

The Oceanside Village Initiative's Position on Land Use Management in the Unincorporated Parts of Greater Oceanside After Potential Village Incorporation

Efforts to Clarify Status of Unincorporated Areas Have Failed

Many people have asked the Oceanside Village Initiative (OVI) what the status of the unincorporated parts of Greater Oceanside would be, should the Village successfully incorporate. It's a great question, and one for which representatives of OVI have been working with the staff of Tillamook County Community Development (TCCD) to develop a clear and shared answer.

In Tillamook County, unincorporated communities like the current Oceanside, or, say, Pacific City or Neskowin, exist and have zoning due to having been legally designated as official unincorporated communities by Tillamook County. All of these areas have a commercial center, however small, and surrounding residential areas. However, according to TCCD, if Oceanside's center and commercial area incorporates then the existing unincorporated community of Oceanside, under the county's recognition, simply ceases to exist.

The steering committee of the OVI has engaged TCCD and the State of Oregon Land Use Board of Appeals (LUBA) in a series of conversations for more than a year attempting to arrive at a common understanding of what would happen to the unincorporated parts of Greater Oceanside, should the Village incorporate. Unfortunately, at this point all OVI can tell you is that we don't fully know.

The County's Position

Here's what we do know: The County's position is that all unincorporated areas have commercial centers. As such they could not designate the unincorporated areas of Greater Oceanside as a new unincorporated area in Tillamook County. The County's believes a new Oceanside Village should declare the remainder of unincorporated Oceanside as being within their Urban Growth Boundary (UBG), managed by the new Village.

Currently, no Oceanside UBG exists; unincorporated areas do not have UGBs. An Oceanside UBG could only be created as part of a new Oceanside Land Use Management Plan, after incorporation.

OVI's Position

In response to the County's position, OVI's repeated assertion is that the Village has no interest in managing land use in such areas, in part because it is our understanding that the residents of those areas would not want to be managed by an Oceanside Village but would prefer to maintain their current relationship with the County. In addition, OVI does not believe a new Village should take on land use management in the unincorporated parts of Greater Oceanside because

the new Village won't have a budget to do so, and could not collect taxes from those areas to defray the expenses of doing so.

Addressing Fears: Some Legal Background

There has been some fear expressed that a new Oceanside Village could involuntarily annex areas within a declared UGB. According to LUBA this could not happen. Annexation could happen if and only if the residents of those areas affirmatively voted to be annexed.

Further, it is our understanding of the law, and LUBA affirms, that the County could not force the Village to take on the management of land use in the unincorporated parts of Greater Oceanside. There is no requirement for Oceanside Village to declare UGBs covering the unincorporated parts of Greater Oceanside.

TCCD maintains that this is the way it is done in other incorporated communities in Tillamook County such as Manzanita—those communities manage land use within their UGBs. However, Tillamook County cities manage land use in their UGBs only because those areas agreed to do so when the county comprehensive plan was being hammered out. Such agreements are the reason we “do things that way” in Tillamook County.

That is consistent with state law, which indicates that a city must consent to accepting land use jurisdiction outside of its boundary. TCCD has acknowledged that there is no county ordinance or written policy indicating that cities must do so. Additionally, LUBA affirms that in many other parts of Oregon counties, not cities, manage land use within UGBs.

Looking Forward: How Land Use in Greater Oceanside Gets Sorted out

Should Oceanside Village incorporate, Oregon law permits four years for a newly incorporated city to develop a comprehensive land use plan. OVI's view is that the same land use plan could seek a solution for the unincorporated parts of Greater Oceanside, and OVI feels confident that these issues could be worked out, with copious public hearings, in that same four-year period.

OVI believes that there are solutions that would maintain present zoning in the unincorporated parts of Greater Oceanside, managed by the County. If the best way to do that would be for the new village to designate those areas as within an Oceanside UGB, OVI believes that the Village should do so only if the County agrees to continue managing land use in those areas as they always have.

In OVI's view, if the county refuses to take on management of the unincorporated parts of a Greater Oceanside, and absent any other action by the county, those areas would revert to the rural zoning that existed prior to Tillamook County creating the current unincorporated Oceanside and would remain under County management (with all current properties grandfathered as non-conforming). OVI does not believe that solution would serve anyone.

OVI Commits to Honor the Wishes of Unincorporated Oceanside on Land Use

OVI's position is that the desires of the residents of the unincorporated parts of a Greater Oceanside should be listened to and honored by both the prospective new Village and by the

County, in the event of successful incorporation. All residents of Greater Oceanside should be intimately involved in deciding how the land use issues governing their own properties are developed and managed, both those in the new Village and those in the unincorporated parts of Greater Oceanside.

Should member of the steering committee of OVI be elected to a potential new Village Council, we are committed to doing everything in our power to seek out and honor those desires on the part of the residents of the unincorporated parts of Greater Oceanside during development of a new comprehensive Oceanside land use management plan. We urge the County to commit to honoring the wishes of residents in the unincorporated parts of Greater Oceanside as well.

One Oceanside

OVI's view is that there is one Oceanside, and that would not change should Village incorporation succeed. OVI is pledged to honor the wishes of all parts of Oceanside involving land use planning and management, no matter what path the community takes moving forward.