Rules to consider in determining residence of person for voting purposes](#)

In general, it states that Oregonians should register to vote in the county of their "residence." The term "residence" is primarily defined as the place "*in which habitation is fixed and to which, when the person is absent, the person intends to return.*" If, for some reason, a relevant official has need or cause to gauge a voter's "intent" about which property is their "residence," the law instructs them to consider evidence "including but not limited to" the person's mailing address, drivers' license, vehicle registration, the residence of immediate family members, utility bills and their address on state or federal tax returns. The ONA cannot and should not provide legal guidance on this issue, so please use this information as a **springboard** for conducting your own analysis.

Jerry Keene  
ONA President  
oceansidefriends@gmail.com  
www.oceansidefriends



### ONA Voter Confirmation

We are writing to **confirm** that you are listed in the **ONA Voter Registry**. This means you may participate and **cast votes** in future ONA online meetings as a registered "**ONA Member**."

If **more than one person** in your household has asked to be registered under **this email address**, you will only receive this **single** confirmation. That is because our email service will not permit us to mail multiple emails to the same email address. (Those registered under separate email addresses will receive separate confirmations.) We should have already contacted all of those who have registered as couples to confirm this. If you have questions about your registration status, feel free to contact us at [oceansidefriends@gmail.com](mailto:oceansidefriends@gmail.com)

Here are some reminders about voting at ONA Zoom Meetings. We suggest you keep or print this for future reference.

1. You will receive a Zoom link with instructions at this email address the day before each meeting. You may use this as a **direct link** to join the video meeting.
2. If you have indicated that you will join by **telephone** rather than by videoconference, we will make **special arrangements** ahead of time for receiving your vote(s).
3. This **Voter Registration** is good for **all future meetings** unless and until you ask us to cancel it - or you cease to qualify as an ONA Member (for example, by moving away). Please advise us if you wish us to change your email address.
4. When joining our future Zoom meetings, you may be asked to "register" for the meeting as part of the log-in process. Don't be confused by the term. That

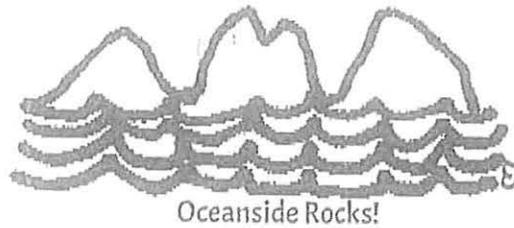
Zoom "registration" is only to register you as a **participant** for that individual meeting. Your registration as an ONA Voting Member is ongoing.

5. Many people "mute" their cameras during our Zoom meetings for privacy purposes. Please be aware that when we are in the process of an actual vote on an issue, we may ask everyone to **"unmute" their camera** so we can see you on the screen. We will do this to confirm that both voters registered at your email address are actually present and participating in the meeting as our rules (and the law) require. This is essentially the equivalent of a **roll call** vote at a live meeting. If more than one vote is cast from an email address with a **"muted camera"** despite our request to unmute, we will only count it as a **single vote**.

6. When an initial vote result is **close**, or the issue is of **special significance**, the President may declare the result **"provisional"** to allow time to verify that the votes cast by **registered ONA Voting Members** and exclude all others. Such "verification" will be conducted by the **ONA Secretary** and our **Credentials Committee** and will occur **after the meeting has ended**.

We appreciate the **special effort** you have made to be part of our important **community forum!** Please contact us with any questions.

Jerry Keene  
ONA President  
oceansidefriends@gmail.com  
www.oceansidefriends.org



Saturday is a big day for the ONA and Oceanside. At the Special ONA Zoom Meeting on December 11, at 10-11:30 a.m., we will come together in the largest gathering of Oceansiders ever to make decisions about the future of our community heading into its second century.

Here are the questions we will vote on - in order that they will be presented:

The ONA Incorporation Task Force Report offered this conclusion:

*"When considered as a choice between forming a city or continuing to rely on county officials to preserve and enhance Oceanside's civic life, the Task Force concluded that incorporation is a feasible option worthy of community consideration and debate."*

1. The ONA membership approves the Task Force conclusion that "incorporation is a feasible option worthy of community consideration and debate."

- o Yes 164 (74.2%)
- o No 57 (25.8%)

A Yes vote on this measure will not commit the ONA to supporting App-81 incorporation, but it will authorize further "community consideration and debate." This will also clear the way for organizers to file the paperwork necessary to gather signatures on an incorporation petition.

A No vote on this measure means, the ONA will take no further action on the Task Force Report.

If this measure passes, then we will proceed to the next question:

**2. The ONA membership should immediately announce support for incorporating Oceanside.**

- o Yes 124 (62.3%)
- o No 75 (37.7%)

If this measure passes, no further votes will be taken.

If this measure fails, then the membership will vote on the following question:

**3. The ONA membership should defer and reschedule a vote on incorporation until the Tillamook County Board of Commissioners invites public comment at an incorporation hearing.**

- o Yes (moot)
- o No

If this measure passes, the ONA will continue to sponsor forums for "community consideration and debate" on incorporation with the intent to reschedule the vote in time for the hearing, which is tentatively scheduled for late January.

If this measure fails, the Board will temporarily table further discussion of the Task Force Report while it considers options on how to proceed.

See you at the meeting!

OCEANSIDE PETITION FOR INCORPORATION  
PUBLIC PROCESS

Community Participation in ONA Process and Vote

ONA membership is open to any person over 18 who owns property, operates a business or is a resident of Oceanside at least 30 days (cumulatively) in a year. After Covid forced it to hold Zoom meetings in 2021, the ONA required members to “register” in order to attend and cast votes remotely. This was to enable voter credentialing and verification pursuant to the Open Meeting Law. During the “Incorporation Conversation,” the ONA issued reminders about the need to register in order to vote on the Incorporation Report and processed many new members as a result. Pursuant to its bylaws, the ONA Secretary and Credentials Committee accepted registration forms until 30 minutes before the meeting commenced.

Below are charts reflecting (1) the increase in community participation in the ONA during the “Incorporation Conversation”; (2) a breakdown of registered ONA voters by area, and (3) a breakdown of votes for and against accepting the Incorporation Task Force Final Report.

<u>Date</u>	<u>Registered ONA Members</u>
09/27/2021	138
10/07/2021	154
11/29/2021	193
12/04/2021	278
12/10/2021	326
01/16/2022	347

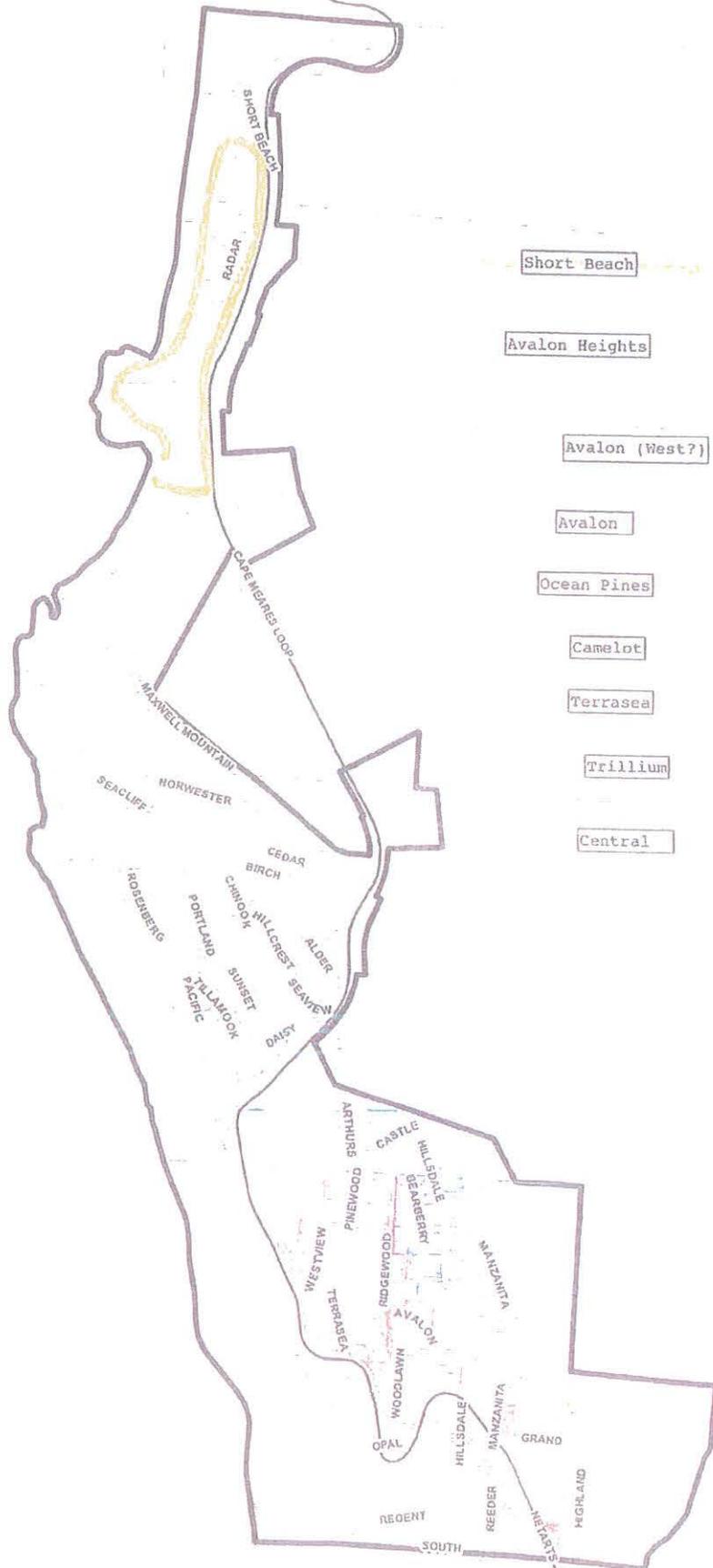
Central Village	157	45%
Capes	46	13%
Avalon	36	10%
Camelot	31	9%
Terrasea	26	8%
Short Beach/Radar Rd	23	7%
Avalon / Ocean Pines	17	5%
Trillium	<u>11</u>	3%
TOTAL	347	

ONA Special Meeting 12/11/21

1. The ONA Membership approves the Task Force conclusion that "incorporation is a feasible option worthy of community consideration and debate.

	Who Our Voters Are	Total Votes	Yes Votes	No Votes	% Yes	% No
<b>OVERALL RESULTS (fully vetted)</b>		221	164	57	74.2%	25.8%
<b>Self-reported RESIDENCE STATUS, per Zoom Registration question:</b>						
	Full Time Residents	40%	84		69%	31%
	Part Time Residents	41%	86		80%	20%
	Non-Resident Owners	19%	39		82%	18%
	<b>TOTALS</b>	<b>100%</b>	<b>209</b>			
<b>AREA of property or residence:</b>						
	Central (Village)	56%	124		90%	10%
	Outlying Areas (North + South)	44%	97		54%	46%
	<b>TOTALS</b>	<b>100%</b>	<b>221</b>			

App-83A



The Capes

OCEANSIDE INCORPORATION PETITION  
PUBLIC PROCESS

“Feedback”

Kent & Jane Brown <callingbrown@charter.net>

Sat, Dec 11,  
2021, 11:28  
AM

to me

Jerry,

The Task Force and you should be very proud of the effort you have led to bring the incorporation issue to the community in a very even handed and straight forward manner. Thank you for your leadership. We look forward to the continuing process.

Kent and Jane Brown

Sent from my iPad

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chollow <chollow@charter.net>

Sat, Dec 11, 2021, 2:54 PM

to me

Jerry,

I must commend you on the work you and the committee have put into the incorporation process. It is, by far, the most comprehensive, detailed process I have ever seen here in Oceanside, with the most thorough, unbiased, and comprehensive dissemination of the information, I have ever seen here.

I was stunned at some of the last minute questions being asked today. It was quite clear a number of people have paid little or no attention to the huge amount of information that has been sent out. It was also clear near the end, that some paid no attention to the voting rules and just wanted to jump in at the last minute to cast a no vote. Most likely they have not attended any of the previous zoom meetings. Ed Gorzinski was way out of line, but that's Ed...lol. You were right in cutting him and the others off on the late voting. If they can't follow the agreed upon rules and participate properly, then don't vote!

One thing I thought, was, it might be a good idea in the future, to have everyone turn on their video, perhaps 5 minutes before you post the voting screen. It looked like those that tried to turn on their video after you had posted it, were the ones who said they didn't have a voting screen, or it disappeared when they turned on their video.

Anyway thanks for everything, and, showing us that patience is indeed a virtue! I don't know how many times today I had to stop myself from un-muting and saying something I shouldn't, to some of those people! 😊

Take care,

Clark

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Incorporation thoughts  
ONA EMAILS/INCORPORATION

Chris Grant <chrisgrant503@hotmail.com>  
Wed, Dec 15, 2021, 9:10 AM

t

Good morning Jerry, we have not met yet. I am one of the Radar Rd peoples. Fairly sure we are going to ask to be excluded from the City. We have a few neighbors for it, and several against it. What I wanted to tell you after watching some of your meetings (you have patience that would lead me to believe you taught kindergarten), is that being called an SOB is about the highest praise you can give a lawyer. IF, I ever needed a lawyer, I would insist he/she was a SOB. I like your style, if not necessarily your content. You sure seemed to show both sides of the argument fairly. Pretty sure we won't be the group with the torches that you have recently heard from. Nice job.

Chris Grant

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On Nov 30, 2021, at 9:39 PM, Eric Pleschner <eric@beckerfoundation.org> wrote:

Thank you and the committee/task force for the time, effort, and attention paid to provide as transparent a series of information as possible. Even though I lean against pursuing the application process, I appreciate the discussion and it being brought up.



December 2, 2021

Jerry Keene, President  
Oceanside Neighborhood Association  
PO Box 338  
Oceanside, OR 97134

Dear Jerry,

As you know, the Capes HOA sent out a survey to our owners to obtain feedback on whether or not they are in favor of being included in the Oceanside incorporation boundary. Based on early results, the overwhelming majority do not want to be included. That is, the preference is that The Capes remain in unincorporated Tillamook County and should be excluded from the proposed Oceanside City boundary. We believe that this represents the majority of The Capes owners, and we would encourage the ONA task force to look into revising the proposed boundary to exclude The Capes.

This appears to reflect the comments you have received to date from our owners. As we had discussed, we agree that the benefits to the Capes are negligible; however, we do want to express our continued desire to work with the ONA in functional areas such as safety, emergency preparedness, county roads, and future development in our larger area.

If the task force decides to move to redo the proposed boundary to exclude The Capes, please let us know and we will send an update to our owners.

Best Regards,

Gene Mitchell  
President, The Capes Homeowners Association

# EXHIBIT C

## Lynn Tone

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**From:** Sarah Absher  
**Sent:** Wednesday, January 19, 2022 1:26 PM  
**To:** Lynn Tone  
**Subject:** FW: Oceanside Inc. Roads

### Public Works Comments

**From:** Chris Laity <claity@co.tillamook.or.us>  
**Sent:** Wednesday, January 19, 2022 1:06 PM  
**To:** JERRY KEENE <jerrykeene@aol.com>  
**Cc:** Sarah Absher <sabsher@co.tillamook.or.us>  
**Subject:** Oceanside Inc. Roads

Jerry,

As we discussed the previous spreadsheet included all costs spent by the Road Department in Oceanside since 2011, including paving operations. I split out the cost of paving to determine a better estimate of annual costs of maintenance. I further applied a 3% inflation rate out to 2030 and determined an average cost as shown in the table below. Activities included under maintenance includes:

- Misc. Issues within the R/W
- Utility Permits
- Pavement Striping
- Pothole Repairs
- Road Approach Permits
- Shoulder Maintenance
- Culverts, maintaining & replacing
- Ditching
- Signs
- Response to flood/wind/slides
- Surface Blading
- Road condition inventory
- Weed Spraying
- Mowing
- Brush Cutting
- Public Information
- RipRap Bank Stabilization
- Hot Asphalt Patching
- Contract Management specific to a road
- Contract Inspections specific to a road

Note that costs in 2017 may be tied to work needed to perform paving operations, but a significant amount of this work could be considered maintenance. Anticipate budgeting \$30,000 to \$40,000 for annual maintenance in 2030 values. This assumes an inflation rate of 3% and includes Federal Hourly Rates for all equipment, all material, and all labor costs (pay, benefits & taxes). Consider budgeting additional funds to pay for capital improvements.

Oceanside Maintenance

1/19/2022

C.Laity

	2011	2012	2013	2014	2015	2016
Actual Maintenance \$	7,400	\$ 8,500	\$ 19,200	\$ 6,700	\$ 14,500	\$ 30,500
3% Inflation adjusted						
2030	\$13,001.06	\$14,494.10	\$31,756.44	\$10,771.69	\$22,609.13	\$46,151.07

Average Annual in

2030 \$39,498.14

Average Annual in

2030 (exclude 2017) \$26,778.53



Chris Laity, P.E. | Director  
 TILLAMOOK COUNTY | Public Works  
 503 Marolf Loop Road  
 Tillamook, OR 97141  
 Phone (503) 842-3419  
[claity@co.tillamook.or.us](mailto:claity@co.tillamook.or.us)

ended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please send a reply e-mail to let the sender know of the error and destroy all copies of the original message.

From: Chris Laity  
 Sent: Wednesday, November 24, 2021 2:37 PM  
 To: JERRY KEENE <jerrykeene@aol.com>  
 Cc: Jeanette Steinbach <jsteinba@co.tillamook.or.us>  
 Subject: Oceanside Inc. - IRIS spreadsheets

Jerry,

We ran the road data for the last 10 years. See attached. Will this work for you?



Chris Laity, P.E. | Director  
 TILLAMOOK COUNTY | Public Works  
 503 Marolf Loop Road  
 Tillamook, OR 97141  
 Phone (503) 842-3419  
[claity@co.tillamook.or.us](mailto:claity@co.tillamook.or.us)

**Lynn Tone**

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**From:** Monty Rosbach <mrosbach@gmail.com>  
**Sent:** Tuesday, January 18, 2022 10:07 PM  
**To:** Lynn Tone  
**Subject:** EXTERNAL: NO on incorporating

[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

We are writing to inform you of our opinion regarding the proposed incorporation of the village of Oceanside Oregon. My wife, Jackie, and I live at 1100 Mordred Ct. and are registered voters in Tillamook County. We strongly oppose the incorporation of Oceanside Village and ask the commissioners not to support putting the issue on a ballot.

Monty and Jackie Rosbach

1100 Mordred Ct, Tillamook,OR

503

Sent from my iPhone

## Lynn Tone

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**From:** Angie Nixon <farmgirlahg57@gmail.com>  
**Sent:** Wednesday, January 19, 2022 2:20 PM  
**To:** Lynn Tone  
**Subject:** EXTERNAL: Opposition 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.]

January 18, 2022

To: Tillamook County Commissioners  
Re: Testimony in opposition to Incorporation of Oceanside

I live in Camelot and am NOT in favor of incorporation at this time. I have resided here only a short time but have owned my non-rented second residence for many years. That being said, I have not yet had the opportunity to fully assess the county and their ability to meet the needs of Oceanside. I am also not a fan of layers of bureaucracy that usually at the very least, increase additional costs.

I was never made aware of the existence of ONA until just recently. Since there are many rentals (3 in my cul de sac)/second residences in Oceanside, it appears from the small majority vote making incorporation a possible reality, that many other property owners didn't have the information or opportunity to vote. If the potential incorporated Oceanside will be relying on revenue from all property owners then I believe they should be made aware and granted participation.

In my limited knowledge of incorporation, I believe it requires tremendous volunteer movement and popular support to be successful. With the limited full time residents here, the median age of the residents, limited income of retirees, lack of solidarity of all the property owners in Oceanside and no infrastructure, incorporation would not be beneficial at this time in my opinion.

I would prefer to see the energy and resources placed into the city of Tillamook for updates to better serve the increased tourist industry prior to encouraging tourists to bypass Tillamook to come to Oceanside. The main reason I chose Oceanside to retire at was because of the laid back feel of this coastal community and am already feeling the negative impact of increased tourists.

Since incorporation will not affect the police, fire, street maintenance, solid waste management, water supply etc which the county is responsible for, I am not in favor of spending extra revenue at this time just to have control over an area.

Lastly, I'm going to be optimistic that we can work with the county for any needs, services, rental complaints etc. I believe it is more realistic for us to work with the county rather than a possible division that this incorporation may create.

Thank you for your time.

Angelika Nixon  
5400 Castle Drive  
Tillamook, OR  
97141

January 18, 2022

To the Tillamook County Board of Commissioners  
Commissioner David Yamamoto, Chair  
Commissioner Erin Skaar, Vice-Chair  
Commissioner Mary Faith Bell  
Via email to ltone@co.tillamook.or.us

Re: Incorporation of the City of Oceanside  
Written Testimony for Hearing on January 26, 2022

Thank you for considering my testimony. My family, including my grandparents and parents, have been residents of Oceanside since the 1970s. My father, Vernon Dick, has a long history of community involvement in Oceanside including serving on the Sanitary District and Fire Boards. We have been involved in the Oceanside Neighborhood Association (ONA) for many years. I was asked to be a part of the investigative task force considering the topic of incorporation last year, and served as a part of the legal portion of that team. In the process of considering incorporation, I reviewed the operating structures and budgets of all of the other incorporated cities in Tillamook County, interviewed staff and elected officials, and compiled reports and summaries of my conversations. I reviewed documents created by other members of the taskforce and legal resources to determine the feasibility of incorporation here. These documents were all shared with the ONA membership by email and on the ONA website. I also spent many hours speaking to my neighbors and other residents informally and in Zoom ONA meetings on the issue. After digesting all of that information, I concluded that incorporation is indeed a feasible and reasonable proposal for the whole community of Oceanside. I believe the whole community as designated in our map filed with the petition will be benefitted by a City of Oceanside, and further that there are no areas which should be excluded beyond The Capes community for reasons detailed in our reports. The economic viability of an incorporated Oceanside is conservatively addressed in the petition and economic feasibility statement. The benefits of incorporation will serve Oceanside and its residents well into the future, while maintaining the community as a vibrant and active part of Tillamook County. I heartily support the petition for incorporation and encourage you to refer the matter for the May 17, 2022 election.

Respectfully submitted,



Sharon M. Brown

To: Tillamook County Commissioners  
From: Bob Joondeph, Resident and registered voter in Oceanside  
1530 Hillcrest Ave.  
Re: Incorporation of the City of Oceanside  
Date: January 18, 2021

I support incorporation of a City of Oceanside. I believe that the proposed boundary for the city is appropriate. I believe the proposed annual taxation and budget for the city are both reasonable and adequate.

Having been a regular visitor to Oceanside since the 1970s and a homeowner since 2013, I have experienced both the sustaining beauty and ongoing change that are part of the community. My sense is that Oceanside has reached a tipping point. Change is accelerating due to growth of population and investment. Managing the change requires more attention from those directly affected – citizens of Oceanside. The goal is to sustain the town's fundamental character and access to its natural surroundings for residents and visitors alike.

As a Tillamook County resident, I'm aware of the challenges it faces in creating a sustaining more economic opportunities and housing options for those who live and work here. My sense is that Oceanside incorporation will help to sustain the beauty and character of the area which will result in a more attractive tourist and retirement destination. Housing development can be done more thoughtfully, with an eye to including those who may have been priced out of the area. Citizen involvement, which has already increased with the prospect of incorporation, will continue to grow as residents experience a greater say in the town's future.

Lastly, I'd like to praise the thoughtful and thorough work that has gone into the incorporation proposal. I was unsure of the wisdom of incorporation at first blush. After reading the materials developed by the ONA and attending public forums and monitoring listserv discussions, I became convinced that incorporation is the best option going forward.

For all of these reasons, I ask that the Commission forward the question of incorporation, as presented, to the voters.

Thank you for this opportunity to offer testimony.

Lynn Tone

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**From:** Carol Horton <carol-horton3@comcast.net>  
**Sent:** Tuesday, January 18, 2022 9:37 AM  
**To:** Lynn Tone  
**Subject:** EXTERNAL: Public Comment on 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.]

This is a letter to the Tillamook County Commissioners **in support of incorporation for Oceanside.**

I own a home in the Central or Village portion of Oceanside, next door to the home in which my grandfather lived out his retirement. Over the last 50 years, I've observed the changes to our unique town. I feel strongly that Oceanside needs **local control** (over land use, road maintenance and Short Term Rentals, for example) in order to preserve the special character of the village. I know my immediate neighbors also support incorporation, as do many of the people owning property in the "amphitheater" overlooking the main beach.

Thank you for your consideration.

Carol Horton

1690 Portland Ave, Oceanside  
75 SW 89<sup>th</sup> Ave, Portland 97225

## Lynn Tone

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**From:** Mary Flock <mbflock@msn.com>  
**Sent:** Monday, January 17, 2022 10:00 AM  
**To:** Lynn Tone  
**Cc:** Jud Griner  
**Subject:** EXTERNAL: testimony for Oceanside incorporation 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.]

**DATE:** January 17, 2022  
**To:** Commissioners Bell, Skaar and Yamamoto  
**SUBJECT:** Testimony in support of Oceanside Incorporation

We own a home in the Camelot neighborhood of Oceanside and we are in favor of incorporation. Oceanside has a lot of challenges due to a large number vacation rentals and a large number of tourists. Tillamook County has done little to help due to lack of resources, distance and perspective. An incorporated Oceanside would do a better job of handling these challenges. With control of our own TLT money, we would determine which of our roads most need improvement and which Oceanside-specific projects would benefit tourists and as well as residents. Our planning decisions and regulations would be based on protecting what is unique about this beautiful place as discussed in the Oceanside Community Plan. In an emergency, Oceanside would likely be cut off and on its own and being incorporated would make emergency preparedness efforts more coordinated.

We fell in love with Oceanside the first time we visited and knew we wanted to live here. Oceanside's lack of commercialization appealed to us although we still mourn the loss of the Anchor Tavern. It was our only local watering hole and a place to meet locals and hear local musicians perform. Oceansiders organized to prevent replacing the Anchor Tavern with a hotel that had no parking spaces and was effectively twice as tall as the old structure but it was to no avail.

When we bought our house 24 years ago, we were surrounded by wooded lots. The woods are gone as are most of our old neighbors. Many of both the old and new houses have been turned into vacation rentals including the house next door to us. We have only a handful of real neighbors in Camelot and vacation renters generally make lousy neighbors—noise, trash, bad behavior, intrusive lights, fireworks, and dog poop.

There used to be a tourist season and in the off-season we'd get a break from vacation renters, enjoy peace and quiet and be able to park in the village and walk on the beach and eat at the local restaurants, but that has changed in the past couple of years. Oceanside has been discovered and the norm is traffic, speeding accidents, parked cars blocking our narrow streets, and erosion to Highway 131 roadside caused by people and parked cars endangering the only road out of Oceanside.

Several times over the past 24 years, Highway 131 has failed due to landslides or culvert collapses. In 2007 a severe storm left downed trees blocking the road and power was out for a week. In 2020 a

fire near the Capes caused by a downed power line blocked the only road out and we weren't aware of it till after it was over. With an earthquake or tsunami, we could be trapped here and it could be more than just a few weeks. It won't matter which neighborhood you live in, Oceansiders will need to rely on each other because that may be all we have for a long time.

Mary Flock  
5565 Castle Drive  
Tillamook, OR 97141

Jud Griner  
5565 Castle Drive  
Tillamook, OR 97141

Lynn Tone

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**From:** Roossinck, Marilyn J <mjr25@psu.edu>  
**Sent:** Monday, January 17, 2022 8:26 AM  
**To:** Lynn Tone  
**Subject:** EXTERNAL: Comments for Commissioners meeting on 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.]

Tillamook County Commissioners  
RE Oceanside Incorporation

Dear Madam or Sir:

This is written in strong support of the residents of Oceanside to incorporate. I have owned my home in Oceanside since 2009, and live here full time. I have seen a lot of changes in Oceanside in the past 13 years, and its charming village flavor is rapidly giving way to unplanned expansion. The residents in Oceanside deserve to have control of their future. With incorporation this will happen. This is not in any way meant as a criticism of the county; planning for the whole county cannot possibly meet the precise needs of each community. With incorporation Oceanside will remove the planning burden from the Commissioners and put it into the hands of the residents of Oceanside.

Thank you  
Marilyn Roossinck  
1860 Chinook Ave  
Oceanside

SUSAN K. WAINWRIGHT  
JOHN C. BARKER  
P.O. BOX 95  
OCEANSIDE, OR 97134

January 15, 2022

To: Commissioners Bell, Skaar and Yamamoto

Thank you for giving us the opportunity to convey our thoughts regarding the potential up-coming vote for the Incorporation of Oceanside, Oregon.

We have been residents of Oceanside, in the neighborhood of Terrasea, for over 20 years. As such we have seen profound and rapid changes within the past few years. Not all of them have been good. We have genuine concern for how Oceanside may change (and not for the better) if the important decisions that need to be made to protect the distinctive character of Oceanside are not made by Oceansiders.

We understand that some of our neighbors in Terrasea and Camelot do not support Incorporation. We have spoken to a number of them in person and are saddened by their positions. The primary comment we have heard is, "What good does this do Terrasea?" and "We pay enough in taxes already and don't want to pay for something that doesn't benefit Terrasea."

While it is true that Terraseans maintain their own roads and receive very little in the way of County services, Incorporation will have an impact on the greater good of many of our neighbors within Oceanside as a whole. Many people in Terrasea do visit the center of the community frequently, whether it be to collect their mail, access the beach at the wayside or state park, attend a Community Club Potluck or semi-annual Art Show or possibly participate in meetings of the Oceanside Neighborhood Association. Some people may think of Terrasea as a place apart from the daily goings-on in Oceanside, but most people truly are a part of the greater community to some extent. A well-managed, Incorporated Oceanside will result in a safer and stronger community, and that in turn will result in a more desirable civic life, and properties that are more sought-after and valuable.

We feel that our taxes are plenty high, but to have future decision-making power and local control over issues like roads maintenance; tourism and traffic management; short-term rental management and rule enforcement; local building planning and code enforcement; emergency planning and implementation of needed contract security services for the community as they become clearly needed, is a very worthwhile place to

put a few hundred dollars in the form of our permanent tax rate each year. Even for those who live in a home with a county Assessed Tax Value of a million dollars, the annual permanent tax would increase their property tax bill by \$800 annually. That is the equivalent of just under \$67 per month or \$16.75 per week. Every home in the community currently pays \$67 for sewer service. Most spend more than that for TV/cable access. Sixty-seven dollars a month is equivalent to \$16.75 per week. When viewed in that perspective, everything that Incorporation has to offer looks like a huge bargain to us.

Oceansiders have demonstrated, on a number of occasions, that they are largely of a cohesive mind. Their past attempts to protect the little village they love has been both successful and unsuccessful at times. They have demonstrated the will to come together for a common cause and dig deep in order to keep Oceanside undamaged both in spirit and in the physical sense. That type of love of community doesn't exist in all little towns, but Oceanside is not just any little town!

It is in that sense of community that we respectfully request that you approve the placement of the issue of Incorporation on the May 2022 ballot. Please do not modify the boundaries as they are proposed on the application, and don't allow this very important effort to be undermined by those who may not fully appreciate the value to the greater good of Oceanside that this Incorporation effort offers.

We thank you again for the opportunity to voice our thoughts. It is our hope that you agree with us that all neighborhoods in Oceanside will be positively affected in various ways as a result of a successful effort toward Incorporation.

Very sincerely yours,

John Barker and Susan Wainwright  
800 Pinewood Lane  
P.O. Box 95  
Oceanside, OR 97134

January 15, 2022

Tillamook County Commissioners  
201 Laurel Ave.  
Tillamook, OR 97141

RE: County Hearing on Oceanside's Incorporation Petition

Dear Tillamook County Commissioners:

We are writing in support of Oceanside's incorporation petition. We have been property owners in Oceanside since 2008. Our property is located in the Avalon West neighborhood in Oceanside. We are currently registered to vote in Multnomah County, and therefore not eligible to vote on this initiative and want our opinions to be known.

Oceanside will benefit by being an incorporated city to address the following issues that are a priority to Oceanside: (1) land use management (zoning, applications for variances, land partitions); (2) public works (including road maintenance), and (3) short-term rental regulation and administration. Oceanside is experiencing mounting tourism, increased traffic, and land-use and building design issues that will impact its character and quality of life for decades to come.

Oceanside currently relies on Tillamook County and its staff to anticipate and manage changes, however Oceanside is one of 13 unincorporated communities vying for the County's attention. County staff are juggling competing demands for time and resources by all of these communities on issues like road maintenance, parking, land use planning/zoning updates, short term rental regulation and more.

For example, Oceanside has roughly 120 short term rentals ("STRs") currently regulated by the County. We rely heavily on the county Short Term Rental Advisory Committee as a forum to communicate and address local STR issues and concerns, such as STR proliferation, parking issues and visitor misconduct. Despite their best efforts and repeated assurances, County staff have not had the time or resources to convene an STR Committee meeting in well over two years. Oceanside's representatives on the committee cannot seek action from the committee if it does not even meet.

Since 2014, the County has collected over \$2 million in "transient lodging taxes" (TLT) from short term rentals in Oceanside-Netarts but has returned only \$17,000 to fund TLT projects in Oceanside. We support investing taxes from Oceanside in our community. Additionally, the County has disclaimed any responsibility for much-needed repairs to what it deems "local access" roads, such as Hillcrest Avenue, Grand Avenue and Highland Drive.

It is critical that Oceanside be able to efficiently and promptly address these priority issues. Incorporation has the potential to significantly benefit the civic life of Oceansiders.

As part of the proposed incorporation plan, it is not the expectation that the city of Oceanside would take over services currently offered through districts or, schools, policing, maintenance of highways, or establishing a large administrative staff or a city hall complex. We need to focus on the critical issues that are not currently being adequately addressed by the County.

We are aware that there are Avalon West property owners who object to incorporation of Oceanside and want Avalon West to be excluded from this petition because they believe the neighborhood will not benefit from incorporation. We disagree as Avalon West is a neighborhood and is part of the Oceanside community. All of the important issues such as land use management, public works (roads), and short-term rental regulation and administration are all issues impacting Avalon West. Currently, Avalon West neighbors have to fund raise for road maintenance because Tillamook County does not maintain our neighborhood roads. The Capes Homeowners Association ("HOA") is located adjacent to Avalon West. As The Capes is a homeowners association, their residents pay HOA dues ranging from \$129 to \$277 a month and their association addresses land use management, building, parking, traffic, roads, and short-term rentals. In sum, it makes sense to allow The Capes request to be excluded from the incorporation petition. It does not make sense to exclude the Avalon West neighborhood. It is critical that Avalon West not be excluded from the incorporation boundaries as the neighborhood will benefit from incorporation as will the other areas within Oceanside and should not be "orphaned" from the city of Oceanside.

Again, we support the petition to incorporate Oceanside and support placing this decision on the May 2022 ballot.

Sincerely,

Michelle Druce and Tracy Nichols

# Jill Princehouse

Home Phone 503-812-9707

P.O. Box 346  
Oceanside, OR 97134

e-mail: [oceanfrontcabin@seanet.com](mailto:oceanfrontcabin@seanet.com)

January 14, 2022

Honorable Commissioners:  
Mary Faith Bell, chairperson  
David Yamamoto  
Erib Skaar

RE: Oceanside Incorporation

My name is Jill Princehouse. I've been a homeowner in Oceanside for over 45 years. Consequently, I've experienced many changes over the years, but for me, none as important to our village as the issue of should we or should we not consider incorporating.

Thankfully, under the extremely capable leadership of our Oceanside Neighborhood Association president, Jerry Keene, we Oceansiders have been able to thoroughly study, ask questions, listen to presentations, etc to develop a thorough understanding of what it would mean for Oceanside. I've become one of a large majority of ardent incorporation supporters over the last several months.

I believe the Radar Road and Avalon neighborhoods are part of our broader community that will benefit along with the rest of Oceanside and ought to be included in the Incorporated boundary. The tax rate proposed will more than pay off in benefits to all of us.

But not all residents agree with me. It's time to put it to a final vote.

I urge you as our Tillamook County Commissioners to approve putting the entire incorporation issue on the May 17<sup>th</sup> primary election ballot. (By entire I mean inclusive boundary, tax rate, and incorporation per se)

Thanks for your service as our commissioners, and thanks for listening.

Jill Princehouse  
1775 Rosenberg Loop  
Oceanside Oregon 97134

To: Tillamook County Commissioners  
From: Leslie Kay, resident of Oceanside  
Re: Incorporation of the City of Oceanside  
Date: January 14, 2022

I support incorporation of a City of Oceanside. I have owned a home in the village of Oceanside since 2013 and feel extremely fortunate. Before then, for more than 20 years, I was an annual vacation home renter in Oceanside from Portland. I believe that incorporation will allow the residents of Oceanside a more dispositive voice over the nature of future development, conservation, and preservation issues in Oceanside. I have watched as pandemic, wildfires, and a growing population have brought more visitors to Oceanside. I have watched actual gridlock on our streets during peak summer weekends. I have watched as new construction becomes larger and larger. I have seen the proposed plans for a 35 foot high hotel in the heart of the "commercial district" that will challenge anyone's idea of what a "village" is and contribute to even more vehicular congestion.

I believe that the proposed city tax rate is manageable\* and I believe that the proposed City boundaries are logical and include the residents of the new city who would benefit from those future planning efforts. Oceanside is larger than any one street or neighborhood. We live in a very precious and unique area with a national refuge offshore and a state recreational area as our playground. Anyone in the vicinity bears some responsibility for preserving this special place for Tillamook County and Oregon. I support using City tax dollars to hire a lean professional staff to carryout the operational and planning work that very dedicated (and tired) Oceanside Neighborhood Association volunteers have shouldered for years.

I have concluded that the Tillamook County government does not have the resources to adequately respond to the unique issues facing Oceanside despite good intentions. I believe that an incorporated City of Oceanside will be able to leverage new sources of revenue that will benefit the City and Tillamook County alike. I have watched as it has taken a number of years to coordinate the jurisdictions involved to build a sorely needed accessible beach ramp in Oceanside. I have observed variances routinely granted by the county permitting non-conforming structures. I have seen

the height restrictions skirted by clever designers. We have witnessed a disproportionate amount of the short term rental tax generated by Oceanside vacation homes distributed to other areas of the county. Forming a City will allow Oceansiders to have a meaningful voice in local issues and to find the way forward on creating affordable housing, maintaining its historic role providing vacation rentals, and planning for the increased use of our beaches in the pandemic and as a vacation destination and home for Oceansiders. Hopefully incorporation will deepen and strengthen our good relationship with Tillamook County.

For all of these reasons I support incorporation of a new City of Oceanside.

Leslie Kay  
1530 Hillcrest Ave  
Oceanside, OR 97134

\* To the extent that the new tax would be an economic hardship, some seniors and disabled people may qualify for property tax deferral through State of Oregon programs. <https://www.oregon.gov/dor/programs/property/Pages/deferral.aspx>

**Lynn Tone**

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**From:** Dianna Fitzgerald <dianhalynnfitz@gmail.com>  
**Sent:** Thursday, January 13, 2022 5:36 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.]

I am a full time resident of Oceanside. I am also likely one of the lesser monied. I have read many comments of those opposed to the incorporation and find them to be thinly veiled attempts to avoid investing in the future of our area. I believe the investment to be worthwhile even though I am likely less able to do so than those whining about it. Investing in the future of my home is a priority to me and I hope the commission will agree.

Sent from my iPad

Lynn Tone

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**From:** beverly neun <bevneun@gmail.com>  
**Sent:** Thursday, January 13, 2022 1:23 PM  
**To:** Lynn Tone  
**Subject:** EXTERNAL: Fwd: North rural 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.]

Sent from my iPhone

Begin forwarded message:

**From:** beverly neun <bevneun@gmail.com>  
**Date:** January 13, 2022 at 12:11:52 PM PST  
**To:** ltone@co.tillamook.gov.us  
**Subject:** Fwd: North rural Oceanside

Sent from my iPhone

Begin forwarded message:

**From:** beverly neun <bevneun@gmail.com>  
**Date:** January 13, 2022 at 11:49:21 AM PST  
**To:** ltone@co.tillamook.gov.us  
**Subject:** North rural Oceanside

I propose joining the village of Oceanside in their endeavor to incorporate into a city. My family built our cabin on Radar RD in Short Beach in 1962 and have seen the many changes in Oceanside. We believe incorporating will benefit the area in the future.

Thank you

Beverly Price Neun  
2685 Radar Rd. and  
1114 NW Baltimore Ave  
Bend OR 97703

Sent from my iPhone

**Lynn Tone**

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**From:** sixt7gta@aol.com  
**Sent:** Thursday, January 13, 2022 9:46 AM  
**To:** Lynn Tone  
**Subject:** EXTERNAL: Petition for Creation of the City of Oceanside, Oregon #851-21-000449-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.]

January 13, 2022

To: Tillamook County Department of Community Development

Re: Petition for the Unincorporated Community of Oceanside and creation of the City of Oceanside, Oregon #851-21-000449-PLNG

Dear Tillamook County Board of Commissioners,

As a homeowner and community member in Oceanside, Oregon we are in SUPPORT of the petition to create a "City of Oceanside" within Tillamook County.

Over the past 7 years, Oceanside has contributed substantial taxes and 70% of our TLT funds to the county, over \$3 million dollars, yet so few of those dollars have been returned to our community for improvements, roads and to address growth, just to name a few.

As a "city", Oceanside would have a council of local residents who could write and enforce rules regarding developments residential and commercial, would have resources to plan ahead for natural disasters, maintain roads regularly which are in desperate need of repair throughout Oceanside, build tourism infrastructure, respond in a timely manner to complaints regarding vacationing guests, and create a plan to address the visitors parking, trash & safety considerations for all visitors as the Tillamook County Visitors association has promoted our community for guests of our state to enjoy our scenic vistas and relaxing small town feel.

Oceanside has already developed a positive Community Plan and would be eligible for grants available to Oregon's small cities if incorporated.

City services by Netarts-Oceanside Sanitary District, Oceanside Water District, Netarts-Oceanside Fire District, Tillamook County Transportation District, Tillamook County Sheriff's Office, City Sanitary Service and Tillamook Co. Solid Waste Administration would NOT be affected due to incorporation.

It's time for Oceanside's substantial taxes that support County government be redirected to our own community so that we can see the benefits from a city tax that will cost a few hundred dollars a year and provide benefits to our community, tourism, development, infrastructure and safety.

Please APPROVE this application so Oceanside residents can vote and show their support for incorporation to become the "City of Oceanside" within Tillamook County.

Robert & Marcella Semet )

SUSAN K. WAINWRIGHT  
JOHN C. BARKER  
P.O. BOX 95  
OCEANSIDE, OR 97134

January 11, 2022

To: Commissioners Bell, Skaar and Yamamoto

Thank you for giving us the opportunity to convey our thoughts regarding the potential up-coming vote for the Incorporation of Oceanside, Oregon.

We have been residents of Oceanside, in the neighborhood of Terrasea, for over 20 years. As such we have seen profound and rapid changes within the past few years. Not all of them have been good. We have genuine concern for how Oceanside may change (and not for the better) if the important decisions that need to be made to protect the distinctive character of Oceanside are not made by Oceansiders.

We understand that some of our neighbors in Terrasea and Camelot do not support Incorporation. We have spoken to a number of them in person and are saddened by their positions. The primary comment we have heard is, "What good does this do Terrasea?" and "We pay enough in taxes already and don't want to pay for something that doesn't benefit Terrasea."

While it is true that Terraseans maintain their own roads and receive very little in the way of County services, Incorporation will have an impact on the greater good of many of our neighbors within Oceanside as a whole. Many people in Terrasea do visit the center of the community frequently, whether it be to collect their mail, access the beach at the wayside or state park, attend a Community Club Potluck or semi-annual Art Show or possibly participate in meetings of the Oceanside Neighborhood Association. Some people may think of Terrasea as a place apart from the daily goings-on in Oceanside, but most people truly are a part of the greater community to some extent. A well-managed, Incorporated Oceanside will result in a safer and stronger community, and that in turn will result in a more desirable civic life, and properties that are more sought-after and valuable.

We feel that our taxes are plenty high, but to have future decision-making power and local control over issues like roads maintenance; tourism and traffic management; short-term rental management and rule enforcement; local building planning and code enforcement; emergency planning and implementation of needed contract security

services for the community as they become clearly needed, is a very worthwhile place to put a few hundred dollars in the form of our permanent tax rate each year. Even for those who live in a home with a county Assessed Tax Value of a million dollars, the annual permanent tax would increase their property tax bill by \$800 annually. That is the equivalent of just under \$67 per month or \$16.75 per week. Every home in the community currently pays \$67 for sewer service. Most spend more than that on TV/cable access. Sixty-seven dollars a month is equivalent to \$16.75 per week. Who among us doesn't spend far more than that on incidental, non-essential items each week? When viewed in that perspective, everything that Incorporation has to offer looks like a huge bargain to us.

Oceansiders have demonstrated, on a number of occasions, that they are largely of a cohesive mind. Their past attempts to protect the little village they love has been both successful and unsuccessful at times. They have demonstrated the will to come together for a common cause and dig deep in order to keep Oceanside undamaged both in spirit and in the physical sense. That type of love of community doesn't exist in all little towns, but Oceanside is not just any little town!

It is in that sense of community that we respectfully request that you approve the placement of the issue of Incorporation on the May 2022 ballot. Please do not modify the boundaries as they are proposed on the application, and don't allow this very important effort to be undermined by those who may not fully appreciate the value to the greater good of Oceanside that this Incorporation effort offers.

We thank you again for your time and the opportunity to voice our thoughts. It is our hope that you will agree with us that all neighborhoods in Oceanside will be positively affected in more ways than we have enumerated here as a result of a successful effort toward Incorporation.

We have attached copies of brief emails that neighbors from Terrasea have provided to us to demonstrate their support for the spirit of our letter. They are some of the full-time residents who will vote in May to Incorporate Oceanside as well as others who hope to make Oceanside their permanent retirement home in the future.

Very sincerely yours,

John Barker and Susan Wainwright

Lynn Tone  
Tillamook Co. Community Development

*In regard to Oceanside's Incorporation Hearings:*

My name is Elizabeth Wiperman and I am an AmeriCorps member currently serving with Tillamook County Habitat for Humanity, and I am a full-time resident of Oceanside, Oregon. I moved here over a year ago with my partner, Gill Wiggin, who has been a part of this community for most of his life, to begin our journey as a family. After settling in, it didn't take long for me to realize how drastic the housing crisis is in Tillamook County. According to the 2019 Tillamook County Housing Needs Analysis, the county's population grew by 2,086 between 2000 and 2019, and is projected to increase by an additional 2,936 over the next 20 years, yet between 2007 and 2017 only about 120 new dwellings were added with the vast majority of them being second homes. It's also estimated that 80-90 dwelling units were converted to seasonal units or short term vacation rentals *each year* between 2007 and 2017. In Oceanside alone, there are 452 vacant or seasonally occupied housing units, approximately double the size of Tillamook County's homeless population. For those who are unaware, Tillamook County has the second highest homeless population in the state, and we're tied for third when it comes to homeless K-12 children. It is difficult for me to comprehend why the value of revenue from short-term rentals has come before the needs of individuals who live in our community. This is especially true when looking at the trend of Oceanside's TLT revenue, as it has been decreasing steadily over the years. In 2016 Oceanside brought in \$558,337, \$524,372 in 2017, \$458,337 in 2018, \$419,971 in 2019, and finally \$379,709 in 2020.

As I mentioned, I'm starting a family here in Oceanside so it is important to me, and I know I'm not alone, that Oceanside is a thriving space where locals are able to make decisions for ourselves and prioritize our own needs over the wants of tourists. I believe that the incorporation of Oceanside will allow us to not only care for our own, local needs such as improved roads and lighting, but also help satisfy the drastic need for decent, safe, and affordable housing for all of Tillamook County.

Elizabeth Wiperman  
5445 Daisy St.  
Oceanside, OR 97134

Lynn Tone

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**From:** Craig Wakefield <craiglwakefield@charter.net>  
**Sent:** Tuesday, January 18, 2022 2:30 PM  
**To:** Lynn Tone  
**Subject:** EXTERNAL: Document for Oceanside Incorporation hearing

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### Oceanside Incorporation Short Term Rental (STR) management?

I must be missing something in this discussion about needing to incorporate to deal with short term rental issues?

I was part of the management team that implemented the STR Ordinance to make it a working Ordinance. Here is the organizational structure the County created:

**Office Specialist:** Appointed to administrate the Ordinance. They took in applications, answered questions, handled all the mailing of license packets along with all pertinent rules and window posting with complaint phone number placard to be posted. They confirmed required insurance compliance and kept a spreadsheet of all licenses for compliance and renewal purposes.

**Code enforcement officer:** These individuals were mostly retired deputies who had police powers and experience at conflict resolution and could defend the Ordinance in hearings and court. They also did regular investigations into advertised vacation rentals and check them against the spreadsheet of licensed rentals.

**Building Inspectors:** These licensed and certified individuals performed the required fire/life safety inspection that is needed to obtain a STR license. They also have police powers acting as agents to the Building Official. Building Inspectors helped with enforcement when needed and like the Code Enforcement Officer were fully trained to deal with conflict and the judicial system.

If Oceanside were to incorporate, would they provide this level of expertise? All three of these positions were paid a living wage, benefits and retirement so to do the Ordinance justice was a expensive proposition Just like most areas of Government. So how much of the \$200,000 a year brought in by the STR program would be needed to properly implement a STR Ordinance in Oceanside?

I am retired so I don't know if all components are in place. This system worked very well during my tenure and the County knows how to do this work. When it comes to making this Ordinance work you don't go to the committee level, or the County Commissioners you contact the people that put legs to the Ordinance.

Craig Wakefield

1605 Oceanside Lane, Oceanside

Lynn Tone

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**From:** Robert Hoshibata <rgbcola@gmail.com>  
**Sent:** Tuesday, January 18, 2022 11:38 AM  
**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.]

Dear Lynn,

My wife and I own a home in Oceanside, at 6010 Huckleberry Lane. We have owned the home since 2008.

Presently, we are part-timers in Oceanside, and as such, have not been a part of the active conversations about the possibility of incorporation. I have just become aware of the effort to incorporate, and have been drawn into the discussions only recently. I am very interested in this topic.

It is my understanding that a decision is being made whether or not to place the question of incorporation on a May 2022 ballot. I am writing to express my strong opinion that it is premature to place this on a ballot because there are some of us who have not had adequate opportunity to vet this important question.

The recent exchange of emails demonstrates that this is an extremely complex matter, and that incorporation would lead to both positive and negative consequences. I have not had ample opportunity to learn about both positive and negatives and so I feel that it is premature to discuss whether or not to hold a vote on the matter. Rather, it is time for more information sharing without the pressure to rush to a deadline for a vote.

I applaud the plan to have opportunities to have public hearings with input, questions and responses about what incorporation would mean and what it would require. These are not simple "yes and no" questions, but require time and thought. I propose that the question of whether to have a vote about incorporation be postponed until after public conversation and research can be completed more thoroughly so that all of us who are voting will be more fully informed than we are at present.

Let's make important decisions about our future carefully, deliberately, and with the opportunity to have as much information so our decision can be made wisely. I support delaying a vote on whether or not to take a vote on the matter of incorporation until after the information sharing already proposed.

Sincerely yours,  
Robert (Bob) Hoshibata  
6010 Huckleberry Lane  
Oceanside

## Lynn Tone

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**From:** Ronald Young <ronaldyoung1950@gmail.com>  
**Sent:** Tuesday, January 18, 2022 9:42 AM  
**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.]

I am a 20 year resident of Oceanside, sometimes full time, sometimes part time. I also had short term rentals in the Village for 19 years. Additionally I have lived in Terrasea for 15 years, one of the few areas with actual HOA's. I feel this gives me significant perspective on incorporation.

There has been talk about deleting The Capes, Terrasea, Radar Road area, even Camelot, from the incorporation boundaries. Please, DO NOT ALLOW ANY OF THESE AREAS TO BE DELETED. They are all Oceanside, and if the decision gets to a vote, all areas should be included. I think it's divisive to allow any area to opt out, and could be detrimental to the future of all.

Is there a 'benefit' for these areas? I think it depends on what benefit means. If you only talk of financial benefit, The Capes and Terrasea have private roads and no STR's, so they both see little, if any, financial benefit. BUT, I think the benefit for incorporation lends itself more to character of the whole town, and keeping future Oceanside issues more in the hands of local people. We ALL benefit from this, in my opinion, and we ALL ARE part of Oceanside.

Will there be enough qualified, willing people to run an Oceanside city?

Will the proposed budget be big enough to run the city?

These, and other, questions have no answers yet, only opinions.

I urge the County Commissioners to allow this question to go to the ballot, and let ALL Oceansiders decide on how to proceed.

Ron Young

**TO:** Lynn Tone, DCD Office Specialist 2, Tillamook County Department of Community Development

**SUBJECT:** Written Testimony Input  
#851-21-000449-PLNG: Petition for Oceanside Incorporation  
January 26, 2022, Public Hearing, Tillamook County Board of Commissioners

**FROM:** John & Dala Prather, Oceanside, Oregon

**DATE:** January 18, 2022

***OUR POSITION***

We are writing to lend our support for holding an election on May 17, 2022, to decide whether to incorporate and form the city of Oceanside, Oregon.

***TIME SPENT IN OCEANSIDE***

For the past 3 ½ years we have resided in the Terrasea subdivision of Oceanside. For the two years prior, we lived on Reeder Street and for a good portion of two years prior to Reeder Street, lived at the northern end of Northwester Rd.

Although only full time residents for 5 ½ years we believe we have gained various experiences living in a variety of Oceanside properties and areas perhaps useful in commenting on the current incorporation issue.

We are not prepared to offer any guarantees as to how incorporation will specifically benefit where we now live but, we believe we are part of the community of Oceanside and want to see it progress and succeed both now and particularly in future years.

***OCEANSIDE WILL GROW***

We believe Oceanside will grow and change. We believe this to be inevitable.

From, the proposed 58 lot subdivision to be known as "Second Addition to Avalon Heights", to the proposed hotel and restaurant on the site of the Oceanside Cabins and Blue Agate Cafe and very likely in the future, the Cape Meares Loop Road West undeveloped property from north of the Netarts-Oceanside Sanitary District facility entrance to Radar Road, we believe change and growth is already beginning to occur and is inevitable.

We are not opposed to growth, but we believe local control will be key to maintaining the small town, rustic character which many feel is essential to our community.

Can Tillamook County government and administrative resources, in the future, devote the time and resources necessary to insure growth of our Oceanside community in a manner consistent with the quality of life thoughts and hopes of members of our community?

We are not certain given the geographical boundaries of the county and demands being made, up and down the coast, on current available resources that the needs of an unincorporated Oceanside community can be met in future years.

***DEMANDS ON THE COUNTY***

While we know that you, County Commissioners Bell, Skaar and Yamamoto are very well aware of the makeup of the County, we are including the following lists for Oceanside residents who may not be quite so aware of our various County communities both incorporated and unincorporated.

Incorporated Communities:

An incorporated town or city in the United States is a municipality, that is, one with a charter received from the state. This is not to be confused with a chartered city/town with a governing system that is defined by the city's own charter document (voted in by its residents) rather than by state, provincial, regional or national laws. An incorporated town will have elected officials.

Incorporated cities/towns in Tillamook County include:

Bay City	Nehalem	Tillamook
Garibaldi	Rockaway Beach	Wheeler
Manzanita		

Unincorporated Communities:

In law, an unincorporated area is a region of land that is not governed by a local municipal corporation; similarly *an unincorporated area is a settlement that is not governed by its own local municipal corporation, but rather, is administered as part of larger entity, such as a township, borough, county, parish, or province (my italics).*

Unincorporated communities in Tillamook County include:

Aldervale	Blaine	Fairview	Neskowin	Sandlake
Barnesdale	Boyer	Hebo	Netarts	Tierra Del Mar
Barview	Brighton	Idaville	Oceanside	Twin Rocks
Batterson	Cape Meares	Neahkahnie Beach	Pacific City	Wheeler Heights
Bayside Gardens	Cloverdale	Nedonna Beach	Pleasant Valley Woods	
Beaver	Enright			

Oceanside competes with other unincorporated communities for available County resources.

## ***SOME AREAS TO ADDRESS***

### **CHALLENGES:**

ROADS: The County's ability to support road repair and improvements is already limited. With 386 miles of roads, 111 bridges and 2,000 culverts among other responsibilities, the County Roads Department is faced with many challenges. All this while the County's Road Department capabilities have dropped dramatically due to decreasing budgets, from 50 employees in 1982 to 24 employees in 2021. So, Oceanside includes primarily, both private (the responsibility of local home/landowners) and local access roads (For which County monies will be spent under certain limited conditions as outlined in Board Orders 08-110 and 14-03 – basically emergencies and substantial improvements in public safety approved by the Board of County Commissioners.). Are current County roads funding levels enough?

STORM WATER: No storm water study of Oceanside has ever been performed to the best of our knowledge. Is it necessary? The County Public Works Director has indicated such a study with recommendations would be an important component for improving roads. Without it, road improvements made would likely quickly deteriorate unless based on effective control of storm water. Additionally, we believe homes in our Oceanside community are also seriously affected by storm water. Is mere identification that there is a storm water problem, while taking no action, enough?

DEVELOPMENT: Growth will take place, it's inevitable. How much control will the community of Oceanside be able to exert to ensure growth takes place in a reasonable and rational way? The question becomes what does the community hope and desire Oceanside to look like in the next 15 to 20 years?

SHORT TERM RENTALS: Oceanside has an invisible industry. Short Term Rentals (STRs) due to their individual, in home nature, don't stand out like stores in downtown Tillamook, the cheese or the smoker beef jerkey factory operations. Yet STRs make an important contribution to the vital County tourist industry. Should more of the STR revenue generated by fees and taxes come directly back to the Oceanside community? How to manage the challenge of STRs near full time residents? Most visitors respect their neighbors and full time residents, but some don't and act like young people blowing off steam on spring break. What should the future of STRs look like for the Oceanside community particularly 10 to 15 years from now? Would a plan with strong community input as to the future of STRs in Oceanside be a good thing?

EMERGENCY PLANNING, PREPARATION AND EXECUTION: It's easy for some to say, "Well, that's the responsibility of the Netarts-Oceanside Fire Protection District." (NOFPD). But no, it isn't, our outstanding NOFPD, certainly, will have important input to any planning and equipping (community emergency supplies) effort but they are cannot be the focal point for all that needs to be accomplished. For example, if Oceanside is isolated for several weeks after a large scale disaster NOFPD cannot handle the many related issues and problems. Not only is there concern about full time residents and owners who visit part time but what about those visiting in STRs? What about those crowding the beach during a summer holiday, when a strong earthquake or Tsunami might occur? Should a disaster occur will our community be able to say it did enough?

TRAFFIC & CROWDING: This is a quality of life issue for the residents of Oceanside. Generally, what should the future of the community look like? We certainly don't want Oceanside to look like Highway 101 in the middle of summer as it passes through Lincoln City. Is County government in the best position to manage and plan for the Oceanside community? Twenty years ago we certainly would have said yes, but 20 years from now we are not so sure.

***PROPOSED CITY BOUNDARY & TAX RATE***

The Oceanside city boundary should be as proposed in the petition for incorporation.

A. No communities within the proposed boundary should be removed from the boundary. We do not believe creating islands of unincorporated communities within the city boundary would prove to be a practical land use decision within the County. We believe such a course of action would also be an unacceptable precedent, should a community within a current Tillamook County city were to decide it receives few, if any benefits, from the city of which it is a part and decides to pursue a course toward unincorporation.

B. The current proposed tax rate (\$0.80 per thousand of assessed value) is closely tied to the number of current unimproved and improved properties within the proposed boundary. Removing communities from within the boundary will require the proposed tax rate to be recalculated inevitably raising the tax rate for those still within the boundary.

C. Is the currently proposed tax rate (\$0.80 per thousand of assessed value) ideal. Probably not, would a higher tax rate be desirable, yes, but, this we understood to be the minimum necessary to operate the proposed city given expected STR revenue, potential growth and other potential sources of funding particularly for projects benefiting the future city.

D. We believe reducing the size of the proposed Oceanside city boundary will effectively end the effort to place the subject of Oceanside incorporation on the May 17, 2022, ballot. Changes to the petition package cannot be made, the changes published and new hearings held, all within sufficient time to meet Oregon Revised Statutes requirements to place Oceanside incorporation on the ballot.

**CONCLUSION**

We believe the issue of incorporating Oceanside as an Oregon city should be one for the voters to decide on the May 17, 2022, ballot. Oregon law requires that there be 90 days provided between approval of a petition and election day, enough time we believe for voters to become informed on the issue. Oceanside will move forward in a way decided by the Oceanside community, hopefully, either as an incorporated city or as an unincorporated community competing for resources and attention with so many other unincorporated communities in Tillamook County. Should the community move forward with incorporation the direction, or should the status quo be maintained. This is the real issue in our view and one for the voters of our community to decide.

Respectfully,

Handwritten signatures of John and Dala Prather. The signature for John is written above the signature for Dala.

John & Dala Prather

## Lynn Tone

---

**From:** Kalei Luyben <kaleiluyben@msn.com>  
**Sent:** Thursday, January 13, 2022 12:16 PM  
**To:** Lynn Tone  
**Cc:** stmac11@gmail.com  
**Subject:** EXTERNAL: Creation of proposed City 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.]

TO: Board of County Commissioners

FM: Ted W. Luyben and Kalei Y. Luyben

DT: 13 January 2022

RE: The Incorporation Plan for the Proposed City of Oceanside.

### A. About us.

We own the property at 240 Reeder Street, Tillamook, OR 97141, in the neighborhood of Avalon West.

We are retired persons living on limited incomes. As such we need to be careful to see that expenses never exceed incomes. We currently live in Portland, OR. In the year 2016, we purchased the above titled property, located in Avalon West, at 240 Reeder Street, Tillamook, OR. We did so expressly to find a refuge from how hectic life was becoming in Portland. But also, we noticed that our blood oxygen levels, in Avalon West, were greater than in Portland. Overall, we simply felt better being at the coast. We have always served as volunteers in service to our community because we want to practice the command: Love thy neighbor! We know how costly civic engagement can be. We also know how costly government can be. Our plan is to sell our home in Portland and move permanently to 240 Reeder Street, Avalon West, Tillamook.

We have studied the proposal and wish to make a few comments.

### B. Law Enforcement.

One of our special concerns has been for the well-being of law enforcement personnel. Because a city makes its own ordinances, it must be able to enforce those ordinances. For that, law enforcement personnel must be hired or deputized or authorized to enforce ordinances. It is not possible to have good law enforcement that is "cheap" and available round the clock. We therefore believe that plans to incorporate Oceanside into a City have underestimated the difficulties of managing municipal law enforcement. Just as our Sheriff and deputies care about us, we need to understand that we must properly care about their work load. Overworked officers are becoming a serious concern to citizens all across America, in urban and in rural settings. We should not strain their resources, nor take them for granted.

### C. Schools.

When we think of cities, we naturally think of local schools for kids to attend. The Oceanside Plan has underestimated the future demand for a school system in the City of Oceanside. There is nothing easy about managing school systems. There is nothing cheap about running school districts.

#### D. Services.

As the plan for the City of Oceanside suggests, so many services are being provided that it will not be necessary to place heavy tax burdens on property owners simply because existing services -- such as fire district, sewer district and transportation district, as well as trash collection and Sheriff patrols-- already serve and will continue to serve. What Oceanside will do, then, is simply take on road construction and maintenance within the City limits.

We find this analysis too naive to be accepted at face value.

It is our belief and observation that a backlog of road construction, repair and maintenance exists. To properly assume responsibility, taxes and bond issues will have to be undertaken at some point, as more and more citizens put forward more and more demands for services.

Similarly, when neighborhood problems arise, neighbors should respond appropriately rather than call upon the Sheriff and deputies to come and arbitrate neighborhood disputes.

For example: there is a vacation rental next door to our home at 240 Reeder Street, Avalon West. Renters do the darndest things. They have tried to steal the birdbath in our herb garden, only to have it break into pieces, helping neither themselves nor us. They have had bare-naked sex in the hot tub just outside our bedroom windows. They have climbed on the roof, drunk and frisky. There have been as much as eight cars filling space for a maximum of four, thus spilling over into the streets beyond. We would never dream of calling law enforcement to attend to these mindless, inconsiderate deeds done by people whose aim is to blow off steam at the coast.

#### D. Conclusion.

In conclusion, we know that everything that is born wants to grow. The City of Oceanside may start out with modest ambitions to preserve a valuable way of life and to enhance a beautiful environment. Very soon, however, growth and development will take on a life of its own, beyond the control of a small municipal government. Taxpayers can be very demanding and unrealistic in their expectations. When we look at the total amount of area covered by the plan, we think that it might be more important for Oceanside to support Tillamook than for Tillamook to support Oceanside.

The valuable work of the Oceanside Neighborhood Association is exemplary. Perhaps the time has come for other neighborhoods to step up and form their own Neighborhood Associations, to similarly assist Tillamook, so that the County can keep down its expenses as we volunteer our services to our respective neighbors and neighborhoods.

We extend our heartfelt thanks to all those neighbors who have served so well all of the people who love calling Tillamook our beautiful home in paradise. We are grateful.

Sincerely,

Ted and Kalei Luyben

Sent from Outlook

FROM THE DESK OF

## Paul Wyntergreen

January 11, 2022

Tillamook County Board of Commissioners  
201 Laurel Avenue  
Tillamook, OR. 97141

Dear Commissioners,

This letter is submitted to you in regards to your consideration of a petition to place a proposal to incorporate the community of Oceanside, Oregon on the May ballot. I urge you to not to proceed with this request at this time as the proposal has not been fully-developed and deserves more analysis, refinement, and outreach before being placed before the voters.

The Incorporation Task Force Report, 11-22-21, upon which this petition is based, describes a potential incorporation that ignores a number of political/legal realities. This needs to be corrected prior to proceeding.

Incorporating a new city in Oregon should be a very painstaking task as there is no forgiveness for initial errors. The establishment of a new city's tax rate is critical to set correctly at the get-go, since it is truly permanent in Oregon and not subject to any inflationary or mid-course corrections. Get it right the first time or be shackled by it forever.

Is the proposed 80 cents per thousand rate the proper level to sustain an Oceanside city? From a review of the Report, it does appear so. The Report is heavily dependent upon the assumption of 90% of the current County TLT receipts within a new City boundary (presumably the reduced one without the Capes, although that is not made clear). It also assumes the overlay of a short-term rental fee like the County's on top of that for additional supplementary income.

Aside from the fact that TLT funds are very tightly regulated by the State as to what they may be spent on (70% cannot be spent on roads, city offices, or other purposes not related to tourism), it is important to remember that none of this income is realized for a new city until after a charter is adopted, a Council put in place, staffing & internal processes assembled, and ordinances adopted which establish such incorporated assessments. This is probably a 1-3 year process subject to the usual political dynamics of special interest resistance and compromise.

Therefore, there is a strong possibility that such ordinances could be delayed, mutated, and/or eliminated, especially since, while the County TLT tax would not be reduced until a city TLT ordinance is enacted, the County short-term rental fee would immediately go away upon incorporation and therefore be difficult to reenact.

The Report also contemplates the new city taking over a jurisdiction of the roads. Usually, a city does not accept County or State-maintained roads until they are brought up to City Standards (standards that do not yet exist and which would also have to be created by the new city by ordinance subsequent to incorporation). However, the report assumes that such a privilege would be waived and the new city would naively assume an enormous infrastructure liability that would be next to impossible to chip away at without a well-trained and equipped public works department (not 3 FTEs total city staff). Sure, a new city may qualify to compete for a few limited grants that the County does not qualify for, but even if successful, the city still needs to maintain such facilities after construction.

In reality, if not so waived, the County and State would retain jurisdiction and maintenance responsibility for all roads until the new city is ready to accept them. This transference process will require the labor-intensive development of a detailed systematic program of inventory, prioritization, improvement, acceptance, and capacity building over multiple years.

Contrary to the Report's insinuation, Building Permitting would also remain with the County due to another state law which precludes removing that service without proving that doing so would produce no negative impact to County building program finances, a nearly impossible bar to hurdle. An Intergovernmental agreement, as referenced by the Report, might provide for some enforcement of new city zoning provisions, but little else new.

Therefore, essentially, the only services being provided in the first five-to-ten years are planning, code enforcement, and another administration layer, not a very appealing offering at a cost of 80 cents per thousand.

Add to that shortcoming the likelihood that the pro forma expenses in the Report are very probably underestimated in areas like training, legal, insurance, reserves for replacement, and aspects like office space & utilities that are not included, except the some meeting rooms for the Council, etc.. Such expense underestimations, when combined with the overestimations of certain revenues, will force future Councils to seek additional revenues such as franchise fees and other service charges that attempt to circumvent the frozen permanent tax rate constraint.

All-in-all, it is apparent that this concept needs a lot more thought put into providing tangible benefits that are worth the cost to the property owner. Incorporation may eventually turn out to be a good idea, but not as currently proposed.

Sincerely,



Paul Wyntergreen, retired City Manager

1420 ALDER STREET, OCEANSIDE, OREGON

**Lynn Tone**

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**From:** Monty Rosbach <mlrosbach@gmail.com>  
**Sent:** Tuesday, January 18, 2022 10:07 PM  
**To:** Lynn Tone  
**Subject:** EXTERNAL: NO on incorporating

[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

We are writing to inform you of our opinion regarding the proposed incorporation of the village of Oceanside Oregon. My wife, Jackie, and I live at 1100 Mordred Ct. and are registered voters in Tillamook County. We strongly oppose the incorporation of Oceanside Village and ask the commissioners not to support putting the issue on a ballot.

Monty and Jackie Rosbach

1100 Mordred Ct, Tillamook,OR

503

Sent from my iPhone

January 18, 2022

To: Board of County Commissioners

Via: email to Lynne Tone [ltone@co.tillamook.or.us](mailto:ltone@co.tillamook.or.us)

Re: Opposition to Incorporation of Oceanside

Dear Commissioners:

I am writing to ask that you do not approve the petition to incorporate Oceanside. There are serious shortcomings in both the creation and the substance of the proposal of city services within Oceanside.

Our property is situated at the north side of Maxwell Mountain and is contiguous with the Radar Ridge area. This northern side of Oceanside is composed of rural acreage, both residential and agricultural properties. Following under the rules of City Government leads to no benefit to these properties.

Should any portion of the Oceanside Development District be excluded from the proposed City limits, we respectfully demand that our property is excluded as well.

The people responsible for bringing this proposal to light, are creating a hostile environment to the community of Oceanside where no such conflicts existed prior. This is not the environment to create another Portland.

Respectively submitted,

Robert Sullivan  
Elaine Sullivan  
3090 Maxwell Mt. Rd  
Oceanside, OR 97134  
503-866-1465

Via email to: Lynn Tone  
ltone@co.tillamook.or.us

Dear Commissioners,

We are writing to express our opposition to the request to incorporate Oceanside.

We became aware of this proposal via a neighbor just prior to the Zoom meeting late last year to discuss incorporation. There obviously was no formal attempt to notify property owners in the community of Oceanside as everyone I have spoken to since also became aware via word of mouth, and I also informed others in this manner. The group Zoom meeting resulted in a YES vote however no documentation of votes or tallies were presented. The pro incorporation group managed the meeting and cut short several folks questioning the benefits of incorporation.

We purchased our property in Oceanside to retire to the North Coast where I, Randy, grew up. Oceanside is a wonderful place to live and we believe maintaining the status quo is the best choice. Neighbors work together to maintain gravel roads. We are also concerned that politization of this hamlet for the benefit of a few may well cause contention and resentment amongst community members.

The group pushing incorporation pushes the idea that they will control short term rentals and stress that they could better manage short term rentals and spend the funds more wisely than Tillamook County. We have serious doubts about this due to the opaqueness of this group, plus the fact that the numbers do not seem to add up. We have confidence in Tillamook County to do its very best to maintain roads, stormwater, public safety, waste management and land use planning. It is highly unlikely that a small group lacking in the necessary experience and infrastructure to undertake such tasks could succeed. We are very concerned that this would likely result in creation of jobs for a select few, and then after a couple of years of failure, that this would cause divisions in Oceanside and a move to disband incorporation, similar to what happened in Damascus a few years ago.

Please let Oceanside remain a quiet, happy hamlet by the sea and not allow the move to incorporate Oceanside to proceed.

Sincerely,

Randy & Jui-mei Killion  
1060 Mordred Court  
Oceanside  
5037040208

To the board of commissioners of Tillamook

Dear commissioners:

After carefully reading the Petition for Incorporation Economic Feasibility Statement, I am against the Incorporation of Oceanside. I believe this issue should not and does not belong on a ballot and Oceanside should remain unincorporated.

Oceanside is just not one neighborhood, it is made up of several unique neighborhoods. Those are the Capes, Avalon West, Camelot, Terrasea, Trillium, the Village, and the Radar road area. Each has their own set of covenants and rules. An example of this is the Village has building height restrictions of 24 to 35 feet. Camelot is restricted to a single story house of 17 feet. There are different requirements for parking motorhomes and boats. Others have different Short term rental rules. The incorporated Oceanside could put those in jeopardy. Each neighborhood has its own unique goals and stands independently as members of the same county.

I also saw no mention of how many city commissioners are required and their salary in the budget. I would think that would be about \$85,000-\$120,000 each. That could mean \$480,000 would need to be added to the budget. I also think that the city manager will cost over \$75,000. The city will require another four to six employees to make the city work. Those people are not in the budget. They are also banking on outsourcing some services back to the county at an unknown cost. I also don't see the cost of building a city hall or renting space for one.

Oceanside united and the ONA has been telling people that they are getting bike and jogging trails which is unrealistic. They have also encouraged people to change their voter registration for this upcoming election and change it back later.

I do not think we need to pay another eight percent in taxes to pay for services we currently have. Also over half of the existing property owners know nothing about the incorporation of the city and will be unaware of new taxes. This seems unfair. There are other land use taxes that will also be passed on to the consumers in our utility bills.

There are no good reasons to incorporate and pay more taxes for the same or less service and we should not waste extra money to put it on the ballot.

Thank you

Bruce Mitchell

Lynn Tone

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**From:** Joel Stevens  
**Sent:** Tuesday, January 18, 2022 3:18 PM  
**To:** Sarah Absher  
**Cc:** Lynn Tone  
**Subject:** FW: EXTERNAL: [Joel Stevens] ONA role in City of Oceanside incorporation proposal

Sarah,

Here is another potential comment. Thanks.

Joel



Joel W. Stevens | County Counsel  
TILLAMOOK COUNTY  
201 Laurel Avenue  
Tillamook, OR 97141  
Phone (503) 842-1805  
[jstevens@co.tillamook.or.us](mailto:jstevens@co.tillamook.or.us)

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**From:** Tillamook County OR <tillamookcounty-or@municodeweb.com>  
**Sent:** Tuesday, January 18, 2022 12:30 PM  
**To:** Joel Stevens <jstevens@co.tillamook.or.us>  
**Subject:** EXTERNAL: [Joel Stevens] ONA role in City of Oceanside incorporation proposal

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C. Mark Hersh ([markhersh971@gmail.com](mailto:markhersh971@gmail.com)) sent a message using the contact form at <https://www.co.tillamook.or.us/>.

Greetings: Appended are my comments to the Board of Commissioners regarding the proposed City of Oceanside (Lynn Tone was sent a pdf). I am concerned that the ONA violated its by-laws in failing to get membership approval in establishing a "task force" to investigate incorporation. That in turn truncated community discussion. Thank you for your consideration.

\*\*\*\*\*

To the Honorable Commissioners of Tillamook County:

My name is C. Mark Hersh and I am an Oceanside resident and registered voter. I signed the petition for incorporation but now regret that choice for the following reasons, some of which I knew when I signed, but others I did not know until recently:

1. Neither "Oceansiders United" nor the Oceanside Neighborhood Association (ONA) presented any alternatives to the status quo except incorporation. I have since learned that we could form a "county service district" in cooperation with Tillamook County (see ORS 451.555) for the purposes of regulating land use.

2. Because all alternatives were not presented, investigated, or discussed, the ONA truncated community discussion and involvement. Instead, the discussion, such as it was, centered on 1) the inadequacies of the status quo, and 2) whether incorporation was "feasible."

3. Discussion sponsored by the ONA was not open, inclusive, or transparent. Comments were sent to the ONA President, who would summarize those comments through emails sent to the membership. Unabridged comments were not distributed to the full membership when members requested that. The ONA did not provide a forum or discussion board where members could discuss topics without the ONA "filter."

4. The ONA President did not get the approval of the membership for the establishment of the "Incorporation Task Force" in August 2021, possibly a violation of the ONA's by-laws.\* Instead, the ONA President did not announce the existence and mission of that "Incorporation Task Force" to the ONA membership until October 30 when that privately convened subgroup was completing its work.

5. Upon announcing the existence of the Task Force, the ONA Board/President fast-tracked discussion and scheduled a vote for December 4 (later moved to December 11). Recent past actions of the ONA took much longer to resolve, and are much less far-reaching (e.g., exterior lighting standards and reducing building height from 35 to 30 feet).

6. Neither Oceansiders United nor the ONA Incorporation Task Force gave any indication of how perceived problems are distributed between the different sections of Oceanside.

What would be the attitude of Oceansiders if, in August 2021 the ONA Board informed the membership of perceived problems with the status quo, and announced a search for alternatives? Maybe more residents today would support incorporation, maybe fewer. Maybe we would be taking a different path altogether. But discussion would have been open, transparent, and more fully informed prior to this decision point—as well as any decision reached by the ONA membership—and fewer residents would feel they were manipulated through an undemocratic process and patronized by the proponents of incorporation.

\*The first sentence of the "Report of the Oceanside Neighborhood Association Incorporation Task Force, November 22, 2021" reads "The ONA Board authorized ONA President Jerry Keene to recruit a task force to explore the feasibility of city incorporation in August 2021." <https://www.oceansidefriends.org/wp-content/uploads/Incorporation-Task-F...> Accessed January 17, 2022. Section V of the ONA by-laws, entitled "Committees," does not establish a standing committee or task force on incorporation. That section also reads "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." The by-laws were last revised in April, 2021. <https://www.oceansidefriends.org/wp-content/uploads/ONA-Bylaws-04.03.202...> Accessed January 17, 2022.

January 18, 2022

To: Commissioners Bell, Skaar and Yamomota:

As a full-time Oceanside resident of 22 years I feel privileged to live in such beautiful place. I have witnessed many changes in my time here and understand that change is inevitable. How we deal with it requires understanding, compromise and working for the **common good**.

The proposed Oceanside Petition for Incorporation is the result of work conducted by an 8 member task force whose purpose was to investigate and recommend whether incorporation was a feasible option for Oceanside as a way to "preserve and enhance the quality of life and improve civic life".

The task force's (aka Oceansider's United) petition states that their study was conducted with full transparency. The facts below will disprove that.

The hand-picked task force met and started their study at least 2 months prior any outreach to the community. Their first public contact was dated October 30, 2021, via an email sent to only the Oceanside Neighborhood Association's (ONA) email subscribers, a limited representation of the community. It's Subject line: It takes a Village..to make a city. They outlined the issues, introduced the task force and determined that city incorporation may be the solution.

The League of Oregon Cities Incorporation Guide (page 6) states that, "**residents should be the primary source of information and open community discussion should be the primary activity**". It continues that, "**residents should be contacted at the beginning of the discussion and be provided continuing opportunity to exchange ideas throughout the process**", and that **non-resident property owners a have stake and should be asked to participate**. On November 22, 2021, the Final Incorporation Report was emailed to ONA subscribers. The ONA Board stated, "Based on their research findings, the ONA Board believes that incorporation is a feasible option that is worth Oceansiders' time to evaluate for themselves." The notice listed subdivision approvals, construction trends, increased traffic and mounting tourism numbers as changes that will determine the character and quality of life in Oceanside. Incorporation is their solution. They believe that as a city, it could provide and manage services for itself. **The majority of the community was not aware of nor part of the process.**

Shortly after this but prior to the December 22 vote to request placement of Oceanside Incorporation on the ballot, incorporation conversion information along with notices of multiple on-line incorporation conversation meeting dates were shared, only to the ONA email group. There were no public notices in the local newspaper, flyers, radio announcements, etc. These could have been employed as a means to notify everyone with a vested interest. Even petition signature gatherers made it be known that they were not going to approach anyone who may be opposed to the idea. There was no attempt to include the majority of residents and non-resident property owners in any of these discussions.

The incorporation proposal has long term impacts on our community as well as it's residents and non-resident property owners. It is clear that most of the improvements would benefit the village center while the rest of the area would pay the largest percentage of tax. With property values skyrocketing, the tax imposed is likely to grow and impact a majority of residents, many of whom are retired and on fixed incomes.

The vote to incorporate, which was taken on December 22, 2021, and does not represent of the majority of stakeholders, rather it was voted on by ONA email subscribers only. Please consider denying the request to have Incorporating Oceanside placed on the May 17, 2022 ballot.

Regards,

Sally Tuttle  
Oceanside resident

January 18, 2022

To: Board of County Commissioners

Via: email to Lynne Tone [ltone@co.tillamook.or.us](mailto:ltone@co.tillamook.or.us)

RE: OPPOSITION TO INCORPORATION OF OCEANSIDE

Dear Commissioners,

Please, do not approve petition to incorporate Oceanside as filed. The petition has serious shortcomings both in the process of how it was created, and in the substance of the proposed Oceanside city services specific to my property.

#### PROCESS DEFICIENCIES

1. Exclusion of overwhelming majority from the process.

Oceanside is an unincorporated community with a total of 1,063 tax lots, with only around 200 tax lots/households occupied by owners who are registered to vote in Tillamook County.

If the incorporation goes on the ballot, just around 350 voters will be making decision to incorporate or not, and potentially significantly increase property taxes for around 2,000 Tillamook County taxpayers.

"League of Oregon Cities Incorporation Guide", based on past city incorporation events in Oregon, strongly warns about excluding property owners who can't vote on incorporation from initial incorporation discussion.

Incorporation petitioners made no effort whatsoever to seek input from Oceanside community at large, and specifically, from overwhelming majority of Oceanside taxpayers whose input and voices will be ignored if Oceanside incorporation is allowed to be included on the ballot in May of 2022.

2. Even those in support of incorporation are divided on incorporation vote timing.

The petition was propelled by ONA (Oceanside Neighborhood Association) President and its Board.

Membership in ONA is not required for Oceansiders, unlike in an official Homeowner Association. Absolute majority of Oceansiders are either not aware of ONA existence, or chose not to be a part of it. ONA communicated that prior to the incorporation effort, the membership stood at less than 100 residents, with just 30-40 residents attending ONA meetings regularly.

The incorporation efforts and exclusion from the vote on incorporation petition timing of those Oceansiders who were not ONA members, grew ONA membership to about 200 people through word of mouth.

Upon the ONA vote in December of 2021, the ONA President announced an "overwhelming" ONA support to immediately file petition to incorporate.

In reality, about 40% of ONA members voted not to announce such support: 122 ONA members voted for immediate filing with the County, 78 – against. The difference between those in favor and those against is only 44 votes, or 20-25 households in Oceanside.

25 households that made the difference of whether ONA supports immediate filing constitute 2.3% of all of tax lots in Oceanside.

3. Incorporation petitioners' efforts created cold Civil War-like environment in Oceanside.

- A) ONA vs. non-ONA,
- B) Voters vs. those who can't vote in County elections,
- C) the Village area vs. outlayer neighborhoods,
- D) Full-time residents vs. STR owners,
- E) Neighborhoods that have HOAs vs those that don't,
- F) Neighborhoods that have most STRs vs those that don't,
- G) The list could go on and on...

If incorporation is allowed on the ballot, this negative neighbor vs. neighbor dynamics will only intensify.

Please, help stop this very unhealthy societal dynamics from going on by not allowing the petition on May 2022 ballot.

**CITY SERVICES, AS PROPOSED, ARE NOT NEEDED**

1. Oregon Statues Chapter 221, Section 221.040, paragraph 2 states that "No land will be included in the proposed city which will not be benefited".
2. Neighborhoods outside core village, in one of which my property is located, don't benefit from city services as proposed by the incorporation petitioners, specifically:
  - a. Land use planning/Building Services – our neighborhoods don't face challenges of the Village area properties due to geography (removed from the Village, no businesses in our areas, no tourist traffic) and difference in property size – larger property lots, with current County ordinances sufficient to provide regulations.
  - b. Road Maintenance and Construction/Stormwater Management – it is much cheaper for me to pay for it today than have proposed city maintain the roads. Specifically, together with my immediate neighbors, I pay for gravel roads maintenance adjacent to my property. It cost me about \$240 over 6

years of owning the property, or \$40/year. Proposed city has no budget for paving, so it will only provide maintenance of these roads, and cost me \$240/year in property tax, or, at a minimum, 6 times my current expense.

Also, quote from the petition:" Tillamook Public Works Director Chris Laity advised Petitioners that a broad program of road improvement would eventually implicate a need for updated stormwater drainage infrastructure in the core village and associated drain water treatment. An incorporated Oceanside is expected to continue existing county efforts to locate grant funding for such a project."

City incorporation creates tax liability, potentially significant, for me to pay for the Village project that doesn't benefit my property at all.

c. Code Compliance/Enforcement – all benefits as outlined by petitioners are benefiting the village – the tourist area. It doesn't benefit my or my immediate neighbors' properties.

d. Emergency Preparedness - my property, being remote to any tourist areas, will not benefit from any programs attempted by the city, as the petitioners concentrate their thinking on the tourist (the Village) area.

e. Recreational Services and Amenities – the petitioners advocate for "safer access routes for pedestrians and bicycles to the beach and Oceanside's main street from the homes in the hillsides above". When asked to show budget for pedestrian and bicycles routes from neighborhoods outside of Village area to the main street, the response by the petitioners was that that was not in the proposed budget. Budget as proposed doesn't benefit my property.

3. Per above facts, I respectfully ask to exclude my property and properties from areas that similarly won't benefit from incorporated city as proposed.

If the Commission allows Oceanside Incorporation to be included on May 2022 ballot, I respectfully ask to limit boundaries of the proposed city to the Village area - defined by Maxwell Mt road in the North, and Cape Mears Loop on the East and the South sides.

Respectfully submitted,

Yuriy Chanba

5378 Woodlawn St

Oceanside, OR

(503) 709-4270

Lynn Tone

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**From:** sdwilderpdx@gmail.com  
**Sent:** Tuesday, January 18, 2022 10:43 AM  
**To:** Lynn Tone  
**Subject:** EXTERNAL: Petition for Incorporation of Oceanside, OR  
  
**Importance:** High

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

Sandra D Wilder  
970 Castle Pl  
Tillamook, OR 97141

To Whom It May Concern

We live full-time at this address since January 2019 when I retired. My husband and I are **opposed** to incorporation of this village. We are grateful for Tillamook's support.

"United we stand, divided we fall."

Thank you.

Signed,  
Sandra and Stashu Smaka

## Lynn Tone

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**From:** randy Zenport <randykzen@hotmail.com>  
**Sent:** Tuesday, January 18, 2022 9:35 AM  
**To:** Lynn Tone  
**Subject:** EXTERNAL: Oceanside Incorporation Issue  
**Attachments:** Oceanside Incorporation THoughts.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 Commissioners,

We are writing to express our opposition to the request to incorporate Oceanside.

We became aware of this proposal via a neighbor just prior to the Zoom meeting late last year to discuss incorporation. There obviously was no formal attempt to notify property owners in the community of Oceanside as everyone I have spoken to since also became aware via word of mouth, and I also informed others in this manner. The group Zoom meeting resulted in a YES vote however no documentation of votes or tallies were presented. The pro incorporation group managed the meeting and cut short several folks questioning the benefits of incorporation.

We purchased our property in Oceanside to retire to the North Coast where I, Randy, grew up. Oceanside is a wonderful place to live and we believe maintaining the status quo is the best choice. Neighbors work together to maintain gravel roads. We are also concerned that politization of this hamlet for the benefit of a few may well cause contention and resentment amongst community members.

The group pushing incorporation pushes the idea that they will control short term rentals and stress that this small group could better manage short term rentals and spend the funds more wisely than Tillamook County. We have serious doubts about this due to the opaqueness of this group, plus the fact that the numbers do not seem to add up. We have confidence in Tillamook County to do its very best to maintain roads, stormwater, public safety, waste management and land use planning. It is highly unlikely that a small group lacking in the necessary experience and infrastructure to undertake such tasks could succeed. We are very concerned that this would likely result in creation of jobs for a select few, and then after a couple of years of failure, that this would cause divisions in Oceanside and a move to disband incorporation, similar to what happened in Damascus a few years ago.

Please let Oceanside remain a quiet, happy hamlet by the sea and not allow the move to incorporate Oceanside to proceed.

Sincerely,

Randy & Jui-mei Killion  
1060 Mordred Court  
Oceanside  
5037040208

Lynn Tone

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**From:** Karen Allen <allenkp74@gmail.com>  
**Sent:** Monday, January 17, 2022 8:41 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.]

To the Tillamook Commissioners:

I am not in favor of the Oceanside incorporation at this time. Please consider this as my input to your upcoming review of the request to consider incorporating Oceanside as a city. I believe the overhead will not only Negatively affect my Oceanside experience, but will neither offer the benefits as outlined by the Oceanside Neighbor Association (ONA). The Oceanside Community Club (OCC) and the folks that participate is a fine example of neighbors meeting with each other and helping each other. The arguments being posed by the ONA committee members does not (in my opinion) represent the needs nor outcomes published.

Also, all of Oceanside population should be included in this issue with no exemptions (i.e. The Capes).

Thank you for your time,

Karen Allen  
715 Ridgewood Rd W  
Tillamook

Sent from my iPhone

Lynn Tone

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**From:** Chris Grant <chrisgrant503@hotmail.com>  
**Sent:** Monday, January 17, 2022 7:25 PM  
**To:** Lynn Tone  
**Subject:** EXTERNAL: 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.]

My name is Chris Grant and my wife Kelly and I reside at 2630 Radar road, as full time residents. We would like it recorded that we hope Radar road will not be part of the City of Oceanside. However, I feel that Jerry Keene, as the presenter of this concept has done an exceptional job of informing all who will listen, both pro and con regarding the incorporation. He has had the patience of a kindergarten teacher dealing with the various personalities that make up our area. While I hope to not be included, I find his arguments for incorporation to be strong, and well founded. If I felt the City would benefit Radar road, he would have convinced me to support his efforts. I have heard disparaging comments made regarding Jerry at some of the online meetings. He has been nothing but professional in his presentations of and some of his audience, should learn to mind their civil manners.

Thank You,  
Chris Grant  
2630 Radar Rd  
503-842-2921

Sent from [Mail](#) for Windows

**Lynn Tone**

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**From:** Craig Wakefield <craiglwakefield@charter.net>  
**Sent:** Monday, January 17, 2022 4:56 PM  
**To:** Lynn Tone  
**Subject:** EXTERNAL: Testimony concerning 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.]

**I am opposed to Oceanside incorporation**

Tillamook County Board of Commissioners,

The incorporation movement has come from a members only association and does not represent the broader community. With the North (Maxwell Mt. to beyond Radar RD) and South (Capes Development) portions of the Oceanside community requesting to be removed from the incorporation effort that leaves mostly the village of Oceanside to incorporation. The burden of governmental cost, planned land use regulatory restrictions would fall on a small portion of our community which brings into question of a dwindling cost/benefit ratio, more cost for fewer individuals with less community benefit for the cost.

During much of the planning for incorporation there has not been much consideration for dissenting voices. I am a supporter of our local County Government that is deep in expertise and is accessible five days a week, eight hours a day. There has been substantial negative remarks and claims made against County Government that is mostly for the purpose of creating a good guy bad guy scenario which is disingenuous at best.

Although the proponents of incorporation are promoting local control the majority of government services will be provided by outside contractors or part time employees that may not be readily accessible to the community at large. There is a belief that a city can be run from a 10'x10' office with a desk, computer and a telephone with no consideration for document management like property and archival files or conferencing space for meeting with developers and constituents, not to mention a public works facility.

The planned revenue sources are not on a sustainable footing with a reliance on Short Term Rental (STR) licensing fees while discussing more restrictions on STR properties. I don't believe they have factored in the correct cost of enforcing the STR Ordinance as well. A strong reliance on grants shouldn't be relied upon since grant money comes and goes as government fortunes shift with the economic winds. Also named as a revenue source is fines and penalties this in it's self is troubling. There is a cost to issuing fines and penalties which in some cases can bring about litigation. I can site two cases in Rockaway Beach that are examples of fines and penalties resulted in litigation but I will not do that here.

In conclusion, the incorporation of Oceanside effort is not needed or necessary for the good of our community. The community has demonstrated that we can make changes for the general good of all by working with the government we have at the County level. Oceanside needs good government not more government.

Craig Wakefield

1605 Oceanside Lane, Oceanside Oregon 97134

(PO Box 394)

503-842-5528

## Lynn Tone

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**From:** David Turner <dwtppdx@msn.com>  
**Sent:** Monday, January 17, 2022 3:44 PM  
**To:** Lynn Tone  
**Subject:** EXTERNAL: Oceanside Incorporation Vote

[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: Board of Tillamook County Commissioners

Via: Email to Lynn Tone

Ltone@co.tillamook.or.us

January 17<sup>th</sup> 2022

Dear Commissioners,

We are writing to urge you to vote no on the upcoming vote to incorporate Oceanside.

Our concerns are twofold. First, we don't believe the process used to compile information about the need for a city was open or transparent. Mr. Keene hand selected a group of people who all appear to reside in either the Village proper of Oceanside, or in the Maxwell Mountain area. He did this without formally notifying the Oceanside Neighborhood Association or the homeowners inside the proposed Oceanside city boundary. Additionally, he did not request any volunteers from the surrounding neighborhoods. It appears he had an agenda; hand selected a group who would be inclined to support his desire to create a city and is now trying to railroad the rest of the community into his vision.

A bigger concern for us than a flawed information gathering approach is the total lack of need for the creation of a City Government. Sewer, water, garbage collection and fire protection are already being provided to the proposed city. This would leave services like land use planning, road maintenance, storm water management, code compliance, emergency preparedness, recreation and public safety as services that the proposed city would provide. Tillamook County currently provides these services and we do not believe that the proposed City of Oceanside budget will be able to maintain the level of service currently provided by the County.

The budget projections that have been shared are simplistic at best and do not reflect the true cost creating, funding and running a city government. In reality the proposed City would likely have to sub contract back to the County to provide most if not all of these services. Residents in this area would be left to pay not only their property taxes to the County but an additional amount to the City just so that the City can then sub contract the work back to the County. How is this going to improve the lives of the residents in this area?

Again, we urge you to vote no on the Oceanside City incorporation vote and please ensure that the residents in this area continue to benefit from the services that Tillamook County provides.

Respectfully,  
David & Jeanne Turner  
690 Hillsdale St. West

Lynn Tone

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**From:** cory green <corytoddgreen@outlook.com>  
**Sent:** Monday, January 17, 2022 1:54 PM  
**To:** Lynn Tone  
**Cc:** Kim Green  
**Subject:** EXTERNAL: Oceanside Incorporation - Comments for upcoming 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, my wife and I would like to share our comments related to the Oceanside Incorporation meeting topic. We are not in favor of the incorporation effort and our reasons are listed below. Thanks for the opportunity to share these details.

1. That establishing an HoA to meet the needs of the Oceanside Village area is a more viable solution. It is one that can be implemented in the area where residents are looking for a way to exert influence and control where none exist today like The Capes, Terrasea and other areas that have successfully put in the time and effort to create and manage HoA's for that same purpose.
2. If this goes to a ballot for a vote then all areas that claim to be part of Oceanside need to be included and there not be any gerrymandering whereby areas such as The Capes who on their own website state they are located in Oceanside are excluded from the voting, the associated tax burden and the supposed benefits to all Oceanside residents that incorporation would provide.
3. The incorporation effort has a focus on only those items viewed as potentially beneficial to the Oceanside Village area. Said differently, the effort cherry picks from a long list of responsibilities associated with an incorporated city and only wants to assume those responsibilities that provide immediate benefits to the issues being experienced today in the Oceanside Village area.
4. The financial estimates for the newly incorporated city and its operations (people, process & tools) are viewed as unrealistically low. The proposed additional tax burden of \$0.80 per thousand will either need to be increased to more realistic levels or the proposed services the city is supposed to provide be significantly reduced. In either case the cost vs. benefit proposal is not sustainable as currently proposed.

Regards,

Cory & Kim Green

Full time residents of the Oceanside area & Small Business owners in Tillamook

745 Ridgewood RD W

469-235-2727

## Lynn Tone

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**From:** len chaitin <eljayinv@gmail.com>  
**Sent:** Monday, January 17, 2022 11:39 AM  
**To:** Lynn Tone  
**Subject:** EXTERNAL: hearing regarding placing Oceanside incorporation on the may ballot

[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:Board of County Commissioners:

Since I cannot be at the upcoming hearing, I would hope that you can enter the following into the record.

My name is Len Chaitin, and I live at 5660 Castle Drive in the area called Camelot. I urge you to reject the placing of the incorporation of Oceanside, of which I am an unwilling resident, on the May ballot. There are many reasons but I will limit my remarks to just a few.

Tillamook county has dealt, or could deal with all of the issues that have caused a select few to raise the idea of incorporation. It is not needed.

the extra bureaucracy and tax burden is not needed or wanted.

I like living in a peaceful, rural area. If I wanted to live in a city I would certainly do so.

The select few have chosen to arbitrarily redraw the map of "greater Oceanside" whenever they felt the need. If they were to redraw the map once again to NOT include my house, my street, my neighborhood, or all of the area east of the loop road, then I would withdraw all the above arguments. I have nothing in common with these folks, and strongly resent being included in their plans.

Thank you for hearing my views.

Len Chaitin

## Lynn Tone

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**From:** Bruce Jaeger <nguyenjaeger@gmail.com>  
**Sent:** Sunday, January 16, 2022 2:30 PM  
**To:** Lynn Tone  
**Subject:** EXTERNAL: Oceanside Incorp Written Comments

[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 and best MLK Day wishes. I wrote and emailed my letter (below) directly to the Commissioners. I was told a minute ago that I should send it to you. Thank you for your help in this matter. Please let me know if you have any guidance to offer as I am new to this process.

Dear Commissioners and best wishes. I have reviewed the Feasibility Report produced for the effort to incorporate Oceanside. I find this report to include unrealistic expectations and excessive exposure to control.

Per the Feasibility Report, the new city will have 1.5-2 FTE staff for City Management, City Finance, City Marketing, City Human Resources, City Budgeting, City Compliance, Land Use/Building Services, Road Maintenance and Construction, Stormwater Management, Code Compliance, Enforcement, Emergency Preparedness, Coordination with City Public Services (Water treatment, Water, Fire, Police), and fundraising. I have concerns that we need to be more realistic with what <2 FTE can successfully manage. Compare this to the number of FTE the County has allotted for these functions, and you can easily see my point.

Our population and budget size are inadequate to support a city structure; effectively representing members in all neighborhoods, controlling special interests of a few, and having a fair level of oversight in our processes. I am also concerned with what we are losing from the County in support. A more robustly funded and supported ONA would better meet our community needs without the added bureaucracy and administrative costs found in a city. Three united votes on a council of five members opens the door to the promotion of special personal interest over the needs of the community, coercion, excessive control of authority, and too limited oversight. The result will likely lead to a divisive community, which is a very sad thought.

I have noted over the past 90 days the ONA has increased its membership fourfold. Harnessing these skills, expertise, and workforce seems much more in line with the next steps Oceanside should be taking.

Thank you for considering things from my perspective.

Bruce Jaeger  
(503) 317-6150

## Lynn Tone

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**From:** Kent Searles <nksearles2@gmail.com>  
**Sent:** Thursday, January 13, 2022 6:52 PM  
**To:** Lynn Tone  
**Subject:** EXTERNAL: Oceanside incorporaton

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

Our family purchased the property on Radar Road north of Oceanside in 1970. My wife of 50+ years, Nancy, and I are full time residents there at 2675 Radar Road. We are registered Tillamook County voters.

I purchased maps that recorded a survey, by the then Tillamook County Surveyor, dated in 1949, from the County Surveyor's Office. Radar Road and the lot where our place is have been in existence at least since 1949.

Tillamook County does not recognize Radar Road as a County road. An article was published in the Headlight Herald clearly stating that the County will not grade, or in any way maintain, Radar Road because it is a private access road.

One of the main goals of the effort to incorporate Oceanside is to capture Short Term Lodging Tax generated within the proposed incorporated area to in part improve the streets of Oceanside. These streets are public Tillamook County roads and are currently maintained by the Tillamook County Road Department.

During the Zoom meetings held to discuss the proposed incorporation, it was made very clear that the proposed new Incorporated Oceanside City government would not mess with, or maintain in any way, private lanes or roads.

Therefor, the only thing that those of us who own property on Radar Road share with Oceanside is a common water system.

We all have individually owned, and maintained, septic systems. We also pay for all of our road maintenance. I can see no benefit to us to be part of an incorporated Oceanside.

Please remove all Radar Road properties, and any other properties who will not benefit from the proposed incorporation, from the proposed incorporation area.

Nancy and I do not object to Oceanside becoming incorporated. We just do not want to be included because it would be of no benefit to us.

Thank you.

V. Kent Searles  
503-815-8335

Lynn Tone

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**From:** Marlene Stellato <buddythrive2@yahoo.com>  
**Sent:** Thursday, January 13, 2022 1:23 PM  
**To:** Lynn Tone  
**Subject:** EXTERNAL: Proposed Incorporation Of Oceanside, Oregon

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

Your email was provided as a point of contact for submitting comments on the Oceanside, Oregon incorporation movement.

As a member of the Terrasea HOA, we see little benefit for the incorporation of Oceanside, Oregon and oppose it. The Terrasea HOA takes care of its own roads, is a private community & has its own HOA policies. As a homeowner in the Terrasea HOA, we feel the Terrasea HOA should be excluded from the proposed Oceanside, Oregon incorporation. If the Terrsea HOA is not excluded from the proposed Oceanside, Oregon incorporation, then existing homeowners in the Terrasea HOA should be "grandfathered" in and not be subject to the additional tax levy resulting from the Oceanside, Oregon incorporation. We strongly oppose the incorporation of Oceanside, Oregon under the present proposal & hope the issue will not be on the ballot for consideration. Thank you.

The Stellato's  
595 Terrasea Way

Lynn Tone

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**From:** bill stellmon <stellmonb@gmail.com>  
**Sent:** Thursday, January 13, 2022 11:31 AM  
**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.]

As full-time residents of the Terrasea neighborhood, with intentions to remain so well into the future, we are respectfully AGAINST the proposal to incorporate Oceanside.

William C & Cynthia S Stellmon

850 Ridgewood Rd. W.  
Tillamook, Or 97141

Sent from my iPhone

Lynn Tone

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**From:** John <bktail@comcast.net>  
**Sent:** Thursday, January 13, 2022 11:17 AM  
**To:** Lynn Tone  
**Subject:** EXTERNAL: Keep Oceanside unincorporated!

[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 there to all,  
I've had property in Oceanside for 50 year's. Great little piece of Paradise..  
Why change? All good! Keep Oceanside unincorporated please.  
Sincerely, JohnC

Get [Outlook for iOS](#)

**Lynn Tone**

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**From:** Patrick Kayser <patrickkayser@gmail.com>  
**Sent:** Wednesday, January 12, 2022 11:25 PM  
**To:** Lynn Tone  
**Subject:** EXTERNAL: Oceanside Incorporation Testimony: Please Exclude Radar Rd.

[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 Lynn,

Please accept my testimony regarding the potential incorporation of Oceanside and thank you for your work on this.

As a property owner on Radar Rd, I see no benefit for our little community from the incorporation of Oceanside. As a private road, we would see no benefit from a newly formed Oceanside in terms of road maintenance and our STR situation is different from the center of Oceanside. Just as the Capes has been excluded because they wouldn't benefit, please exclude Radar Rd from any incorporation plans for Oceanside.

Thank you for creating an opportunity for the residents of Radar Rd to share their opinions on this matter.

All the best,

Patrick Kayser  
2655 Radar Rd.

## Lynn Tone

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**From:** Larry Taylor <sendlat@gmail.com>  
**Sent:** Wednesday, January 12, 2022 10:33 AM  
**To:** Lynn Tone  
**Subject:** RE: EXTERNAL: Oceanside Incorporation - Request For Exclusion (Radar Road Area)

Thank You Lynn!

**From:** Lynn Tone [mailto:ltone@co.tillamook.or.us]  
**Sent:** Wednesday, January 12, 2022 8:58 AM  
**To:** Larry Taylor <sendlat@gmail.com>  
**Subject:** Re: EXTERNAL: Oceanside Incorporation - Request For Exclusion (Radar Road Area)

Hi Larry, thank you for your testimony. It is on the record and will be included in the Commissioners hearing packets.

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**From:** Larry Taylor <sendlat@gmail.com>  
**Sent:** Tuesday, January 11, 2022 4:02 PM  
**To:** Lynn Tone <ltone@co.tillamook.or.us>  
**Cc:** Jan Emerson <latonline@aol.com>  
**Subject:** EXTERNAL: Oceanside Incorporation - Request For Exclusion (Radar Road Area)

[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,

We own the property located at 2662 Radar Rd, Oceanside, Oregon 97134 (also referred to as: 2662 Radar Rd, Tillamook, OR 97141). The purpose of this message is to join our neighbors on Radar Rd to request that our road be excluded from the proposed incorporation of Oceanside city.

At this point we make the following observations on the incorporation proposal/study:

1. The entire process by the ONA seems to have a false sense of urgency; very little notice was given to Oceanside property owners and residents so that we could all have time to research the proposal and provide input. The flurry of Zoom meetings allowed very little time go offline and research/ consider the proposed incorporation's impact to Oceanside and our neighborhood in particular.
2. The budget related detail is lacking in substance, and we see no logical justification that the very low projected tax rate of \$.80 per \$1,000 assessed value has a sound base of accounting standards (the average tax rate for the six cities we studied is \$3.59 per \$1,000 assessed value). Granted, all cities will have varying expense line items, but we worry that the Oceanside proposal could be lacking sufficient detail for an accurate forecast.
3. Our property is located in the northern most point in Oceanside and our private road (Radar Road) is maintained by the local residents. There are only 2 or 3 short term rentals here. These facts convince us that the proposed incorporation offers no benefits to us, but a guaranteed impact on our property taxes (increase).

For due diligence we picked six incorporated Oregon Cities with similar population statistics to determine the typical annual budgets and city tax rate per \$1,000 of assessed property value. We obtained the annual budgets for the example cities directly from the city web sites. Note that many cities do not have web sites, and some that do, do not publish their budgets. The table below shows some data for 6 cities:

CITY	Date-Incorporated	POP(2020)	POP(2010)	% CHANGE	AREA(square miles)	COUNTY
Adams	1893	389	350	11.14%	0.36 sq mi	Umatilla
Fossil	1891	447	473	-5.50%	0.79 sq mi	Wheeler
Maupin	1922	427	418	2.15%	1.45 sq mi	Wasco
Mosier	1914	468	433	8.08%	0.64 sq mi	Wasco
Nehalem	1889	270	271	-0.37%	0.24 sq mi	Tillamook
North Powder	1903	504	439	14.81%	0.64 sq mi	Union
Average-Budget						

And for the proposed incorporation of Oceanside:

							ONA Proposal
CITY	Date-Incorporated	POP(2020)	POP(2010)	% CHANGE	AREA(square miles)	COUNTY	
Oceanside	N/A	546	351	51.25%	1.00 sq mi	Tillamook	

We would hate to have the incorporation go through, only to see that the tax rate was vastly understated, requiring that additional funding instruments be imposed to balance the incorporated cities budget.

In conclusion, we see no positive gains to be had by our resident maintained access road to be included in the boundary area related to the proposed Oceanside Incorporation.

Here are links to the annual budgets we referenced:

- Adams [http://www.cityofadamsoregon.com/uploads/3/1/2/3/3123389/binder1-2021-2022\\_adopted\\_budget\\_resolution.pdf](http://www.cityofadamsoregon.com/uploads/3/1/2/3/3123389/binder1-2021-2022_adopted_budget_resolution.pdf)
- Fossil [http://cityoffossil.com/wp-content/uploads/2021/06/051821\\_Budget-Committee-Meeting-Minutes.pdf](http://cityoffossil.com/wp-content/uploads/2021/06/051821_Budget-Committee-Meeting-Minutes.pdf)
- Maupin <https://cityofmaupin.org/wp-content/uploads/2020/06/FY-2020-2021-Maupin-Budget-Message-Documents-Approved-by-Budget-Committee.pdf>
- Mosier [https://cityofmosier.com/wp-content/uploads/2020/04/budget-fy2019\\_20\\_final-3.pdf](https://cityofmosier.com/wp-content/uploads/2020/04/budget-fy2019_20_final-3.pdf)
- Nehalem [https://www.nehalem.gov/sites/default/files/fileattachments/city\\_hall/page/1831/2021-2022\\_fiscal\\_year\\_adopted\\_budget.pdf](https://www.nehalem.gov/sites/default/files/fileattachments/city_hall/page/1831/2021-2022_fiscal_year_adopted_budget.pdf)
- North Powder <http://northpowderoregon.org/wp-content/uploads/2021/05/21-22-Approved-Budget-CNP.pdf>

Best regards,  
Larry Taylor & Jan Emerson

January 12, 2022

Mary Faith Bell  
Commissioner and Chair  
Board of County Commissioners, Tillamook County  
201 Laurel Ave.  
Tillamook, OR 97141

Dear Madam Chair:

Please accept this letter as written testimony in opposition to the actions of a small group of Oceanside Village residents who narrowly circulated a petition to place Oceanside incorporation on the next ballot. The proposed incorporated area includes the Village of Oceanside and a large area outside of the village, including Avalon West. My husband and I own a home in Avalon West; however, we reside in Crook County. Our daughter rents our home in Avalon West, lives in the home full time and is a registered voter in Tillamook County.

We want to be certain that you are aware that many homeowners and renters in the proposed incorporated area, including ourselves and our daughter, just learned about the incorporation efforts. Although the Oceanside Neighborhood Organization (ONA) has a website, we have received no direct communication about the ONA, its membership opportunities, website or initiatives in the more than 11 years we have owned our home.

As you deliberate, please consider the following comments, which reflect our concerns about incorporation and the process the ONA followed to get this initiative before you.

1. We believe that by neglecting to directly notify all homeowners and voters in the affected area about the proposal and the petition drive, the petition organizers and the ONA has misled the Board of Commissioners into thinking a majority of owners was informed and knowledgeable about the petition effort and in favor of incorporation.
2. We understand that Tillamook County only required 65 signatures on the petition. That small number of signatures could easily have been garnered just from residents of the area known as the Village of Oceanside. It is a small percentage of the total number of homeowners in the affected area and, therefore, we do not believe that it is representative of the proposed incorporated area.
3. The ONA agreed that The Capes, which is adjacent to our neighborhood of Avalon West, would be exempt from inclusion in the incorporated area because it maintains its own roads. The ONA refused to consider a similar request from Avalon West, which also maintains its own roads. We believe the ONA's exemption denial was unfounded and based solely on its need to include our homes for future tax revenue.
4. In a letter to its membership, a group that does not include all owners within the proposed incorporated area, the ONA President Jerry Keene included the following as one issue for which the Board of County Commissioners is soliciting comments:

(c) the proposed city tax rate of 80 cents (\$.08) per \$1000 of assessed value

It appears that the "\$.08" is a typographical error. Nonetheless, including an error of this significance makes the tax rate deceiving. This proposed tax, which will surely increase over time as homes

continue to appreciate and as future Oceanside "city" officials determine the need for additional funding, will be a significant increase for homeowners. Please consider retirees in our area who are on fixed incomes and may not be able to accommodate an additional layer of taxes.

Additionally, the literature prepared by the ONA suggests that this new tax revenue will be used for road maintenance and construction, among other things. It is our understanding, however, that the majority of these taxes must be spent on administration, marketing, tourism and other similar efforts, with only a small percentage remaining for road maintenance. Avalon West offers no tourist destination amenities, other than some short-term rentals, and already maintains its own roads. Therefore, including our neighborhood in the incorporated area will increase our taxes without providing any tangible benefits.

5. Some homes in Avalon West are full- or part-time rentals. Owners of rental homes vote in the counties in which they permanently reside; therefore, they will not be allowed to vote on incorporation. And yet, as owners we will bear the burden of higher taxes and any future rules and ordinances that the newly formed Oceanside government may impose.

We respectfully request that the Board of County Commissioners deny the petition to include this measure on the next ballot or, at a minimum, grant an exemption for any neighborhood, including Avalon West, that requests an exemption based on a majority vote of that neighborhood's owners. We believe there are other neighborhoods that have been surprised by the actions of this small group of Oceanside Village residents. Even now, they may not be aware of this secretive petition drive or the resulting implications.

We also encourage Village residents and Tillamook County to work together to resolve whatever issues have led to this poorly conceived and clearly inequitable effort that will place new financial and bureaucratic burdens on neighborhoods that do not want to be incorporated and see no benefit to incorporation.

Sincerely,

  
Gary W. Allen

  
Susan J. Allen

Homeowners: 161 Reeder St., Tillamook, OR 97141

Mailing Address: 14681 S.W. Spirit Rock Dr., Powell Butte, OR 97753

## Lynn Tone

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**From:** davefr <davefr@gmail.com>  
**Sent:** Wednesday, January 12, 2022 7:23 AM  
**To:** Lynn Tone  
**Subject:** Re: EXTERNAL: Oceanside Incorporation Testimony (851-21-000449-PLNG)

Thanks Lynn,  
Will the complete commissioner's packet be available for public viewing on the website in advance of the hearing?

Dave

On Tue, Jan 11, 2022 at 11:31 AM Lynn Tone <[ltone@co.tillamook.or.us](mailto:ltone@co.tillamook.or.us)> wrote:  
Hello Dave, thank you for your testimony it's on the record and will be included in the Commissioners packets for the hearing.

---

**From:** davefr <[davefr@gmail.com](mailto:davefr@gmail.com)>  
**Sent:** Tuesday, January 11, 2022 8:15 AM  
**To:** Lynn Tone <[ltone@co.tillamook.or.us](mailto:ltone@co.tillamook.or.us)>; Kelly Fulton <[kfulton@co.tillamook.or.us](mailto:kfulton@co.tillamook.or.us)>; xxx xxx <[davefr@gmail.com](mailto:davefr@gmail.com)>  
**Subject:** EXTERNAL: Oceanside Incorporation Testimony (851-21-000449-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 Lynn and Kelly,  
Would you please accept the below testimony + two exhibits regarding the incorporation of Oceanside and forward it to our 3 county commissioners for consideration and enter it into the legal record for the upcoming hearing.

Thank you!  
Dave and Rose Friedlund  
2500 Cape Meares Loop NW  
Oceanside, OR

*To: Commissioners Ms. Bell, Ms. Skaar and Mr. Yamamoto,*

*Please accept our testimony regarding the potential incorporation of Oceanside.*

*Although we supported the ONA's efforts to bring this proposal to the voters, we strongly object to the proposed boundary and ask the county to revise the boundaries to include Oceanside Village but exclude the large rural area North of Maxwell Mountain since the benefits will be negligible. (and thus a Violation of Oregon Statute Chapter 221, Section 221.040, paragraph 2)*

*The ONA's proposal is based primarily on providing I. Road Improvements II. Short term rental regulations III. Land use planning.*

I. Rural North Oceanside roads are primarily private easements maintained by the property owners. Radar Road is the sole county road and is successfully maintained by the property owners at nominal shared cost. Exhibit #1 clearly illustrates the difference in number of roads between our area and the village. Therefore this benefit of incorporation is negligible.

II. The rural North Oceanside area is not a prime location for short term rentals . Properties are spread out with minimal beach access and no nearby services. Problems associated with short term rentals are rare compared to the much higher population density of Oceanside village given their proximity to beach front access, the state park and various tourist services.

Our rural North Oceanside area wishes to remain a neighborhood of neighbors/friends/families vs. a revolving door of anonymous STR renters. Our desires would be best served by remaining unincorporated and supporting Tillamook County's future efforts to tackle STR limits/bans. (like Lincoln County). This is as opposed to an incorporated city of Oceanside who's lifeblood would be largely based on maximizing the revenue stream generated by STR's.

III. As property owners for the last 23 years we have seen zero issues in the area of land use planning. The rural nature of this section of Oceanside and general forestry land use designation, suggest that ONA's proposal would offer no compelling benefit now or in the future. I don't recall a single new home being built in this area in the last 23 years.

Just as The Capes has been excluded from ONA's proposal based on their unique situation, we ask the county to exclude rural North Oceanside based on our unique differentiation from Oceanside Village. Please see Exhibit 1 and 2. There's a very clear delineation of our area from the village. We propose that Oceanside North of Maxwell Mountain (ie Map 1S 11 24AD, DA and AA) be excluded from the incorporation proposal since the taxation costs far outweigh any minimal incorporation benefits for us. The boundary could always be expended later if an incorporated Oceanside is deemed a success over time.

Thank you,  
Dave and Rose Friedlund  
2500 Cape Meares Loop  
Oceanside, OR

1 Public Rd  
25 Homes + or -  
0 Services  
1 Beach Trail

Exhibit 1

Propose  
Keeping North  
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35 Roads  
250 Homes + or -  
5 Tourist Services  
Oregon State Park



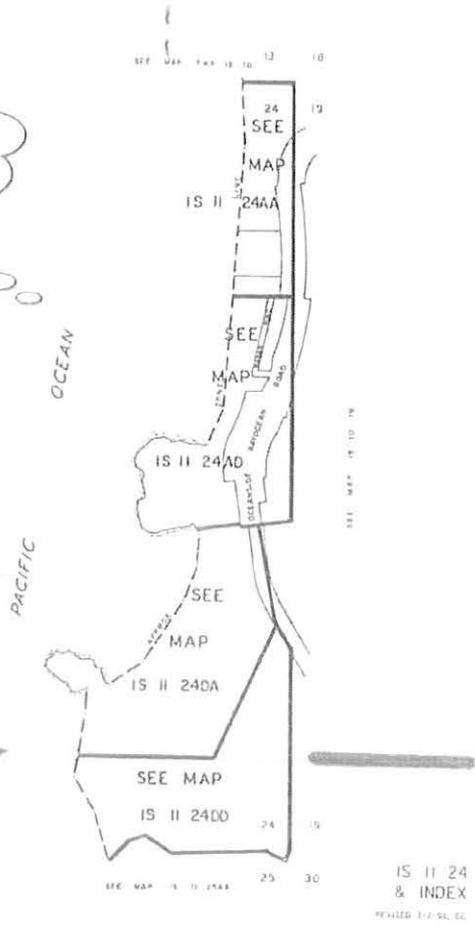
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

SECTION 24 T.1S. R.11W.W.M.  
TILLAMOOK COUNTY  
1" = 400'

IS II 24  
& INDEX

Exhibit 2

Proposed End of  
Incorporation  
boundary



IS II 24  
& INDEX  
REVISED 1-7-91, S.L. CC

To: Board of County Commissioners  
Via: e-mail to Lynn Tone  
ltone@co.tillamook.or.us

January 11, 2022

Dear Board of Commissioners,

I am writing in opposition to the proposed incorporation of Oceanside. I have several concerns based on the reports submitted by the organizers of Oceansiders United.

Jerry Keene admitted that he recruited people for the study based on their backgrounds and knowledge of the particular areas that needed to be researched. This, therefore, drew from his personal contacts, many residing in the Village/Maxwell Mountain portion of Oceanside. This is the area that he specifically mentions when saying that Oceanside is "economically viable based not on its commerce, but on its setting". This is the area that has the most to gain from incorporation and has the most dense population of the area which allows it to carry the necessary votes to pretty much "run the show". The Capes opted out, but I know that they are zoned differently than the rest of Oceanside so that option will most likely not be available to the residents of Avalon, Camelot, Terrasea, and Trillium. Most of the people that I know from these other communities within Oceanside are not in favor of incorporation. There are really so few registered voters as compared to property/home owners that it seems very unfair to allow this small group of motivated and enthusiastic "leaders" to call the shots. Some of this group has had very bad experiences with the board of commissioners in the past and that is tainting their feelings now. I believe that we now have a representative, and fair board of commissioners and that they can be approached by Oceansiders as a whole and get a fair response to their requests. This has been demonstrated lately by the execution of the plan to add the pedestrian walkway to the beach, address short term rental concerns, and deal with building height regulations here in Oceanside. Incorporation was not necessary for any of these to happen. I know that Oceansiders United feels like we aren't "getting our fair share" of TLT revenue, but other than road repaving issues I have only heard "ideas" of how we would spend the money that we don't really need. It almost seems like a "greed" based proposal that would take much needed funds away from our support city of Tillamook. I am a strong supporter of CARE and would hate to be involved in anything that would cause our neighbors in Tillamook more grief than they are recently encountering. I know that I keep hearing about Pacific City unfairly getting so much of the TLT funds that they had to hire a consultant to decide how the money should be spent. I am sure that there is much more to that story than we are hearing.

Another area of concern is - on what are we really allowed to spend the 70% of the TLT funds that is supposed to benefit tourism- when we don't want to increase tourism to our already too busy little town? There has been mention of bike paths, ( nice idea, but the roads are hardly

wide enough to accommodate cars so is that really a viable option?) There has been talk of remodeling or re roofing the community club- how is that supposed to support tourism. (There is already work being done on a grant proposal to fund this) It is a place whose main purpose is to have a place for community residents to gather and it is rented out only so that we can afford to maintain it.

One of the main concerns seems to be road maintenance. I can't figure out, and there have been conflicting stories, as to how much of our new budget from TLT funds can be spent on road maintenance and what roads are eligible for repaving under that program. The report from the Oceansiders United alludes to the fact that we will try to hire personnel with the proper background in this area. Given the complications of putting this all together, the huge amount of money we are talking about, and the time to actually obtain grants they hope to get, it will not be something that will happen soon after incorporation and contracting with the present Public Works Department will no longer be an option because we already know that time and staffing and weather continually delay projects already on their docket. They will likely not hire out to us when we are no longer their responsibility. Roads will get much worse before they get better. It has been noted that there will need to be a new drain water treatment in the Village to go with the updated roads- another cost and benefit that only effects the people in that area.

Another area that I want to address is the fact that most residents would rather decrease the number of short term rentals. I don't think the way Lincoln City has chosen to do it in their unincorporated areas is fair, but any plan to try to do this in Oceanside would be unrealistic if we are building a budget for a city that runs on a good portion of the funds collected from the vacation rentals. If we incorporate we are dismissing the possibility of lessening the number of short term rentals in our areas.

According to the report by Oceansiders Unified, there are only 201 occupied or full time residents of Oceanside. This is less than 1/3 of the 653 occupied housing units. If Oceansiders Unified really wanted to unify Oceanside they would have made sure that everyone who owns property in Oceanside had been notified and able to vote on whether this matter was backed enough to request a petition to be put together and submitted to the commissioners. The ONA, until the last few months, has been a relatively small group of residents who have had a long time affiliation to the organization. Then within two months' time some of the rest of the land owners - who heard by word of mouth, were brought into this loop that will change their lives forever- if in no other way than raising their taxes. It seems very unfair- basically taxation without representation.

It has also been brought up in the community forums that the projected budget for salaries for the city positions is not realistic as well as that the number of people necessary to carry out everything needed to run the city government is grossly understated. I have no way of knowing who is right, but it is a real concern of mine. I am also concerned that this group of well intentioned, enthusiastic leaders will "age out" of their positions and knowing that Oceanside is composed of mostly retired residents there may well not be willing retirees from this very small pool of registered voters who want to step into these leadership roles.

I am concerned that if we need more funds for projects deemed necessary by the 89 people who signed the petition, that with the few people we have that are eligible to vote here, we will basically have no say on proposed bond measures and the like. Oceanside just has too few people eligible to vote for us to be making decisions that affect so many people's lives.

With my concerns voiced, I have to leave this in your hands. According to my calculations, if this gets on the ballot, given the usual number of people who demonstrate their right to vote in elections and the fact that this is a midterm elections, that with the 89 people who signed the petition they just might have the majority vote right there.

I just feel that we aren't big enough to go through all this trouble and the division it is creating in our small, and until now, friendly and cohesive community. We already have all the major services which will carry on one way or the other,- what are we really to gain?

Thank you for your time and consideration of this matter.

Debbi Mitchell (registered voter as Debra A. Mitchell)  
5350 Castle Dr.  
Tillamook (Oceanside) OR 97141

503-515-8112

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**Lynn Tone**

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**From:** Larry Taylor <sendlat@gmail.com>  
**Sent:** Tuesday, January 11, 2022 4:02 PM  
**To:** Lynn Tone  
**Cc:** Jan Emerson  
**Subject:** EXTERNAL: Oceanside Incorporation - Request For Exclusion (Radar Road Area)

[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,

We own the property located at 2662 Radar Rd, Oceanside, Oregon 97134 (also referred to as: 2662 Radar Rd, Tillamook, OR 97141). The purpose of this message is to join our neighbors on Radar Rd to request that our road be excluded from the proposed incorporation of Oceanside city.

At this point we make the following observations on the incorporation proposal/study:

1. The entire process by the ONA seems to have a false sense of urgency; very little notice was given to Oceanside property owners and residents so that we could all have time to research the proposal and provide input. The flurry of Zoom meetings allowed very little time go offline and research/ consider the proposed incorporation's impact to Oceanside and our neighborhood in particular.
2. The budget related detail is lacking in substance, and we see no logical justification that the very low projected tax rate of \$.80 per \$1,000 assessed value has a sound base of accounting standards (the average tax rate for the six cities we studied is \$3.59 per \$1,000 assessed value). Granted, all cities will have varying expense line items, but we worry that the Oceanside proposal could be lacking sufficient detail for an accurate forecast.
3. Our property is located in the northern most point in Oceanside and our private road (Radar Road) is maintained by the local residents. There are only 2 or 3 short term rentals here. These facts convince us that the proposed incorporation offers no benefits to us, but a guaranteed impact on our property taxes (increase).

For due diligence we picked six incorporated Oregon Cities with similar population statistics to determine the typical annual budgets and city tax rate per \$1,000 of assessed property value. We obtained the annual budgets for the example cities directly from the city web sites. Note that many cities do not have web sites, and some that do, do not publish their budgets. The table below shows some data for 6 cities:

CITY	Date-Incorporated	POP(2020)	POP(2010)	% CHANGE	AREA(square miles)	COUNTY
Adams	1893	389	350	11.14%	0.36 sq mi	Umatilla
Fossil	1891	447	473	-5.50%	0.79 sq mi	Wheeler
Maupin	1922	427	418	2.15%	1.45 sq mi	Wasco
Mosier	1914	468	433	8.08%	0.64 sq mi	Wasco
Nehalem	1889	270	271	-0.37%	0.24 sq mi	Tillamook
North Powder	1903	504	439	14.81%	0.64 sq mi	Union

Average-Budget

And for the proposed incorporation of Oceanside:

						ONA Proposal
CITY	Date-incorporated	POP(2020)	POP(2010)	% CHANGE	AREA(square miles)	COUNTY
Oceanside	N/A	546	361	51.25%	1.00 sq mi	Tillamook

We would hate to have the incorporation go through, only to see that the tax rate was vastly understated, requiring that additional funding instruments be imposed to balance the incorporated cities budget.

In conclusion, we see no positive gains to be had by our resident maintained access road to be included in the boundary area related to the proposed Oceanside Incorporation.

Here are links to the annual budgets we referenced:

Adams [http://www.cityofadamsoregon.com/uploads/3/1/2/3/3123389/binder1-2021-2022 adopted budget resolution.pdf](http://www.cityofadamsoregon.com/uploads/3/1/2/3/3123389/binder1-2021-2022%20adopted%20budget%20resolution.pdf)

Fossil [http://cityoffossil.com/wp-content/uploads/2021/06/051821 Budget-Comittee-Meeting-Minutes.pdf](http://cityoffossil.com/wp-content/uploads/2021/06/051821_Budget-Comittee-Meeting-Minutes.pdf)

Maupin <https://cityofmaupin.org/wp-content/uploads/2020/06/FY-2020-2021-Maupin-Budget-Message-Docment-Approved-by-Budget-Committee.pdf>

Mosier [https://cityofmosier.com/wp-content/uploads/2020/04/budget-fy2019 20 final-3.pdf](https://cityofmosier.com/wp-content/uploads/2020/04/budget-fy2019-20-final-3.pdf)

Nehalem [https://www.nehalem.gov/sites/default/files/fileattachments/city\\_hall/page/1831/2021-2022 fiscal year adopted budget.pdf](https://www.nehalem.gov/sites/default/files/fileattachments/city_hall/page/1831/2021-2022_fiscal_year_adopted_budget.pdf)

North Powder <http://northpowderoregon.org/wp-content/uploads/2021/05/21-22-Approved-Budget-CNP.pdf>

Best regards,

Larry Taylor & Jan Emerson

Lynn Tone

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**From:** davefr <davefr@gmail.com>  
**Sent:** Tuesday, January 11, 2022 8:16 AM  
**To:** Lynn Tone; Kelly Fulton; xxx xxx  
**Subject:** EXTERNAL: Oceanside Incorporation Testimony (851-21-000449-PLNG)

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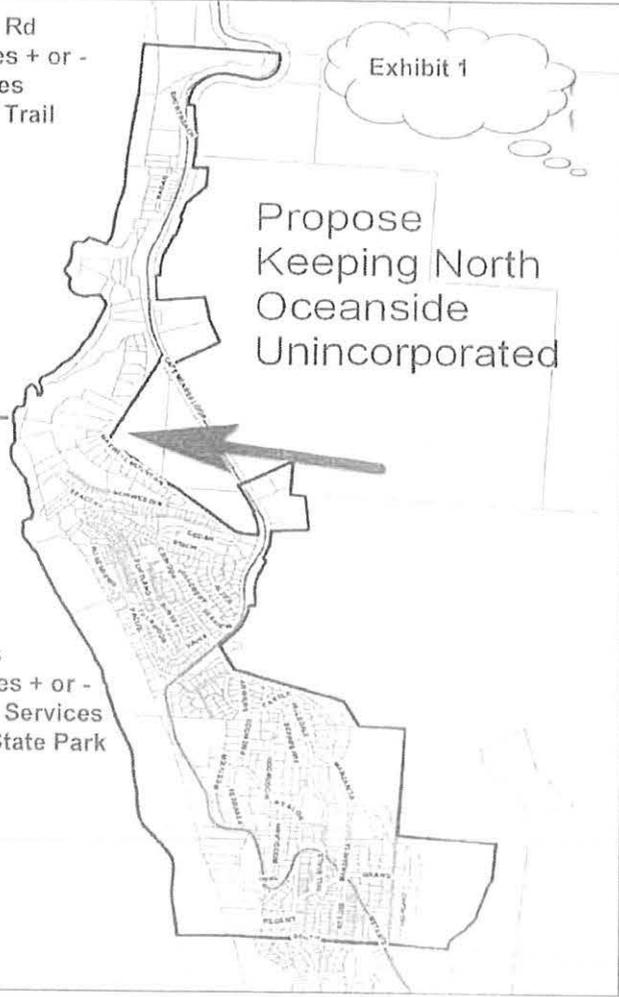
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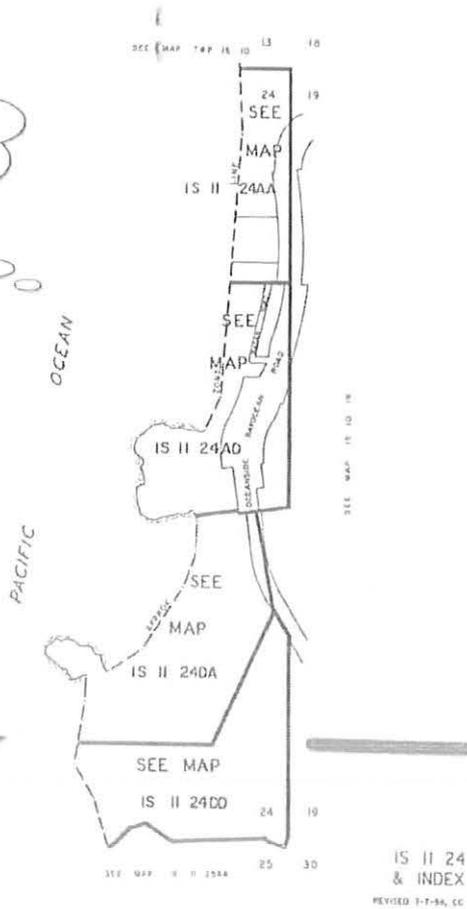
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SECTION 24 T.IS. R.II.W.M.  
TILLAMOOK COUNTY  
1" = 400'

IS II 24  
& INDEX

Exhibit 2

Proposed End of  
Incorporation  
boundary



Lynn Tone

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**From:** kissmekait21@yahoo.com  
**Sent:** Monday, January 10, 2022 9:27 PM  
**To:** Kelly Fulton  
**Subject:** EXTERNAL: Hearing for Oceanside incorporation city limits boundary

[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 Mr. Fulton, my name is Kaitlyn Sawyer and I live in the Avalon West community south of highway 131. As a self sufficient community we would like to be excluded from The boundary of Oceanside's proposed incorporation.

As I understand that hearing has been moved to the 26th of January instead of the 19th. If in person (not zoom or phone) testimony on our behalf is necessary I would like to attend. I am fully vaccinated and boosted, and supply my vaccination card.

Being excluded from this incorporation just makes sense. We have no need for what they are trying to do down there.

Please let me know if in person will be allowed.

Thank you!

Kaitlyn Sawyer  
205 Reeder Street

Sent from Yahoo Mail on Android

Tillamook County Department of Community  
Development  
Tillamook County Courthouse  
201 Laurel Avenue  
Tillamook, OR 97141

Tillamook County Board of Commissioners:

Mary Faith Bell, Commissioner, Chair  
David Yamamoto Commissioner, Vice-Chair  
Erin Skaar, Commissioner  
Rachel Hagerty, Chief of Staff  
Joel Stevens, Counsel

Re: **Objection to petition to incorporate Oceanside Oregon as a "city"**

Dear Board of Commissioners:

First, I want to thank you for all the work you do in support of Tillamook County and appreciate your time and efforts in these matters. I very much enjoy the quiet and rural nature of this beautiful area and have felt the county is doing an acceptable job managing the needs of our area. Recently I became aware that there was a petition submitted to the commissioners as an effort to include my community (Avalon West) in a newly formed incorporated city of "Oceanside".

I am writing this letter to officially oppose the incorporation of my property and community of Avalon West from inclusion to this newly formed "city".

After careful review of the Oceanside Neighborhood Association proposal and Economic Feasibility Statement, including the community plan, survey results and various reference details, as well as the Incorporation Guide published by the League of Oregon Cities, I do not see the benefit to the proposed Incorporated city for the Avalon West development.

Oceanside community very noticeably begins when the curve of hwy 131 passes Terrasea way and reaches the coast. This is where the sign that states "Welcome to Oceanside" as is posted on the road right before you approach the Symons wayside park.

My home is located on Reeder Street in the Avalon West development of Tillamook Oregon 97141. Avalon West is up the hill a few curves from the Symons park, right next to 'the Capes' near the village of Netarts. We are a significant distance from the village and our post office is located in Tillamook

With our community situated on furthest edge of the proposed boundary our property line is shared with the Capes sub-division, which is currently excluded from the city boundary. Similar to the Capes development, Avalon west is a significant distance from the current "village" of Oceanside and therefore will not benefit in any way from this incorporation. In fact, this change will only add financial burden to the residents and homeowners in this area without any additional benefit.

All existing services we currently employ in our neighborhood will still be our responsibility through our existing county tax. The Avalon West community has already invested significant funds into maintaining its roads and the added tax burden of this proposed city offers no benefit to this area.

The documents in the petition are very focused on the needs of Oceanside village (i.e those located in zip code 97134) - and offer no benefit for our area. Also no effort was made by those who submitted

the petition to inquire and consider if our neighborhood had any concerns or even wished to be included in this proposal.

At this time, I urge you to vote NO on this petition or at the very least to exclude our community of Avalon West from the city boundary.

Sincerely,



Danielle R Coggin,  
115 Reeder Street,  
Tillamook Oregon 97141

CC: Kelly Fulton, [kfulton@co.tillamook.or.us](mailto:kfulton@co.tillamook.or.us)  
Lynn Tone, [ltone@co.tillamook.or.us](mailto:ltone@co.tillamook.or.us)

Received

JAN 12 2022

Tillamook County  
Board of Commissioners

Date: January 10, 2022

To: Tillamook County Commissioners

From: OceanCrest Condominiums LLC

RE: Oceanside Incorporation – Exclude Avalon West – Directly North of The Capes

Dear Ms Bell, Mr Yamamoto and Ms Skarr,

Please exclude Avalon West from Oceanside Villages attempt to incorporate our community into the City of Oceanside. My request is to remain a part of unincorporated Tillamook County.

Please require the Oceanside incorporation area to exclude Avalon West subdivision the same as THE CAPES was allowed to do.

We are registered voters and own 2 properties in Avalon West:

150 Reeder St	Tax Lot 1S10 30CD 02309
160 Reeder St	Tax Lot 1S10 30CD 02309

Please call with questions or concerns.

Sincerely,



OceanCrest Condominiums LLC  
Thomas Kearney  
503-475-1406

Received

Tillamook County  
Board of Commissioners

Date: January 10, 2022

To: Tillamook County Commissioners

From: Thomas Kearney

RE: Oceanside Incorporation – Exclude Avalon West – Directly North of The Capes

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Please require the incorporation area to exclude Avalon West subdivision the same as THE CAPES was allowed to do.

I am a registered voter and own 3 properties in Avalon West:

142 Reeder St	Lot 13, Block 18, Avalon	1S10 30CD 02308
132 Reeder St	Lot 15, Block 18, Avalon	1S10 30CD 02307
122 Reeder St	Lot 17, Block 18, Avalon	1S10 30CD 02306

Please call with questions or concerns.

Sincerely,



Thomas Kearney  
503-475-1406

Lynn Tone

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From: Garry Yarosevich <diesel@hrecn.net>  
Sent: Monday, January 10, 2022 1:20 PM  
To: Lynn Tone  
Subject: EXTERNAL: 2620 Radar Road 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.]

Lyn Tone,

We Garry & Ann Yarosevich are property owners on 2620 Rader road and have concerns over including our property in the incorporation of Oceanside. I don't see any benefits to the area as we take care of our road maintenance and am very happy with current land use designation and county permit planning. We would like to be excluded and don't believe the added tax will be of importance to the property owners. I do feel the added taxes will only put money in the pockets of Oceanside government to use and create issues for the area we will not benefit from therefore please consider removing us from the incorporation plan rather than using us to fund Oceanside agenda.

Thank you,

Sincerely Garry Yarosevich

Sent from my iPhone

Dear Commissioner Erin Skaar,

I am a homeowner in the Avalon subdivision of Oceanside Oregon, I understand that there is a movement by some in the actual city of Oceanside that are attempting to incorporate into an actual city. This group has chosen to exempt our neighboring subdivision of the Capes, due to the fact that they maintain their own roadways, we in Avalon also maintain our own roadways, without tax dollars, and should be exempted from this incorporation attempt as well. We as owners were not contacted in any way to have a voice in this decision, we were not offered a vote for or against and I believe that this effort poses a taxation without representation, as there was not sufficient notice given to over 1/3 of the homes that will be affected by this decision. I believe at a minimum our subdivision should be given the opportunity to be exempted and continue to be under Tillamook County instead of being unfairly forced to increase our property taxes at no value to us in our neighborhood. I hope you will take time to consider this as this attempt moves forward. We as a neighborhood are ready to hire legal representation and will fight this incorporation movement but hope that through common bonds and communication this can be avoided, and that the Avalon area can simply be exempted from the incorporation movement.

Thanks for your time considering this,

Joan Bedlion

A handwritten signature in black ink that reads "Joan Bedlion". The signature is written in a cursive style with a large, sweeping initial "J" and a long horizontal stroke at the end.

Received

AN 10 2022

Tillamook County  
Board of Commissioners

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Thanks for your time considering this,  
Jim Bedlion



Received

JAN 10 2022

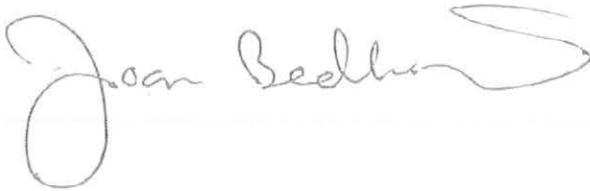
Tillamook County  
Board of Commissioners

Dear Commissioner Chair Mary Bell,

I am a homeowner in the Avalon subdivision of Oceanside Oregon, I understand that there is a movement by some in the actual city of Oceanside that are attempting to incorporate into an actual city. This group has chosen to exempt our neighboring subdivision of the Capes, due to the fact that they maintain their own roadways, we in Avalon also maintain our own roadways, without tax dollars, and should be exempted from this incorporation attempt as well. We as owners were not contacted in any way to have a voice in this decision, we were not offered a vote for or against and I believe that this effort poses a taxation without representation, as there was not sufficient notice given to over 1/3 of the homes that will be affected by this decision. I believe at a minimum our subdivision should be given the opportunity to be exempted and continue to under Tillamook County instead of being unfairly forced to increase our property taxes at no value to us in our neighborhood. I hope you will take time to consider this as this attempt moves forward. We as a neighborhood are ready to hire legal representation and will fight this incorporation movement but hope that through common bonds and communication this can be avoided, and that the Avalon area can simply be exempted from the incorporation movement.

Thanks for your time considering this,

Joan Bedlion



Received

JAN 10 2024

Tillamook County  
Board of Commissioners

Dear Co-Chair David Yamamoto,

I am a homeowner in the Avalon subdivision of Oceanside Oregon, I understand that there is a movement by some in the actual city of Oceanside that are attempting to incorporate into an actual city. This group has chosen to exempt our neighboring subdivision of the Capes, due to the fact that they maintain their own roadways, we in Avalon also maintain our own roadways, without tax dollars, and should be exempted from this incorporation attempt as well. We as owners were not contacted in any way to have a voice in this decision, we were not offered a vote for or against and I believe that this effort poses a taxation without representation, as there was not sufficient notice given to over 1/3 of the homes that will be affected by this decision. I believe at a minimum our subdivision should be given the opportunity to be exempted and continue to under Tillamook County instead of being unfairly forced to increase our property taxes at no value to us in our neighborhood. I hope you will take time to consider this as this attempt moves forward. We as a neighborhood are ready to hire legal representation and will fight this incorporation movement but hope that through common bonds and communication this can be avoided, and that the Avalon area can simply be exempted from the incorporation movement.

Thanks for your time considering this,  
Jim Bedlion



Received

IAN 10 2022

Tillamook County  
Board of Commissioners

Dear Co-chair David Yammamoto,

I am a homeowner in the Avalon subdivision of Oceanside Oregon, I understand that there is a movement by some in the actual city of Oceanside that are attempting to incorporate into an actual city. This group has chosen to exempt our neighboring subdivision of the Capes, due to the fact that they maintain their own roadways, we in Avalon also maintain our own roadways, without tax dollars, and should be exempted from this incorporation attempt as well. We as owners were not contacted in any way to have a voice in this decision, we were not offered a vote for or against and I believe that this effort poses a taxation without representation, as there was not sufficient notice given to over 1/3 of the homes that will be affected by this decision. I believe at a minimum our subdivision should be given the opportunity to be exempted and continue to be under Tillamook County instead of being unfairly forced to increase our property taxes at no value to us in our neighborhood. I hope you will take time to consider this as this attempt moves forward. We as a neighborhood are ready to hire legal representation and will fight this incorporation movement but hope that through common bonds and communication this can be avoided, and that the Avalon area can simply be exempted from the incorporation movement.

Thanks for your time considering this,

Joan Bedlion



Received

JAN 10 2022

Tillamook County  
Board of Commissioners

## Lynn Tone

---

**From:** Linda Anderson <lmander9@yahoo.com>  
**Sent:** Sunday, January 9, 2022 5:25 PM  
**To:** Lynn Tone  
**Subject:** EXTERNAL: Secession consideration from ONA's Incorporation plan 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.]

Please accept our testimony regarding the proposal for incorporation of Oceanside.

We, Mark and Linda Anderson, strongly object to the proposed boundary and ask the County to revise the boundaries to include Oceanside Village but exclude the rural area to the north of Maxwell mountain based on our understanding that this incorporation will not benefit this area. We support the ONA's efforts to bring this proposal to the voters for Oceanside proper but not beyond the 97134 postal code area or Maxwell Mountain.

1. Radar Road is a Private access to the homes above Short Beach and maintained by the homeowners and not supported by the County or other means. The Oceanside incorporation has no plans to change that status and therefore will not be including Radar Rd in their road maintenance/improvement plans. Therefore there is no benefit if this area were incorporated.
2. This area north of Oceanside is not a prime location for short term rentals . There is limited public beach access, limited parking and no public facilities. The problems associated with short term rentals in larger more populated areas are not the same and not found in this rural northern area as they are in a denser more populated area like that of Oceanside village.
3. Our property has been in our family for over 68 years and during this time we have not seen any issues in land use planning. We have of course seen growth and development but these have never been an issue. Cape Meares Loop road has been expanded and well maintained and the new Loop is now in the process of development and expansion. These are expected processes.

The Tillamook County taxes we currently pay have taken care of the needs of this rural area and we see no advantage whatsoever to being a part of the Oceanside incorporation.

Our understanding is that The Capes have been excluded from ONA's proposal based on their unique situation. We ask the county to exclude the area to the north of Oceanside based on our unique differences from Oceanside Village. We wish to remain a neighborhood of friends and families vs another STR mecca. Our desires would be best served by remaining unincorporated and supporting Tillamook County's future efforts to tackle STR caps in unincorporated areas. (like those efforts done in Lincoln County).

Thank you for your consideration,

Mark and Linda Anderson

[lmander9@yahoo.com](mailto:lmander9@yahoo.com) / [meander55@gmail.com](mailto:meander55@gmail.com)

2700 Cape Meares Loop

Tillamook, OR 97141

Lynn Tone

---

**From:** Linda Anderson <lmander9@yahoo.com>  
**Sent:** Sunday, January 9, 2022 2:36 PM  
**To:** Lynn Tone  
**Subject:** EXTERNAL: Testimonial - Secession from ONA proposed 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.]

This is being sent to you on behalf of Jerome and Sherry Cooper - s.dahrens@comcast.net - as they do not currently have an operational computer.

*Please accept our testimony regarding the proposal for incorporation of Oceanside.*

We own a home and two adjacent vacant lots at 2686 Radar Rd.  
We do not want our property to be included within the Oceanside City incorporation boundaries. It is our understanding we would receive no services nor benefits beyond those already provided by our current property taxes with Tillamook County.

Thank you for your consideration  
Jerome and Sherry Cooper  
s.dahrens@comcast.net

## Lynn Tone

---

**From:** Gary Ciment <cimentgary@gmail.com>  
**Sent:** Sunday, January 9, 2022 9:42 AM  
**To:** Lynn Tone  
**Subject:** EXTERNAL: Opinion on 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 Tillamook County Commissioners,

I am writing to ask that Tillamook county commissioners EXCLUDE the Radar Road community from the map being considered as part of the Oceanside incorporation efforts. After long discussion among us homeowners, the vast majority of our community are against being included in a possible future Oceanside City for a variety of reasons (which I won't go into -- I'll let others get into specifics).

Here's how the poll was conducted: I polled (by email) EVERY home (18 in total) and homeowner located north of Short Creek and south of the quarry. This area has been included in all of the maps being circulated about the city limits of a future Oceanside City. Each home was given one vote, regardless of the number of individuals living in that home. I included full time homeowners, part time homeowners, and owners of short term rentals (3 in total). The question was simply: "Should Radar Road be part of the Oceanside Incorporation proposal?" They were reminded once to return their "vote," and were given a total of 3 weeks to respond.

The response rate was 83%. Of the responders, 80% said "NO" and 20% said "YES." Although this vote is clearly split, the vast majority of our community have made it be known that they wish to be excluded from a potential incorporated city of Oceanside, and to remain within unincorporated Tillamook county.

Finally, I should point out that some members of our community plan on sending their individual inputs to the commissioners. You can be assured that this issue of inclusion or exclusion has been a hot topic in our little community, and most of us have been actively participating in the community discussion and Zoom meetings -- we have thoroughly thought through the implications of remaining in unincorporated Tillamook county.

Please let me know if you want or require any additional information about this poll. And, please excuse my use of bold/red type in this email -- I just wanted the main facts to stand out.

--  
Gary Ciment  
2690 Radar Road  
Tillamook, OR

Lynn Tone

---

**From:** kissmekait21@yahoo.com  
**Sent:** Saturday, January 8, 2022 8:19 AM  
**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.]

Dear Tillamook county commissioners;

This email is sent to you in regards to the village of Oceanside making an attempt to be an incorporated city. In so doing they have extended their city limits boundary to include far reaching areas that never approached them to hopefully be included in their effort.

We at Avalon West, a development south of their location is a fully independent and self sufficient community. We have community construction restrictions in place, maintain our own road surfaces, and have no beachfront property that requires any additional rules other than what Tillamook county has in place. In short, we have no place in the Oceanside incorporation venture.

As a resident of the Avalon West community, I would like to ask our county commissioners to exclude our area, Avalon West, from being included in "The City of Oceanside" city limits, and their efforts to incorporate.

Thank you for your consideration to remove us from this incorporation effort.

Sincerely;

Kaitlyn L. Sawyer  
205 Reeder Street

Sent from Yahoo Mail on Android

January 7, 2022

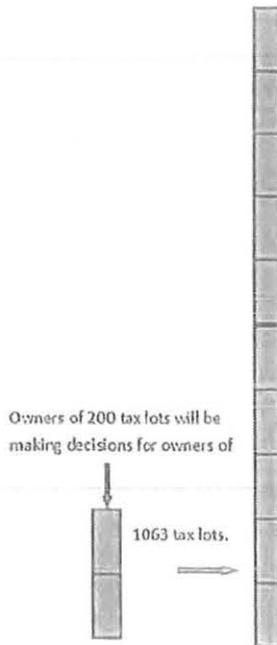
To: Board of County Commissioners  
Via: eMail to Lynn Tone [ltone@co.tillamook.or.us](mailto:ltone@co.tillamook.or.us)

RE: OPINION REGARDING INCORPORATION OF OCEANSIDE

Dear Commissioners,

Please do not approve the ballot measure to incorporate Oceanside. Incorporation is not needed.

The people who have made this proposal represent less than 1/3 of the community of Oceanside. The 331 registered voters occupy a little over 200 households in Oceanside. There are 1063 tax lots in Oceanside. Therefore, the May vote would result in owners of approximately 200 tax lots making important decisions for the owners of 1063 tax lots:



The 122 people voting "yes" at the ONA Meeting to petition for incorporation did not even represent a large proportion of the number of voting members in attendance at that meeting, making the ratio even smaller. 78 people voted "no" at that meeting. This proposal which will seriously impact *owners* of 1063 tax lots (probably around 2000 *people*) is being pushed through by 122 people

I believe that if all 1063 tax lot owners were aware of this effort and understood what is happening, this petition would be soundly defeated. Most people who own property in Oceanside simply do not participate in ONA. Also, many of the 1063 are vacant lots which the owners plan to eventually build on when they retire. They can not register to vote here at this time because they don't live here yet.

Addressing each of the "Services" the new city proposes to provide (from the Economic Feasibility Statement submitted by ONA) makes it readily apparent that these services are not needed, and some of them are unrealistic and unlikely to ever be accomplished.

1. Land Use Planning / Building Services – Because of the small size of our city, we would need to have a part time planner, such as Wheeler does. It is painfully slow getting information and decisions made in Wheeler because of the limited availability of the part time planner. While Tillamook County is experiencing delays now, due to the pandemic, in normal times, the county Planning/Building Services are more than adequate and efficient. Incorporation is NOT needed.
2. Road Maintenance & Construction/Stormwater Management – Over half of the area included in Oceanside's future city boundary consists of neighborhoods who have been and will continue to maintain their own roads or who live North of the village where the only road other than the highway is Radar Rd. (See map on next page) This proposed service is NOT needed.
3. Code Compliance/Enforcement – There is very little crime in this area. More law enforcement is not needed. There are efficient systems in place for Code Compliance. Incorporation not needed for code compliance.
4. Emergency Preparedness – Programs already exist to organize and accomplish Emergency Preparedness, and in fact an effort is already underway in Oceanside to accomplish this. We do not need a city to offer this program.
5. Recreational Services and Amenities – Safer access routes for pedestrians is not practical in Oceanside without widening the roads, which is not a viable solution. The beach and the view are the primary amenities, and an incorporated city will not improve on that. There is already a project underway for the terraced ramp at the wayside, and an incorporated city was obviously not needed in order to accomplish that.
6. Sewer/Water/Power/Fire Protection – These systems are already in place in Oceanside and are working superbly. Incorporation is not needed for these services.
7. Public Transportation – The Wave is wonderful. Incorporation is not needed for this.
8. Police/Public Safety – This is redundant. As in Item 3 above, there is very little crime in Oceanside and the existing County Sheriff services are adequate and appreciated. Incorporation not needed.
9. Solid Waste Disposal/Recycling – As stated in the feasibility statement, this service is efficiently in place and will continue despite incorporation. Incorporation is not needed.

I have sold many properties in Oceanside, and I know that one of the reasons people buy here is for its slow, laid-back pace, so they can escape the stresses of the city. Incorporating this city adds layers of unnecessary bureaucracy to a sleepy little hamlet on the sea. It will politicize the community and engender dissension and contention between neighbors for years to come.

Please let Oceanside remain a sleepy little hamlet on the sea. Do not incorporate Oceanside.

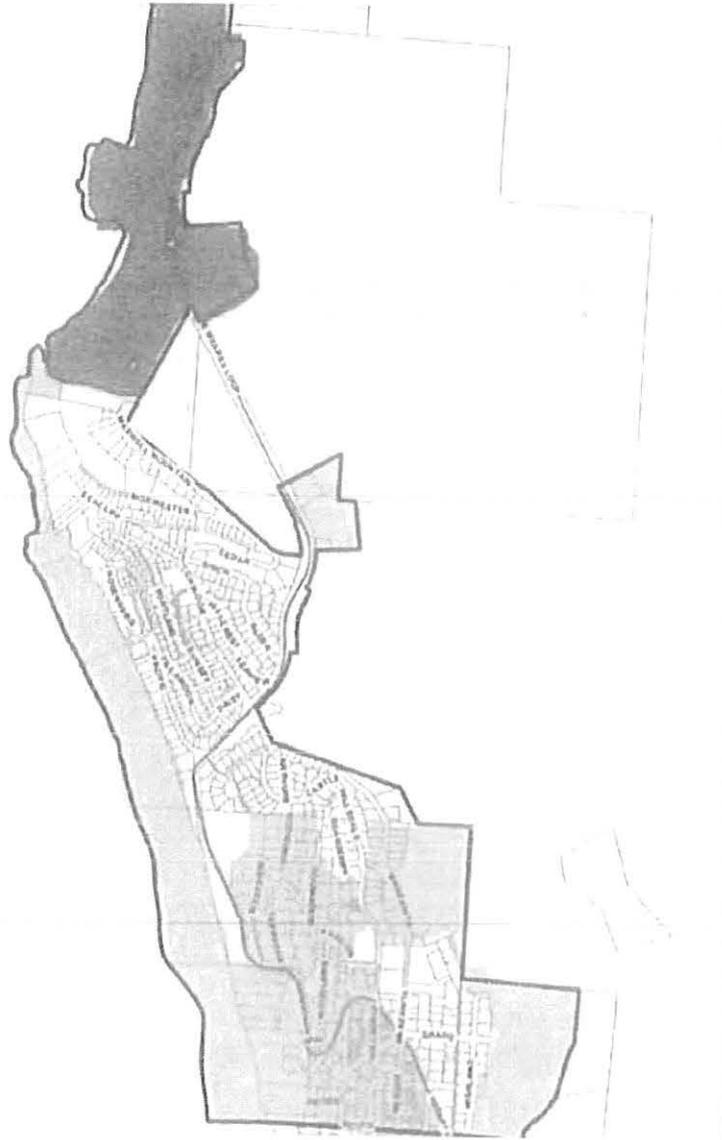
Respectfully,

  
Pam Zielinski  
5680 Castle Dr  
Oceanside  
Phone 503.880.8034

(see map on next page)

pg 2 of 3

The colored areas on this map are neighborhoods which already maintain their own roads (yellow) or are not accessible by road (beaches,) and/or where road maintenance is not needed or wanted (pink):



The highway to the lighthouse services most of the houses in the pink area. Radar Rd (pink area) is maintained by the owners. The yellow areas either have private roads they maintain, or they have a neighborhood affiliation (Avalon West) which paved and maintains the road, or they are not accessible by road (beach.)

pg 3 of 3

Lynn Tone

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**From:** Mike Fisk <mtf900@yahoo.com>  
**Sent:** Friday, January 7, 2022 11:05 AM  
**To:** Lynn Tone  
**Subject:** EXTERNAL: Radar Rd Inclusion to incorporate into the city 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.]

To : Lynn Tone

From: Mike Fisk & Valorie Waterman 2640 Radar Rd.

*Please accept our testimony regarding the potential incorporation of Oceanside. Now over two thirds oppose being incorporated into Oceanside. We are with the majority and oppose.*

Regards,  
Mike Fisk

Lynn Tone

---

From: jgluzinski <jgluzinski@charter.net>  
Sent: Friday, January 7, 2022 1:56 PM  
To: ;  
Subject: EXTERNAL: Fw: Update on Radar Road  
Attachments: NorthOceanside1.jpeg; 1s1124.jpeg

[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 L. Tone

*Please accept my testimony regarding the potential incorporation of Oceanside.*

*Although I support the ONA's efforts to bring this proposal to the voters, I strongly object to the proposed boundary and ask the County to revise the boundaries to include Oceanside Village but exclude the rural area North of Maxwell Mountain since the benefits will be very minimal.*

*The ONA's proposal is based primarily on providing 1. Road Improvements 2. Short term rental regulations 3. Land use planning.*

*1. Rural North Oceanside roads are primarily private easements maintained by the property owners. Radar road is also maintained by the adjacent residents. Therefore this benefit of incorporation is negligible.*

*2. North Oceanside area is not a prime location for short term rentals . Properties are spread out with limited public beach access. Problems associated with short term rentals are rare compared to the much higher population density of Oceanside village.*

*3. The rural nature of this section of Oceanside and general forestry land use designation, suggest that ONA's proposal would offer no compelling benefit now or in the future.*

*Just as The Capes has been excluded from ONA's proposal based on their unique situation, I ask the county to exclude North Oceanside based on our unique differentiation from Oceanside Village. There's a very clear delineation of our area from the village. See included maps.*

*Joseph Gluzinski  
2635 Radar Road  
Tillamook Or 97141*

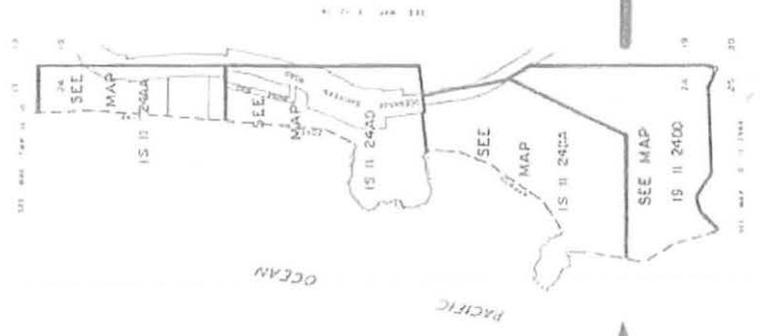
*503 842 1256*



SECTION 24 T.1S. R.1W.1M.1  
TILLAMOOK COUNTY

THIS MAP WAS PREPARED FOR  
RECORDING PURPOSES ONLY

IS II 24  
& INDEX



Proposed End of  
Incorporation  
boundary



IS II 24  
& INDEX

Dear County Commissioners,

January 6, 2022

We want to be EXCLUDED from Oceanside Incorporation.

We live at 5500 South Ave. TILLAMOOK, Oregon this has been our address for years. We do not want to be part of Oceanside Incorporation. We are right on the fence line of "The Capes" which have somehow excluded themselves from this INC. We should be excluded also. I want to let you know what the benefit our neighborhood has done instead of bashing a bunch of individuals in Oceanside Village that want to rule over us.

We have lived here (in this neighborhood) since 2003, my parents even longer have owned property here since 1974, they developed our "AVALON WEST" neighborhood and we have been so proud of the progress that we have made in keeping it up. These are some projects that we have done.



"AVALON WEST" Sign made by Tony MacDonald ( no Charge)  
Road Paved 2012 From HWY 131 to South Avenue.(260 Yards) Over 25, 000 \$ was raised by this neighborhood to fund this project. (No help from County or Oceanside Village) Completely Avalon West Neighborhood Funded.



Sarah MacDonald – Volunteered to collect funds for the entire project. We opened a Bank Account to hold funds all funds went to the Road project. This picture was on the front page of the Headlight Herald in 2012.

This has brought our Avalon West neighborhood so much closer; we have worked together to make progress happen. We are all proud of this effort and we don't want this to change. We want to continue to be united in our efforts to keep our neighborhood looking good. We feel that if we are incorporated we will lose this sense of unity and we will not get help with our neighborhood from this outside source called the Oceanside Incorporation. The ONA (Oceanside Neighborhood Association) can't even complete a project they have been working on for years even after receiving grant money to do the project it never came to fruition, do you think we would trust them in the slightest absolutely not.

All houses in Avalon West have Netarts Water and Oceanside/Netarts Sewer so therefore we must remain NUETRAL.

Right now personally we are trying to keep our heads above water, with this increasing inflation and just coming out of Covid-19 we are feeling attacked by ONA to further their own interest.

We have been involved in the Oceanside Community Club but feel we never ever really fit in when saying where we lived they stuck their noses up to us and said we don't live in the "Village" so they always considered us an outsider. Now they want our tax dollars, I think not. Please reconsider to not put this issue on the ballot. I am afraid the feelings will cause even worse reactions in the community. Leave well

enough alone. What I think is happening is that ONA wants to be paid for the time and effort they put forth. They are creating paid jobs for themselves. Also they want to stop the development of the new landowner of the "Cabins" to stop his Hotel/Motel from being built. I actually am in favor of his efforts to put one there. He has every right to do with his property as therefore stated in the land use for Tillamook County and his right as an American Citizen. If those people wanted to stop that progress they should have bought the property themselves. Isn't that our right as human beings and citizens of the United States of America to have free choice and free will?

I feel our voting would be absolutely unfair being there are fewer full time voting residents outside the village than those in the village, it would be an unfair election. Every property owner outside of the "Village" owns larger and more parcels of land leaving us more spread out and the area not as populated as the village. Again we should be excluded. This is like Willamette Valley verses Oregon a very one sided.

We were unable to "vote" in this online election that Jerry Keene handled we tried but he over ruled us and said he wouldn't have us voting as we were not members of his " ONA" . We have lived here this long and we were excluded from voting, unprecedented. Is this fair, I say not!

We will be under more scrutinizing land regulations and ordinances with this Incorporation they are already putting into effect a 30-foot height restriction, which I think is none of their business. If it is legal to build 35 feet then we should be able to.

Also, excluding the "Capes" when they can still vote on this issue really is unfair as well.

Again, we maintain our roads in our Avalon West neighborhood; we are a tight nit little area that we want to maintain ourselves without a so-called "Incorporation" telling us what we can and can't do.

We have vacation rentals here we handle all issues that arise by calling and contacting the property owners they are always very well aware of responding quite quickly to issues that have come up. We should be encouraging tourism in our community and not rejecting or closing or putting more restrictions on people who visit our area. We should feel happy they are coming and spending their hard earned dollars on this area. Tourism is a plus for all vacation rental owners and all Dairy farmers alike we all benefit. We shouldn't want to close everything down and want to manage others private property rights.

Please consider NOT putting this issue on the Ballot. This area is not ready for this type of scrutiny.

I want to also include that my parents have put in a de-acceleration lane coming into Grand Avenue (10K from their own pockets) also, they have a Oceanside Sewer

Bancroft that has never been used for further development. Also, my parents paid to pave Reeder Street, Crescent Street, and South Ave. I'm telling you the people in our "Avalon West" neighborhood need no outside help. We want to remain as we are. I'm including more photos of the project.

More taxing on us would put us into bondage; we don't need more tax we need more neighbors to stick together like we do in "Avalon West".

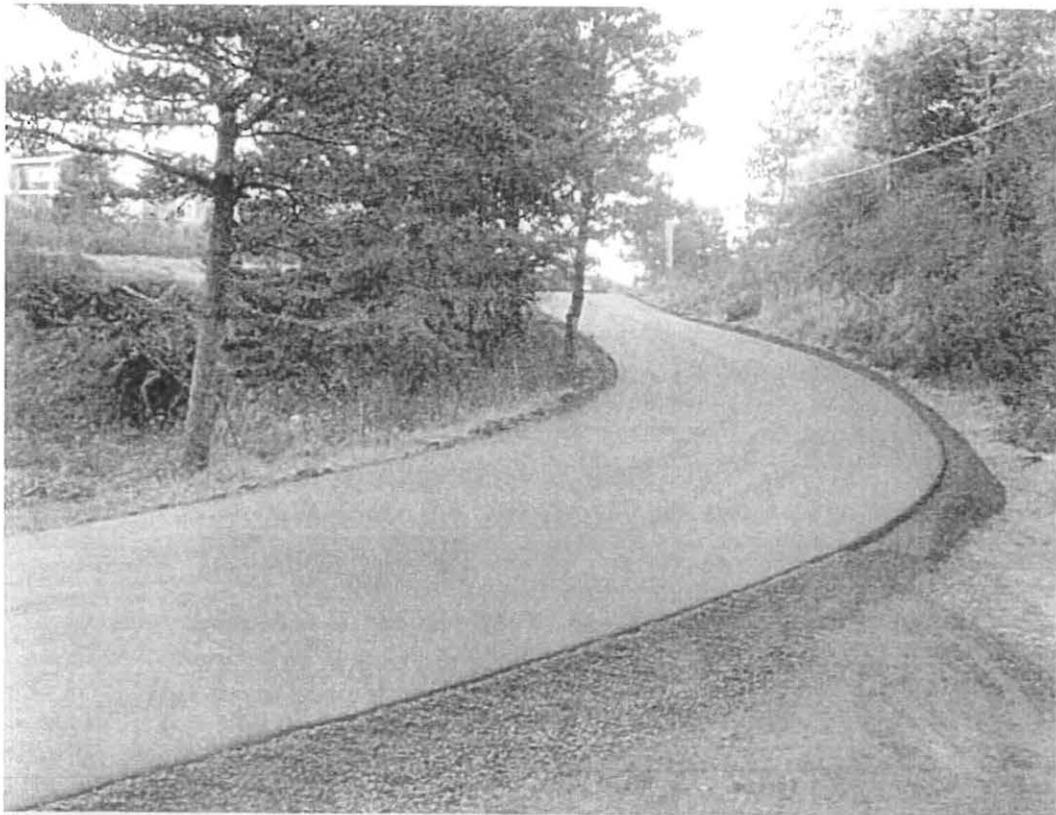
Please exclude us from the Incorporation,

Thank you,

Sarah and Anthony (Tony) MacDonald







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

January 5, 2022

Ms. Erin Skaar  
Commissioner  
Tillamook County Courthouse  
201 Laurel Avenue  
Tillamook, OR 97141

Dear Ms. Bell,

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.

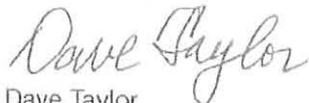
Our Avalon West neighborhood has several connecting streets which do not interconnect with any of the Oceanside streets. All of our streets have a single access point to the state highway. This is an identical situation to that of the The Capes, our neighbors to the south.

Thank you for your consideration.

Sincerely,



Jan Holloway



Dave Taylor  
3081 W Hidden Springs Drive  
Boise, Idaho 83714

Received

JAN 10 2022

Tillamook County  
Board of Commissioners

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

January 5, 2022

Mr. David Yamamoto  
Vice Chair  
Tillamook County Courthouse  
201 Laurel Avenue  
Tillamook, OR 97141

Dear Ms. Bell,

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.

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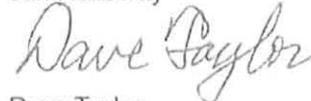
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Thank you for your consideration.

Sincerely,



Jan Holloway



Dave Taylor  
3081 W Hidden Springs Drive  
Boise, Idaho 83714

Received

JAN 10 2022

Tillamook County  
Board of Commissioners

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

January 5, 2022

Ms. Mary Bell  
Commissioner Chair  
Tillamook County Courthouse  
201 Laurel Avenue  
Tillamook, OR 97141

Dear Ms. Bell,

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.

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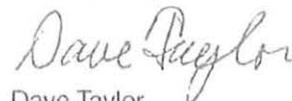
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Thank you for your consideration.

Sincerely,



Jan Holloway



Dave Taylor  
3081 W Hidden Springs Drive  
Boise, Idaho 83714

Received

JAN 10 2022

Tillamook County  
Board of Commissioners

Jan 4, 2022

Tillamook County Commissioners  
We (Perry + Sharon Preeder) have  
Lived in Tillamook almost all  
our lives, and we are in our 80<sup>s</sup>  
My husband 83+ grew up in  
Bayocean, and Capemearnes  
area.

In 1972-73 we bought several  
blocks of the Avalon area.  
Now known as Avalon West (Side)  
we developed it, we bulldozed in  
the roads, rocked, surveyed, put  
in power & water, sewer lines, had  
engineering done, we paid  
thousands upon thousands of  
dollars in expences to get  
where we are. We even assu-  
med a Sewer Bancroft from  
the people (Clay + Elizabeth Meyers  
we bought the blocks from,  
which was suppose to guar-  
antee us sewer to all our  
lots, but now the district  
says we can't have some of  
those sewer rights, as they  
can't find the bancroft re-  
cords we assumed and pd.  
in full, but thats beside the  
point.

We and alot of our neighbors

have improved and paved  
our roads, we have com-  
bined our funds, not the  
county and we have some  
of the best roads in the  
County, we maintain the  
paved roads, we keep our  
area of Avalon West in  
good repair.

We do not want to be  
governed by a group from  
Oceanside, we want to  
keep our property rights,  
we do not want to be  
any part of Oceanside's  
incorporation.

Exclude Avalon West, we  
get along just fine.

Sincerely,

Perry + Sharon

Reeder —