

# **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*

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**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

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

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 Neskowin~~ 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

## 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.





