

SECTION 3.320: NESKOWIN RURAL RESIDENTIAL ZONE (NeskRR)

- (1) PURPOSE: Land designated Rural Residential is intended to maintain the rural character of the community by retaining large lots where typically community water and sewer are not available. Land that is suitable for Rural Residential use has limited value for farm or forest use; it is physically capable of having homesites on parcels of five acres or less; and it can be utilized for residential purposes without constraining the use of surrounding resource-zoned properties for resource-production purposes.
- (2) USES PERMITTED OUTRIGHT: In the NeskRR zone, the following uses and their accessory uses are permitted outright, subject to all applicable supplementary regulations contained in this Ordinance.
  - (a) Single-family dwelling.
  - (b) **Accessory dwelling unit according to the provisions of Section 5.110 of this ordinance.**
  - (c) **Duplex, in any attached or detached configuration.**
  - (d) **Triplex, attached, according to the provisions of Section 5.120 of this ordinance.**
  - (e) **Quadplex, attached, according to the provisions of Section 5.120 of this ordinance.**
  - (f) **Townhouse, up to four attached, according to the provisions of Section 5.120 of this ordinance.**
  - (g) **Cottage cluster, up to eight per cluster, according to the provisions of Section 5.120 of this ordinance.**
  - (h) Mobile or Manufactured Home, meeting the standards of Section 5.160.
  - (i) Recreational vehicle used during the construction or placement of a use for which a building or placement permit has been issued.
  - (j) Home occupations according to the provisions of Section 4.140 of this Ordinance.
  - (k) Farm uses, including aquaculture.
  - (l) Forest uses.
  - (m) Roadside stands for produce grown on the premises.

- (n) Signs, subject to Section 4.020.
  - (o) Electrical distribution lines.
  - (p) Foster family home accommodating 5 or fewer children or adults, per ORS 197.665.
- (3) USES PERMITTED CONDITIONALLY: In the NeskRR zone, the following uses and their accessory uses are permitted subject to the provisions of Article 6 and the requirements of all other applicable supplementary regulations contained in this Ordinance.
- (a) Planned Development subject to Section 3.080, or Mixed Use Development subject to Section 4.130, including only uses allowed in Neskowin zones and excluding commercial development, resorts, hotels and motels. The number of attached single family dwelling units in a cluster shall be established in the Planned Development approval process and may exceed four units per cluster if it is demonstrated that benefits in protection of natural conditions, better views, or access will be achieved by such clustering. This shall apply only to RR/PD zoned property located within a community growth boundary. Wetlands or other areas which cannot be developed due to the existence of sensitive natural features protected by the requirements of this ordinance shall not be used in calculating the gross area available for calculating density allowed in a clustered development.
  - ~~(b) Two family dwelling.~~
  - (c) Mobile or manufactured home which does not comply with the standards of Section 5.160.
  - (d) Cottage industries, subject to the standards of Section 3.226(4)(a) and (b).
  - (e) Recreational vehicle .
  - (f) Churches and schools.
  - (g) Accessory structures or accessory uses without an on-site primary structure.
  - (h) Nonprofit community meeting buildings.
  - (i) Cemeteries.
  - (j) Fire or ambulance stations.

- (k) Swimming, tennis, racquetball and similar facilities.
  - (l) Golf course and associated facilities.
  - (m) Animal hospital, kennel, or other animal boarding service, subject to the standards of Section 3.226(4)(a) and (b).
  - (n) Towers for communications, wind energy conversion systems, or structures having similar impacts.
  - (o) Public utility facilities, including substations and transmission lines.
  - (p) Small-scale primary wood processing facilities, such as a shake mill, chipper, or stud mill, on a contiguous ownership of 10 or more acres.
  - (q) Rural industries on a contiguous ownership of 10 or more acres, subject to the standards of Section 3.226(4)(a) and (b).
  - (r) Temporary mobile kitchen units, subject to the standards of Section 3.226(4)(a) and (b).
  - (s) Foster family home accommodating six or more children or adults.
  - (t) Bed and breakfast enterprise.
  - (u) Temporary placement of a mobile home or recreational vehicle to be used because of health hardship, subject to Section 6.050.
  - (v) Parks, primitive campgrounds, fishing preserves, and other recreational uses and associated facilities, on a contiguous ownership of 10 or more acres.
  - (w) Residential care, training, or treatment facility as defined by ORS 443.400; any facility which provides care, training, or treatment for six or more physically, mentally, emotionally, or behaviorally disabled individuals. Facilities that provide for five or less are addressed as ADULT FOSTER HOMES or FOSTER FAMILY HOMES.
  - (x) Home occupations according to the provisions of Section 4.140 of this Ordinance.
- (4) STANDARDS: Land divisions and development in the NeskRR zone shall conform to the following standards, unless more restrictive supplemental regulations apply:
- (a) The minimum lot size is 20,000 square feet. Where public sewers are not

available, the County Sanitarian may require lot sizes greater than the minimum, if necessary for the installation of adequate on-site sewage disposal facilities, or for adequate protection of public health or sensitive water bodies.

- (b) Parcels less than 20,000 square feet in size that were legally established prior to June 17, 1982 may be built upon provided that all other requirements of this Ordinance and other applicable development requirements are met.
- (c) Lots in an approved preliminary subdivision plat that is being maintained in an active status as of the date of adoption of this Ordinance may be built upon after approval and recording of the final plat.
- (d) **For a townhouse, the minimum lot size shall be 1,500 square feet, provided, the average minimum lot size shall be 5,000 square feet for all attached units in a townhouse project.**
- (e) The minimum lot width and depth shall both be 100 feet.
- (f) Creation of new lots or parcels, and construction on existing lots or parcels, can only be allowed if sewer service or adequate on-site sanitation are provided, as follows:
  - (1) If sewer service is not available, as defined in OAR 340-071-160(5)(f), approval(s) for on-site sanitation disposal shall be required for each lot or parcel prior to lot or parcel creation through partition, subdivision, or other process. Approval for on-site sanitation shall be required prior to approval of a building permit for a structure containing plumbing fixtures or otherwise requiring sanitary waste disposal.
  - (2) If sewer service is available, as defined in OAR 340-071-160(5)(f), hookup to the sewer system shall be required prior to approval of a building permit for a structure containing plumbing fixtures or otherwise requiring sanitary waste disposal.
- (g) Confirmation of water service availability from the water district, or evidence of an alternative functioning domestic water supply, shall be provided to the Department prior to approval of residential construction or other development requiring potable water.
- (h) Driveway connection to the street shall be limited to 25% of the street frontage of the lot, but not less than 12 feet, unless the Tillamook County Public Works Department or the Oregon Department of Transportation requires a different width.

- (i) The minimum front yard shall be 20 feet.
- (j) The minimum side yard shall be 5 feet; on the street side of a corner lot, it shall be no less than **15 10** feet.
- (k) The minimum rear yard shall be 20 feet; on a corner lot, it shall be no less than 5 feet.
- (l) Structures shall meet the following standards. Applicants shall demonstrate compliance with these standards on submitted plans. For purposes of these standards, building depth is defined as the dimension of the building footprint measured between the front and rear setbacks, and building width is defined as the dimension of the building footprint measured between side property lines.
  - (1) The building depth at all points shall not exceed 70% of the distance between front and rear lot lines (measured as close to perpendicular to those lines as possible).
  - (2) Building width at all points shall not exceed 70% of the distance between opposite side lot lines (measured as close to perpendicular to those lines as possible), **except that townhouses shall not be subject to this standard.**
  - (3) Structural elements which are exempted from setback requirements by other sections of the Land Use Ordinance shall be exempt from this standard. This standard shall not apply on lots smaller than 3000 sq ft; Section 5.100 shall apply to these lots.
- (m) The maximum building height shall be 35 feet, except on ocean or bay frontage lots, where it shall be **24 25** feet. Higher structures may be permitted only according to the provisions of Article VIII. Within the Neskowin Community Growth Boundary, building height shall be measured as the vertical distance from existing grade at a given point to the highest surface of any building element or projection above that same point. The building height shall not exceed the maximum building height at any point. Existing grade is defined as the grade prior to land disturbing activities or fill placement. The department may require a topographic survey for any building permit application. 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 holding Tillamook County harmless should construction of approved plans result in a structure exceeding the height limit and needing to be removed or altered.
- (n) Livestock can be located closer than 100 feet to a nonfarm residential building on an adjacent lot only if one of the following conditions are met:

- (1) The location of the livestock is a nonconforming use according to the provisions of Article VII of this Ordinance.
- (2) The property has been taxed at the farm use rate during three of the past five year.
- (3) The location of the livestock has been reviewed and approved as a conditional use according to the provisions of Article VI of this Ordinance.

No residential structure shall be located within 100 feet of an F-1, F, or SFW-20 zone boundary, unless it can be demonstrated that natural or man-made features will act as an equally effective barrier to conflicts between resource and residential uses; or that a residential structure could not otherwise be placed on the property without requiring a variance to the 100 foot requirement. In either case, all yard requirements in this zone shall still apply.

**Commented [SA1]:** Discussion for Planning Commission and Board of County Commissioners. Should this be reduced or is there a different way to mitigate potential impacts between residential and natural resource uses?