

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 REVIS 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.
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. “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 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.*]