

SECTION 3.310 RESIDENTIAL OCEANSIDE (ROS) ZONE

- (1) **PURPOSE:** The purpose of the ROS zone is to designate areas for low-density ~~one and two-family~~ residential development and other, compatible, uses. Suitability of land for low-density uses is determined by the availability of public sewer services, and limitations to density such as geologic and flood hazards, shoreline erosion, and the aesthetic or resource values of nearby natural features. Where any provision of the ROS zone imposes a restriction on the use of land greater than is provided by other ordinance provisions, then the ROS zone shall prevail.
- (2) **USES PERMITTED OUTRIGHT:** In the ROS zone, the following uses and their accessory uses are permitted outright, subject to all applicable supplementary regulations contained in this ordinance.
- (a) Single-family dwelling.
 - (b) Accessory dwelling unit according to the provisions of Section 5.110 of this ordinance.
 - (c) Duplex attached or detached.
 - (d) Triplex attached, according to the provisions of Section 5.120 of this ordinance.
 - (e) Quadplex attached, according to the provisions of Section 5.120 of this ordinance.
 - (f) Townhouse, up to four attached, according to the provisions of Section 5.120 of this ordinance.
 - (g) Cottage cluster, up to eight per common courtyard, according to the provisions of Section 5.120 of this ordinance.
 - (h) Home occupation according to the provisions of Section 4.140 (b) of this ordinance.
 - (i) Public park with associated uses.
 - (j) On-site manufactured home or recreational vehicle used during the construction of a primary permitted use for which a building permit has been issued. Limited to 1 year.
 - (k) Unlighted signs, four square feet or less in area, and securely attached to the ground or structure.
- (3) **USES PERMITTED CONDITIONALLY:** In the ROS zone, the following uses and their accessory uses are permitted subject to the provisions of Article 6 and the requirements of all applicable supplementary regulations contained in this ordinance.
- ~~(a) Two family dwelling.~~
 - (b) Church or school.
 - (c) Non-profit community meeting building and associated facilities.

Commented [SA1]: Updated to include middle housing options. No other changes.

Commented [SA2]: Updated to move two family dwelling to uses permitted outright. No other changes.

- (d) Fire and ambulance station with appropriate communications towers.
- (e) Screened Utility substation and power transmission lines.
- (f) Swimming, tennis, racquetball and similar facilities.
- (g) On-site temporary real estate sales office in subdivision.
- (h) Water supply or treatment facilities or sewage treatment plants.
- (i) Accessory structure or use without on-site primary structure.
- (j) Temporary placement of mobile home or recreation vehicle to be used because of health hardship subject to Section 6.050.
- (k) Owner occupied Bed & Breakfast enterprise provided that no more than two (2) bedrooms for guests are provided. The Conditional Use is subject to periodic review.
- (l) Foster family home accommodating six or more children or adults.
- (m) Residential care, training, or treatment facility as defined by ORS 443.400; any facility which provides care, training, or treatment for six or more physically, mentally, emotionally, or behaviorally disabled individuals. Facilities that provide for five or less are addressed as "Adult Foster Homes" or "Foster Family Homes".

(4) STANDARDS: Land divisions and development in the ROS zone shall conform to the following standards, unless more restrictive supplemental regulations apply:

- (a) ~~The minimum lot size for permitted uses a single-family dwelling, duplex or triplex shall be 7,500 square feet where the slope averages less than 19 percent. Where the slope averages from 19 to 29 percent the minimum lot size shall be 10,000 square feet, and where the slope averages greater than 29 percent, the minimum lot size shall be 20,000 square feet, except that in both of these sloped areas and in unsewered or geologic hazard areas, a larger minimum may be required. [Refer to Article IV Exceptions for existing legally platted lots and parcels]~~
- (b) The minimum lot size for a quadplex or cottage cluster shall be 7,000 square feet where the slope averages less than 19 percent. Where the slope averages 19 percent or greater, the minimum lot sizes in subsection (a) apply.
- (c) The minimum lot size for a townhouse shall be 1,500 square feet, provided, the average minimum lot size shall be 1,750 square feet for all attached units in a townhouse project where the slope averages less than 19 percent. Where the slope averages from 19 to 29 percent the average minimum lot size shall be 2,500 square feet, and where the slope averages greater than 29 percent, the average minimum lot size shall be 5,000 feet for all attached units in a townhouse project.
- (d) The minimum lot width shall be 60 feet. The minimum lot width for townhouses shall

be 20-feet.

Commented [SA3]: Recommended for consistency with Section 5.120.

- (e) The minimum lot depth shall be 75 feet.
- (f) The minimum front yard setback shall be 20 feet.
- (g) The minimum side yard setback shall be 5 feet; on the street side of a corner lot, it shall be 15 feet.
- (h) The minimum rear yard setback shall be 20 feet; on a corner lot, it shall be 5 feet.
- (i) All setback standards may be subject to the exceptions in Tillamook County Land Use Ordinance Section 4.110.
- (j) Structures shall not occupy more than 50% of the lot area.
- (k) **The maximum building height shall be 35 30 feet, except on ocean or bay frontage lots, where it shall be 24 25 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.

(l) A property survey of the lot shall be performed including elevations, and all corners shall be monumented by a registered surveyor prior to land division and/or submittal of a permit for construction/location on lots containing less than 7,500 square feet. **A fixed benchmark shall also be established on or near the site and clearly identify the points used to establish the grade rectangle.** A copy of the survey shall be submitted with the application and other required material.

(m) Off-street parking shall conform to Section 4.030.

(n) New uses authorized within the community growth boundary shall not adversely affect farm or forest management practices conducted in accordance with federal and state laws. Authorization to create a parcel or construct a dwelling adjacent to land zoned for farm or forest use shall require a notarized declaratory statement signed by all current property owners who appear on the property deed or contract. This statement shall serve as a covenant that runs with the land binding heirs, assigns, lessees and successors. This covenant shall affirm that residents of the parcel may be subject to farm or forest management practices conducted in accordance with federal and state laws which ordinarily and necessarily produce noise, dust, smoke and other impacts. Those signing the statement acknowledge that they "do hereby accept the potential impacts from farm and forest practices as normal and necessary and part of the risk of establishing a dwelling in this area, and acknowledge the need to avoid activities that conflict with nearby farm or forest uses". The signed and notarized covenant must be approved by the County Planning Director and recorded with the Tillamook County Clerk.

(5) Exterior Lighting Standards:

(a) **Exterior lighting fixtures are required to comply with the Oceanside Community Lighting Standards, State of Oregon Energy Codes and Dark Sky Oregon Outdoor Lighting Policies.**

(b) Applicability:

- i. **Buildings and structures including but not limited to: exterior surfaces, overhangs and canopies.**
- ii. **Parking lot lighting.**
- iii. **Landscape lighting.**
- iv. **Exterior hardscape lighting.**

(c) Exemptions:

- i. **Temporary emergency lighting (i.e., fire, police, repair workers) or warning lights.**

- ii. Seasonal decorations do not have to be shielded; provided that they do not have a brightness of more than 0.1 foot-candles at the property line on which they are installed.
- iii. Outdoor lighting approved by the Oceanside Neighborhood Association for temporary or periodic events (e.g., fairs, nighttime construction).

(d) Prohibited: The following fixtures are prohibited for exterior lighting:

- i. Searchlights for any purpose other than temporary emergency lighting or as allowed by a special event license.
- ii. Laser lights or any similar high-intensity light for outdoor use or entertainment, when projected above the horizontal plane.
- iii. Quartz lamps.
- iv. Mercury vapor lamps.
- v. Sodium vapor lamps.

(e) General Standards: The following general standards shall apply to all nonexempt outdoor lighting fixtures and accent lighting:

- i. Outdoor lighting fixtures and accent lighting must be shielded and aimed downward. Light sources shall have an initial output of no more than 1,500 lumens.
- ii. The shield must mask the direct horizontal surface of the light source. The light must be aimed to ensure that the illumination is pointing downward onto the ground surface with a 10-degree cut-off line.
- iii. Outdoor lighting fixtures and accent lighting shall not directly illuminate the beach, ocean or public waterways.
- iv. Accent lighting shall be directed downward onto the illuminated object or area and not toward the sky or onto adjacent properties.
- v. Walkways or pathways shall be illuminated to a minimum average maintained luminance of .3 foot-candle and not to exceed a maximum average-maintained luminance of .9 foot-candle.

(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:

- 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

Commented [SA4]: 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.

(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.

Commented [SA5]: 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.

- 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.

PRIOR TO PREPARING PLANS FOR DEVELOPMENT WITHIN THIS UNINCORPORATED COMMUNITY YOU ARE ADVISED TO CHECK THE TILLAMOOK COUNTY LAND USE ORDINANCE FOR ADDITIONAL REGULATIONS THAT MAY APPLY.