



# OFTEN ASKED QUESTIONS

The following is a list of Often Asked Questions (OAQs) received by City Council. We welcome your feedback, input and questions. Please contact the City Council via our team email box at: [citycouncil@ci.manzanita.or.us](mailto:citycouncil@ci.manzanita.or.us)

New/changed items since the previous updates are highlighted in **yellow**

Latest update: **January 17, 2025**

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## CITY HALL

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- Q. Were there materials (timbers, fixtures, etc) that were able to be salvaged from the tear-down of the buildings at Underhill Plaza? If so, what types were they, where are they being stored, and what use is envisaged for them?
- A. **Yes! Most of the lumber in the building was unsalvageable but we kept what we could. Ill ask Jason to go over this at the town hall meeting tomorrow. We also kept all the light fixtures and will be incorporating them into the new building.**
- Q. What provision, if any, has been made in the architectural, structural, and pre-wiring design of the new City Hall to allow for later installation of solar or other renewable energy sources (based on the understanding that solar etc is not part of the phase 1 build)?
- A. **The building is “solar ready” and designed to accommodate solar panels. Solar has been in the conversation with the design team throughout our work together.**



# OFTEN ASKED QUESTIONS

- Q. How does the final space allocated for the public safety (police) team compare to the current space used by the team (in square footage as well as in specific facilities)?
- A. It provides specific facilities we currently don't have such as an evidence processing room, a proper armory, ventilated storage etc. I don't have exact square footage to compare but it will be a much larger contiguous space (the chief's office is, currently, for example, in a different part of the building from the duty room)
- Q. Does the approved architectural, structural, and pre-wiring design of the emergency services space (police and EOC) include an installed standby generator?
- A. There will be a wired in place generator that can provide back up to the entire facility, and there will be another separate option for us to plug in a portable as a back up to the back up so we will have access to two generators.

## ATTORNEY FEES

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- Q. What does the city pay for their attorney?
- A. The hourly amount is dependent on the issue and experience necessary to meet the City's needs. Our attorney's fees run from \$295 to \$405 per hour.

## FOOD TRUCKS

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- Q. I'm curious if there is a reason why Manzanita is a food cart desert. Wheeler has a cart. Rockaway has 4. Garibaldi has a pod with 5 and a single. Tillamook has a pod with 5. Is there some zoning or other reason for this?  
A curious hungry full-timer looking for more dining options
- A. Yes, our code makes it terribly difficult as our ordinance requires a permanent restroom on site among other requirements that make it very challenging, if not impossible to do. Something to sort out through the comp plan process. It's come up before!

I've forwarded your message to the resources that will be working on forming the Comprehensive Plan committee so it can be discussed.



# OFTEN ASKED QUESTIONS

## FIREWORKS

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- Q. Please tell me who to call on the evenings that fireworks on the beach are so loud and frequent that I cannot sleep and my old dog goes into a panic. Cannon Beach has worked with the state parks and Oregon shores as well as other organizations to eliminate fireworks on their beach. Can we please start fining and stopping this nonsense as well?

A. From Police Chief Erik Harth.

The public number to non-emergency dispatch is 503-815-1911. That is the quickest way to get information to an officer. The Police have been in contact with Cannon Beach PD and the State Parks to find out more details on the success they have had with cutting back illegal fireworks in Cannon Beach.

## DARK SKY ORDINANCE

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- Q. What's the criteria for acceptable lighting. How will this be communicated?

A. It is defined in the ordinance.

Here's the link to the full ordinance on the city website, accessible to anyone on the web:

[CLICK HERE TO VIEW THE DARK SKY ORDINANCE](#)

Here, the specific criteria about acceptable lighting:

- A. Shielded Lighting- A lighting fixture or fixtures that has a covering or is designed to ensure that direct or indirect light rays emitted from the fixture are projected below a horizontal plane running through the lowest light-emitting point of the fixture, as the term defined in ORS 455.573 (4)
- B. Landscape Lighting- Lighting designed to illuminate walkways, trees, shrubs, ponds and other landscape features.
- C. Light Trespass- Direct light rays that fall beyond the property it is intended to illuminate.
- D. Patio Lighting- Temporary lighting including string lights, lights that may plug in, and solar powered lights.
- E. Seasonal Lighting- Temporary lighting installed and operated in connection with holidays or traditions.



# OFTEN ASKED QUESTIONS

Q. Who is the judge and jury?

A. Ultimately our ordinances are enforced by code enforcement or police. The police have assured us that they will seek to correct the problem first. If the problem is ongoing, police or code enforcement can write a citation. Anyone that receives a citation will be entitled to contest it in the municipal court.

Q. I need lighting to take my dog out at night. Will that violate the ordinance?

A. No, if it's on a timer or shielded you should be in good shape.

Q. If new lighting is needed, what steps will the city take to provide available electricians? There are very few resources available in our area and I am not going to be successful with DIY safely and within code. I understand that I will bear the cost, but my question is how can you mandate when the services are hard to acquire in our city?

A. If the light is causing a disturbance, then shutting it off until it can be fixed and using it only when needed is an acceptable solution until it can be fixed by a qualified professional if need be. The hardware stores locally have lists of contractors available for small jobs. In many cases, I've actually contacted an electrician and told them I have a small job and am willing to wait until they're in the area for a bigger job. They are pretty open to swinging by when in the area on another project.

Q. Are you expecting all of us to be able to rewire and install lights ourselves?

A. This is up to the homeowner.

Q. Is the city going to act like a de-facto HOA and restrict and try to control other functions and design of homes?

A. No.

Q. Have we thought out all of the collateral impact of this ordinance or is this going to be a law that is being created to solve neighbor disputes or STR issues?

A. Originally, it was specific to the STR locations, but the new ordinance applies to all residences.

Q. Have contractors building new homes been notified of the ordinance and are they sharing this information with new homeowners when they are selecting exterior lighting fixtures?

A. It's up to the homeowner/contractor to check they are in compliance with ordinances. New owners are being advised to follow the new Dark Sky Ordinance. We will update the Manzanita Zoning Ordinance with more specific requirements related to lighting when we update the Manzanita Zoning Ordinances after the comprehensive plan updates.



# OFTEN ASKED QUESTIONS

- Q. Do you have any idea when the street lights will be replaced with amber bulbs? We have a light at the end of our street that we'd love to have changed out.
- A. Street lights are under the authority of TPUD. The current ones are dark sky compliant. TPUD completed the change out to LED dark-sky complaint lights in December of 2023. Most street light fixtures can have a shade placed on them. You can contact TPUD with the pole number the light is on and they will put it on their work schedule. This is the first time we've heard about amber bulbs and haven't heard anything about that.
- Q. Does the dark sky ordinance apply to the UGB?
- A. The ordinance only applies to the City of Manzanita, not the UGB.

## WATER AGREEMENTS WITH WHEELER

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- Q. I was hoping you could direct me to the text of the Intergovernmental Agreement between Manzanita and Wheeler vis a vis shared water, if it is online?
- A. Attached are two IGAs regarding the water system specific to Wheeler/Manzanita. Additionally, a link to a Manzanita Today article that has a great overview of the local water systems.

[CLICK HERE TO VIEW THE MANZANITA TODAY ISSUE FROM JULY 11, 2022](#)

[CLICK HERE TO VIEW THE INTERGOVERNMENTAL \(IGA\) BETWEEN THE CITY OF WHEELER AND THE CITY OF MANZANITA \(PERSON IN DIRECT-RESPONSIBLE-CHARGE\)](#)

[CLICK HERE TO VIEW THE INTERGOVERNMENTAL COOPERATIVE AGREEMENT BETWEEN THE CITY OF WHEELER AND THE CITY OF MANZANITA \(WELL SYSTEM\)](#)

## RECREATIONAL IMMUNITY

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- Q. I am writing to inquire whether the Manzanita City Council has immediate urgent plans to restore temporary recreational immunity on trails here in Manzanita (as the Rockaway council did) following the Oregon legislative action?
- A. Dan Weitzel, Public Works Director, worked with his team to remove the signs.

The City is moving forward with a resolution related to this that CIS (our insurance carrier) has recommended to cover the city. More to come on that later.



# OFTEN ASKED QUESTIONS

## SOCIAL MEDIA POSTINGS

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Q. I have listened to the discussion (city council meeting 5-8-24) regarding social media postings by government staff and employees. My question is regarding the personal capacity right to speech.

Do government staff and employees retain their right to express opinions when made clear their opinion is from their personal capacity and not as a government staff?

Are 'facts' considered neutral and therefore not subject to resolution 20-22?

Who ultimately decides if a violation of speech has occurred? ie not in compliance with resolution 20-22.

Would the violator have an opportunity to defend themselves in the event of a misunderstanding? Who would mediate?

Finally, WHY is this matter requiring such attention?

Is there a concern for lawsuits against the city for speech violations?

A. I am the councilor (Tom Campbell) that lead the council on the changes to Rule 9. I'll try to get straight to the meat of your questions.

There really wasn't a particular instance that prompted council towards the modifications for Rule 9. We have noticed some instances, though, where the rhetoric on social media has reached a fevered pitch. Sometimes the words can be hurtful. We looked at three rules; Rules 8, 9 and 10. Rule 8 is specific to committee members, Rule 9 was specific to council and 10 is about sanctions for councilors. When we looked at them, we felt that committee members needed to be drawn into Rule 9. After all, committee members fall within the definition of public officials. That's really all that was intended by those modifications. If you look at the recent Supreme. Court case of Lidke v. Freed it is clear that committee members are included.

Council asked that Resolution 20-22 become a part of the rule and so it is incorporated by reference. It is a policy statement that was adopted in the era of the George Floyd case and the Black Lives Matter movement. I think that all of the council members feel that it reflects the sentiment of our governing body.

We want people coming into positions of city office to know that these policies are in effect and important to us and we will incorporate them into our onboarding process to avoid honest errors.



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When you use the term “facts”, you give me some cause for concern. Facts are, in my mind, statements of past history that are externally verifiable. One of the problems with facts is that some people will use only some facts and that, when strung together, can lead to unreasonable conclusions if they are stated without other facts pertinent to the discussion.

On the bottom line, we are not trying to act as censors. If you post in social media and it is clear that you are posting in your personal capacity and not using city resources to publish your viewpoint then the Rule 8 & 9 provisions don't apply.

The city council sits as the determining body. Thus far we have not been confronted with a situation that required action. As a result, we have not adopted a specific protocol to confront that. I would hope that such a situation could be handled in a friendly way.

## PILINGS FOR CITY HALL

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- Q. My question has to do with the pilings missdrilling mistake. Can you tell at what depth they hit bedrock? That might have been addressed, if so I missed it.
- A. The mistake that resulted in the need to redo the piles had nothing to do with hitting bedrock. It was a mistake made because of an error in the survey we described at the last council meeting (April 3, 2024). More pilings were added as the area where the building would be placed was miscalculated.

For your reference, I have attached the geotechnical report. Bedrock is 100+ feet below surface so it's not an issue. More details about the pilings/foundation start on page 12. A table on the following page talks about their depths.

[CLICK HERE FOR A COPY OF THE GEOTECHNICAL ENGINEERING REPORT](#)

## WATER BILLING/ACCOUNTING

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**(Scroll down to see new item highlighted in yellow)**

- Q. How does the City's internal accounting process for Water Operating Funds transferred to the General Fund allocate those funds for City Hall staff overhead activity?
- A. There is no absolute answer or correct result when indirect overhead and expenses are allocated to different departments and production units. Generally accepted accounting principles (GAAP) are used in developing a methodology that is fair, reasonable and consistent.



## OFTEN ASKED QUESTIONS

- Q. Would it be an accurate statement to say that Water Operating Fund transfers sent to the General Fund are combined with all other General Fund revenues and can then be expended as any Budgeted General Fund expense? If this is not an accurate statement, explain why.
- A. Your question, “How does the City’s internal accounting process for Water Operating funds transferred to the General Fund allocate those funds for City Hall staff overhead activity?” is inaccurate in concept. It is not an accounting process of allocating indirect expenses because we don’t record the allocated results in the ledger. The allocated overhead expenses do not directly contribute to some designated purpose or project. The allocation is a form of reimbursement from departments which utilize the services that are provided.

Your suggested statement, “Water Operating Fund transfers sent to the general Fund are combined with all other General Fund revenues and can be expended as any Budgeted General Fund expense”, is not accurate. The allocated expenses are a form of reimbursement from the Water Operating Fund to the General Fund for the expenses that were paid out from the General Fund in the first place. The allocated expenses were already incurred. You cannot spend the same money again. This is based on GAAP.

The funds are allocated to the General fund and are used to support administrative services as outlined in the attached memorandum “Appendix B FY 2024-2025 Indirect Cost Methodology.pdf”. The building fund also pays indirect costs using the same methodology.

Your questions and statement mischaracterize the process of allocating overhead costs. There is no set way of doing this process that will always satisfy everyone. It’s a system in which you try to do your best and be reasonable.

[CLICK HERE FOR A COPY OF THE MEMO OUTLINING INDIRECT COST METHODOLOGY](#)

- Q. Where in Resolution 23-19 is it stated that the City is authorized to begin monthly meter reading and monthly water billing?
- A. Resolution 23-19 amends water rates and service charges. In establishing those rates and charges the language references a monthly charging cadence. After Council’s passage of Resolution 23-19 the City recognized that a monthly charging cadence was inconsistent with an existing ordinance (Ordinance 90-8). City staff and Council took action to try and remedy that inconsistency as described in the responses below.





# OFTEN ASKED QUESTIONS

Q. Did Section 6 (b) and (c) of Ordinance 90-8 remain in effect after the passage of Resolution 23-19?

A. Yes. I think it's important to clarify the difference between an Ordinance and a Resolution. A Resolution is not a statement of law, and an Ordinance is. In this particular case, we can, via Ordinance 90-8 make changes to the water rates via Resolution but any changes to an Ordinance which is an act of law must be made via Ordinance. We did not, at the time Resolution 23-19 was passed, realize that the billing cadence was specified in 90-8 and have time and again acknowledged this inconsistency. As soon as we learned of the inconsistency, the City worked to address the issue through the adoption of Ordinance 24-01 which provides for monthly meter reading and billing. As you know, Ordinance 24-01 is currently the subject of a referendum.

Q. When was Section 6 (b) and (c) amended to allow the City to both read meters monthly and bill customers monthly?

A. The first reading of Ordinance 24-01 was March 6, 2024 and it was adopted after the second reading on April 3, 2024. Again, the referendum, once approved suspended this ordinance from going into effect until the vote on the referendum occurs.

Q. From October 2023 until April 2024, customers were billed monthly with tiered charges collected without enabling legislative authority being approved by the City Council. When will the City be issuing credits to those customers who were inappropriately billed during this time period?

A. Customers were not overbilled as a result of the monthly billing cadence, as the rate is the same regardless of cadence. I will note that staff did suspend late fees starting in March when we became aware of the inconsistency between Resolution 23-19 and Ordinance 90-8. If a customer believes there are inaccuracies in the calculation of their bill, they are welcome to reach out to the city.

By the time the referendum was approved for the ballot it was too late to implement quarterly billing for the July/August/September billing period. The vote falls in the middle of the following billing cycle and given the complexity of, and practical timing requirements for, making that switch the City has continued to send bills monthly and we continue to not charge late fees therefore there is no financial impact on the customer if they choose to only pay quarterly. To switch back is extremely complicated so we have continued to bill monthly while taking the appropriate steps to prepare for moving back to quarterly in January if the voters decide that is what they prefer.

Q. When are water meters read?

A. Meters are read the 25<sup>th</sup> of each month unless the 25<sup>th</sup> falls on a weekend or holiday, then they are read the next business day. In some cases, they are read on the 24<sup>th</sup> depending on the holiday (Labor Day 2024.)

Q. What is the difference in staff costs for quarterly versus monthly billing?

A. Payroll costs will be the same regardless of quarterly or monthly billing.



# OFTEN ASKED QUESTIONS

Q. Concerning the notice received with the October 2024 bill, you state that average customer uses 1,600 gallons of water per month and 75% of rate payers use 2,000 gallons or less. However, water usage is going to be left-skewed because of the number of houses that are not occupied full time. When you have a multi-modal, left-skewed distribution, the term "average" is incorrect. Would it not be more appropriate to base water rates on full-time residents and their usage? Your rates penalize those of us who make the Manzanita area our full-time home.

A. The City doesn't have a way to segregate billing data by full time/part time households. The current rate structure is designed to ensure the lowest possible rate for all rate payers, primarily single-family home users regardless of how often they are here; so, everyone is paying into the system. The low base rate ensures that homes that are unoccupied are still paying a reasonable rate for system operations and that customers are paying for what they use. Just because a household is full time, doesn't necessarily mean you use more/less water than a customer who is here a few months out of the year. People use water at different rates (some have gardens, some take long showers or have hot tubs) so division of the water rate structure on those ground is also arbitrary.

Q. For the past three fiscal years (FY 2022/23 - FY 2024/25) planning for and construction of the new City Hall has been the single largest project for both the Council and City staff. The actual Materials and Service costs for the City Hall Expansion Fund for the first of these two years and the M/S costs incurred to date in the current fiscal year are substantial.

Question: Why isn't the City Hall Expansion Fund reimbursing City staff based on the Warrenton methodology for the same administrative support that they have provided and charged the Water Operating Fund during this same three year period?

A. The city hall fund is a capital project fund which exists for the sole purpose of constructing a city hall for the administration and it is funded primarily by debt that will be taken on by the general fund and it is being managed by the city's chief administrator.

The Water Fund is an **ENTERPRISE** fund, which means it generates revenue like a business and it is managed and supported by the services provided by the city's administration so it pays for these administrative services out of the revenue it generates.



# OFTEN ASKED QUESTIONS

## ANNEXATION OF URBAN GROWTH AREA

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- Q. We've owned a home in the south urban growth area (see attached map) for 25 years. It has been our primary residence since 2013, and we have owned a business in Manzanita from 2014-2022. Our home is closer to Manzanita City Hall than many other in-city homes.

Despite the feeling that we are Manzanita residents, we are continually frustrated with an inability to have a say in Manzanita government elections and are forced to report to both the city of Manzanita and Tillamook County for permits, etc. The relatively lax oversight of short-term rentals by Tillamook County also decreases our enjoyment of our neighborhood.

Recently the city of Manzanita easily annexed the north section of the newly developed Highlands subdivision (which is no closer to central Manzanita than our neighborhood). We believe that our neighborhood should become part of the city of Manzanita as well.

- A. It would be a good idea for you to become familiar with the process for annexation, that can be found here: [https://oregon.public.law/statutes/ors\\_222.111](https://oregon.public.law/statutes/ors_222.111)

There is a procedure for annexation that can be initiated by landowners if at least 50% of landowners representing 50% of the land area contiguous to the city boundary consent in writing for annexation to the legislative body. You can find more information on that here: [https://oregon.public.law/statutes/ors\\_222.170](https://oregon.public.law/statutes/ors_222.170)

The City of Manzanita doesn't have a formal policy for annexation or forced annexation where the city initiates the process, which is unlikely.

If you want to take it upon yourself to propose annexation and can achieve the requirements set forth in ORS 222.170, there is an application process and fee to process it. You might want to contact a land use attorney and start talking to your neighbors. The governing body can elect to make the decision or kick it to the electorate.

Since the city doesn't have a policy, we think it's good public policy to require annexation to qualify for city services. Our City Manager, Leila Aman, has been recommending that any new territory in the UGB that connects to city services (water) be annexed. That is why two major annexations in the last two years in The Highlands have been proposed.

We don't have any historical information about why these older developed areas weren't annexed. It could have been that they elected not to annex when the city boundaries were set, but we can't confirm that.



# OFTEN ASKED QUESTIONS

## ELECTRIC CAR CHARGERS AT CITY HALL

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- Q. When will public electric car chargers be installed in Manzanita? For those of us trying to conserve by visiting Manzanita with electric cars, it's really prohibitive to have to drive to Seaside or Tillamook to charge our vehicles.

Perhaps a tiny amount of the expense going into the rebuild of City Hall could be allocated to installing public electric car chargers. Every charger installed encourages more drivers to make the switch from gas to electric.

- A. We have taken charging stations into consideration for the new city hall location, currently under construction. Conduit will be in place and the pad for the equipment will be installed. The chargers require a separate electrical feed; thus the conduit will be there to be prepared for it.

The equipment is far more expensive than we expected. It appears to be at least a \$50k investment with only a \$7k rebate from the state. We hope the contingency funds we have in reserve for the "unknowns" won't need to be used and could potentially be applied to the charging stations. It's on the radar.

The expense is not just the unit cost, it's the cost to connect to the power source. Including running underground from the transformer.

## CLASSIC STREET CONNECTION PROJECT

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- Q. What was the initial action that City Council took that made it possible for Manzanita to apply for the State Grant that is paying for most of this project. I know a "Master Plan" has to be in place before municipalities can implement some changes--was there a Water Master Plan passed 3 years ago? This project was included in the City's Capital Improvement Plan and the City's Transportation System Plan.

- A. The Classic Street Connection Project was included in the City Capital Improvement Plan (CIP). It is because staff pulled that together and imagined an integrated project that includes essentially three key elements – a water line, storm drainage and road reconstruction. The water line was not included in the Water Master Plan per se (the WMP focused on Asbestos Concrete replacement) but staff recognized the critical importance of a water line on this section of road for additional resilience in the distribution system and to ensure adequate flow for the Urban Growth Boundary (UGB) where affordable housing is being located. The Classic Street transportation (and thus stormwater) project was long included in the previous Downtown Transportation Plan which was replaced with the Transportation Systems Plan where Classic Street improvements for bikes and pedestrians was indicated as the #1 project. But essentially what you are driving at is correct and how it should be done.



# OFTEN ASKED QUESTIONS

We plan for a project, we determine if there are any additional elements that would be cost effective and beneficial to include and then we estimate costs for it, put it in the CIP and that opens us up for funding opportunities. So when the League of Oregon Cities (LOC) came asking if we had any projects that would support housing we already had all that information in the CIP.

## LAWSUIT AGAINST MANZANITA

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Q. I was wondering if there has been a judgement/resolution in the lawsuit brought against Manzanita by Will Stone, Randy Kugler and Laura Swanson?

A. A hearing with the court was scheduled for today (January 17,2025) but was cancelled. The court granted the City of Manzanita's request for a summary judgement, which means the City of Manzanita has won the case.

Below is a copy of the order from the presiding judge:

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF TILLAMOOK  
201 Laurel Avenue Tillamook Oregon 97141

Case No: 24CV29659

William Stone; Randy Kugler; Laura Swanson  
Plaintiff

v.

City of Manzanita  
Defendant

**ORDER**

01/14/25

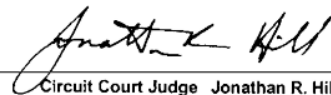
### The court orders:

The Court finds that there is no genuine issue of material fact, and the Defendant is entitled to judgment as a matter of law.

Defendant's Motion for Summary Judgment is granted.

The Court asks Ms. Miller to prepare an order and general judgment of dismissal in conformance with this opinion.

1/14/2025 4:47:02 PM

  
Circuit Court Judge Jonathan R. Hill



# OFTEN ASKED QUESTIONS

## CLEAR VISION TRIANGLE PARKING ENFORCEMENT

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A. I understand that there's a program newly set up to enforce the clear vision triangle for our corner lots. We all appreciate the safety considerations behind this.

My question though is this: is the city going to also place stronger enforcement relative to parking on these corners?

A. Code Enforcement and police pay attention to these things as they see them. There is indeed an Oregon Revised Statute (ORS) that limits parking within 50 feet of a stop sign, 10 feet of a hydrant, and 20 feet from an intersection. It would be very challenging, costly and ugly to sign this all over town, so when one of our officers notices it and its posing a safety concern they will address it. If a community member sees something concerning they should call the Police Department office and leave a message and the officer on duty will check it out. 503.368.7229