

SECTION 3.312 COMMERCIAL OCEANSIDE (COS) ZONE

- (1) **PURPOSE:** The purpose of the COS zone is to permit a moderate level of commercial activities in the community. Commercial uses in the COS zone typically provide goods and services that would be required by most households in the area, and they have relatively few impacts on neighboring areas. Land is suitable for the COS zone because it: (a) is needed; (b) is physically capable of being developed; (c) can obtain access to a public road without causing traffic hazards or congestion; and (d) will not cause significant conflicts with nearby residential uses.

The COS zone classification is intended to provide a variety of commercial uses which enhance a rural community's viability and livability. It is also intended to provide development that results in rural employment opportunities. Commercial activities in this zone generally consist of small scale low impact uses which serve the community and surrounding rural area.

- (2) **USES PERMITTED OUTRIGHT:** In the COS zone, the following small scale low impact commercial uses and their accessory buildings and uses are permitted in a building or buildings not exceeding 4,000 square feet of floor space and are subject to the general provisions and exceptions set forth in the Land Use Ordinance.
- (a) Oceanside community service buildings.
 - (b) General retail trade establishment such as a grocery store, drug store, or a hardware store, provided that such establishments do not require over 5 parking spaces.
 - (c) Personal and business services such as barber, tailor, beauty and shoe repair shop.
 - (d) Business, government, professional, and medical offices, financial institutions, library and fire station.
 - (e) Eating and drinking establishment, excluding walk-up and/or drive-in services.
 - (f) Single-family residential structure for the owner of an active business on the same lot.
 - (g) On-site manufactured home or recreational vehicle used during the construction of a primary permitted use for which a building or placement permit has been issued. Limited to one (1) year.
 - (h) Signs, subject to Subsection 5 of this section.
 - (i) Dwelling unit or units accessory to an active commercial use, located above the first story.

- (j) Owner occupied Bed & Breakfast enterprise provided that no more than two bedrooms for guests are provided.
- (k) Public park and recreation uses.
- (3) **USES PERMITTED CONDITIONALLY:** In the COS zone, the following uses and their accessory uses are permitted subject to the provisions in Article 6 and the requirements of all applicable supplementary regulations contained in this ordinance:
 - (a) Walk-up eating establishment.
 - (b) Mini-storage.
 - (c) Small retail shoppe complex.
 - (d) Lodge, club or meeting facility.
 - (e) Motel or hotel containing not more than 35 units.
 - (f) Temporary mobile kitchen unit.
 - (g) One- or two-family dwelling, including townhouses, row houses and condominiums.
 - (h) Church or school.
- (4) **STANDARDS:** Land divisions and development in the COS zone shall conform to the following standards, unless more restrictive supplemental regulations apply:
 - (a) The minimum lot dimensions, yard setbacks, and building height restrictions for structures containing only residential uses shall be the same as in the ROS zone. In the COS zone, motels and hotels shall be considered a commercial use.
 - (b) Minimum yards for any structure on a lot or parcel adjacent to a ROS zone shall be 5 feet on the side adjacent to the ROS zone, and 10 feet in the front. No rear yard is required.
 - (c) For commercial or combined commercial-residential structures, structures shall be either constructed on the property line or set back 3 feet or as required in Section (4) (b) of this section.
 - (d) All structures shall meet the requirements for clear vision areas specified in Section 4.010.

- (e) All uses shall meet off-street parking requirements as provided in Section 4.030.
- (f) All structures will have storm drainage facilities that are channeled in to the public storm drainage system or a natural drainage system approved by the County Engineer.
- (g) A property survey of the lot shall be performed and all corners shall be monumented by a registered surveyor prior to land division and/or prior to submittal of a permit for construction/location and a copy of the survey shall be submitted with the application and other required material.
- (h) Outdoor storage abutting or facing a lot in a residential zone shall be screened with a sight-obscuring fence.
- (i) **The maximum building height for commercial structures shall be ~~35~~ 30 feet except on ocean front lots, where it shall be 24 feet. “Maximum building height” is determined by averaging the building height at the four corners of the grade rectangle.**
 - 1. **“Building height” means the vertical distance of a building measured from existing grade to the highest point of the structure.**
 - 2. **“Existing grade” means the (1) existing ground, prior to any grading, filling or other development activity that was conducted in anticipation of designing or building the proposed structure, or (2) the post-construction ground, whichever is lower relative to the fixed benchmark referenced in subsection (j) below.**
 - 3. **“Grade rectangle” means the reference rectangle formed by connecting joining the four external corners of the building foundation at the point each of them meets the existing grade. If the foundation does not form a rectangle, then the grade rectangle is the smallest rectangle that can be drawn to encompass all corners of the foundation.**
 - 4. **Unless specifically exempted, the height limit applies to all elements or portions of a structure, including dormers, gables, balconies, garages, covered carports, covered decks, deck railings and any other roofed structural element. Architectural elements that do not add floor area to a building, such as chimneys, antennas, vents, and comparable roof equipment, are excluded from the height calculation. (See also Oceanside Community Plan (2018), Section 12.4, for separate height limits applicable to alternative or renewable energy equipment.)**

5. Prior to approval of a building permit for any structure that appears to be within 3 feet of the maximum building height, the applicant shall sign a legally binding statement prepared by the department that holds Tillamook County harmless should construction of approved plans result in a structure exceeding the height limit and needing to be removed or altered.

6. The requirements of this section shall apply to all new structures on which initial building permits are submitted or construction commences (whichever occurs first) on or after the date this ordinance is enacted. The requirements shall also apply to all additions, remodels or repairs of structures on which construction commences or a building permit is submitted (whichever occurs first) prior to enactment, provided that they shall not apply to or require nonconforming use reviews of those portions of the preexisting structure that already exceed the restrictions of this provision.

(j) A commercial building shall not exceed 8000 square feet, motels are exempt from this limit.

(5) SIGNS: A total of 100 square feet or less in area per business frontage. No sign shall be larger than 32 square feet in size. Temporary banner for grand opening, business change, etc. is allowed for a maximum of two weeks. The following types of signs shall be prohibited:

(a) Off-premise sign.

(b) Flashing sign.

(c) Billboard.

(d) Sign/signs extending in setback area.

(e) Beach-side signs on beach front property.

(6) **NON-CONFORMING USES:**

(a) **If a lawful structure exists at the effective date of adoption or amendment of this ordinance, that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, location on the lot, or other requirements concerning the structure, such structure may remain so long as it is otherwise lawful, subject to the following provisions:**

Commented [SA1]: Requires Legal Review. Counsel has expressed concern over language. Added language for purposes of starting place should BOCC authorize staff and counsel to work on language.

- i. No such nonconforming structure may be enlarged or altered in a way that increases its nonconformity, but any structure or portion thereof may be altered in a way that will not change or will decrease its nonconformity.
- ii. *Insert Counsel Language*

(7) **VARIANCE:**

- a. In addition to the criteria contained in Article 8, a variance request to the development standards of this zone shall also meet the following criteria:
 - i. The literal interpretation of the development standard would cause undue or unnecessary hardship without a corresponding public benefit.
 - ii. The variance request is more than fifty percent (50%) from the numerical site development standard.
 - iii. The variance request is processed as a Type III review in accordance with the procedures outlined in Article 10.
- b. Applications for variances to this building height standard shall be supplemented by consideration of the extent to which the requested variance seeks approval of structural dimensions or components that:
 - i. Contravene or materially impede the standards adopted in Sections 3.2 and 12.5 of the Oceanside Community Plan (2018), incorporated by reference here, which – in pertinent part – implement the historical community policy to preserve Oceanside’s “village character” by mandating that “[t]hose engaging in construction activities shall take maximally effective measures to reduce ... view obstructions” (Section 12.5(d)). With regard to Oceanside, “village character” means the “intimate and unified character” resulting from the fact that “almost every property has a special relationship to the sea, cliffs and hillsides, and that these relationships are interdependent components of the community’s relationship to its setting, notwithstanding the location of individual property lines.” (Section 3.2), and
 - ii. Contravene or materially impede the development standards adopted in Tillamook County Land Use Ordinance Article IV, Section 5.005(2), (4) or (8) by materially obstructing preexisting air, light or view corridors between existing structures.

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PRIOR TO PREPARING PLANS FOR DEVELOPMENT WITHIN THIS CGB YOU

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**ARE ADVISED TO CHECK THE TILLAMOOK COUNTY LAND USE ORDINANCE
FOR ADDITIONAL REGULATIONS THAT MAY APPLY!**

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