



TILLAMOOK COUNTY BOARD OF COMMISSIONERS NOTICE OF MEETING AGENDAS

BOARD OF COMMISSIONERS

David Yamamoto, Chair
dyamamoto@co.tillamook.or.us

Erin D. Skaar, Vice-Chair
eskaar@co.tillamook.or.us

Mary Faith Bell, Commissioner
mfbell@co.tillamook.or.us

CONTACT

Tillamook County Courthouse
201 Laurel Avenue
Tillamook, Oregon 97141
503.842.3403
www.co.tillamook.or.us

COMMUNITY UPDATE MEETING

Tuesday, January 25, 2022 at 8:00 a.m.
Teleconference and KTIL-FM at 95.9

BOARD MEETING

Wednesday, January 26, 2022 at 9:00 a.m.
Commissioners' Meeting Rooms A & B
County Courthouse, Teleconference, and Live Video at tctvonline.com

COMMUNITY UPDATE – 2022-01-25 COMMUNITY UPDATE AUDIO.MP4

1. 00:40 Welcome and Board of Commissioners' Roll Call
2. 01:52 Adventist Health Tillamook
3. 09:55 Coastal Caucus
4. 03:31 Tillamook County Community Health Center
5. 40:17 Nehalem Bay Health Center & Pharmacy
6. 41:33 Tillamook Family Counseling Center
7. 43:55 Sheriff's Office
8. 47:08 Emergency Management
9. 49:05 Board of Commissioners
10. Cities
 - 1:05:24 Manzanita
 - 1:06:09 Garibaldi
 - 1:06:33 Tillamook

ADJOURN – 9:10 a.m.

MEETING – 2022-01-26 BOARD MEETING AUDIO.MP4

CALL TO ORDER: Wednesday, January 26, 2022 9:00 a.m.

1. 02:00 Welcome & Request to Sign Guest List
2. 02:04 Pledge of Allegiance
3. 02:35 Public Comment:
Public Participation at Board Meetings/Viv Tallman
4. 04:00 Non-Agenda Items: There were none.

LEGISLATIVE – ADMINISTRATIVE

5. 04:10 Discussion and Consideration of an Order in the Matter of the Appointment and Reappointment of Members to the Tillamook County Wellness Advisory Committee/Michelle Jenck, Director, Community Well-Being, Adventist Health

A motion was made by Commissioner Bell and seconded by Vice Chair Skaar. The motion passed with three aye votes. The Board signed Order #22-06.

6. 15:35 Discussion and Consideration of a Second Amendment to Oregon Health Authority 2021-2023 Intergovernmental Agreement #169528 for the Financing of Public Health Services/Marlene Putman, Administrator, Health and Human Services

A motion was made by Commissioner Bell and seconded by Vice Chair Skaar. The motion passed with three aye votes. The Chair signed the amendment.

7. 25:04 Discussion and Consideration of a Secure Rural Schools and Community Self-Determination Act of 2000 Certificate of Title III Expenditures by Participating County/Rachel Hagerty, Chief of Staff

A motion was made by Commissioner Bell and seconded by Vice Chair Skaar. The motion passed with three aye votes. The Chair signed the certificate.

8. 30:34 Discussion and Consideration of Modification #1 to Professional Services Agreement with RSS Architecture P.C. for Architectural/Planning Services for the Courthouse Remodel Project/Rachel Hagerty, Chief of Staff

A motion was made by Commissioner Bell and seconded by Vice Chair Skaar. The motion passed with three aye votes. The Board signed the modification.

9. 39:08 Discussion and Consideration of an Order in the Matter of the Appointment of Members to the Tillamook County Short Term Rental Committee/Sarah Absher, Director

A motion was made by Commissioner Bell and seconded by Vice Chair Skaar. The motion passed with three aye votes. The Board signed Oder #22-007.

Chair Yamamoto recessed the meeting at 9:46 a.m.

Chair Yamamoto reconvened the meeting at 10:32 a.m. - 2022-01-26 BOARD MEETING AUDIO PART II.MP4

10:30 a.m.

10. **First Public Hearing:** Concerning #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/Sarah Absher, Director, Community Development

Opened Public Hearing at 10:32 a.m.

11.

- 01:33 Opening Questions/Joel Stevens, County Counsel
08:02 Staff Report/Sarah Absher
40:40 Capes Sewer System/Commissioner David Yamamoto
49:18 Applicant Testimony/Jerry Keene, Blake Marvis
59:53 Projected Resources/Commissioner David Yamamoto
1:00:19 Applicant Testimony Continued/Jerry Keene, Blake Marvis

Chair Yamamoto recessed the meeting at 12:30 p.m.

Chair Yamamoto reconvened the meeting at 12:35 p.m. - 2022-01-26 BOARD MEETING AUDIO PART III.MP4

- 00:32 Incorporation Application and Notification/Charles Reeder
07:04 Sanitary and Sewer District/John Prather
17:20 Avalon Heights Comment/Jan Holloway
19:24 Community Participation and Structure/Bruce Jaeger
22:42 Procedural Comments and Oceanside Taskforce/Pam Zielinski
29:19 Boundary Concerns and Regulation/David Frielund
34:00 Housing Crisis and Concerns/Elizabeth Wipperman
37:20 STR and Incorporation/Carol Kearns
41:51 Budget Concerns/Yuri Chanba

48:23 Continuation of Hearing and Record Open to Written Oral Testimony/Commissioner Yamamoto

12. 49:45 Board Concerns – Non-Agenda Items: There were none.
13. 50:30 Board Announcements

ADJOURN: 1:27 p.m.

JOIN THE BOARD OF COMMISSIONERS' MEETINGS

The board is committed to community participation and provides opportunity for public attendance during meetings via in-person and teleconference. Teleconference options are listen-only. Due to Oregon COVID-19 recommendations for public gatherings, the maximum capacity of the board meeting room is limited to 12 persons, not including staff and commissioners.

- **Community Update Meetings: Tuesdays at 8:00 a.m.**
 - Teleconference: Dial 971-254-3149, Conference ID: 736 023 979#
 - Radio: KTIL-FM at 95.9

- **Board Meetings: Wednesdays at 9:00 a.m.**
 - County Courthouse: Commissioner's Meeting Rooms A & B, 201 Laurel Avenue, Tillamook
 - Teleconference: Dial 971-254-3149, Conference ID: 736 023 979#
 - Live Video: tctvonline.com

MEETING INFORMATION AND RULES

- Matters for discussion and consideration by the board shall be placed on an agenda prepared by the staff and approved by the board chair. Any commissioner may request items on the agenda.
- Public hearings are formal proceedings publicized through a special public notice issued to media and others. Public hearings held by the board are to provide the board an opportunity to hear from the public about a specific topic. Public hearings are therefore different regarding audience participation at board meetings.
- Commissioners shall be addressed by their title followed by their last name.
- Commissioners shall obtain approval from the chair before speaking or asking questions of staff, presenters, and public. As a courtesy, the chair shall allow an opportunity, by the commissioner who has the floor, to ask immediate follow-up questions.
- Masks, face coverings or face shields must be worn in the courthouse by State order. Masks must be worn while giving comment.
- A majority of the board shall constitute a quorum and be necessary for the transaction of business.
- All board meeting notices are publicized in accordance with public meeting laws.
- All board meetings shall commence with the Pledge of Allegiance.
- The chair will utilize the gavel as needed to maintain order, commence and adjourn meetings, and signal approval of motions.
- The board reserves the right to recess to executive session as may be required at any time during these meetings, pursuant to ORS 192.660(1).
- The courthouse is accessible to persons with disabilities. If special accommodations are needed for persons with hearing visual, or manual impairments who wish to participate in the meeting, contact (503) 842-3403 at least 24 hours prior to the meeting so that the appropriate communications assistance can be arranged.

PUBLIC COMMENT

- Providing public comment is an opportunity for constituents to be heard and express their views to the board.
- The board allows public comment at board meetings during the public comment period designated on the agenda.
- Comments are limited to one per person and per agenda item.
- Comments must be related to the agenda item(s) previously registered to comment on.
- The allotted time for public comments is two minutes per person; this time may not be allotted to another speaker. The chair may, at their sole discretion, further limit or expand the amount of time.
- The public comment opportunity is not a discussion, debate, or dialogue between the speaker and the board, which may or may not respond.
- Members of the public do not have the right to disrupt the meeting; the board may prohibit demonstrations such as booing, hissing, or clapping.
- Remarks containing hate speech, profanity, obscenity, name calling or personal attacks, defamation to a person, people, or organization, or other remarks the board deems inappropriate will not be allowed.
- Failure to follow all rules and procedures may result in not being able to provide public comment and/or being removed from the meeting.

In-Person Procedures

- Sign in before the meeting begins and indicate your desire to provide public comment and which agenda item you would like to comment on. When your name is announced, please come forward to the table placed in front of the dais and for the record, first identify yourself, area of residence, and organization represented, if any.

Virtual Procedures

- Register by sending an email to publiccomments@co.tillamook.or.us by 12:00 p.m. on the Tuesday prior to the board meeting. The email must contain all of the following information:
 - Full name, area of residence, and phone number.
 - Agenda item(s), you wish to comment on.
- Once registered, and before the start of the meeting, board staff will email a Microsoft Teams meeting link.
- When logged in to the meeting you must remain muted with your camera off until your name is called, then you may unmute and turn on your camera.
- The chair may require those providing virtual comment to turn on their camera while providing comment or testimony.

Written Procedures

- Written comments may be mailed to 201 Laurel Avenue, Tillamook, Oregon 97141 or emailed to: publiccomments@co.tillamook.or.us.
- Written comments received by 12:00 p.m. on the Tuesday prior to the board meeting will be distributed to the board and posted online. All written comments submitted become part of the permanent public meeting record.

AGENDAS

COMMUNITY UPDATE

CALL TO ORDER: Tuesday, January 25, 2022 8:00 a.m.

1. Welcome and Board of Commissioners' Roll Call
2. Adventist Health Tillamook
3. Coastal Caucus
4. Tillamook County Community Health Center
5. Nehalem Bay Health Center & Pharmacy
6. Tillamook Family Counseling Center
7. Sheriff's Office
8. Emergency Management
9. Board of Commissioners
10. Cities
 - a. Manzanita
 - b. Nehalem
 - c. Wheeler
 - d. Rockaway Beach
 - e. Garibaldi
 - f. Bay City
 - g. Tillamook
 - h. South County

ADJOURN

MEETING

CALL TO ORDER: Wednesday, January 26, 2022 9:00 a.m.

1. Welcome & Request to Sign Guest List
2. Pledge of Allegiance
3. Public Comment
4. Non-Agenda Items

LEGISLATIVE – ADMINISTRATIVE

5. Discussion and Consideration of an Order in the Matter of the Appointment and Reappointment of Members to the Tillamook County Wellness Advisory Committee/Michelle Jenck, Director, Community Well-Being, Adventist Health
6. Discussion and Consideration of a Second Amendment to Oregon Health Authority 2021-2023 Intergovernmental Agreement #169528 for the Financing of Public Health Services/Marlene Putman, Administrator, Health and Human Services
7. Discussion and Consideration of a Secure Rural Schools and Community Self-Determination Act of 2000 Certificate of Title III Expenditures by Participating County/Rachel Hagerty, Chief of Staff
8. Discussion and Consideration of Modification #1 to Professional Services Agreement with RSS Architecture P.C. for Architectural/Planning Services for the Courthouse Remodel Project/Rachel Hagerty, Chief of Staff
9. Discussion and Consideration of the Appointment of Members to the Tillamook County Short Term Rental Committee/Sarah Absher, Director

10:30 a.m.

10. **First Public Hearing:** Concerning #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/Sarah Absher, Director, Community Development
11. Board Concerns – Non-Agenda Items
12. Board Announcements

ADJOURN

OTHER MEETINGS AND ANNOUNCEMENTS

The Commissioners will hold a Board Briefing on **Wednesday, January 26, 2022** at **2:00 p.m.** to discuss weekly commissioner updates. The meeting will be held at the Courthouse in the Nestucca Room, 201 Laurel Avenue, Tillamook, Oregon. The teleconference number is 1-971-254-3149, Conference ID: 736 023 979#.

The Commissioners will hold an executive session on **Thursday, January 27, 2022** at **1:00 p.m.** pursuant to ORS 192.660(2)(i) to conduct a performance evaluation. The executive session is not open to the public.

Secure Rural Schools and Community Self-Determination Act of 2000
Certification of Title III expenditures by participating county

The Secure Rural Schools and Community Self-Determination Act of 2000 (the Act), reauthorized in Public Law 110-343 and Public Law 112-141, requires the appropriate official of a county that receives funds under title III of the Act to submit to the Secretary concerned (the Secretary of Agriculture, or the Secretary of the Interior, as appropriate) an annual certification that the funds expended have been used for the uses authorized under section 302(a) of the Act. The Secretary concerned also is requiring the appropriate official to certify the amount of title III funds received since October 2008 that have not been obligated as of September 30 of the previous year.

The appropriate official of each participating county may use this form (see page 2) to report information to meet the requirements of the Act. Certification must be made by February 1 following each year title III funds are expended. Certain counties in Oregon receive title III payments initiated by both the Department of Agriculture and the Department of the Interior. If the county received Secure Rural Schools Act title III payments from more than one agency, the county must certify separately to each Secretary regarding the separate payment initiated by that agency. Submit the certification to the appropriate address below for the respective agency.

All counties expending title III funds received from Forest Service payments are to submit the annual certification by one of the following methods:

Mail:	e-mail:	FAX:
Secretary of Agriculture c/o U.S. Forest Service Payments to States Coordinator Albuquerque Service Center, B&F SWAM/IAS/ASR 101B Sun Avenue NE Albuquerque, NM 87109	asc_asr@fs.fed.us	877-684-1422

Certain counties in western Oregon expending title III funds received from payments from the Department of Interior for lands administered by the Bureau of Land Management are to submit a separate annual certification about the separate title III funds by one of the following methods:

Mail:	e-mail:	FAX:
Secretary of the Interior c/o BLM Oregon State Office State Director Office (OR931) Attn: Secure Rural Schools Coordinator P.O. Box 2965 Portland, OR 97208	<u>Lee_Folliard@blm.gov</u>	

**Secure Rural Schools and Community Self-Determination Act of 2000
County's Certification of Title III Expenditures and Unobligated Funds.**

Name of participating county and state:	TILLAMOOK COUNTY, OREGON
Calendar year for which this report is submitted:	2021

EXPENDITURES	
Amount of title III funds expended this year to carry out authorized activities under the Firewise Communities program:	\$144,548.51
Amount of title III funds expended this year to reimburse the participating county for emergency services performed on Federal land, as defined in the Act, and paid for by the participating county:	\$17,472.00
Amount of title III funds expended this year to develop community wildfire protection plans in coordination with the appropriate Secretary:	\$0.00
Total amount of title III funds expended this year for authorized uses:	\$162,020.51

FUNDS NOT OBLIGATED	
Amount of title III funds received since October 2008 not obligated by September 30 of the year for which this report is submitted.	\$8,400.00

CERTIFICATION	
<p>The expenditures reported above were for the uses authorized under section 302(a) of the Act. The proposed uses had a publication and comment period and were submitted to the appropriate Secure Rural Schools Act resource advisory committee(s) as required in Section 302(b) of the Act.</p> <p>The amounts reported as unobligated on September 30 are accurate and consistent with the county's accounting practices.</p> <p>Signature of certifying official: _____</p>	
Print or type name and title of certifying official: DAVID YAMAMOTO, CHAIR TILLAMOOK COUNTY BOARD OF COMMISSIONERS	Date of certification: January 26, 2022

Burden Statement

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0220. The time required to complete this information collection is estimated to average 24 hours annually per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.

County: TILLAMOOK
User Name : O'Neil, Tassi

Petition Processing Statistics Report

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)
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Valid Signature	81	(100%)
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Rejected Reason	Total	(% Rejected)
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Not Registered	3	(75%)
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Pending when signed	1	(25%)
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JAN - 4 2022

Tassi O'Neil

Received

JAN 04 2022

Tillamook County
Board of Commissioners

FILED

Prospective Petition for Incorporation of a City

DEC 14 2021

SEL 701

rev 01/14
ORS 221.031

TASSI O'NEIL
COUNTY CLERK

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

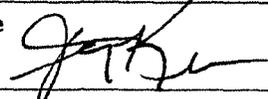
We, the undersigned, chief petitioners, swear or affirm we are electors registered within the boundaries of the proposed city. Further, it is estimated that a permanent rate limit for operating taxes of \$.80 per thousand dollars of assessed value is sufficient to support an adequate level of municipal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

Name of the Proposed City: 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 Jerry Keene			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 Blake Marvis			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		

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.

Petition for Incorporation of a City Signature Sheet

Petition ID 29-2021-1

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

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.

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 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.

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 characteristic 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.¹

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.² 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

¹ 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."

² 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 overwhelmingly 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.³ 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' proposed map has 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 proposed but 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. As initially conceived, Petitioners intended the proposed Oceanside boundary to include The Capes in the 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,

³ 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.

established civic structure, and privately-enforced community restrictions 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 initiative supported by an internal survey that reflected an overwhelming sentiment that they would enjoy none of the benefits of 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 build

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.⁴

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).⁵

⁴ 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).

⁵ 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 hypothetical⁶ 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.⁷ 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 and obtain

Road Maintenance and Construction/Stormwater Management

The proposed budget envisions that road work (and all public works) will be accomplished through contracts with vendors. 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 experience or expertise in public works contracting. Staff will be assisted in this by several local residents with years

⁶ 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.

⁷ The Oregon Supreme Court helpfully clarified this in *1000 Friends v. Wasco County, et al.*, 299 Or 344, 365 (1985).

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 or 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 Netarts-Oceanside Sanitary District (n-o-s-d.com)
Water:	Oceanside Water District http://www.owd-oregon.org Netarts Water District 4970 Crab Avenue, W. Tillamook, OR 97141 (no website)
Fire/Emergency Rescue:	Netarts-Oceanside Fire District www.netartsoceansidefire.org

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%.⁸ 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.⁹

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.

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

⁸ 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

⁹ 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.

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
TOTAL	\$375,000	\$660,000	\$675,000

NOTES REGARDING EXPENDITURES LINE ITEMS

- 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 3rd 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.
- 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
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Chief Petitioners and organizers of
Oceansiders United

