

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

I. INTRODUCTION

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

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

II. LEGAL AUTHORITY

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

III. CRITERIA

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

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

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

IV. ONA GENERAL PROCESS TIMELINE

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

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

Detailed Minutes of the October 2, 2021 ONA Meeting at which these votes took place are appended to this packet as Exhibit _____.

IV. PUBLIC INVOLVEMENT

Goal 1 of the Oregon Statewide Land Use Planning Goals is “citizen involvement.” See OAR 660-022-0060(1) (counties must afford opportunities for resident participation in planning changes affecting unincorporated areas). In Tillamook County, such involvement is effectuated via CACs like the ONA, whose process in this case comported with the relevant guidelines set out in OAR 66.015.000(1):

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

Widespread Citizen Involvement. The ONA bylaws broadly define eligible “members” to include all full- and part-time residents, property owners and persons who operate businesses in the Oceanside community. Membership is free, and the Board accommodates registration by new members until just before any scheduled vote the wish to participate in. There is widespread awareness of ONA events and work in the Oceanside community due to its maintenance of an extensive electronic newsletter list with more than 400 subscribers.

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

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

Between early June and late September 2021, the Board repeatedly reminded the community of the proposals, shared links and invited comment. The ONA Board also repeatedly announced its intent to place all three measures on the agenda for a membership vote at the regular meeting scheduled for October 2, 2021.¹ All comments were conveyed to the Teams, who continued to meet and revise the draft reports based on public comment and suggestions. Below is a log of the e-mail Newsletters sent to the membership during this period. Please note that it includes notices and reminders regarding two “special meetings” exclusively devoted to public discussion of the exterior lighting and building height proposals, respectively.

<u>Date</u>	<u>Information Conveyed at Meetings or in ONA Newsletter</u>	<u>“Opens”²</u>
06/06/2021	Lighting Team proposal posted online (link provided)	246
06/16/2021	Building Height proposals posted online (link provided)	
	Special Zoom meeting on Lighting proposal announced for 7/10/2021 (link re-posted)	
	Special Zoom meeting on Building Height proposals scheduled for 9/11/2021	276
07/05/2021	Reminder re Special Meeting dates; proposal links reposted with invitation to comment	285
07/09/2021	Zoom link for 7/10/2021 Special Meeting on Lighting report; proposal links reposted	238
07/10/2021	Special Zoom Meeting convened on Lighting proposals (approximately 60 log-ons)	

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

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

08/18/2021	Lighting Team will revise draft proposal to reflect Special meeting comments; further comments invited	
	Reminder of Special Meeting re Building Height proposal scheduled 9/11/2021	
	Links to both proposals re-posted	304
09/06/2021	Reminder re Special Meeting on Building Height proposals; link reposted	
	Revised proposals reflecting public comment will be posted before 10/2/2021 votes	299
09/09/2021	Reminder and Zoom link to join Special Meeting on Building Height proposals	
	Links to all proposals re-posted	258
09/11/2021	Special Zoom Meeting convened on Building Height proposals (approx. 90 log-ons)	
09/12/2021	Link to video recording of 09/11/2021 Special Meeting (39 people opened the link)	265
09/24/2021	Final Reports of all proposals posted with revisions reflecting public comments	
	Further input welcomed by Teams.	
	Reminder re votes on all proposals scheduled for 10/2/2021	
	Summary and links to essay summarizing recently submitted opposing views (83 people opened the links provided)	267
10/01/2021	Zoom link and Agenda for 10/2/2021 ONA Meeting, including Lighting and Building	255
10/02/2021	ONA Zoom Meeting convened. Agenda included time for further comments before vote (approximately 89 log-ons)	
10/05/2021	Voting results announced. Link to video recording of 10/2/2021 meeting	294

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

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

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

At the September 11, 2012 Special Meeting addressing the proposed **building height calculation formula**, the Team presentation likewise included graphic charts clearly illustrating the practical differences when compared to the current county formula. These graphics are appended as Exhibit __.

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

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