



## **Oceanside Neighborhood Association**

PROPOSALS FOR PLANNING ACTION:  
REVISIONS TO OCEANSIDE LAND USE ZONES BY  
OCEANSIDE NEIGHBORHOOD ASSOCIATION  
CITIZEN ADVISORY COMMITTEE

- |                        |  |
|------------------------|--|
| Planning Action No. 1: | Revisions Relating to Exterior Lighting                                    |
| Planning Action No. 2: | Revisions Relating to Calculation of Building Height and Variance Criteria |
| Planning Action No. 3: | Revisions Relating to Maximum Building Height                              |

*Chawn M. Brown* ONA President  
2022-2024

Dated: *June 17, 2024*  
*updated October 22, 2024*

## TABLE OF CONTENTS

• Cover Page – Proposals for Planning Action: Revisions to Oceanside Land Use Zones by Oceanside Neighborhood Association – Citizen Advisory Committee	1
• Table of Contents	2
• Request for Planning Action- Revision to Zoning Action Summary of Requests	3-10
○ Exhibit A- Minutes from 10-02-2021 ONA Meeting	11-18
• Proposal No. 1 Exterior Lighting	19
○ Final Report of Exterior Lighting Team 9/23/2021	20
○ Proposed Revisions to Oceanside Zone Ordinances	21-29
• Proposal No. 2 Building Height Formula and Supplemental Variance Criteria	30
○ Final Report of Building Height Team 9/23/2021	31-43
○ Proposed Revisions to Oceanside Zone Ordinances	44-47
• Proposal No. 3 Maximum Building Height	48
○ ONA Board Statement of Rationale	49-50
○ Proposed Revisions to Oceanside Zone Ordinances	50
○ ONA Minority Report	51-61
• Index	62

**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 Citizen 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 LUO 9.030(1). As the recognized Citizen’s Advisory Committee for Oceanside, the ONA is authorized to request such actions under LUO 10.020(2). The proposed revisions are subject to Type IV legislative review. See LUO 10.010(4).

**III. CRITERIA**

Pursuant to LUO 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 confirm to Section 9.040 Transportation 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 Team Reports and Board Option by majority vote 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 appended to this packet as Exhibit A (pages 11-18 herein).

#### V. 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 660-015-0000(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-time 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 they wish to participate in. There is wide-spread 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 meetings 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](http://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.<sup>1</sup> 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 email 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”<sup>2</sup></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 07/10/2021 (link reposted)	
	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 07/10/2021 Special Meeting on Lighting report; proposal links reposted	238
07/10/2021	Special Zoom Meeting convened on Lighting proposals (approximately 60 log-ons)	
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

<sup>1</sup> 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.

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



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 Heights proposals (approximately 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 10/02/2021 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 10/02/2021 ONA Meeting, including Lighting and Building vote	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 10/02/2021 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, on 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 a 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 the 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 (found at pages 50-60 herein).

**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 time 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 who drafted it.

At the September 11, 2021 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 found at pages 39-43 herein.

**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.

## **VI. PLANNING GOALS AND POLICIES IMPLICATED BY PROPOSAL**

The ONA anticipates that the Department of Community Development will provide the bulk of the technical/legal analysis regarding the implications of the proposal under State Land Use Goals. We write here to briefly highlight: (1) the practical context for that discussion and (2) the existing policies implicated by the proposals.

**Practical Context.** Oceanside's scenic setting and widely available sewer/water/power services are making it an increasingly prime target for investors seeking to build or remodel homes for operation as short-term rentals. Looking to expand rentable floorspace, nearly all recently new structures in Oceanside consist of multi-story blockhouses with flat or shallowly-inclined roofs. These new buildings are scaled to the maximum height possible, with impacts exacerbated by creative application of the current countywide building height formula - especially on Oceanside's many sloped lots. At the same time, those who purchase on of Oceanside's historically small lots are increasingly taking advantage of the vague county criteria to seek and obtain disconcerting setback variances. Finally, because such buildings are often left vacant for significant periods of time, security concerns often prompt reliance on aggressive exterior lighting beyond routine entry lighting.

The proposed supplemental variance criteria were voiced as an attempt to moderate the approval of variances for new homes or structures that would disrupt existing "space and air" of current structures that complied with and relied upon consistent enforcement of the same rules when developed and built. They are not intended to constrain any construction of structures allowable without such variances. The history of granting of variances, particularly referencing setback and height restrictions, has been done without clear consideration of the cumulative effect on existing properties within the community, and without some moderation through this criteria will change the character of the community forever.

**Implicated Land Use Policies.** These accelerating trends accompanying Oceanside's urbanization contravene (and are eroding) a number of long-established land use policies, which owners of current properties respected and relied upon when purchasing or developing their own properties. These proposals were motivated by a community desire to strike a new balance

between the interests involved, with less deference to the economic imperatives of growth and the accordance of more weight to the following policies reflected in the following Oregon Land Use Goals, Tillamook County Land Use Ordinances (LUO) and the Oceanside Community Plan:

#### **A. STATEWIDE LAND USE GOALS**

GOAL NO. 1 (Citizen involvement) – OAR 660-015-0000(1)

Discussed above.

GOAL NO. 14 (Urbanization) – OAR 660-15-0000(14)

*“To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.”*

#### **B. TILLAMOOK COUNTY LAND USE ORDINANCES**

LUO 4.005: RESIDENTIAL AND COMMERCIAL ZONE STANDARDS/PURPOSE

*In all RESIDENTIAL AND COMMERCIAL ZONES, the purpose of land use standards are the following:*

*\* \* \**

*(2) To ensure that adequate light and air are available to residential and commercial structures;*

*\* \* \**

*(4) To enhance privacy for occupants of residences;*

*\* \* \**

*(8) To ensure that pleasing views are neither unreasonably obstructed nor obtained;*

LUO 8.030: REVIEW CRITERIA

*A VARIANCE shall be granted, according to the procedures set forth in Section 8.020, if the applicant adequately demonstrates that the proposed VARIANCE satisfies all of the following criteria:*

*(1) Circumstances attributable to either the dimensional, topographic, or hazardous characteristics of a legally existing lot, or to the placement of structures thereupon, would effectively preclude the enjoyment of a substantial property right enjoyed by the majority of landowners in the vicinity, if fall applicable standards were to be met. Such circumstances may not be self-created.*

*(2) A VARIANCE is necessary to accommodate a use or accessory use on the parcel which can be reasonably expected to occur within the zone or vicinity.*



*(3) The proposed VARIANCE will comply with the purposes of relevant development standards as enumerated in Section 4.005 and will preserve the right of adjoining property owners to use and enjoy their land for legal purposes.*

*(4) There are no reasonable alternatives requiring either a lesser or no VARIANCE.*

[This proposal would add a section (5) to these criteria. Please see note to practical context page 7.]

### **C. OCEANSIDE COMMUNITY PLAN (2018)**

#### **CHAPTER 11. EXISTING, PROPOSED AND POTENTIAL TILLAMOOK COUNTY ORDINANCES**

##### **SECTION 11.2 – Proposed Ordinances**

###### ***a.) Lighting [for Oceanside only]***

*In 2010, the ONA submitted a draft lighting ordinance to Tillamook County for adoption in Oceanside zones under which excessive and intrusive lighting would be curbed. . . . [I]n the 2007 Oceanside Survey, . . . 70% of respondents supported controlled lighting in public and private areas. The county took no action on the proposed ordinance.*

*ONA continues to support lighting regulation as one of its highest priorities and in this Plan reaffirms its application for the county to . . . augment the current Oceanside ROS “Standards” to include outdoor lighting standards that will prohibit or curtail unshielded or intrusively bright lights in order to prevent light pollution, lighting trespass and skyglow to the greatest extent practicable.*

#### **CHAPTER 12. OCEANSIDE COMMUNITY POLICIES**

##### **SECTION 12.1 – Community form**

*Every effort shall be made to preserve the “rustic coastal village atmosphere,” the natural resources, and the beauty of Oceanside for the benefit of residents, visitors and future generations. (See additional discussion of Oceanside’s Vision and “Village Character” in Chapter 1.)*

##### **SECTION 12.5 – Community (Village) Character**

*Residents prize the many qualities of the Oceanside Community and encourage visitors, future property owners and residents to respect and embrace such values as:*

- *Scenic Ocean and bay vistas*
- *The natural beauty of the area*
- *Serenity and privacy*

- *Natural lighting (moon and stars)*
- *Natural noise (ocean and wildlife)*

*\* \* \**

*d.) Those engaging in construction activities shall take maximally effective measures to reduce noise, harsh lighting, view obstructions, clutter, and drainage runoff by completing new constructions within a reasonable time.*

*\* \* \**

*f.) Oceanside residents and owners shall design and shield exterior lights and eliminate unnecessary lights to curtail light pollution and avoid negative impacts on wildlife.*

*\* \* \**

*g.) ONA should work with the county and local property owners to develop a plan and establish guidelines for future commercial development that preserve community character.*

Oceanside Neighborhood Association  
[www.oceansidefriends.org](http://www.oceansidefriends.org)  
Meeting Minutes  
Regular Meeting — October 2, 2021 — Zoom Format

President Jerry Keene called the online meeting to order at 10:00 a.m. on October 2, 2021. At that point in time, per Zoom registration and polling, 65 ONA members were in attendance. (Additional ONA members joined the meeting later.) The meeting quorum of 37 was met.

**Approval of Meeting Minutes:**

There were no objections; meeting minutes for June 6, 2021 were approved.

**Treasurer Report:** (per Mary Flock via Jerry Keene)

Bank balance total is \$14,054.37 (ONA General Fund \$1,616.98, Beach Access Donation Fund \$12,437.39).

**Today's Agenda:**

**Discussion and Voting on Final Team Reports RE: Zoning Ordinances**

The purpose this meeting was to have three votes addressing whether the ONA will be requesting the Tillamook Planning Commission & County Commissioners to make certain changes in Zoning Ordinances that govern Oceanside building and land use in these three areas:

- 1) Exterior Lighting
- 2) Building Height Calculation
- 3) Option to reduce Oceanside building height to 30 feet

**Background:**

Jerry Keene summarized the history of work on these issues. In late 2019, the ONA board announced the formation of teams and a request was made for volunteers to analyze these and other issues. Teams researched their topics and wrote reports. Their work was announced multiple times in meetings and ONA newsletters, and ideas and comments were solicited.

In June 2021, the ONA Exterior Lighting Team and the ONA Building Height Team posted their preliminary reports on the ONA website, asking for additional comments from the public. These comments were evaluated by the teams and many suggestions were incorporated into their reports.

Special ONA meetings were held online to discuss each report:

- July 10, 2021 - Lighting Report (about 50 people attended)
- Sept 11, 2021 - Building Height Proposals (about 70 people attended)

Input was requested and received from Tillamook County (Sarah Absher)

Final reports were posted to the ONA website Sept 23, 2021 and can be found via the links below:

**Final Report - ONA Lighting Team**

<https://oceansidefriends.us12.list-manage.com/track/click?u=bed158b5fc9dc079133a511fa&id=74d22754cb&e=8793890cef>

**Final Report - ONA Building Height**

<https://oceansidefriends.us12.list-manage.com/track/click?u=bed158b5fc9dc079133a511fa&id=1cbda406e9&e=8793890cef>

**Final Version of Proposed Building Height Ordinance**

<https://oceansidefriends.us12.list-manage.com/track/click?u=bed158b5fc9dc079133a511fa&id=a55aef2540&e=8793890cef>

ONA email newsletters covered the above mentioned activity. MailChimp data shows 220-250 people consistently opened the emails regarding these reports. (Many of these emails go to two people). Jerry is encouraged to see how many people are reading these emails and feels confident that **adequate public notice has been provided and input received.**

**Meeting Process:**

- Each team committee chairperson will provide comments regarding their team's report.
- The president will entertain a motion to adopt the report and a motion to second is will be sought.
- 30 minutes will be taken to discuss the issues.
- An online Zoom poll will be conducted among ONA members to determine whether the ONA will request the Tillamook Planning Commission & County Commissioners to make the requested changes in Zoning Ordinances that govern Oceanside building and land use.

---

**1) LIGHTING TEAM REPORT**

Chair Marilyn Roossinck

Other members: Mike Neunzert, Mike Dowd, Craig Olson.

Marilyn commented that these reports have been on the ONA website for months and the team has received good feedback.

**MOTION:**

Marilyn Roossinck made a **motion to accept the final Lighting Team Report and ordinance revision as submitted** and also authorizing the ONA board to make technical or legal adjustments as required while working with the County Planning Commission.  
The motion seconded by Michael Neunzert.

**DISCUSSION on Lighting report:** (Meeting participants were asked to put comments and questions in the Zoom Chat.)

Pam Zielinski - question: how is lighting trespass measured?

Michael Neunzert responded: light trespass can be evaluated by standing at one's property line. Guideline: if the bulb or brightest part of neighbor's exterior lighting fixture is visible, then light is trespassing across property line.

Jerzy Rub - comment: Welcomes reducing light pollution, but objects to report as written as being intrusive. Original mandate was for OUTDOOR lighting standards. Scope has changed to include light trespass from INSIDE the home. Verbiage requiring indoor lights to point downward. Not purview of county/Oceanside. Also concerned with increased scope to include the energy efficiency of outdoor lights. While a good idea, not in the scope of reducing light pollution.

**MOTION:**

Jerzy Rub made a **motion to amend the lighting report: to strike out references to interior/indoor lighting & to energy standards, and leave rest of report as is.**  
Motion seconded by Pam Zielinski

**DISCUSSION on motion to amend:**

Comments from task force:

Marilyn: the team observed that having a home's interior light shine directly into another's home is also a form of light trespass.

Michael: team wanted to focus on the problem of light trespass, whether or not it was from indoor or outdoor lighting. Regarding energy efficiency: team saw in this in other community lighting standards and wanted to suggest this good idea,.

Sam Kaluf agrees with Jerzy. Interior lighting standards are overreach. Homes on the hill in Oceanside cannot stop their ceiling down lights from shining onto properties below unless shades are drawn.

Dan & Kathy Hendrix. Agree to motion to strike references on indoor lights.

**VOTE:**

Zoom poll conducted on **whether to amend Lighting Report:**

A YES vote would **strike all references to interior lighting and energy efficiency standards, the balance of the report to remain the same.**

Basis: interior lighting and energy efficient lighting are outside the original mandate of the team, as well as being hard to measure and enforce.

**RESULTS** read verbally by Jerry: 80% yes to amend, 20% no  
Based on results, **the move to amend the Lighting Report passes.**

---

**DISCUSSION on accepting Exterior Lighting report as amended:**

Pam Zielinski: due to Oceanside's hilly topography, bulbs for OUTDOOR lighting would be visible to neighbors below, so she is not in favor of Exterior Lighting standard. Sam agreed.

Jerry responded: this would be one of the common grey areas in building standards that the county has to interpret the intent of the amendment.

Jennifer Byrn: agreed with Jerry. This would be a complaint driven process. There would not be inspectors walking around Oceanside issuing citations. This ordinance would allow egregious light trespass to be addressed.

Susan Wainwright: agreed with Jennifer. Light deters crime, so we wouldn't want complete darkness. Public Utility can shield streetlights and lower LED intensity.

**VOTE:**

Zoom poll conducted on **whether to accept the Lighting Report as amended**

**RESULTS** read verbally by Jerry: 77 yes votes, 7 no votes  
Based on votes **the Exterior Lighting Report as amended is accepted.**

This proposal will be sent to the County Planning Commission and Tillamook County Commissioners.

---

**2) BUILDING HEIGHT TEAM REPORT**

**Background:**

Jerry wanted to let members know that the ONA addressed this issue at the request of Tillamook County. Several issues were raised in emails and at the special meeting to discuss this report, and Jerry wanted to respond to them:

1) There was a concern that the new building height formula would do away with the ability to ask for a building height variance.

Jerry responded: adopting the proposed building height formula would not negate the ability to ask for a building height variance. Article 8 of the county's Land Use Ordinances outlines the criteria for evaluating variance requests, of which blocking views is not currently a factor. The

ONA report on building height asks the county to add blocked views as one of the many criteria already in place to be considered in evaluating variance requests.

2) People asked for case studies or examples of how the building height formula would work.

Jerry shared illustrations of how both the current formula and proposed formula would measure building height and shared an existing home in Oceanside as a case study. These illustrations are included at the end of this document.

Figures 1, 2 and 3 show how the current building height formula results in a different "average building height" depending on the number and placement of walls in a hillside home's design. The current formula-derived average height for Building 1 is 35', for Building 2, 25' and for Building 3, 23'. The more walls and "pop-outs" placed on the uphill side of a building, the lower the overall calculated building height, and the taller the actual building can become.

Figure 4 shows a photo of an actual Oceanside home, which according to the current building height formula, allowed for a 5-story home.

Figure 5 shows the proposed revised building height formula applied to the home in Figure 3. The proposed method provides a more normalized average, not influenced by the addition of extra walls.

Jerry asked to entertain a motion to adopt the team's report on the revised building height formula and added variance language. He emphasized this report does not include any specific height limit.

Carolyn Neunzert, chair of Building Height Formula Committee, reiterated this report was only on the revised building height formula, not on any specific maximum building height. The group's original task was to simplify and clarify the building height formula. Other committee members include Kathie Norris, Mary Beeks and Jerry Keene.

**MOTION:**

Carolyn Neunzert made **the motion that the Final Report and Ordinance Revisions regarding the Building Height Formula be approved**, as well as authorizing the ONA board to negotiate any technical or legal adjustments if necessary when working with the county planning commission or the county commissioners.

The motion was seconded by Sam Kaluf.

**DISCUSSION of proposed Building Height Formula:**

A number of questions regarded application of the building height formula to aspects of house design (decks, stilts, chimneys etc.).

Jerry responded: these issues are covered in the proposal and in existing ordinances. The proposed formula would not affect them.

Several people expressed concern that the new formula would harm or restrict building design potential for future construction.

Carolyn responded: the new proposal would actually open up certain aspects of building design since house plans with multiple corners on the downhill side of a lot will not be penalized and have their overall building height lowered.

Question: if a house built to the old code burns down, can it be built to old height or must it use the new formula.

Sarah Absher responded: if 80% or more of home is destroyed, it would need to adhere to the current building standards.

Additional comments:



More restrictive subdivision building covenants would override county ordinance (Camelot, Trillium, etc.)

Sarah Absher responded to questions by Jerry:

—75% to 90% of Oceanside variance requests have been approved by the county over time. This is especially true along Maxwell Mtn & Portland Ave due to steep topography. Often these variances have to do with reduced front yard setbacks.

—the proposed building height formula would simplify county staff's job in calculating average building height. Going from measuring and averaging 15-30 wall heights to 4 wall heights per building would make their job easier and less prone to error.

**VOTE:**

Zoom poll conducted on **accepting the Final Report and Ordinance Revisions regarding the Building Height Formula**, as stated in the motion.

**RESULTS** read verbally by Jerry: 75 yes votes, 10 no votes

Based on votes **the motion to accept the new building height formula and ordinance revisions passes.**

---

### **3) OPTION TO REDUCE OCEANSIDE BUILDING HEIGHT TO 30 FEET**

**Proposal to revise maximum building height in Oceanside residential and commercial zones from the current state-wide 35 feet limit to 30 feet.**

**Background:**

When doing research on building height, Jerry discovered that Neakahnie imposed a maximum height standard of 24 feet. Jerry didn't know this was an option (and this was not in the scope of the Building Height Formula work group) but he wanted to present this to ONA members as a policy option for Oceanside.

**MOTION:**

Kathy Norris moved **to approve the ONA board's proposal to reduce the maximum building height in Oceanside from 35 feet to 30 feet**, and also that the ONA board be authorized to negotiate any technical or legal changes in the proposal that are deemed necessary before the planning commission and the board of county commissioners

The motion was seconded by Marilyn Roossinck.

**DISCUSSION of 30 foot height limit:**

- Question about legality of this ordinance reducing people's property value. Response: This is a reality of any zoning change. It could also increase other's property value.
- Is there a relationship between the 30 ft. limit and maximum number of stories? Response: The proposal does not address this. It depends on the slope of the property.
- Pam: Neakahnie has large lots so they can build wide houses vs Oceanside has narrow lots. This would negatively affect owners of narrow steep lots in Oceanside.
- Marilyn: Tall houses have a negative impact on my property and quality of life.
- Steve E: This is an additional restriction in addition to the building formula change.
- Darn: This 30 ft. restriction is on the backs of new construction and benefits currently existing homes.
- Wendy Shi: Plans to build home. Asks existing homeowners to be considerate of future home builders.
- Steve Ewalt: What would be the timing on such a change? Jerry responds: Can't become law unless it gets through the planning commission, and this would involve public hearings. If planning commission allowed this to go forward, it would go to the county commissioners for hearings and a vote. The soonest this process could possibly be completed would be mid-2022.

- Mandy: concern 30 ft. limit would incentivize tall flat roof, blocky buildings. Also, suggested we don't have to do all of this at once. Could see how things go with new building height formula before pursuing lowered maximum building height. Jerry responds: County only can provide staff to consider Oceanside ordinance changes every so often. It's been 4 years since last changes were considered. Any ordinance recommendations held back now wouldn't be considered for another 4-5 years.
- Steve, others agree with Mandy's comment about incentivizing blocky designs. Jerry responds: We are already seeing more blocky designs with 35 foot limit.

#### **VOTE:**

Zoom poll conducted on **approving the ONA board's proposal to reduce the maximum building height from 35 feet to 30 feet**, as stated in the motion.

**RESULTS** read verbally by Jerry: 55 yes votes, 33 no votes

Based on results, the **motion to approve the ONA board's proposal to reduce the maximum building height from 35 feet to 30 feet passes.**

#### **ANNOUNCEMENTS:**

**Beach Access Update:** Plans and budget are approved, the money is in place. The county took longer than expected to get the contract out for bid, so it was too late in the season for contractors to bid and complete construction before the winter weather arrived. All permits are still in hand, but the contract will go out for bid in February 2022 for construction in early spring. Jerry noted that we need to name the steps and asked for ideas - a naming contest?

**Cape Meares Loop Road update:** this is set to begin construction this winter. Construction trailer will be set up at the waste water processing plant. The project will take 2-3 years to complete.

**Oceanside Centennial: July 5, 2022.** Centennial celebration committee has been formed, chaired by Marilyn Roossinck, along with Mary Flock and Susan Miller. They are planning to create a 3-day Centennial Celebration Event, including an exhibition at the Community Center. Additional volunteers are welcome.

#### **PUBLIC COMMENTS:**

Jerry invited comments from the community; none were offered.

The next regular meeting will be the first Saturday in December (12/4/2021) at 10 am.

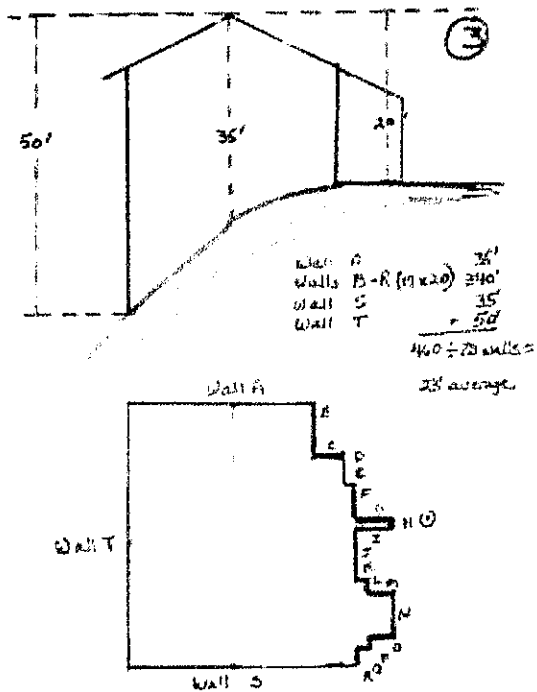
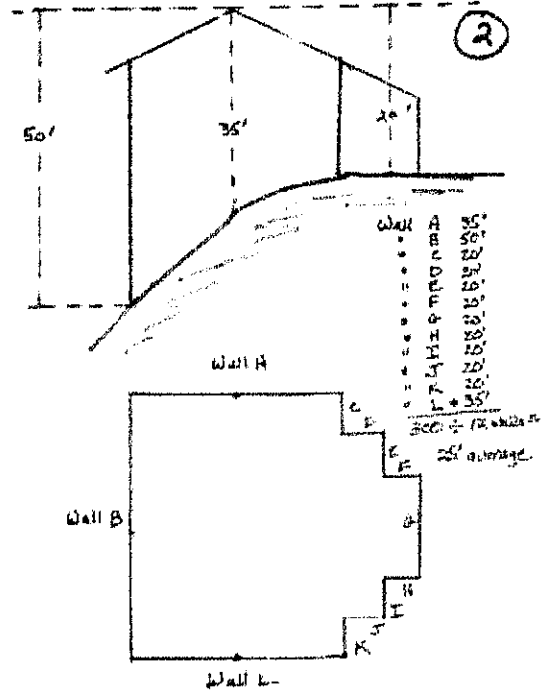
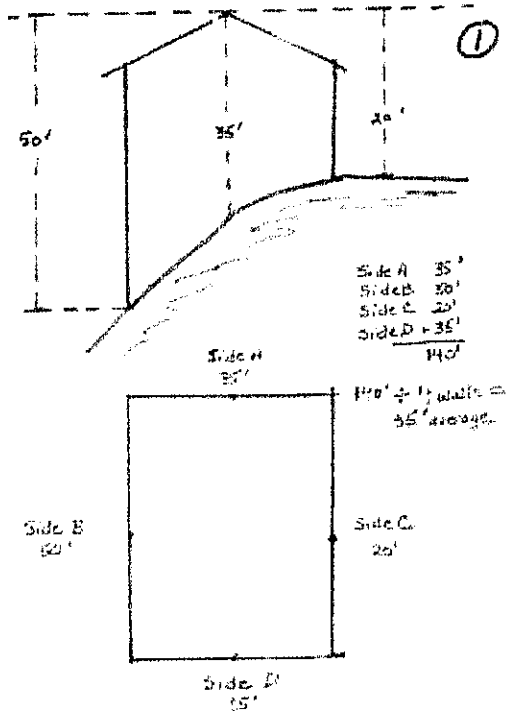
Meeting adjourned 11:50 am.

Respectfully submitted,  
Carol Horton  
ONA Secretary

*A video recording of this meeting will be retained for a limited time. To review it, please contact the ONA at [oceansidefriends@gmail.com](mailto:oceansidefriends@gmail.com).*

#### **Building Height Figures**

See below:



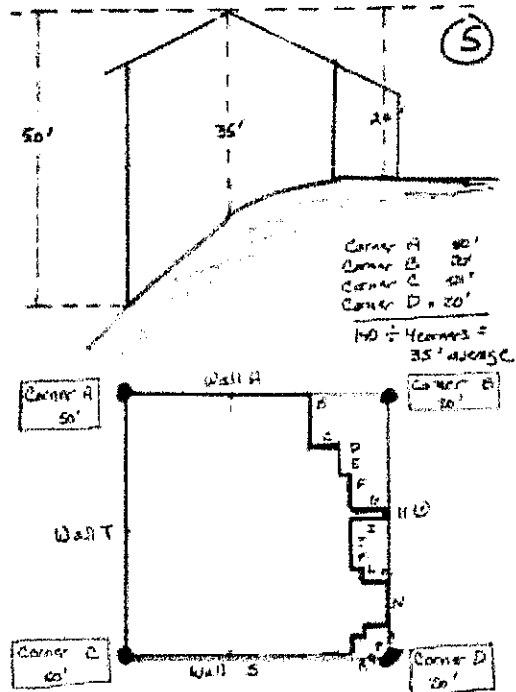


Figure 5: Proposed Simplified Formula

## PROPOSAL NO. 1

### EXTERIOR LIGHTING

- Final Report of Exterior Lighting Team (9/23/2021)
- Proposed Revisions to Oceanside Zone Ordinances

# **OCEANSIDE COMMUNITY LIGHTING STANDARDS**

## **FOR PUBLIC AND PRIVATE PROPERTY**

### **Introduction**

Lighting affects our quality of life by reducing the visibility of night skies, by negatively impacting wildlife, and by disrupting our sleep. Many members of the Oceanside community cherish the dark night skies that allow stargazing that cannot be done in more populated areas. The Oceanside rocks are a wildlife refuge for a number of species of seabirds that are negatively impacted by light.

In accordance with the Oceanside Community Plan of 2018, section 4.7, and the Community plan review Section 11.2.a, Oceansiders seek to reduce the intrusion of harsh lighting. In 2010, the ONA submitted a draft lighting ordinance to Tillamook County for adoption in Oceanside zones under which excessive and intrusive lighting would be curbed. The initiative was prompted in part by a report from The Seabird Aware Project (see Appendix A), which illuminated concerns about the harmful effects of night light on seabirds, thousands of which inhabit the nearby Three Arch Rocks Wildlife Refuge. Similarly, the U.S. Fish & Wildlife Service noted the risks to wildlife associated with night lighting and requested cooperation from local communities to suppress it. The county took no action on the proposed ordinance.

ONA continues to support lighting regulation as one of its highest priorities and in this Plan reaffirms its application for the county to adopt that ordinance or alternatively to augment the current Oceanside ROS "Standards" to include outdoor lighting standards that will prohibit or curtail unshielded or intrusively bright lights in order to prevent light pollution, lighting trespass and skyglow to the greatest extent practicable.

### **Sections:**

- Section 1.0 Purpose.
- Section 2.0 Definitions.
- Section 3.0 Applicability.
- Section 4.0 Exemptions.
- Section 5.0 General standards.
- Section 6.0 Prohibited.
- Section 7.0 Submittals.
- Section 8.0 Reserved for future.
- Appendices



## Section 1.0 Purpose

The purpose of these lighting standards is to provide regulations that:

- Preserve and enhance the view of the dark sky.
- Protect wildlife from light pollution.
- promote health, safety, security, and productivity.
- protect natural resources.

The provisions of this chapter are intended to control glare and light trespass. It is the intent of this chapter to provide standards for appropriate lighting practices and systems that will enable people to see essential detail in order that they may undertake their activities at night, facilitate safety and security of persons and property, and curtail the degradation of the nighttime visual environment.

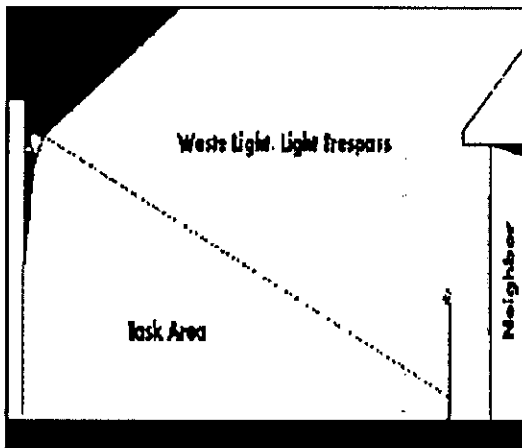
## Section 2.0 Definitions

The following terms have the following definitions for purposes of this chapter:

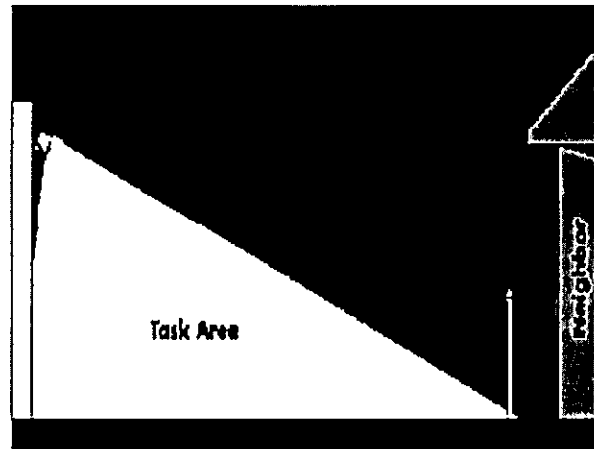
- A. "Accent lighting" means any luminaire that emphasizes a particular object or draws attention to a particular area for aesthetic purposes.
- B. "Cut-off angle" (of a luminaire) means the angle, measured from the lowest point between a vertical line from the center of the lamp extended to the ground and the first line of sight at which the bare source is not visible.
- C. "Fixture" (also called a "luminaire") means a complete lighting unit including the lamps, together with the parts required to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply.
- D. "Foot-candle" means a measure of illuminance or a measure of how bright a light appears to the eye. One foot-candle is equal to one lumen per square foot. As an example, a typical sixty-watt incandescent lamp (eight hundred forty lumens) produces an illuminance of 0.1 footcandles at a distance of about twenty-five feet.
- E. "Lamp" means the light-producing source installed in the socket portion of a luminaire.
- F. "Light pollution" means general sky glow caused by the scattering of artificial light in the atmosphere and resulting in decreased ability to see the natural night sky.
- G. "Light trespass" means any light emitted by an outdoor luminaire that shines directly beyond the property on which the luminaire is installed, or indirectly shines beyond the property on

which the luminaire is installed at a brightness (illuminance) that exceeds 0.1 foot-candles at the property line.

#### Examples of Light Trespass



Does not comply -- Light trespass



Complies -- No light trespass

- H. Luminaire. See definition for “fixture” (subsection C of this section).
- I. “Outdoor lighting fixture” means a luminaire outside of an enclosed building or structure or any luminaire directed such that it primarily illuminates outdoor areas.
- J. “Shielding” means that no light rays are emitted by a fixture above the horizontal plane running through the lowest point of the fixture.
- K. “Spotlight” means any lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

### Section 3.0 Applicability

A. All outdoor lighting fixtures installed on private and public property shall comply with these standards.

Types of outdoor lighting to which this chapter applies include, but are not limited to, lighting for:

1. Buildings and structures including, but not limited to, overhangs and canopies.
2. Parking lot lighting.
3. Landscape lighting.

4. Lighting on docks and piers.

5. Street lighting.

## **Section 4.0 Exemptions**

The following are exempt from the provisions of this chapter: A.

Traffic control signals and devices.

B. Street lights installed prior to the effective date of the ordinance codified in this chapter; provided, that when a street light fixture becomes inoperable, any replacement street light fixture shall be subject to the provisions of this chapter.

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

D. Moving vehicle lights.

E. Navigation lights (i.e., radio/television towers, docks, piers, buoys) or any other lights where state or federal statute or other provision of the City of Chelan Municipal Code requires lighting that cannot comply with this chapter. In such situations, lighting shall be shielded to the maximum extent possible, and lumens shall be minimized to the maximum extent possible, while still complying with state or federal statute. F. Public sports and recreational facilities.

G. 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.

H. Outdoor lighting approved by the director for temporary or periodic events (e.g., fairs, nighttime construction).

## **Section 5.0 General standards**

The following general standards shall apply to all nonexempt outdoor lighting fixtures and accent lighting:

A. All light trespass is prohibited.

B. Outdoor lighting fixtures and accent lighting must be shielded and aimed downward and shall be installed at the minimum height necessary. Examples of acceptable and unacceptable light pollution control shielding are shown in Figures 1 through 4 in Appendix B. The shield must mask the direct horizontal surface of the light source. The light must be

aimed to ensure that the illumination is only pointing downward onto the ground surface, with no escaping direct light permitted to contribute to light pollution by shining upward into the sky.

- C. All outdoor lighting fixtures and accent lighting shall be designed, installed, located and maintained such that light trespass is essentially nonexistent (see Appendix B, Figure 3).
- D. Outdoor lighting fixtures and accent lighting shall not directly illuminate the beach, ocean or public waterways, unless it is a navigational light subject to state or federal regulations.
- E. Accent lighting shall be directed downward onto the illuminated object or area and not toward the sky or onto adjacent properties (see Figure 4). Direct light emissions of such accent lighting shall not be visible above the roof line or beyond the building, structure, or object edge.
- F. Spotlighting on landscaping and foliage shall be limited to one hundred fifty watts incandescent (two thousand two hundred twenty lumens output).
- G. All Outdoor lighting fixtures should be motion actuated wherever possible.

## **Section 6.0 Prohibited**

A. The following fixtures (luminaires) are prohibited:

- 1. Searchlights for any purpose other than temporary emergency lighting or as allowed by a special event license.
- 2. Laser lights or any similar high-intensity light for outdoor use or entertainment, when projected above the horizontal plane.
- 3. Quartz lamps.
- 4. Mercury vapor lamps.

## **Section 7.0 Submittals**

All building permit applications that include the installation of outdoor lighting fixtures shall demonstrate compliance with the requirements of this chapter by indicating the location and type of lighting used on the site plan submitted with the building permit application.

## Section 8.0 Reserved for future use

### Appendix A.

Coastal light pollution (caused by artificial lighting) has a negative impact on many seabirds, including some species that are already experiencing population declines on the Northern Oregon Coast. In the dark of night, seabirds use their keen senses and light from the moon and stars to navigate, find food, tend their nests, and avoid predators. Mariners and scientists have observed that bright lights from vessels or land can attract and disorient seabirds, causing injury or death - especially on moonless or foggy nights.

Drawn to or distracted by lights, seabirds can fly onto decks or land where they may be trapped, injured, or killed. Bright lights can illuminate nesting colonies on rocky coasts and islands, causing problems tending nests, abandonment of eggs or chicks, and increased predation by gulls or owls. Lights can distract birds from feeding, navigating, and other vital activities.

Seabirds are often active at night, which allows them to avoid natural avian predators. Seabirds of the Procellariiforms order, which includes shearwaters, petrels and albatross, are especially reliant on nocturnal cover during their breeding and nesting season, when evasion of predators such as gulls and raptors is essential. Fledgling birds can be lured to artificial lighting as they attempt their first flights out to sea. If grounded, they are unlikely to become airborne again and often succumb to starvation and predation. Even fledglings that are not grounded may experience detrimental effects as they become distracted by artificial light sources and circle them for many hours reluctant to fly out into the open darkness. This activity carries with it energetic costs that may also have serious consequences for fledgling survival (BirdLife International, 2012).

Examples of seabirds in the Procellariiforms order include Laysan albatross, Black-footed albatross, Mottled petrel, Pink-footed shearwater, Flesh-footed shearwater, Buller's shearwater, and Short-tailed shearwater. Additional species include the Sooty shearwater, which is suffering severe population declines in the eastern Northern Pacific, and the Fork-tailed storm petrel and Leach's storm-petrel, both of which are designated State of Oregon Conservation Strategy species. *Strategy Species* are defined as having small or declining populations, are at-risk, and/or are of management concern. (Oregon Department of Fish & Wildlife, 2021).

Reducing coastal light pollution, including removing excessive illumination, reducing light intensity and eliminating unnecessary skyward and seaward light projection, is an important part of supporting vulnerable seabird populations.

#### Bibliography:

BirdLife International (2012). Light pollution has a negative impact on many seabirds including several globally threatened species. Downloaded from <http://www.birdlife.org> on 12/05/2021

Oregon Department of Fish & Wildlife (2021). Oregon wildlife species.  
<https://myodfw.com/wildlife-viewing/species/loons-and-grebes> on 5/10/202

## Appendix B. Figures of acceptable shielding and direction of outdoor light fixtures.

The following four figures illustrate acceptable and unacceptable outdoor lighting fixtures in the village:

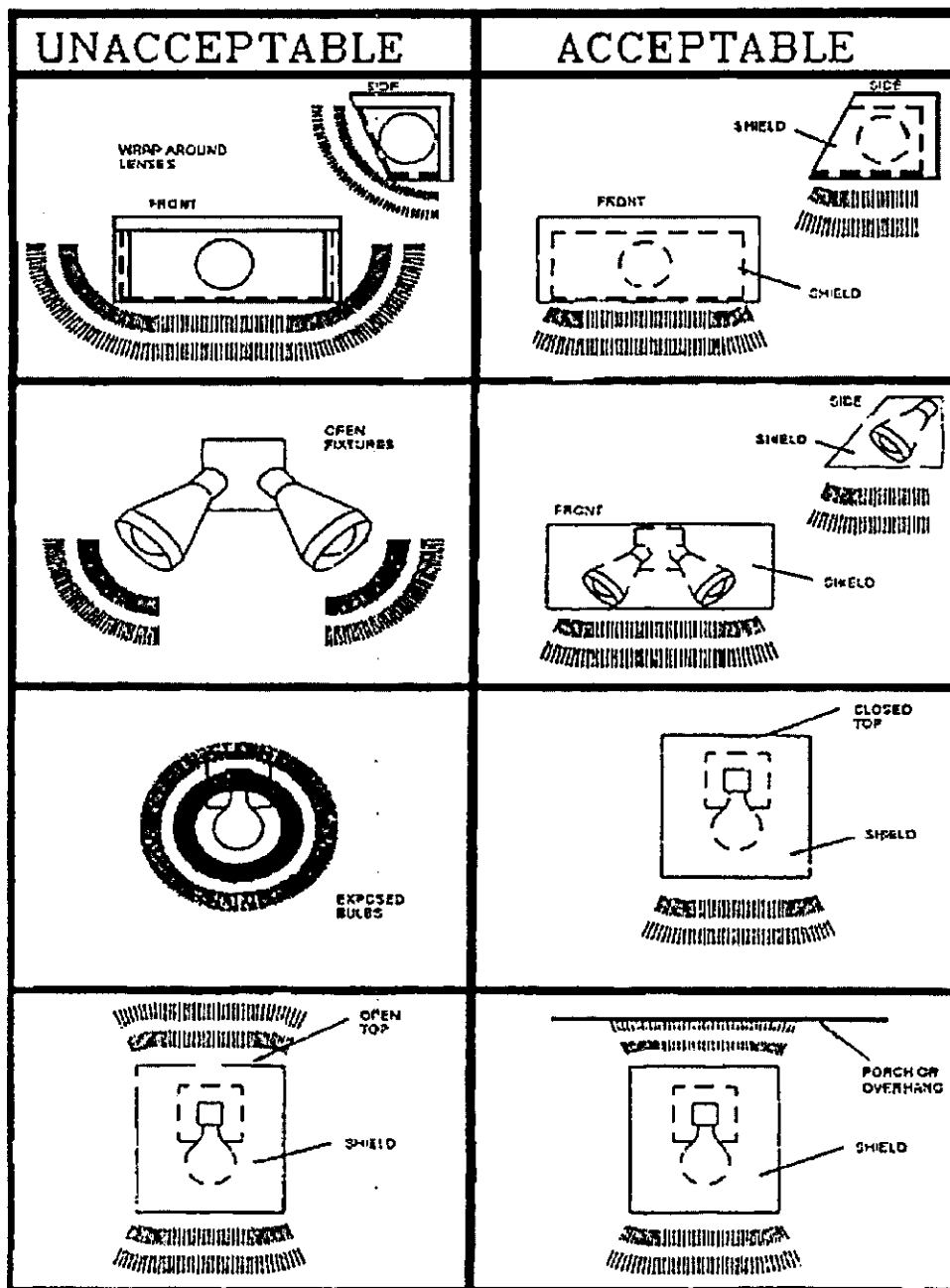




Figure 1: Wall-Mounted Lighting Fixtures

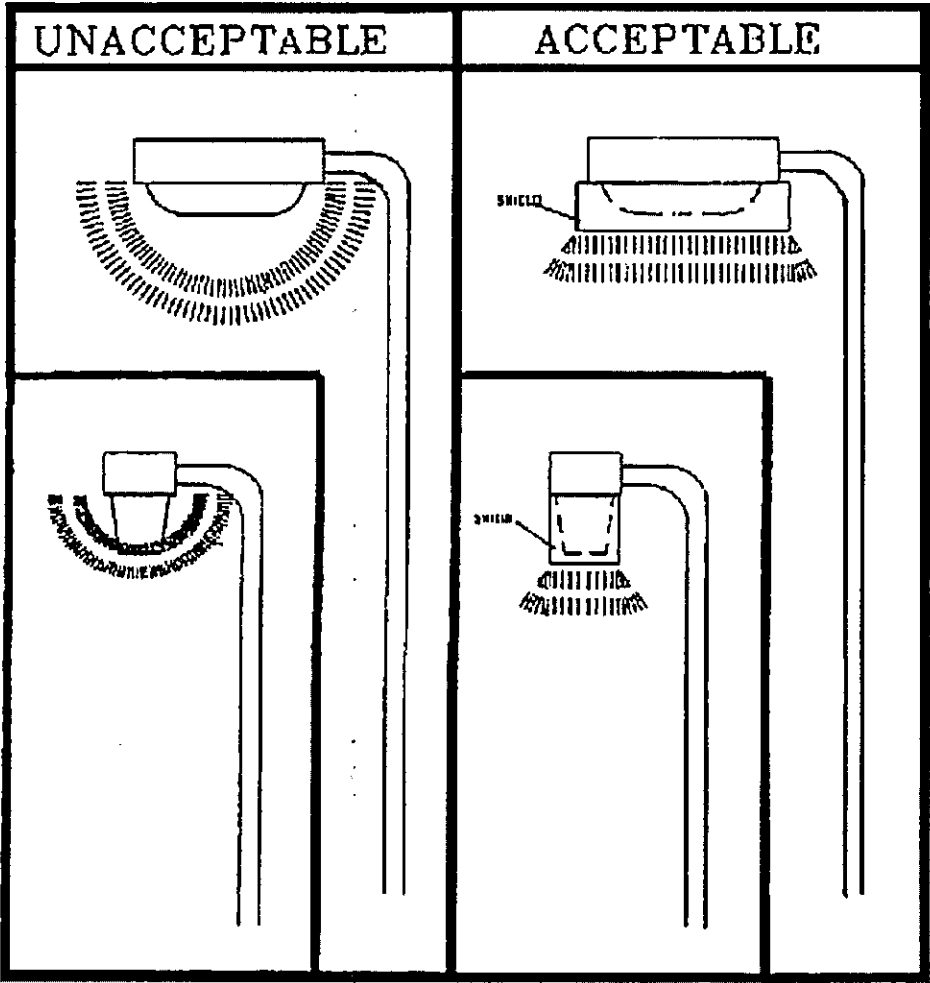


Figure 2: Freestanding Outdoor Lighting Fixtures

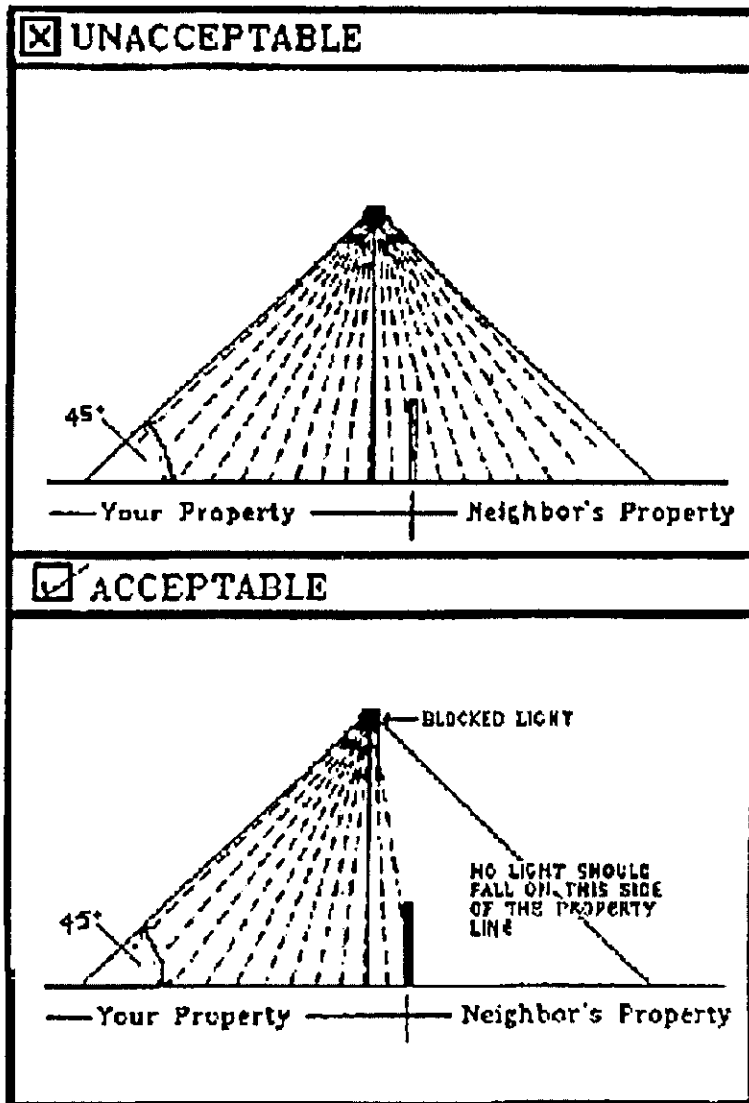


Figure 3: Outdoor Lighting Fixtures – Street and Lot Light Cut-Off at Property Line




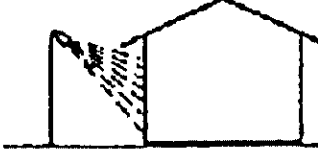

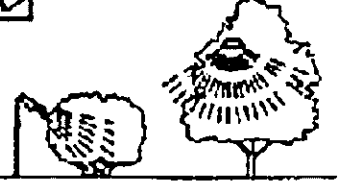


UNACCEPTABLE	ACCEPTABLE
<input checked="" type="checkbox"/>  <p>OFF-WALL</p>	<input checked="" type="checkbox"/>  <p>OFF-WALL</p>
<input checked="" type="checkbox"/>  <p>BUILDING</p>	<input checked="" type="checkbox"/>  <p>BUILDING</p>
<input checked="" type="checkbox"/>  <p>FOLIAGE</p>	<input checked="" type="checkbox"/>  <p>FOLIAGE</p>
<input checked="" type="checkbox"/>  <p>ESCARPMENT</p>	<input checked="" type="checkbox"/>  <p>ESCARPMENT</p>

Figure 4: Accent Lighting

## PROPOSAL NO. 2

### BUILDING HEIGHT FORMULA and SUPPLEMENTAL VARIANCE CRITERIA

- Final Report of Building Height Team (9/23/2021)
- Proposed Revisions to Oceanside Zone Ordinances

# **FINAL REPORT OF BUILDING HEIGHT TEAM**

September 23, 2021

## **Introduction**

Oceanside is an unincorporated community generally regulated by the county and its elected County Commissioners. New buildings in Oceanside are generally subject to county wide development or “zoning” ordinances as supplemented by more restrictive ordinances the Commissioners have enacted specifically for Oceanside. In addition, the county permits Oceanside to assemble and communicate more detailed policy preferences and priorities in its "Oceanside Community Plan" or "ONA Plan," which the commissioners also formally approve. The County generally defers to the policies stated in the Community Plan when considering land use applications or building permit issues not specifically addressed in the applicable ordinances.

The County periodically invites Oceanside to update the policies and provisions in our specific building ordinances and Community Plan, and they have formally authorized the Oceanside Neighborhood Association to speak for the community on any proposed changes or updates. However, there are several other zoning subjects on which the current ordinances and Oceanside Community Plan are either silent, vague or incomplete. One of those subjects is Building Height Standards. After consulting and receiving support from the relevant Tillamook County officials, our team was asked, specifically, to:

- (1) review the current provisions or language addressing Building Height Standards for Oceanside,
- (2) research and survey the language or structure of standards used by other, comparable communities, and
- (3) recommend ways to update the ONA Plan on that subject for the membership to consider at a future meeting.

### **Scope of problem**

What is the back story as to why we are proposing a change to the current method of calculating structure height? The current system is difficult to explain, is open to interpretation, and is difficult to administer.

The current rule uses a formula that calculates the maximum height of a new structure by identifying and averaging the height of all of its external walls that are at least two feet wide. On sloped lots, this rule can be manipulated by incorporating extra “pop outs” or bays into the structure on the uphill side of the slope (where the walls are relatively short) and minimizing the number of walls on the downslope portion of the structure (which are relatively tall). This artificially increases or inflates the “average height” of all of the walls, which then inflates the permissible height of the entire structure. Some builders have also altered the slope of the lot prior to construction to maximize the height under this calculation.

County officials have expressed concern that the current system can be easily “gamed” to allow structures significantly higher than the legal limit of 35 feet.

In addition, some new builders have been taking advantage of vagueness in this rule by actually excavating and reconfiguring their lot to allow for structures that are technically within the limits, but actually result in some parts of the building that significantly exceed them.

### **Criteria for change**

Our criteria for selecting a recommended method of clarifying the calculation of structure height were:

- The method needs to be easy to explain, to interpret, and to administer.
- The method needs to minimize the builder’s ability to game the system.

Any changes will only be applied going forward, not retroactively.



### **Our approach**

Our team researched the language and the structure of standards regarding building height used by communities of comparable size and/or sloped topography that we deemed comparable to Oceanside, including Astoria, Neskowin, Manzanita, Bend, the Portland West Hills and – most notably - Tacoma. Knowing that an ocean view is important to many residents, we focused on communities which include steeply sloped, view-sensitive building sites such as are often found in Oceanside. The team spent several meetings evaluating these examples in order to formulate a standard that we felt addressed Oceanside’s particular circumstances consistent with our criteria. We then reviewed this formula with county planning staff and others for practical advice on its application.

### **Our recommendation for updating the current ONA plan**

Based on our learning from this process, we recommend that the ONA plan be updated as described in the attached document. Key elements of the proposed changes include:

1. **Simplifying** the measurement of building height by calculating it from four base elevation points at the corners, rather by averaging all of the external walls.
2. **Clarifying** the definition of “existing grade” which forms the base of measurement to eliminate current ambiguities by specifying that the height must be measured using the pre-construction grade for the specific lot.

### **Our recommendation for ordinance revisions**

Accompanying this report is an option for ONA’s Board consideration that (1) sets out both the text of current ordinances that limit building height in Oceanside, and (2) how the language of those ordinances would be revised to accomplish the Team’s recommendations. This final version of the proposed ordinances incorporates numerous revisions resulting from public comments and suggestions submitted to the Team during the months since it was first proposed and posted. The Committee appreciates the opportunity it had to work on this important issue and all of the community input that helped shape and improve its product along the way.

Respectfully submitted,

ONA Building Height Issue Team<sup>1</sup>

*Caroline Neunzert*

*Kathie Norris*

*Jerry Keene*

---

<sup>1</sup> The Team would also like to acknowledge the contribution of former Oceansider Mary Beeks to this effort.

## INDEX TO EXHIBITS

The Team selected these homes merely to provide examples of recent construction trends. We do not intend to embarrass their owners or to be critical in any way. We understand that they complied with all current legal requirements.

### EXHIBIT 1:

The uphill side of this relatively recent home on a sloped lot in Oceanside features a high number of nooks and pop-outs on the uphill side compared to the downhill side with the result that there are many more short “walls” than tall “walls.” When all walls are averaged, this technique skews the average downward, which in turn inflates maximum allowed height. Combined with a shallow roof, this design accommodates a 5-story structure. The top four stories encompass a 4-bedroom unit / 4-bath short term rental that sleeps 10 people, while the bottom story houses a separate rental apartment.



Exhibit 1A: Uphill side



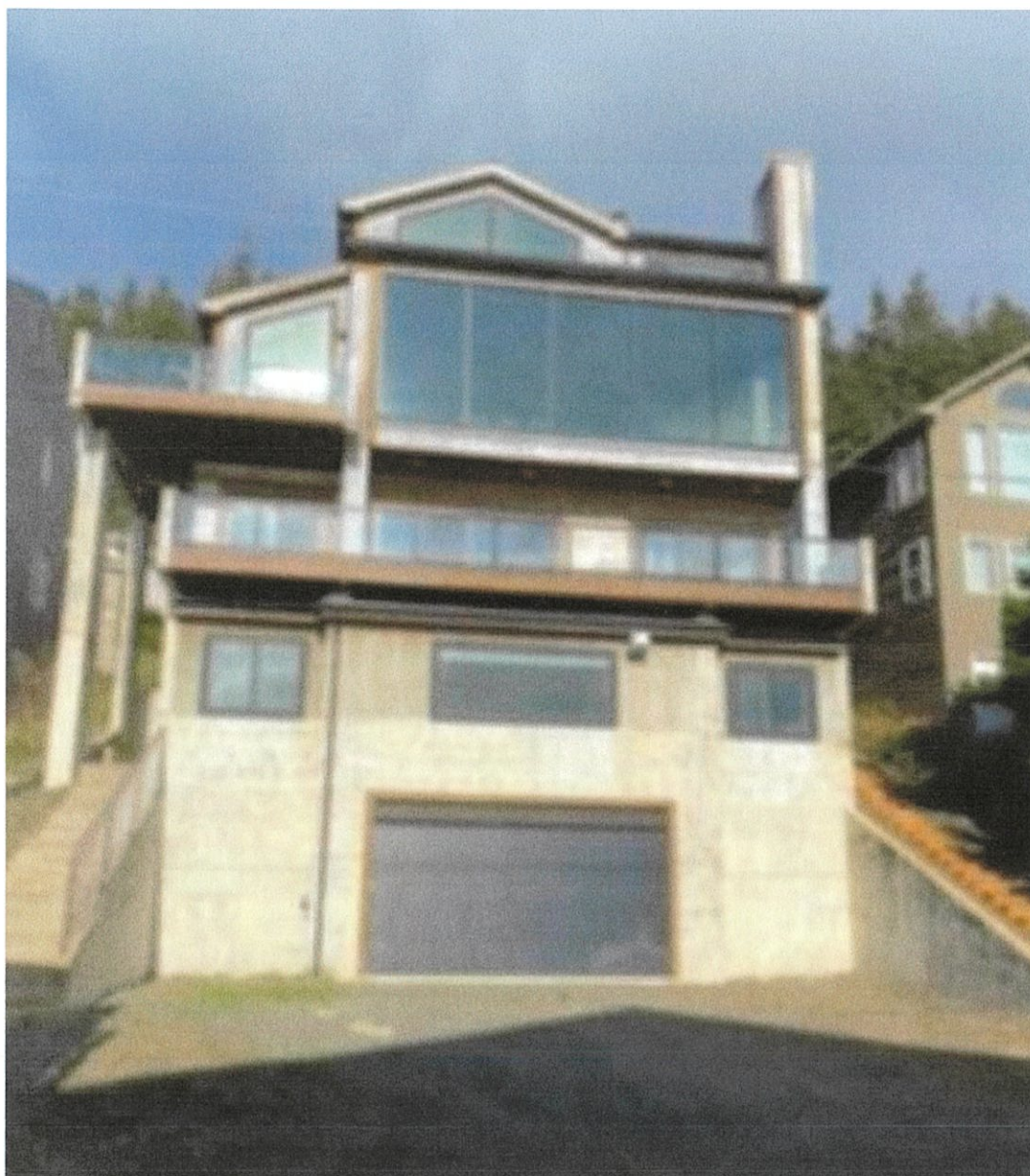


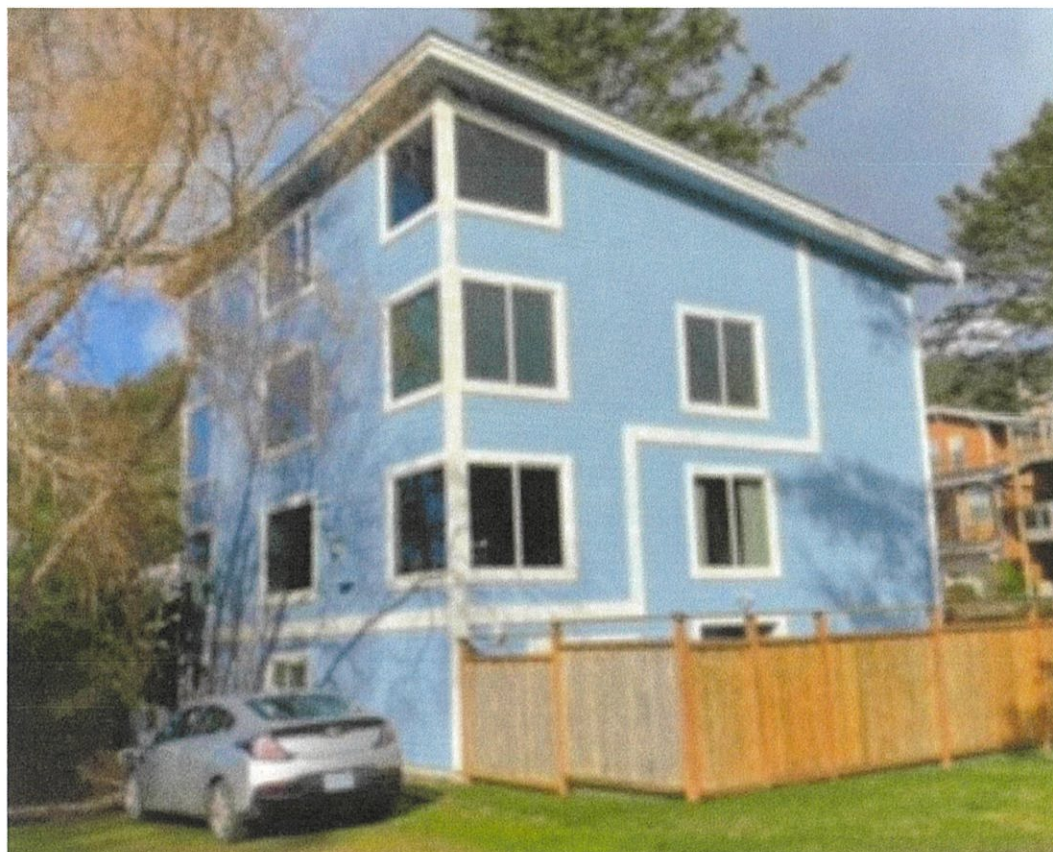
Exhibit 1B: Downhill side of the house in Exhibit 1A

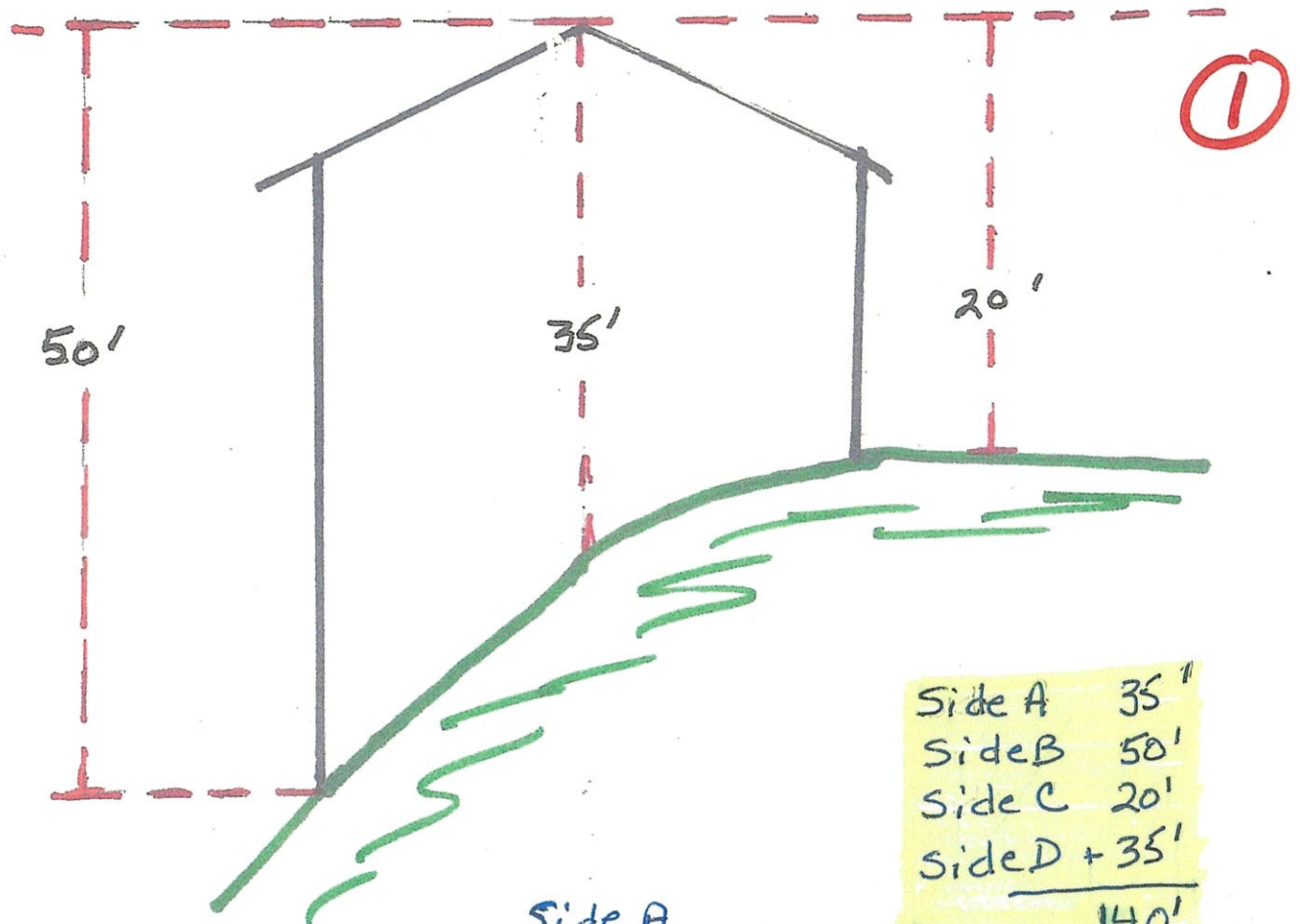
## **EXHIBITS 2 & 3:**

These two new homes in the Village are on flat lots. They reflect an increasingly common design trend for structures with low-profile or flat roofs and corners built at near maximum height. The result is a blockhouse design that maximizes living space but blocks more air, light and neighboring views than a conventionally sloped roof.









Side A	35'
Side B	50'
Side C	20'
Side D + 35'	
	<u>140'</u>

Side A  
35'

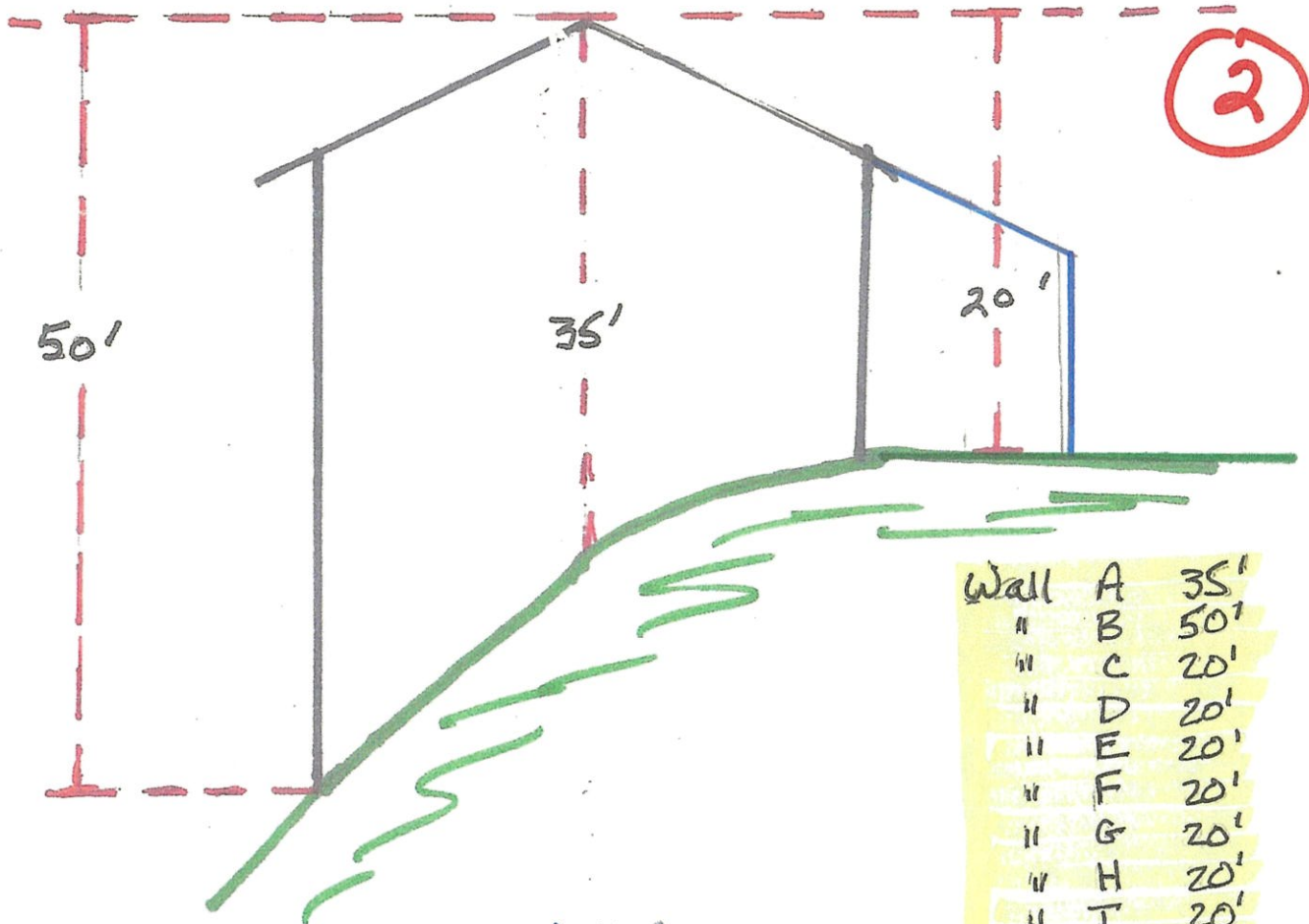
$140' \div 4 \text{ walls} =$   
35' average

Side B  
50'

Side C  
20'

Side D  
35'

2

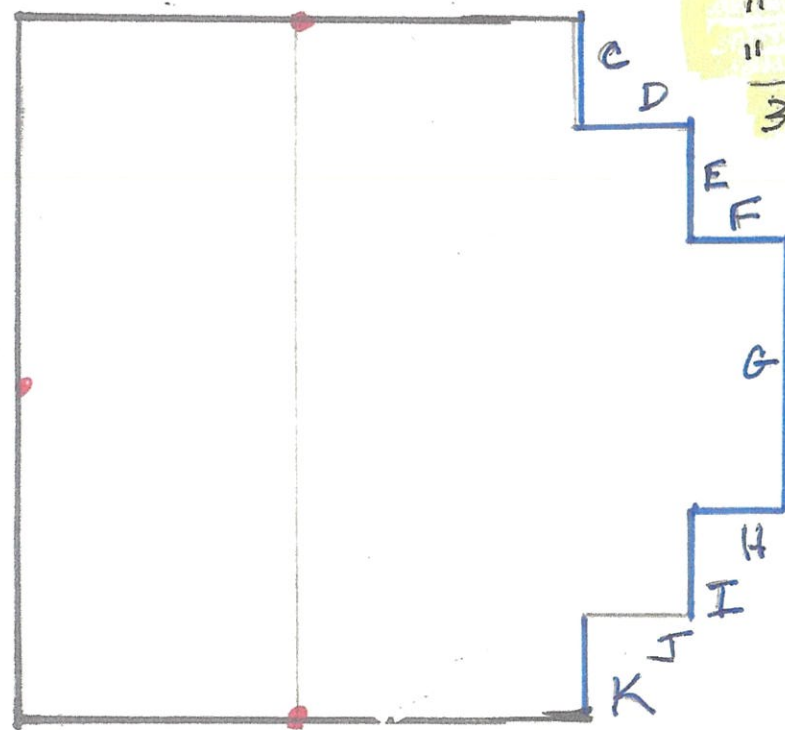


Wall A

Wall	A	35'
"	B	50'
"	C	20'
"	D	20'
"	E	20'
"	F	20'
"	G	20'
"	H	20'
"	I	20'
"	J	20'
"	K	20'
"	L + 35'	

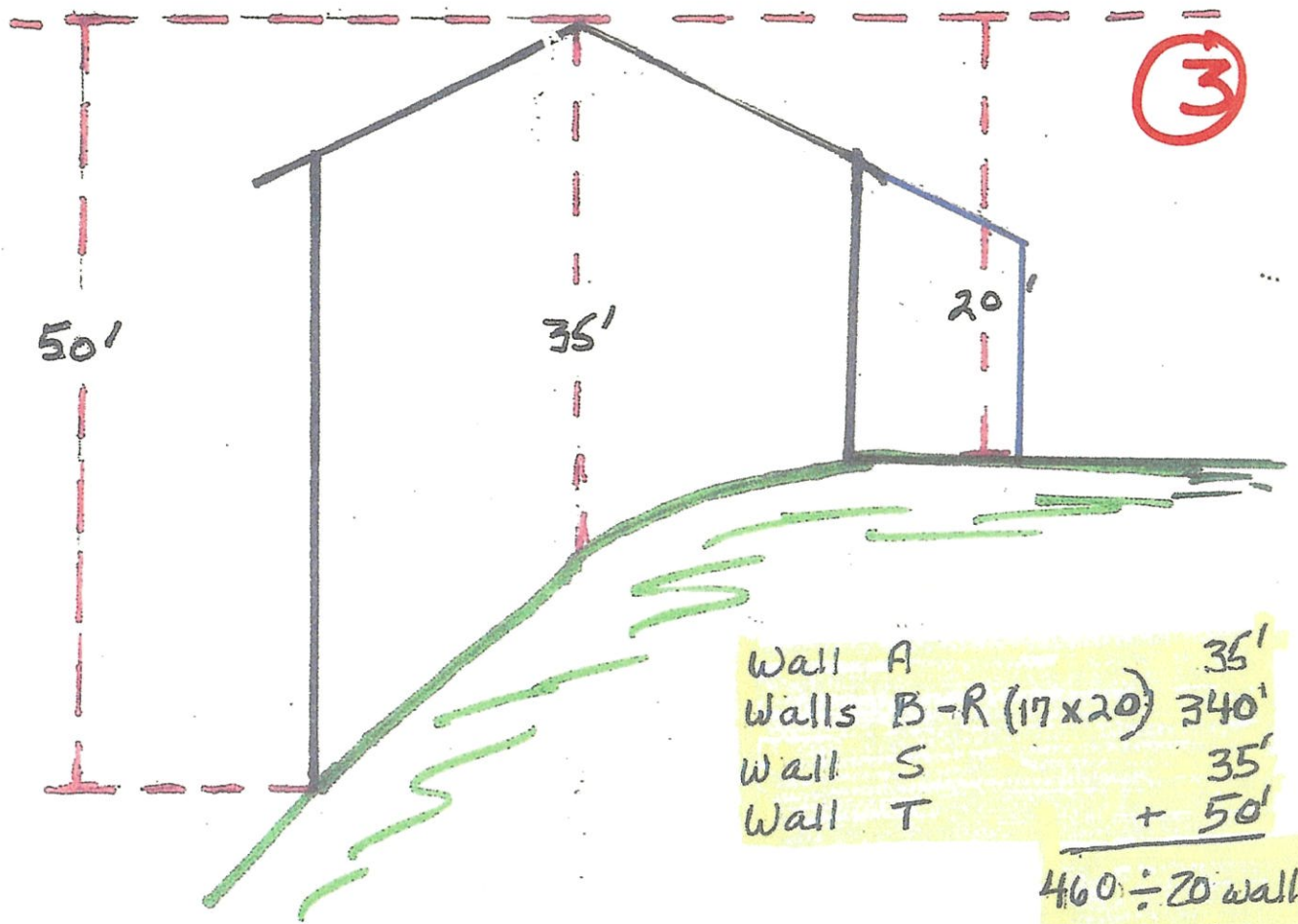
$300 \div 12 \text{ walls} = 25' \text{ average}$

Wall B



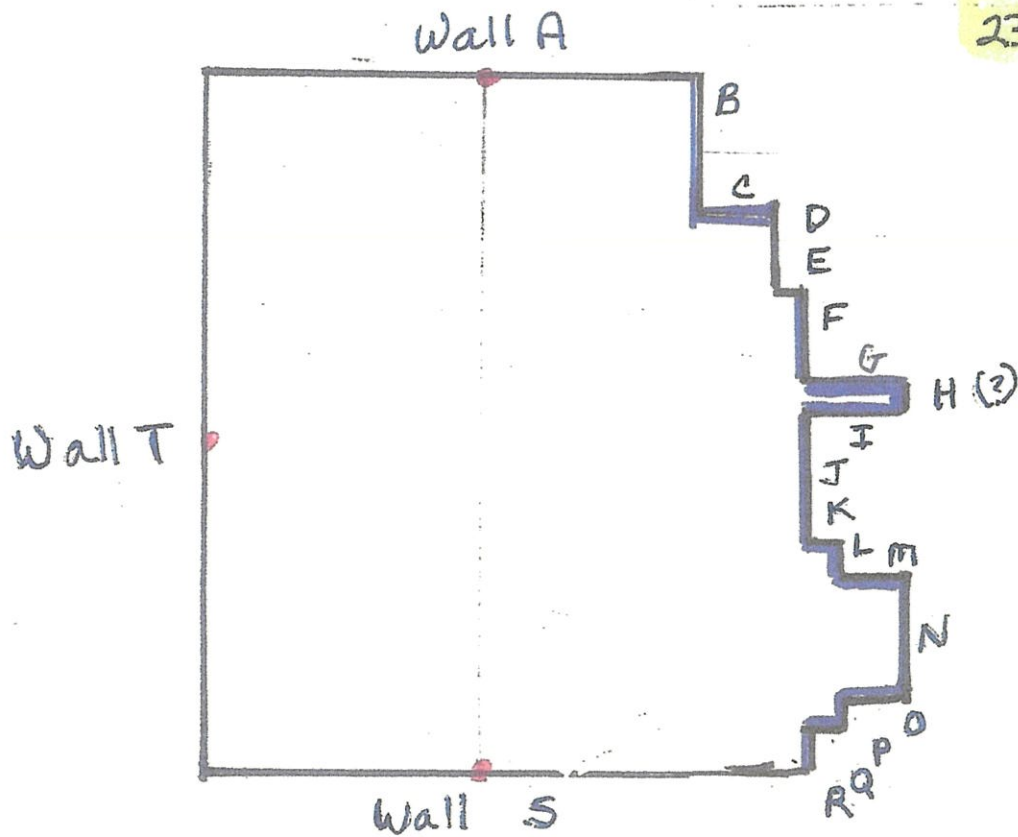
Wall L





Wall A	35'
Walls B-R (17x20)	340'
Wall S	35'
Wall T	+ 50'

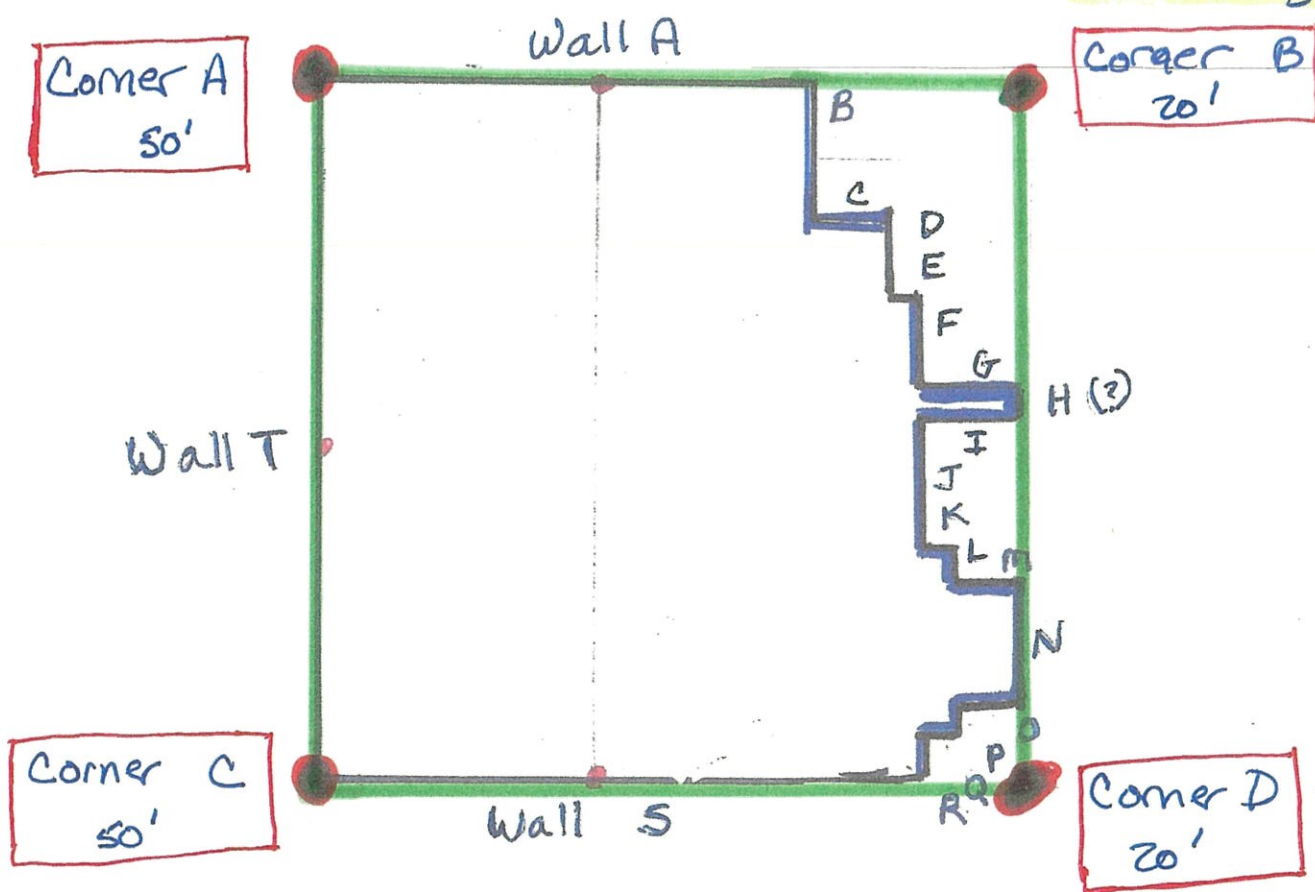
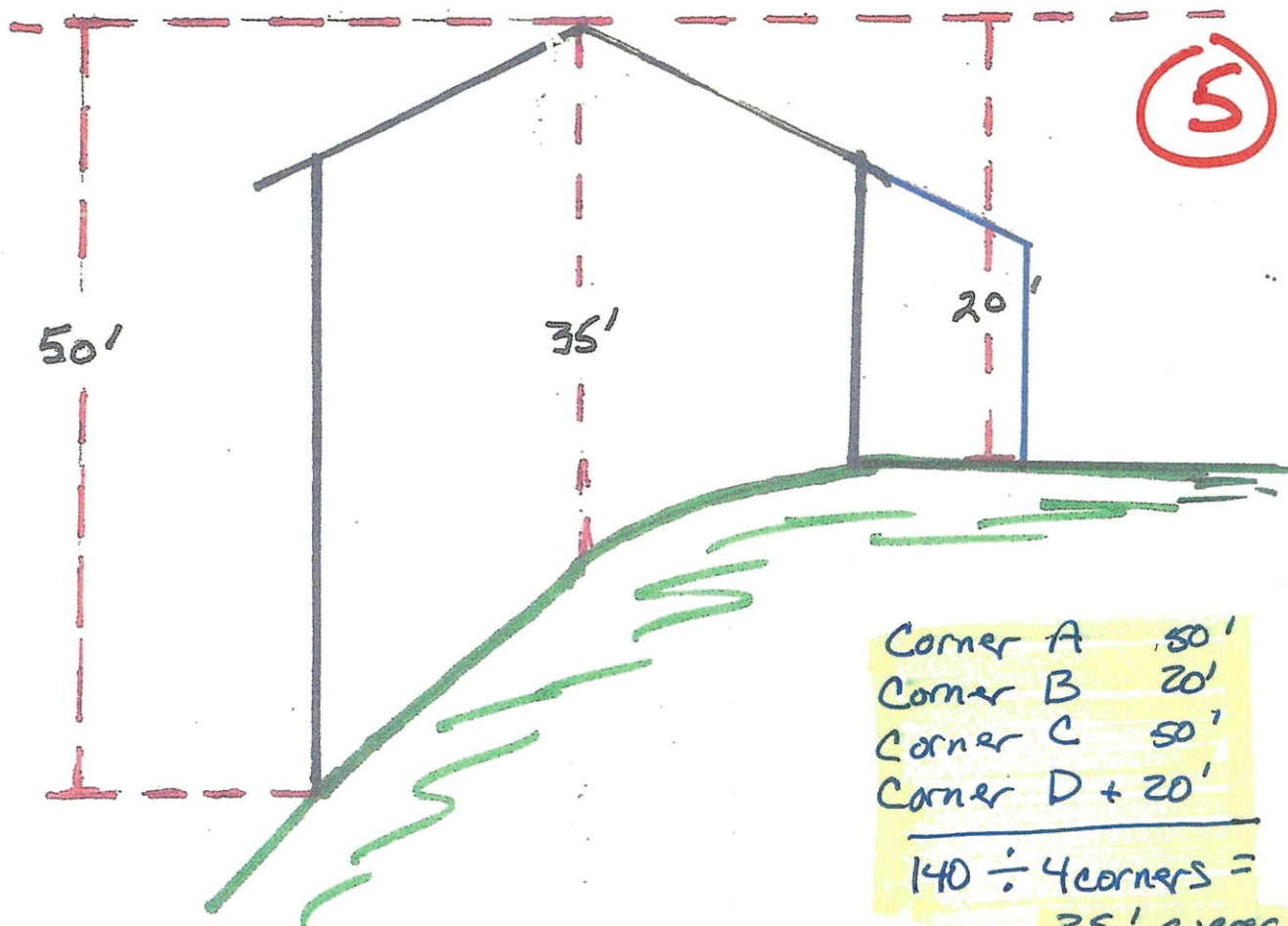
$$460 \div 20 \text{ walls} = 23' \text{ average}$$



4







## **CURRENT OCEANSIDE AND COUNTY BUILDING HEIGHT ORDINANCES**

### **Oceanside Residential Zone Ordinance Height Standard - Ord. 3.31(4)**

(h) The maximum building height shall be 35 feet, except on ocean or bay frontage lots, where it shall be 24 feet. Higher structures may be permitted only according to the provisions of [Tillamook Land Use Ordinance] Article VIII.

(i) Structures shall not occupy more than 50% of the lot area.

(j) 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 copy of the survey shall be submitted with the application and other required material.

### **Tillamook Land Use Ordinance Section 11** **Definitions – Applicable to Oceanside**

**BUILDING HEIGHT:** The vertical distance of a building measured from grade to the highest point of the roof. (See grade)

**GRADE:** The average elevation of the existing ground at the centers of all walls of a building.

## **PROPOSED REVISION TO OCEANSIDE ORDINANCE**

### **Oceanside Residential Zone Ordinance Height Standard - Ord. 3.310(4)**

(h) Within the Oceanside Community Growth Boundary, the building height of any building shall not exceed the maximum building height. The maximum building height shall be 35 feet, except on ocean or bay frontage lots, where it shall be 24 feet. Higher structures may be permitted only according to the provisions of Tillamook County Land Use Ordinance, Article VIII ("Variances"), as supplemented by this section.

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 existing ground, prior to any grading, filling or other development activity that was conducted less than 50 years before the submission of the building permit for a proposed structure.
3. "Maximum building height" is determined by averaging the building height at the four corners of the grade rectangle.
4. "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.
5. 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 parapet walls, 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.)

6. Applications for variances to this building height standard shall be subject to the criteria in Tillamook County Land Use Ordinance Article VIII, as 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)
  - 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.
- (i) Structures shall not occupy more than 50% of the lot area.
- (j) Surveys:
  - The department may require a topographic survey for any building permit application, and at least a site survey shall be performed on lots of less than 7500 square feet.
  - All corners shall be monumented by a registered surveyor prior to land division and/or submittal of a permit.
  - A fixed benchmark must 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.
- 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.

7. 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. They 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.

[NOTE: *These revisions to Oceanside's building ordinance will override the definitions of "Grade" and "Building Height" in Section 11 of the Tillamook County Ordinance that currently applies to Oceanside.*]

## PROPOSAL NO. 3

### MAXIMUM BUILDING HEIGHT

- ONA Board Statement of Rationale (9/23/2021)
- Proposed Revisions to Oceanside Zone Ordinances
- ONA Minority Report



**AN ADDITIONAL OPTION SUBMITTED FOR  
CONSIDERATION BY THE ONA BOARD:**

**REDUCING THE MAXIMUM BUILDING HEIGHT**

**Background**

Tillamook County law generally limits building height in unincorporated communities (including Oceanside) to 35 feet, and 24 feet on oceanfront properties. In its research, the Building Height Team discovered that the Neahkahnie community applies a 24-foot limit to all buildings pursuant to a special exemption. Neither the Team nor the ONA Board had appreciated that such exemptions are available. Given its limited assignment, the Building Height Team refrained from making a recommendation on this issue. The ONA Board, however, decided to apprise the membership of this option based on the following considerations:

Oceanside will soon see significant, new construction, both residential and commercial. The county is currently processing applications to add more than 60 new building lots to our area, with more on the way. Moreover, new homes in Oceanside increasingly reflect designs that emphasize height and square-footage over the preservation of light and air between buildings or the stability of our steep slopes. We are also seeing more frequent requests for variances to avoid limits on set-backs and lot coverage, while new homes increasingly feature light-blocking cube designs with relatively flat roofs that maximize living space, but are often vulnerable to moisture damage and rot. These trends will only increase as the exploding prices of land and construction tempt those who build new structures to maximize living space for short term rental use in order to subsidize costs. A reduced height limit would at least moderate them.

**Our Proposal**

While Neahkahnie applies a 24-foot limit to all structures, its topography is relatively flat. That might be too dramatic a change for Oceanside, given our steep lots. The Board believes, however, that it would be reasonable and appropriate to consider the more moderate option of reducing the current 35-foot limit to a maximum of 30 feet, while retaining the current 24-foot limit on oceanfront structures. The Board welcomes written comment on this option and will provide

an opportunity to discuss it at future meetings. To avoid confusion, however, they will be kept separate from the discussion and vote on the Building Height Team's recommendation.

**Pertinent Ordinance Revisions for this Board Option**

**Oceanside Residential Zone Ordinance Height Standard - Ord. 3.310(4)**

(h) Within the Oceanside Community Growth Boundary, the building height of any building shall not exceed the maximum building height. The maximum building height shall be 30 feet, except on ocean or bay frontage lots, where it shall be 24 feet. Higher structures may be permitted only according to the provisions of Tillamook County Land Use Ordinance, Article VIII ("Variances"), as supplemented by this section.

Respectfully submitted,

Jerry Keene  
ONA President

## Minority Report

Immediately after the ONA membership voted to adopt the Board proposal to reduce Oceanside building heights on October 2, 2021, ONA President Jerry Keene invited local realtor Pam Zielinski to draft a minority report reflecting the views of those who opposed the measure. That report is attached.

To the Oceanside Neighborhood Association:

***PLEASE VOTE NO to the proposal for the 30 ft height restriction.***

Being asked to vote for this proposed amendment to the ordinance for calculating the allowable height of a structure in Oceanside is challenging when it is so difficult for us to understand how this will impact people who have not yet built on their steep lots in Oceanside, especially the lots which are 25' wide.

When I was a child, I recall my neighbor having coffee with my mother and discussing the upcoming presidential election. The neighbor said she was going to vote for Kennedy because she thought he was handsome and had a nice smile. I remember thinking to myself that if people did not understand what they were voting for, it seems like they should not vote at all.

That's how I feel about being asked to vote on this proposal without being presented with case studies of how this will impact individual property owners. It's very difficult to understand the impact this will have.

To try and understand it better, I used my own house as an example. I feel that my house, which was built under the existing guidelines, does fit the Oceanside "Village Character" that the Oceanside vision statement calls out. This is the streetside façade:



However, what you don't see from the street, is that it is built on piling on a very steep lot. The next page shows my very rudimentary ESTIMATE of how the height restriction might have been calculated when this was being built.

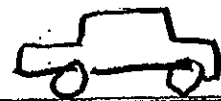
If the newly proposed changes had been in place at that time, the previous owner may have been tempted to have a flat roof as opposed to a steep gabled roof, because the top 5 feet of this house would have to be cut off. Would that have been more in keeping with "Village Character?" I suggest that it would not.

A = 47'

B = 35'

B = 35'

C = 20'



(N-WALL) A = 47

(E-WALL) B = 35

(W-WALL) B = 35

(S-WALL) C = 20

(37')

$137 \div 4 = 34'$   
AVG

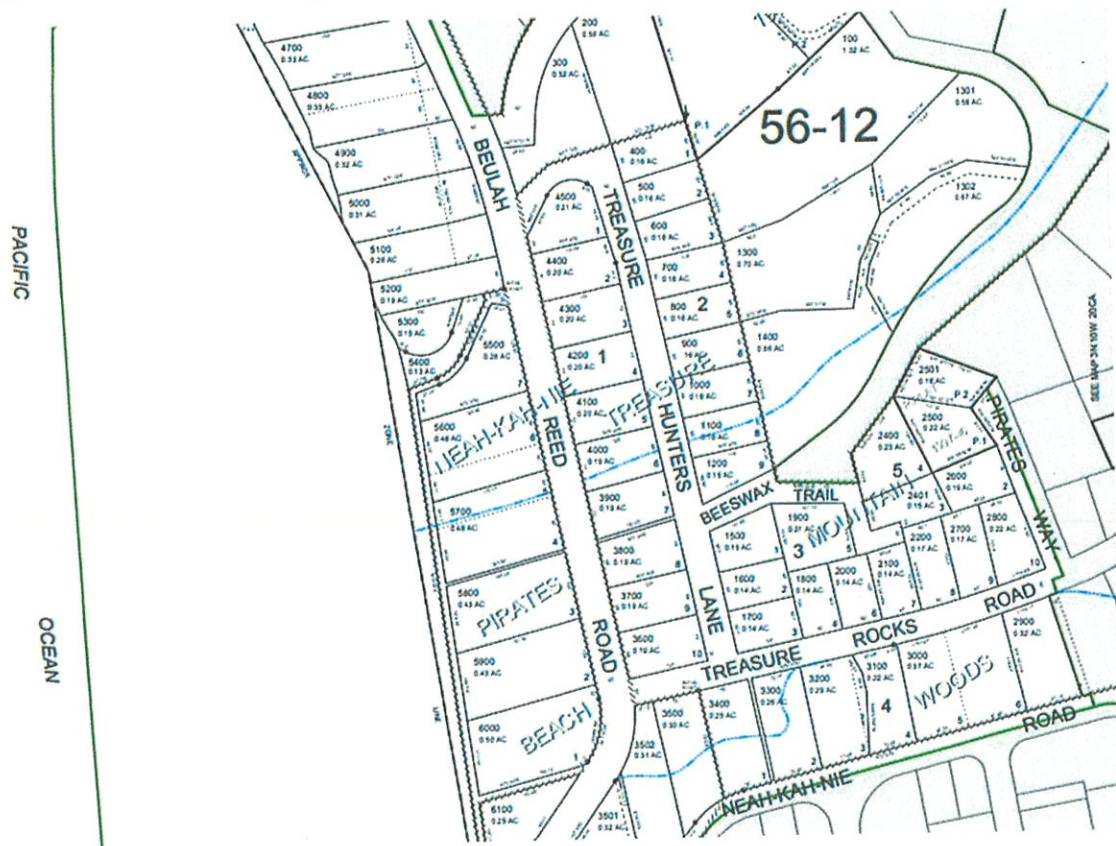
BUT WHAT IF:

- This lot were steeper?
- This lot were only 25' wide?

Could we end up with a tiny house downslope & parking on the roof? Is that an example of "Village character?"

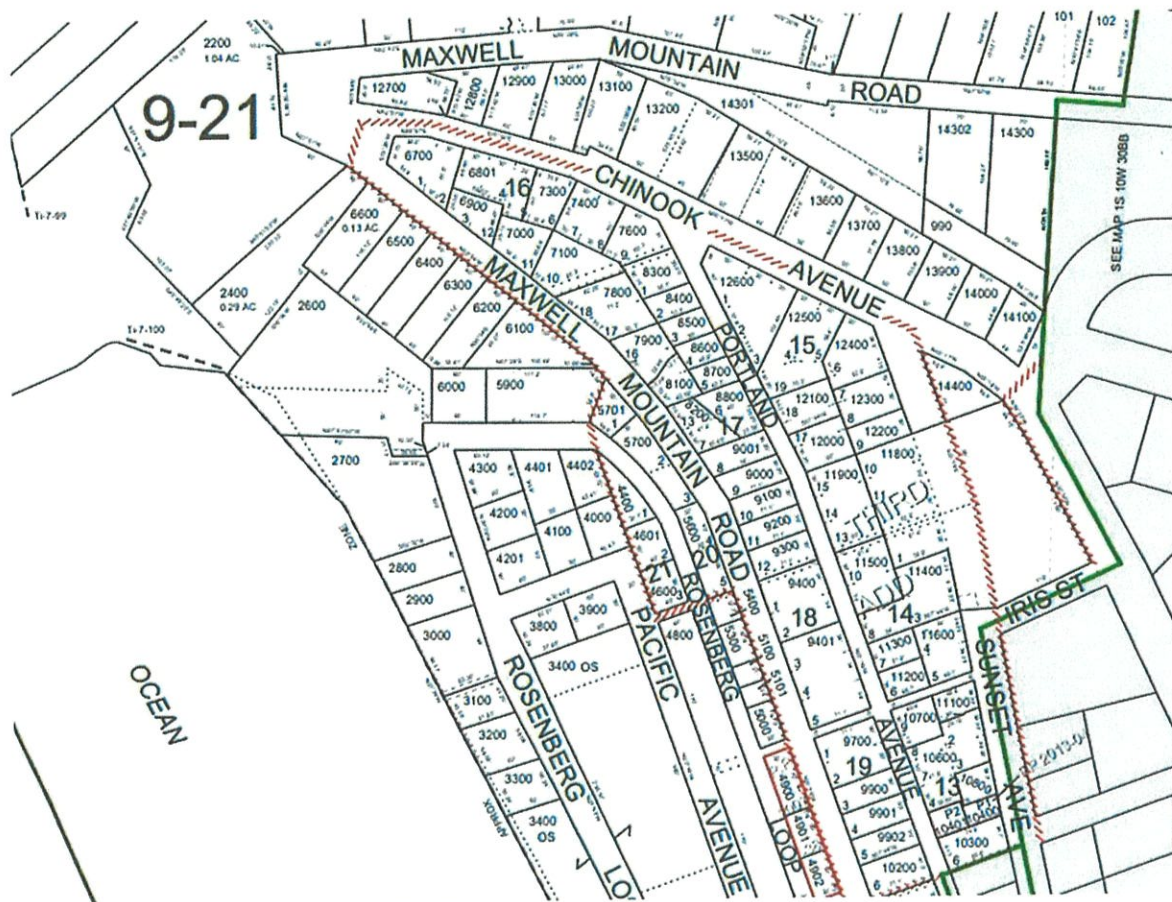
Jerry Keene brings up that NeaKahNie implemented a 30 ft height restriction without a lot of conflict. That is because NeaKahNie is very different from Oceanside. They have much larger lots allowing people to build wide and long houses with a lower height. Oceanside on the other hand has very small, narrow lots. A 30 ft height restriction in Oceanside would be a terrible burden to people who have not yet built, especially if they have a small lot. Also, while NeaKahNie is also set on a hillside as we are, their hillside is far less steep than Oceanside's. Consequently, higher rooflines in NeaKahNie would have more impact on the ocean view for houses uphill. I don't believe that what NeaKahNie went through should be any indicator of what Oceanside should do.

NeaKaNie has .25 acre to .33 acre lots on average. (Estimated)

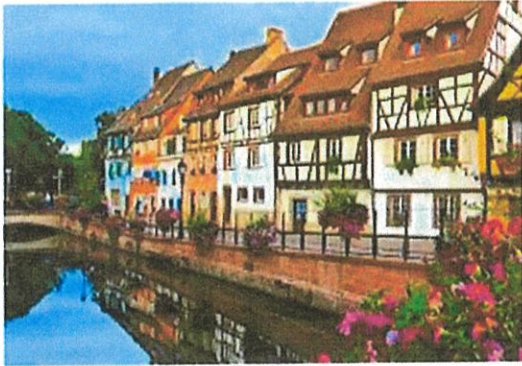




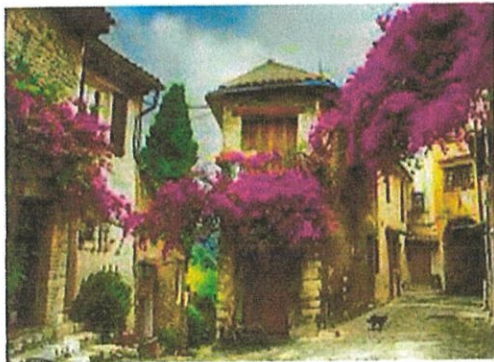
The village of Oceanside has .08 acre lots on average. (Estimated)



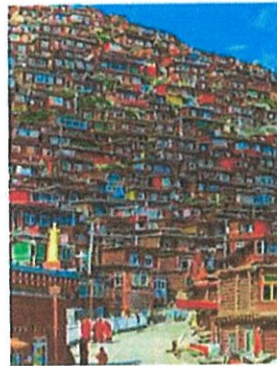
"Village Character" means different things to different people, apparently. Jerry Keene seems to suggest that it means a collection of small, short cottages. If you Google "Villages of the world" the images that come up are not dissimilar to what Oceanside looks like today, even with the tall multilevel homes built on the hillside. Here are some pics from the first page of my Google search, most of which show structures more than 3 and 4 stories tall. With our current height restriction, I suggest that we can still maintain a "Village Character" comparable to the most beautiful villages of the world.



Best Charming Villages and Towns in The ...  
theactivetimes.com



15 Real-Life Fairy Tale Villages Around ...  
demilked.com



25 of the Most Beautif...  
pinterest.com





Wonderful Hilltop Towns and Villages  
[theworldgeography.com](http://theworldgeography.com)



10 of the Best Mountain Villages in the ...  
[thefairytaletraveler.com](http://thefairytaletraveler.com)



25 of the Most Beautiful Villages in ...  
[roadaffair.com](http://roadaffair.com)



25 of the Most Beautiful Villages in ...  
[roadaffair.com](http://roadaffair.com)



40 Most Beautiful Pict...  
[pinterest.com](http://pinterest.com)

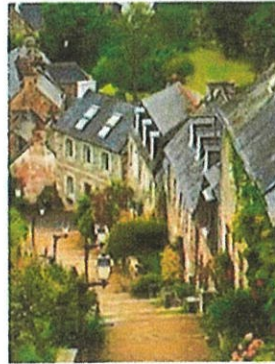


Best Charming Villages and Towns in The ...  
[theactivetimes.com](http://theactivetimes.com)





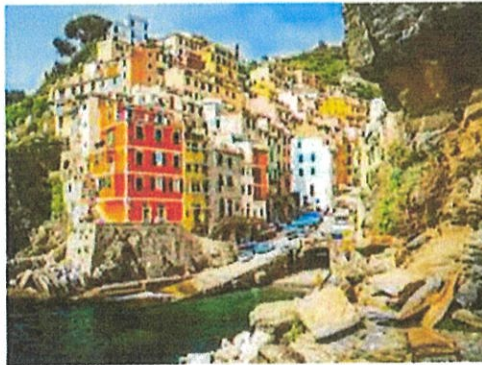
Most Beautiful Villages of the World ...  
[easemvtrin.com](http://easemvtrin.com)



40 Most Beautiful Pict...  
[boredart.com](http://boredart.com)



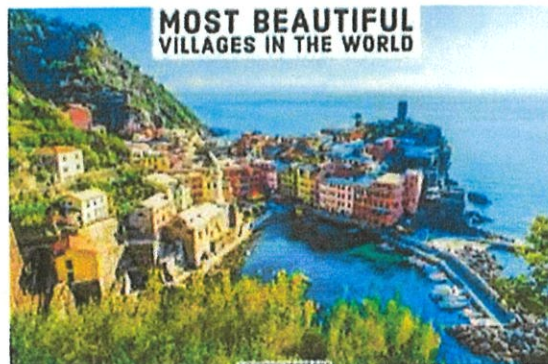
8 of the Most Beautiful Hidden Villages...  
[youramazingplaces.com](http://youramazingplaces.com)



Most Instagrammed Villages  
[news18.com](http://news18.com)



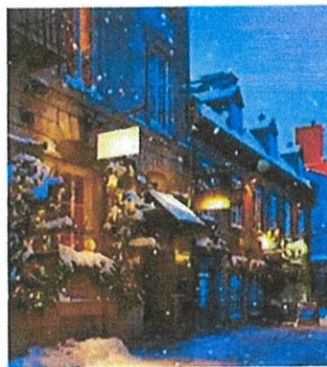
Most Beautiful Villages in the World ...  
[pinterest.com](http://pinterest.com)



The 13 Most Beautiful Villages In The World  
[luxurycolumnist.com](http://luxurycolumnist.com)



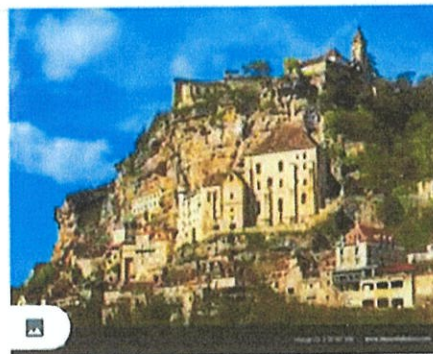
11 Picturesque Villages From Aroun...  
lolwot.com



30 Best Christmas Villages...  
oprahdaily.com



Most Beautiful Villages Around The ...  
designgrapher.com

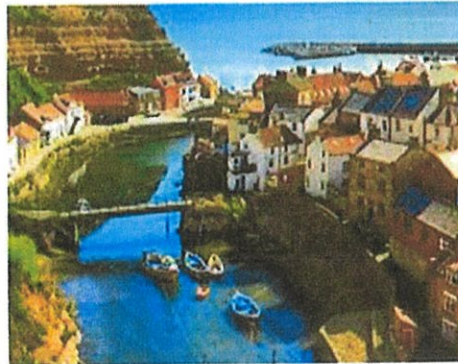


Rock Gorge Unesco World Stock Ph...  
depositphotos.com

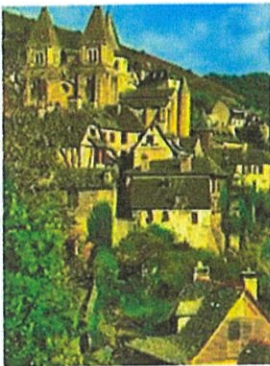




Beautiful Fairytale Villages Around ...  
braverytravel.com



25 of the Most Beautiful Villages in ...  
roadaffair.com



France travel ...  
pinterest.com

If this change is implemented there would be an incentive for people to build box-like structures with 4 walls and flat roofs in order to maximize the interior space. I personally prefer the exterior appearance of houses with gable roofs and multi-faceted walls to a simple box. And, I suggest that the "Village Character" is much better enhanced by houses with gable roofs and multi-faceted walls than it would be with the ultra-modern box-like structures that this change would encourage.

My final point to consider is that Oceanside is more than just the village area. There are outlying parts of Oceanside where a 30 ft height restriction seems ridiculous. If there is no ocean view to be blocked, then why not be allowed a 3 story house on a flat lot? Or, as in the case of my own house and the 4 lots on either side of it which are also steep and not yet built, a 35 ft house cannot possibly impair the ocean view for any of the other homes above us. The hillside is simply too steep. That is also true on Norwester where there are several unbuilt lots. A 35 ft height restriction will not impact the ocean view for anyone located uphill from those lots.

If we must vote on something we really do not understand, I would like to see everyone vote NO on the suggestion of the 30 ft height restriction. On the simplification of the way the current height restriction is calculated, I would like to see this vote postponed until the committee can put before us a specific explanation of how this will impact a random sampling of small steep lots in the village.

Please don't vote for Kennedy just because you like his smile!

Compromise?

If must be a compromise, why not exclude small lots from the rule (like the existing "Small Lot Exception.") The last revision shows that the committee wants to strike the clause about allowing a variance. I strongly believe that clause should remain, in order to cover the unforeseen possibilities we may not be aware of.

Or, what if the height restriction could allow at minimum for one story to be above street grade.

Or, restrict only commercial zoned property because the main street of Oceanside is what really creates the impression of a village versus a strip mall.

Thank you for your consideration of my opinion.



Pam Zielinski

5680 Castle Drive

503.880.8034

## INDEX

Land Use Ordinance (hereafter 'LUO') 4.005	8, 9
LUO 8.020	8
LUO 8.030	8
LUO 9.030(1)	3
LUO 9.040	3
LUO 9.090(3)	3
LUO 10.010(4)	3
LUO 10.020(2)	3
Oregon Administrative Regulation (hereafter 'OAR') 660-015-0000(1)	8
OAR 660-015-0000(14)	4, 8
OAR 660-022-0060(1)	4