



**VARIANCE REQUEST #851-25-000306-PLNG:
PALMER/WAVE WATCHER LLC**

*NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER:
ORS 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE,
IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER*

NOTICE OF ADMINISTRATIVE REVIEW

Date of Notice: June 27, 2025

Notice is hereby given that the Tillamook County Department of Community Development is considering the following:

#851-25-000306-PLNG: A Variance request to reduce the required 20-foot front yard setback (northerly property line) to 5-feet and reduce the required 20-foot rear yard setback (southerly property line) to 5-feet, to allow for the siting of a single-family dwelling. The subject property is located in the Unincorporated Community of Barview/Watseco/Twin Rocks, accessed via a private easement off of Ocean Blvd, a county road, zoned Community Medium Density Urban Residential (CR-2), and designated as Tax Lot 3204 of Section 7DA, Township 1 North, Range 10 West, Willamette Meridian, Tillamook County, Oregon. The applicant is Nathaniel Palmer, and the property owner is Wave Watcher LLC.

Written comments received by the Department of Community Development prior to 4:00 p.m. on July 11, 2025, will be considered in rendering a decision. Comments should address the criteria upon which the Department must base its decision. A decision will be rendered no sooner than the next business day, July 14, 2025.

Notice of the application, a map of the subject area, and the applicable criteria are mailed to all property owners within 250 feet of the exterior boundaries of the subject parcel for which an application has been made and other appropriate agencies at least 14 days prior to this Department rendering a decision on the request.

A copy of the application, along with a map of the request area and the applicable criteria for review are available for inspection at the Department of Community Development office located at 1510-B Third Street, Tillamook, Oregon 97141. They are also available on the Tillamook County Department of Community Development website: <https://www.tillamookcounty.gov/commdev/landuseapps>.

If you have any questions about this application, please contact the Department of Community Development at (503) 842-3408 x 3123 or sarah.thompson@tillamookcounty.gov

Sincerely,

A handwritten signature in blue ink that reads "Melissa Jenck". The signature is written in a cursive style.

Melissa Jenck, CFM, Senior Planner

Sarah Absher, CBO, CFM, Director
Enc. Maps and applicable ordinance criteria

REVIEW CRITERIA

ARTICLE VIII - VARIANCE PROCEDURES AND CRITERIA

SECTION 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 either to 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 all 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.

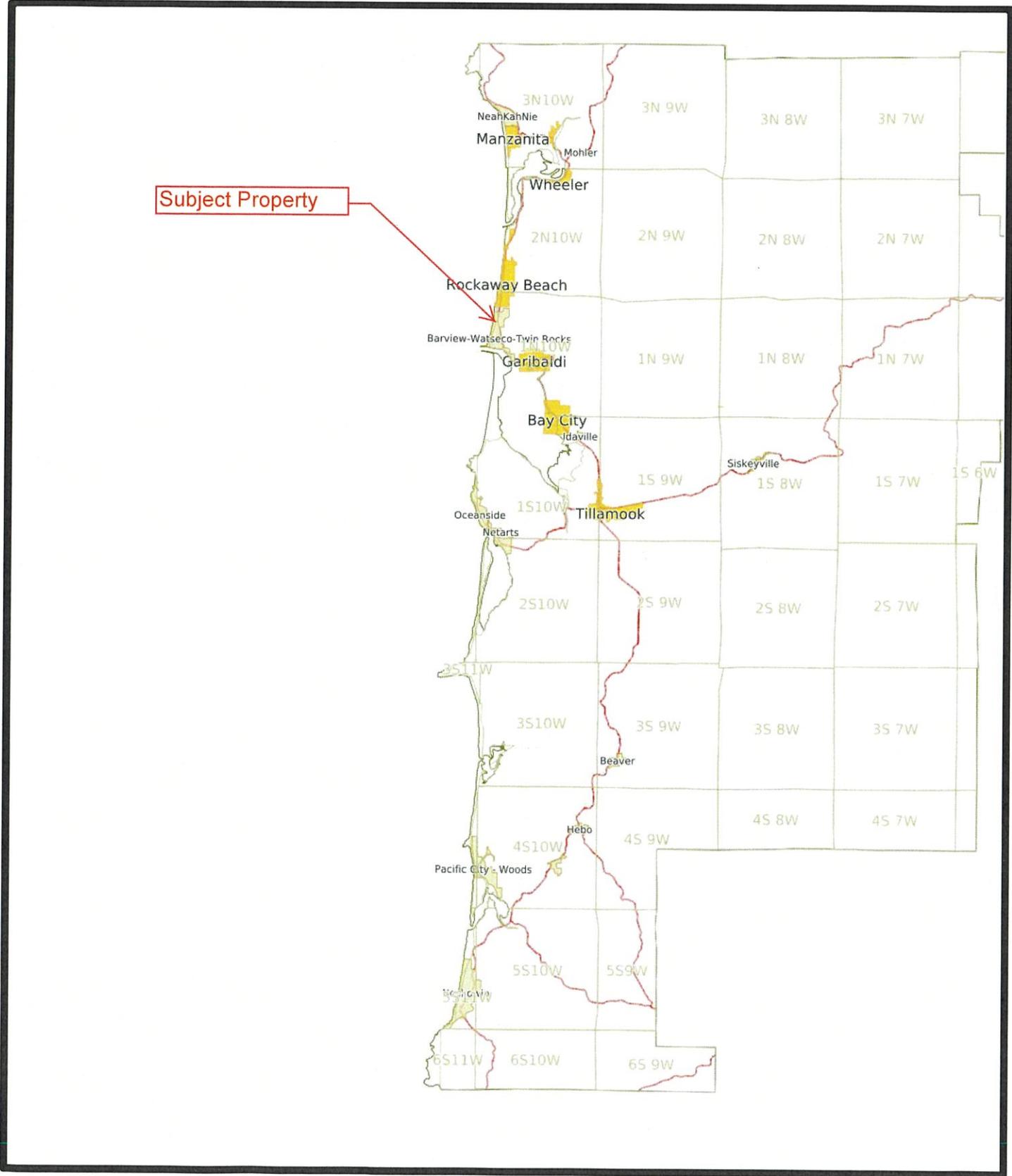
SECTION 4.005: RESIDENTIAL AND COMMERCIAL ZONE STANDARDS

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

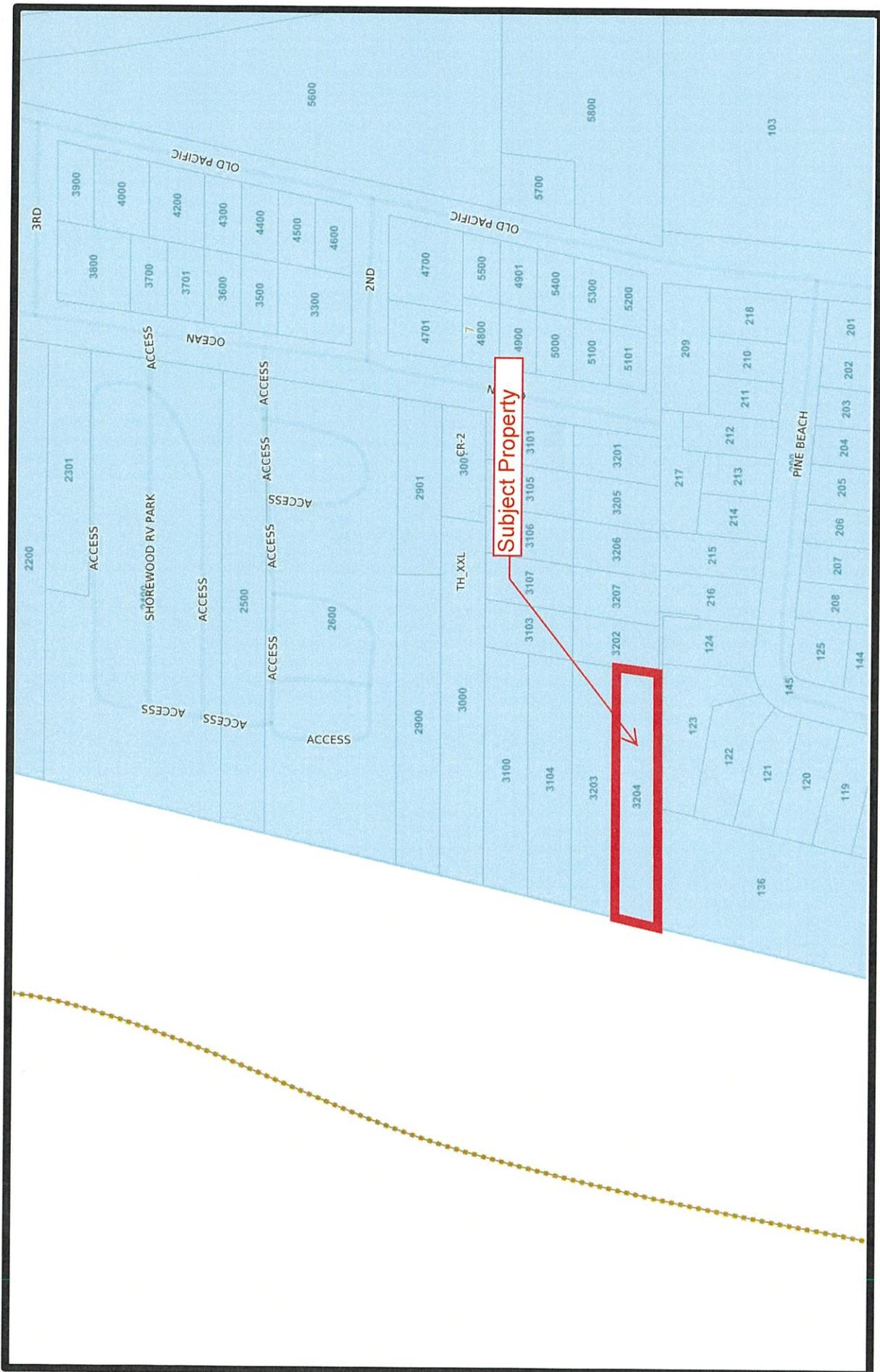
- (1) To ensure the availability of private open space;
- (2) To ensure that adequate light and air are available to residential and commercial structures;
- (3) To adequately separate structures for emergency access;
- (4) To enhance privacy for occupants of residences;
- (5) To ensure that all private land uses that can be reasonably expected to occur on private land can be entirely accommodated on private land, including but not limited to dwellings, shops, garages, driveways, parking, areas for maneuvering vehicles for safe access to common roads, alternative energy facilities, and private open spaces;
- (6) To ensure that driver visibility on adjacent roads will not be obstructed;
- (7) To ensure safe access to and from common roads;
- (8) To ensure that pleasing views are neither unreasonably obstructed nor obtained;
- (9) To separate potentially incompatible land uses;
- (10) To ensure access to solar radiation for the purpose of alternative energy production.

EXHIBIT A

Vicinity Map



Zoning Map



Tillamook County
2024 Real Property Assessment Report
 Account 322822

Map 1N1007DA03204
Code - Tax ID 5624 - 322822

Tax Status Assessable
Account Status Active
Subtype NORMAL

Legal Descr See Record

Mailing WAVE WATCHER LLC
 1233 CHERRY LN
 LAKE OSWEGO OR 97034

Deed Reference # 2024-4230
Sales Date/Price 10-03-2024 / \$635,000
Appraiser EVA FLETCHER

Property Class 100 MA SA NH
RMV Class 100 05 OF 536

Site	Situs Address	City
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Value Summary					
Code Area	RMV	MAV	AV	RMV Exception	CPR %
5624	Land 476,240		Land	0	
	Impr 0		Impr	0	
Code Area Total	476,240	319,400	319,400	0	
Grand Total	476,240	319,400	319,400	0	

Land Breakdown									
Code Area	ID #	RFPD	Ex	Plan Zone	Value Source	Trend %	Size	Land Class	Trended RMV
5624	0	<input checked="" type="checkbox"/>		RK-R-2	Market	113	0.12 AC		476,240
Code Area Total							0.12 AC		476,240

Improvement Breakdown									
Code Area	Year Built	Stat Class	Description	Trend %	Total Sqft	Ex%	MS Acct	Trended RMV	

Comments 02/07/13 Reappraised land. Tabled values. RBB 6/11/21 Reviewed account, updated land adjustments - RMV only.ef

National Flood Hazard Layer FIRMette

123°57'24"W 45°35'16"N



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE)
Zone A, V, A99
- With BFE or Depth *Zone AE, AO, AH, VE, AR*
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

- 0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile *Zone X*
- Future Conditions 1% Annual Chance Flood Hazard *Zone X*
- Area with Reduced Flood Risk due to Levee. See Notes. *Zone X*
- Area with Flood Risk due to Levee *Zone D*

OTHER AREAS

- NO SCREEN *Zone X*
- Area of Minimal Flood Hazard *Zone X*
- Effective LOMRs
- Area of Undetermined Flood Hazard *Zone X*

GENERAL STRUCTURES

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES

- Cross Sections with 1% Annual Chance Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS

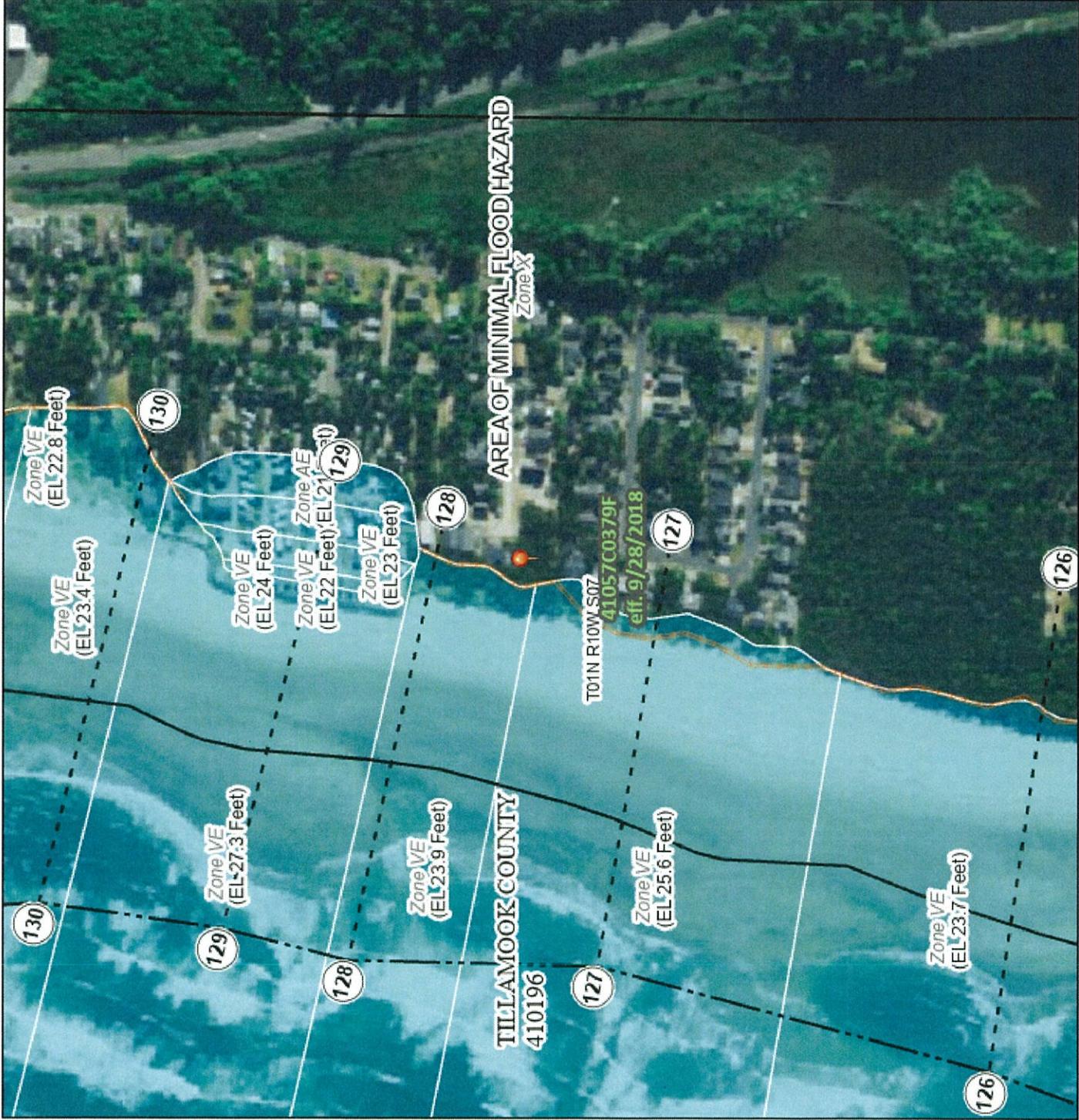
- Digital Data Available
- No Digital Data Available
- Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

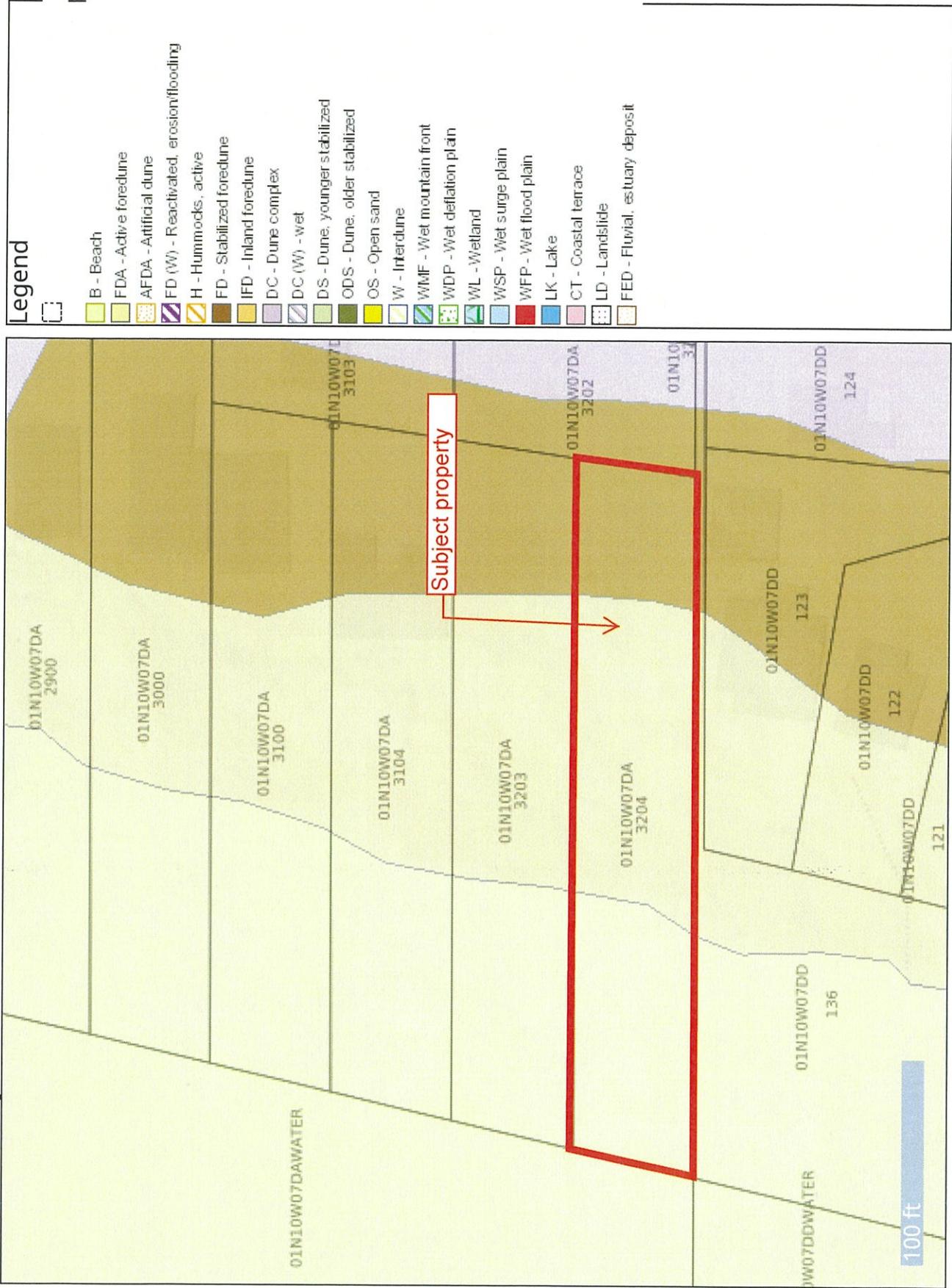
This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **5/30/2025 at 11:39 PM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



Hazard Map



Statewide Wetlands Inventory



B. Southern, Mapper, Microsoft, State of Oregon, State of Oregon GEO, Esri, HERE, Garmin, ICG, Department of State Lands, 2018

- Oregon Scenic Waterway - Water Courses
- Essential Salmonid Habitat
- ┌ Townships
- └ LWI Study Area
- BASEDAT.DBO.NHDWaterbody
- BASEDAT.DBO.NHDArea
- BASEDAT.DBO.NHDFlowline**
- Perennial
- - - Intermittent
- Ephemeral
- - - Unknown
- - - Canal/Ditch
- - - Canal/Ditch
- - - Canal/Ditch
- - - BASEDAT.DBO.NHPoint
- Wetlands**
- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Riverine
- SWI Agate-Windlo Soils
- SWI Predominantly Hydric Soil Map Units



The Statewide Wetlands Inventory (SWI) represents the best data available at the time this map was published and is updated as the data becomes available. In all cases, actual field conditions determine the presence, absence and boundaries of wetlands and waters (such as creeks and ponds). An onsite investigation by a wetland professional can verify actual field conditions.

Date: 5/30/2025



State of Oregon
Department of State Lands
775 Summer Street, NE, Ste 100
Salem, OR 97301-1279

EXHIBIT B



PLANNING APPLICATION

Applicant (Check Box if Same as Property Owner)

Name: Nathaniel Palmer Phone: 503-707-7355
 Address: 1233 Cherry Lane
 City: Lake Oswego State: OR Zip: 97034
 Email: natepalmer@gmail.com

Property Owner

Name: Wave Watcher LLC Phone: 503-707-7355
 Address: 1233 Cherry Lane
 City: Lake Oswego State: OR Zip: 97034
 Email: natepalmer@gmail.com

Request: Variance for setbacks. Request that the north and south property lines to be 5'.

OFFICE USE ONLY	
Date Stamp	
RECEIVED	
JUN 20 2025	
BY: <u>counter</u>	
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Received by: <u>MJ</u>	
Receipt #: <u>—</u>	
Fees: <u>—</u>	
Permit No: 851- <u>25-000306</u> -PLNG	

Type II

- Farm/Forest Review
- Conditional Use Review
- Variance
- Exception to Resource or Riparian Setback
- Nonconforming Review (Major or Minor)
- Development Permit Review for Estuary Development
- Non-farm dwelling in Farm Zone
- Fore-dune Grading Permit Review
- Neskowin Coastal Hazards Area

Type III

- Detailed Hazard Report
- Conditional Use (As deemed by Director)
- Ordinance Amendment
- Map Amendment
- Goal Exception
- Nonconforming Review (As deemed by Director)
- Variance (As deemed by Director)

Type IV

- Ordinance Amendment
- Large-Scale Zoning Map Amendment
- Plan and/or Code Text Amendment

Location:

Site Address: _____

Map Number: 1N 10 7DA 3204
Township Range Section Tax Lot(s)

Clerk's Instrument #: _____

Authorization

This permit application does not assure permit approval. The applicant and/or property owner shall be responsible for obtaining any other necessary federal, state, and local permits. The applicant verifies that the information submitted is complete, accurate, and consistent with other information submitted with this application.

[Signature]
 Property Owner Signature (Required)

6/20/2025
 Date

Applicant Signature _____

Date _____

Nathaniel Palmer
1233 Cherry Lane
Lake Oswego, OR 97034
natepalmer@gmail.com
503-707-7355

November 5, 2024

Members of the Tillamook County Planning Commission

Tillamook County Planning Commission
201 Laurel Ave
Tillamook, OR 97141

Re: Request for Variance – Oceanfront Property, Tax Lot 1N1007DA03204, Rockaway Beach, Oregon

Dear Members of the Planning Commission,

I am writing to formally request a variance to the setback requirements for my oceanfront property, located at Tax Lot 1N1007DA03204, Rockaway Beach, Oregon, within the Watseco-Barview area and the CR-2 Zone.

The unique characteristics of this property create an exceptional hardship when compared to other oceanfront lots. Specifically, my property is accessed via an easement from the lot to the north, which results in the northern property line being treated as the front lot line. This treatment is in contrast to the standard zoning for most oceanfront lots, where the north and south lot lines are designated as side yards. Please refer to Exhibit B for a visual representation of this condition.

As a result, the strict application of the zoning code imposes unusual setback requirements that would severely limit the development potential of the property, leading to an undue hardship. To remedy this situation and align my property with the standards enjoyed by neighboring oceanfront properties, I respectfully request the following variance:

- **Front Yard Setback (Northern Property Line):** A reduction from the required 20 feet to 5 feet, aligning the setback with side yard setback standards.
- **Rear Yard Setback (Southern Property Line):** A reduction from the required 20 feet to 5 feet, similarly aligning the setback with side yard standards.
- **Side Yard Setback (Western Property Line):** No variance is requested; this setback is governed by the Oceanfront Setback Line as per Section 3.500(8) of the Tillamook County zoning ordinance.
- **Side Yard Setback (Eastern Property Line):** While I am willing to increase the setback to 20 feet, this is not permitted according to Planning staff. That said, the proposed building footprint (as outlined in Exhibit A) will maintain a setback of at least 20 feet from the eastern property line, which is in line with rear yard setbacks.

This request is intended solely to bring my property into alignment with the setbacks that are afforded to other oceanfront owners in the area. The proposed setbacks will ensure that my property is developed in a manner consistent with the surrounding properties, maintaining the character of the neighborhood and preserving equitable treatment among adjacent landowners.

Upon reviewing the zoning code and comparing it to the practices in other municipalities, I believe that a more uniform approach to oceanfront setbacks is both reasonable and justifiable. Specifically, I propose that the north and south property lines should be practically treated as side yard setbacks, the oceanfront line as the front yard, and the eastern property line as the rear yard. While Tillamook County's zoning code does not specifically address oceanfront lot setbacks, this proposed configuration mirrors practices in neighboring communities such as Manzanita and Rockaway, where the oceanfront lot line is explicitly called out within their zoning ordinances as the front lot line for oceanfront parcels. It is reasonable to conclude that had Tillamook County explicitly addressed oceanfront lot line definitions in its zoning ordinance, it would have defined them in a manner consistent with the practices observed in neighboring jurisdictions.

Moreover, precedent has been established in the immediate vicinity of my property. A nearby parcel at 17490 Ocean Blvd. (just three lots to the north) was allowed setbacks that differ from the strict interpretation of the zoning code. This lot is in the same circumstance where access to the property is only via a private easement from a connecting oceanfront lot. This precedent supports the idea that variances are appropriate when unique circumstances, such as the access easement in my case, justify a departure from the strict interpretation of setback requirements. It would be inequitable to impose stricter setbacks on my property than those granted to other oceanfront properties in the area, given the similarity in the characteristics of the properties.

Variance Review Criteria

This variance request satisfies the review criteria set forth in Section 8.030 of the Tillamook County Zoning Ordinance. Below are my responses to each of the criteria:

- (1) Circumstances attributable either to 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 all applicable standards were to be met. Such circumstances may not be self-created.*

A principal dimensional hardship arises from the fact that the property is accessed solely via an easement over the lot to the north, rather than via a direct public or private road. This unusual access arrangement creates a situation where the north and south property lines are classified as front and rear yard setbacks, rather than the customary side yard setbacks enjoyed by most oceanfront lots. This imposition effectively precludes the enjoyment of the same property rights and development potential afforded to other oceanfront landowners in the vicinity.

The subject property was subdivided in 1995, with the clear intention by the applicant—reflected in the platting history—that the oceanfront lot line would be treated as the "front" property line, as is consistent with the treatment of other oceanfront properties in the subdivision (see Exhibit C). This pattern is uniform across other neighboring

properties, where the oceanfront lot line is considered the front yard, and the north and south property lines are considered side yard setbacks. As such, the property is encumbered by unique circumstances not shared by the majority of oceanfront lots in the area.

Furthermore, when considering the 'width' versus the 'depth' of the property, it is clear that the original 1995 platting of the subdivision was based on the understanding that the western property line would serve as the front property line. The 60-foot 'width' of the lot was accepted by Tillamook County staff reviewers at the time of approval. Had the lot been deemed non-compliant, with only a 60-foot 'depth', the subdivision would not have been following minimum depth standards and therefore not approved. The fact that the subdivision was approved without any mention of this issue strongly indicates that the county reviewers recognized the western property line as the front line and found the lot to be in conformance with the zoning standards.

The substantial property rights enjoyed by neighboring oceanfront properties in the area include the ability to apply 5-foot setbacks to their north and south property lines, as those lines are treated as side yards. The requested variance seeks to extend these same property rights to the subject parcel, ensuring equitable treatment in alignment with the other oceanfront properties in the immediate vicinity. Without this variance, the strict application of the zoning code would place the subject property at a significant disadvantage compared to similarly situated lots, effectively depriving the applicant of substantial property rights that are otherwise afforded to neighboring landowners.

Finally, these circumstances are not self-created by the applicant. The subdivision was finalized in 1995, well before the applicant's purchase of the property in 2024. As such, the applicant has inherited the dimensional constraints imposed by the subdivision plat, rather than having caused them.

- (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.*

The proposed residential development is entirely consistent with the character of the surrounding neighborhood, which is 100% residential. A single-family home is the primary use allowed within the CR-2 zone, and the proposed development aligns with the surrounding uses. The variance is necessary to ensure the development of the property in a manner consistent with neighboring properties and to avoid an inefficient or irregular structure that would not be in character with the neighborhood.

- (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.*

SECTION 4.005: RESIDENTIAL AND COMMERCIAL ZONE STANDARDS

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

The requested variance will not undermine the purposes of the development standards outlined in Section 4.005. Specifically:

1. To Ensure the Availability of Private Open Space

The 1995 subdivision of this area was designed with multiple lots, each intended to conform to the general zoning standards, particularly with regard to open space, and with the clear expectation of future residential development on this subject lot. The subdivision plan specifically anticipated a building structure consistent with the one proposed in this variance request. The 5-foot setbacks from the north and south property lines will preserve the required private open space, in line with the open space standards applied to neighboring properties. Additionally, 100% of the open space west of the ocean shore setback line will remain undeveloped—representing more than 75% of the lot. By keeping over 75% of the lot as undeveloped, significant private open space is preserved.

No development is proposed on adjacent parcels, as all construction will occur entirely on the subject lot. This approach aligns with the open space requirements of other oceanfront lots in the area, and it would be inequitable to impose stricter open space standards on this property than those applied to neighboring properties.

2. To ensure that adequate light and air are available to residential and commercial structures

The proposed setbacks will not obstruct light and air to neighboring properties, as they are consistent with the setbacks enjoyed by adjacent oceanfront properties. By aligning the north and south setbacks with those of surrounding properties, the development will maintain the openness and air circulation typical of the neighborhood. Furthermore, the setbacks are designed to preserve the natural flow of light and air, ensuring that the proposed structure does not create significant shadows or airflow that could affect neighboring homes.

3. To adequately separate structures for emergency access

The setbacks proposed exceed the minimum 6 feet required for emergency access. Additionally, the neighboring property to the north has a 5-foot setback from its southern property line, providing more than 10 feet of clearance between structures.

4. To enhance privacy for occupants of residence

The requested 5-foot setbacks will protect the privacy of neighboring properties by allowing for a more appropriately proportioned and conventional home design. If forced to adhere to stricter setbacks, the building would likely need to be unusually narrow, which could result in an awkward or unconventional layout that may place windows or balconies in positions that directly overlook neighboring properties, significantly

compromising their privacy. By granting the variance, the home can be designed in a more typical, well-proportioned manner, consistent with other oceanfront homes in the area. This will ensure that the privacy of neighboring residences is preserved while still allowing for the development of a functional and aesthetically appropriate property.

5. To ensure that all private land uses that can be reasonably expected to occur on private land can be entirely accommodated on private land, including but not limited to dwellings, shops, garages, driveways, parking, areas for maneuvering vehicles for safe access to common roads, alternative energy facilities, and private open spaces

The proposed variance will not negatively impact the ability of adjacent property owners to use and enjoy their land. On the contrary, it will allow for a more traditional, well-proportioned residential structure that will blend with the existing homes in the area. The requested setbacks are consistent with those enjoyed by neighboring oceanfront properties, ensuring that their rights to use and enjoy their property are not infringed upon.

6. To ensure that driver visibility on adjacent roads will not be obstructed

There is no public or private road access to the property, as it is accessed via an easement from the lot to the north. Therefore, the requested variance will not impact driver visibility on adjacent roads, as there is no vehicular access from Ocean Blvd or any other public road.

7. To ensure safe access to and from common roads

Since the property is accessed through a private easement, the requested variance will not impact access to or from common roads. The variance will not interfere with vehicular access or the safe use of nearby roads.

8. To ensure that pleasing views are neither unreasonably obstructed nor obtained

The original 1995 subdivision was designed with the understanding that oceanfront homes would be built on these lots, and neighboring properties were subdivided with this expectation in mind. The key term here is "unreasonably"—as any oceanfront home will naturally block some portion of the view. The proposed variance, which aligns the setbacks with those of neighboring properties, will not result in an unreasonable obstruction of views, as some level of obstruction is inherently expected with any oceanfront development. The proposed setbacks are consistent with those of surrounding oceanfront lots, ensuring that the view impact is no greater than what is typical in the area. Additionally, the views from this property, once development is complete, will not be unreasonably obtained, as they will mirror the view opportunities currently enjoyed by all other oceanfront owners in the area. This ensures that the development is in line with the established character of the neighborhood, where oceanfront homes are positioned in a way that balances privacy with the natural views of the beach.

9. To separate potentially incompatible land uses

All surrounding properties are residential, and the proposed use of the property—a single-family home—aligns with the surrounding uses. No conflict with adjacent properties is anticipated, as the proposed development will be in harmony with the existing residential character of the area.

10. To ensure access to solar radiation for the purpose of alternative energy production

The surrounding area is entirely residential, and the requested variance will have no adverse impact on access to solar radiation for alternative energy production. The proposed setbacks will not obstruct solar access to neighboring properties.

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

The request for 5-foot setbacks from the north and south property lines is consistent with the setbacks enjoyed by neighboring oceanfront property owners and is necessary to ensure equitable treatment under the zoning code. A lesser variance would be manifestly inequitable, as it would result in an undue restriction on the development potential of this property compared to other oceanfront lots in the vicinity. As it stands, all neighboring oceanfront properties are afforded a 5-foot north and south setback, and imposing stricter setback requirements on this property would result in a disproportionate economic burden, reducing the property's market value and development potential.

Without a variance, compliance with the strict zoning requirements would impose a significant limitation on the building's design. Specifically, the maximum allowable width for a structure would be restricted to 19 feet, resulting in a narrow, townhouse-like building that would be out of place in this residential neighborhood. The design would be atypical for the area and would create an inappropriately "urban" character. The only economic alternative would be to construct a taller building, but increasing the height would exceed the height limits set forth in the CR-2 zone, thereby violating zoning regulations and creating an undesirable visual neighborhood impact.

Alternative setback options have been considered, but they would result in significant financial hardship. A narrower building, as would be required by a lesser variance, would decrease the usability and desirability of the property, and thereby reduce its market value. Such a restriction would be incompatible with the character of the surrounding oceanfront properties, which typically feature larger structures with setbacks consistent with the requested variance. The property located at 17490 Ocean Blvd, just three lots to the north, was afforded "normal" setbacks in 1997, providing precedent for the approval of the requested variance and further supporting the reasonableness of this request. It is, therefore, both fair and reasonable to request 5-foot north and south property line setback allowed by other oceanfront properties.

After careful consideration of all available options, it is clear that the requested 5-foot setbacks from the north and south property lines represent the only reasonable solution.

The requested variance is necessary to avoid significant economic and aesthetic hardship and to bring this property into alignment with the character of the surrounding oceanfront development.

In conclusion, the requested variance aligns with the intent of the zoning code and is consistent with the development patterns established by neighboring properties. It is necessary to avoid undue hardship and ensure the equitable treatment of my property in relation to others in the area. I respectfully request your approval of this variance application.

Thank you for your time and consideration. I look forward to discussing this matter with you at the upcoming hearing.

Sincerely,
Nathaniel Palmer

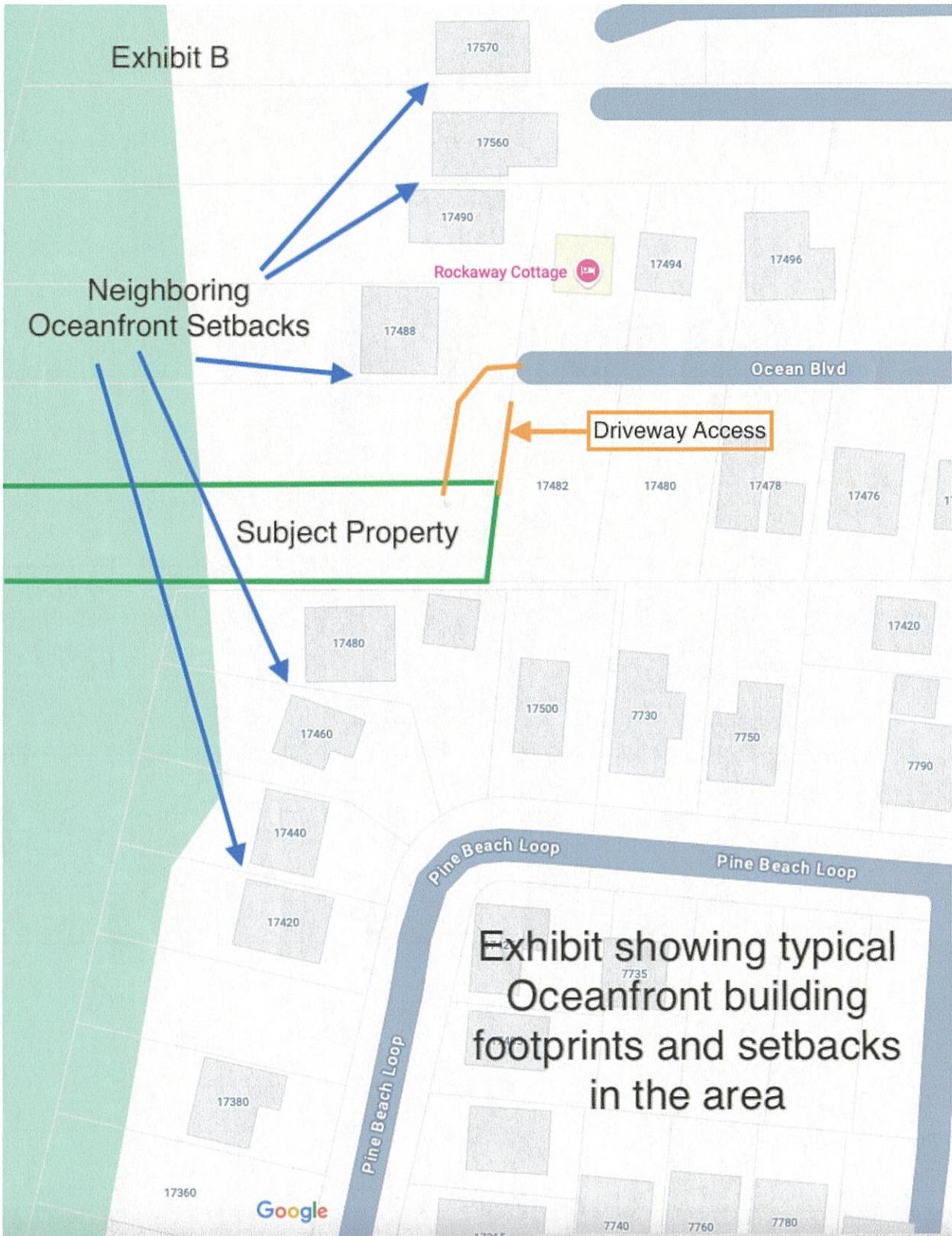


Exhibit showing typical Oceanfront building footprints and setbacks in the area

Arguments addressing general opposition points

Before addressing the specific points raised in the letters of opposition, I wish to acknowledge an important threshold matter. In prior communications, planning staff conveyed that issues involving private easements are typically civil in nature and fall outside the scope of the County's land use review authority. I fully agree with that position and maintain that the 5-foot pedestrian easement—being a private, non-public right-of-way—should not be a factor in the County's evaluation of this variance request.

Nonetheless, in light of the significant volume of public comment focused on the easement and the possibility that staff may now view those concerns as relevant to the variance criteria, I am providing the following responses. I do so solely as a courtesy, and expressly not as a concession of any legal position or waiver of any land use rights. I continue to maintain that these issues lie outside the jurisdiction of this review and should be resolved, if at all, through appropriate civil channels among the easement's beneficiaries.

That said, should staff or the decision-making body determine that the easement context warrants further consideration, the following rebuttals and clarifications are provided to demonstrate that the proposed development is entirely consistent with the legal boundaries, function, and intent of the recorded easement.

1. Threat to Public Beach Access

Claim: The proposed structure will discourage public use of the easement and make it feel privatized.

Rebuttal:

- The 5' pedestrian easement remains fully **unobstructed and functional**.
- Several homes east of this property also have this same easement and have built **fences directly on the easement line** to separate public from private land — a clear precedent.

- This application proposes a **structure abutting the easement**, not a fence, but functionally it does the same: it defines private land without interfering with public access.
 - Opponents appear to misunderstand their rights — **no one has legal access rights beyond the 5' easement**, and this proposal respects that line entirely.
-

2. Safety and Emergency Egress

Claim: The variance would hinder tsunami evacuation and emergency passage.

Rebuttal:

- The easement on my property is part of a larger pedestrian access easement extending long the southern border of lots eastward of my lot. My section of the access corridor is actually **wider than anywhere else along the easement trail**.
 - 5' pedestrian easement
 - 5' recorded access strip immediately south
 - Additional setback from the southern neighbor
 - Together, these provide **10'+ of open space**, far more than the 5' width available east of the subject property.
 - The project does **not block or reduce this access**.
 - This area actual has **wider** access than any other sections along this private easement.
-

3. Maintenance and Equipment Access

Claim: Easement access for equipment will be restricted, impacting trail, ramp, or revetment upkeep.

Rebuttal:

- The combined 10'+ of clearance allows for **better maneuverability** here than in tighter trail segments elsewhere.
 - Maintenance is typically performed on foot or with small-scale equipment.
 - The private easement is dedicated for pedestrian traffic of nearby home owners and their family/guests. This easement does not include any provisions for equipment.
-

4. Environmental and Aesthetic Impact

Claim: The house will damage coastal character and create a “wall effect.”

Rebuttal:

- **Aesthetic preferences are not a legal basis** for denying a variance under Tillamook County Code.
 - The structure complies with all **height and design standards**, and materials will be compatible with the surrounding neighborhood.
 - Nearby homes have fences or walls along this same trail corridor — this proposal is **visually consistent** with existing development.
-

5. Property Values

Claim: Neighboring properties will lose value due to the setback reduction.

Rebuttal:

- There is no objective evidence that a conforming residence respecting easements and zoning will reduce nearby property values.
 - Public access remains intact, and views are not materially affected.
 - High-quality development typically **adds neighborhood value**, especially in underutilized lots.
-

6. Precedent and Equity

Claim: Granting the variance is unfair because others followed the setback rule.

Rebuttal:

- Variances exist specifically for **lots with unique physical constraints**, like unusual access orientation or lot shape.
 - This lot is functionally oriented differently than others, requiring a tailored approach.
 - Denying this variance would ignore the principles of **equity for atypical parcels**, which the variance process is designed to protect.
 - Other lots with similar characteristics have been granted variances or been allowed to treat their functional home frontage as the front lot line, rather than a narrow interpretation of the front lot line definition.
-

7. Accessibility

Claim: Narrowing the trail harms ADA access and use by strollers or mobility devices.

Rebuttal:

- This is **one of the widest and most accessible trail segments:**
 - 5' public easement
 - 5' access strip
 - Adjacent open setback area to the south
 - No part of the structure intrudes into these areas, and accessibility is actually **enhanced compared to other parts** of the trail.
-

8. Revetment Access

Claim: Building closer to the easement will hinder future erosion protection and revetment repairs.

Rebuttal:

- No part of the revetment is blocked or restricted by the proposed structure.
 - The private pedestrian beach easement is explicitly stated for pedestrian use, and should not be misconstrued as allowed for equipment access for repairs.
-

9. Legal and Political Risk

Claim: Granting this variance could lead to litigation or erode public trust.

Rebuttal:

- The variance request is **legally valid**, supported by unique site characteristics and findings consistent with Tillamook County LUO § 6.030.
- Public trust is strengthened when **processes are followed fairly**, including recognizing property rights and hardship relief.
- Upholding well-supported variance requests **reinforces confidence in the planning system**, not the opposite.

Additional Arguments in Support of Variance Application

1. Easement Rights Are Fully Preserved and Respected

The 5-foot-wide easement along the southern edge of my property remains **fully intact and unobstructed** by the proposed development. The structure respects the exact boundaries and terms of the easement, and no part of the home will intrude into that area.

This is a **recorded private access easement**, not a public one, and applies only to a **defined group of nearby landowners**. It is not a general beach access point for the public. Accordingly, while all easement rights are respected, **general concerns about public coastal access or the “privatized feel” of the beach are not legally relevant** to this application.

2. Easement Width Here Exceeds Width of Similar Accessways

The access corridor adjacent to my lot includes:

- A 5-foot-wide recorded pedestrian private easement,
- An adjacent 5-foot recorded access strip, and
- A setback from the neighbor’s house that adds additional lateral clearance.

Combined, this creates **10+ feet of open, unobstructed space for travel**—significantly more than the 5-foot width seen along most of the same easement corridor.

This site **exceeds the width and usability** of other access segments in the neighborhood. The easement remains fully open, clearly defined, and highly functional.

Below are photos showing the area along my south property line, which will remain unobstructed, along with photos further east on the trail, which are much narrower.

From the Ocean Shores setback intersection, along my south property line, facing east



Midpoint along my south property line, facing east



Along the south property line of a neighbor, further east down the trail



Along the south property line of a neighbor, further east down the trail



3. Design Is Compatible with Surrounding Development

Other homes along the same easement have built **fences directly along their easement line**, establishing a clear boundary between private and shared-use space. My proposed structure aligns with the easement edge in a similar way — just with a building wall rather than a fence.

This approach does not create new impacts or diminish the functional use of the trail. In fact, it **matches the pattern of neighboring development**.

4. “Privatization” Concerns Are Misplaced and Addressable

Some community members suggest the structure may create a “privatized feel” or discourage use.

Although I am under no obligation, I am fully open to working with staff on signage or treatments to reinforce the legal pedestrian access point, though again, **this is a private easement** and not a general public trail. I fully intend on promoting access to the beach for my neighboring property owners as they will be able to continue to access the beach unobstructed.

5. This Is a Private Easement, Not Public Coastal Infrastructure

It is important to distinguish between **private access easements**, such as this one, and **public coastal accessways** governed by Statewide Planning Goal 17 and the Beach Bill. This easement:

- Exists solely between private landowners,
- Does not provide general public access to the beach, and
- Is not subject to the same state oversight or public interest claims as public access points.

Because the scope of use is private, and no public rights are impacted, arguments grounded in statewide public access policy — such as the perception of reduced public benefit — **do not apply here**.

6. The Eastern property line should be treated as the front lot line by definition.

Finally, notwithstanding all of the above arguments supporting this variance, I maintain that a variance should not be necessary at all, as the eastern property line properly qualifies as the front lot line under applicable code and precedent.

A. Legal Access via Shared Driveway

This parcel is served by a recorded 25-foot-wide driveway access easement, which runs along the eastern edge of the adjacent northern parcel and extends into the subject lot. It forms a shared driveway used by this lot and the lot to the north, and it serves as the primary and only vehicular access to both properties.

Under Tillamook County's Land Use Ordinance (LUO) – Article XI – a front lot line is defined as:

“the lot line separating a lot from a street or private way from which primary vehicular access is attained.”

This shared driveway qualifies as a private way, and it abuts the eastern lot line. That makes this side the legally appropriate front under Tillamook County zoning code.

B. Shared Driveway and Repeated Functional Use

The subject parcel shares its **only legal ingress and egress** via a **recorded access easement on the easterly property line**, which also serves the undeveloped parcel to the north, under common ownership. That northern lot is actively in the process of being developed and will likewise be accessed via this same easement. Both dwellings will:

- Face **east** toward the driveway and easement,
- Share the **same primary access route for vehicles and pedestrians**,
- Have their **main entrances and garages on the eastern side**, and
- Have **ocean-facing views to the west**, functionally designating the rear of the homes.

In all key respects—access, orientation, and use—the homes will function identically. To treat the same boundary as the front for one lot and not the other would create inconsistency and run counter to land use logic.

C. Functional Access Determines "Front Lot Line"

This is further confirmed in case law. In **LUBA No. 95-204 (1996)**, LUBA clearly held:

“Where a lot has no frontage on a public, county or state road, the front lot line is the line of the easement or private road serving the lot which is nearest the residence.”

This statement confirms that when a lot lacks frontage on a public road, the **private easement line providing access**—if nearest the residence—can and should be designated as the **front lot line**.

D. Equity and Consistency

Applying a different front lot line designation to the two parcels would be:

- Inconsistent with LUBA’s interpretation of the zoning code,

- Inequitable, given the identical access and orientation of the homes,
- And irrational from a practical land use perspective.

Recognizing the eastern property line as the **front lot line** is entirely consistent with both **Oregon LUBA precedent** and the **functional use of the site**.

Conclusion

In summary:

- The **easement is private**, and all private access rights are preserved. The planning guide's public-access-oriented concerns do not apply in this private context.
- The **width of the access corridor here is wider** than other parts of the easement trail.
- The design is **compatible with adjacent development**, providing clarity without obstruction.
- Even if a variance were not granted, the eastern property line could reasonably be interpreted as the front lot line based on functional access, eliminating the need for a variance altogether.

I respectfully request approval of the variance based on this evidence of compatibility, access preservation, and consistency with land use policy principles.

EXHIBIT C

#851-24-000651-PLNG

To Whom It May Concern,

I am writing to formally oppose the requested variance that would allow construction up to a 5-foot setback adjacent to the community beach access path along Ocean Boulevard, as shown in Tillamook County Tax Map 1N1007DA.

Granting this variance would permit a structure to be built directly alongside a critical pedestrian corridor used by Ocean Blvd. and Pine Beach Loop residents and guests to access the beach. This path is not only a valued community amenity, but also a vital functional and safety route.

Allowing construction so close to the access trail introduces the following significant concerns:

1. **Restricted Maintenance Access:** The reduced setback would severely limit the space required to deliver and maneuver equipment, materials, and vehicles needed to service the beach ramp and pathway infrastructure. This jeopardizes the long-term upkeep of a key community asset.
2. **Obstructed Emergency Egress:** In the event of a natural disaster, particularly a Cascadia Subduction Zone earthquake and resulting tsunami, residents and beachgoers rely on clear accessible escape routes to reach higher ground. Any structure built within such close proximity to the trail could delay evacuation, cause congestion, and significantly reduce safety during an emergency.
3. **Environmental and Aesthetic Disruption:** A wall or structure bordering the trail would be visually disruptive and inconsistent with the natural coastal character that Pine Beach HOA and its residents have deliberately maintained. The openness of the trail contributes to the Community's identity and is part of what homeowners have invested in preserving.
4. **Erosion of Public Access:** While the variance may remain outside the literal easement boundary, the proximity alone would create the perception of privatization, discourage public use, and degrade the function of a shared community resource.
5. **Unfavorable Precedent:** Approving this request would set a concerning precedent for future encroachments along shared spaces. Each exception undermines the integrity of long-standing community planning standards and weakens protections for public use areas.

In summary, the proposed variance conflicts with community safety, public access, and environmental values. I strongly urge the planning commission to deny this request in order to preserve the functionality, character, and safety of the Pine Beach Loop community.

Sincerely,

and ^ Ocean Blvd

[Your Full Name] Aaron A. Ames & Tammy M. Nettinga

[Your Address] 17478 Ocean Blvd.

[City, State, ZIP] Rockaway Beach, OR 97136

[Email / Phone Number, if applicable] aaron.ames@powereng.com
208-850-5500

MAIL YOUR LETTER TO: DEPT OF COMMUNITY DEVELOPMENT

851-2400651-PLNG

1510 - B. 3rd Street

Tillamook, OR. 97141

Aaron A. Ames & Tammy M. Nettinga

17478 Ocean Blvd.

Rockaway Beach, OR 97136

June 5, 2025

Tillamook County Planning Commission

1510 – B, 3rd Street

Tillamook, OR. 97141

Subject: Formal Opposition to Variance Request #851-24-000651-PLNG

Dear Members of the Planning Commission,

We, Aaron A. Ames and Tammy M. Nettinga, owners of the property at 17478 Ocean Blvd., Rockaway Beach, OR 97136, respectfully submit this letter in strong opposition to Variance Request #851-24-000651-PLNG, submitted by Nathaniel Palmer on behalf of Wave Watcher LLC.

In addition to the concerns outlined in the attached PDF, we wish to highlight the following key objections:

- **Obstruction of Ocean Views from the East:** The proposed variance would significantly impair ocean views from the public beach access path and from existing residences located east of the subject property. This visual obstruction would diminish the enjoyment of the area for both residents and visitors. These concerns apply to both the north and south side setback reductions.
- **Negative Impact on Property Values:** The reduction or loss of ocean views and the disruption of the area's coastal character are likely to reduce property values for neighboring homeowners. This financial impact would be borne by the broader community, not just us.
- **Visual Degradation from the West:** From the beach and ocean-facing perspectives, the proposed variance would contribute to a nearly continuous wall of buildings, undermining the natural beauty and open character of the coastline.

It is important to note that the applicant and property owner were fully aware of the existing setbacks and easements at the time of purchase. Attempting to alter these terms post-purchase for personal financial gain—at the expense of community character, public access, and neighborhood cohesion—is inappropriate and contrary to the public interest.

We strongly urge the Planning Commission to deny Variance Request #851-24-000651-PLNG in order to preserve the integrity, safety, and visual character of our coastal community.

Thank you for your time and thoughtful consideration.

Sincerely,

Aaron A. Ames

Tammy M. Nettinga

A handwritten signature in black ink, appearing to read "Aaron A. Ames". The signature is written in a cursive style with a large initial "A".

To Whom It May Concern,

I am writing to formally oppose the requested variance that would allow construction up to a 5-foot setback adjacent to the community beach access path along Ocean Boulevard, as shown in Tillamook County Tax Map 1N1007DA.

Granting this variance would permit a structure to be built directly alongside a critical pedestrian corridor used by Ocean Blvd. and Pine Beach Loop residents and guests to access the beach. This path is not only a valued community amenity, but also a vital functional and safety route.

Allowing construction so close to the access trail introduces the following significant concerns:

1. **Restricted Maintenance Access:** The reduced setback would severely limit the space required to deliver and maneuver equipment, materials, and vehicles needed to service the beach ramp and pathway infrastructure. This jeopardizes the long-term upkeep of a key community asset.
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5. **Unfavorable Precedent:** Approving this request would set a concerning precedent for future encroachments along shared spaces. Each exception undermines the integrity of long-standing community planning standards and weakens protections for public use areas.

In summary, the proposed variance conflicts with community safety, public access, and environmental values. I strongly urge the planning commission to deny this request in order to preserve the functionality, character, and safety of the Pine Beach Loop community.

Sincerely,



June 7, 2025

Carolyn Grace Arnquist

5680 W Sunset Road

Tucson, AZ 85743

[\(503\) 936-9758](tel:(503)936-9758)

ozziequist@gmail.com

New Owner of 7860 Pine Beach Loop!

June 9, 2025

To whom it may concern:

I understand that the owner of property TAX Number 1N1007DA on the beach at the south end of Ocean Blvd, Rockaway Bch has requested a variance to allow construction to abut our beach access path that is used by many residents in the neighborhood. All residents in blocks 1, 3 and 5 in the area have a deed to the access path. (see attached). I strongly oppose giving a variance of any kind to any property owner whose property abuts the path. There have been several houses built within the last few years on the path and to my knowledge no one has even considered asking for a variance to make his/her use of property larger than mapped by the county. Property owners do not get variances to public roads so they can expand use of property they own and this path is the same.

In addition to this commonsense reason for denying the incoming property owner's variance request there are other reasons:

- Our grandchildren visit frequently and when going to the beach, we take a load of beach toys, blankets, food etc. and it would be cumbersome to pull a wagon and traverse a path narrower than it is now, which would happen if a house were built right on the path property line.
- If there is an emergency and many people need to leave the beach fast, we need at least the current path width to exit as safely as possible.
- At least one of our neighbors who lives in a house on the path currently uses a cane. She loves to walk on the beach and needs someone with her. To walk the path two-abreast and sometimes three-abreast (allowing for a person on each side of her) would be an unreasonable adjustment to her if one of the property owners restricted part of the path with a building much too close.
- Those of us in blocks 1, 3 and 5 who purchased our properties after the deed was drawn up did so believing that we would always have great access to the beach. That access should not be reduced by someone who wants to reduce the set-back for personal gain.

- Rights to the path belong to the neighborhood. However, no one in our neighborhood, to my knowledge, has ever blocked outsiders from using the path. So, in that respect it is a public access path.

Please deny this variance request.

Sincerely

George and Joann Baker
17425 Ocean Blvd, Rockaway Bch, OR 503 522 6280

To Whom it May Concern,

June 5, 2025

I am writing this letter to oppose the variance request number #851-24-000651-PLNG: PALMER/WAVE LLC that would allow construction up to a 5-foot setback adjacent to the community beach access path along Ocean Boulevard, as shown in Tillamook County Tax Map 1N1007DA.

Granting this variance would permit a structure to be built directly alongside a critical pedestrian corridor used by Ocean Blvd. and Pine Beach Loop, Pine Beach Way and Pine Beach Ave residents (Pine Beach Loop) and guests to access the beach. This path is not only a valued community amenity, but also a vital functional and safety route.

Allowing construction so close to the access trail introduces the following significant concerns:

1. **Restricted Maintenance Access:** The reduced setback would severely limit the space required to deliver and maneuver equipment, materials, and vehicles needed to service the beach ramp and pathway infrastructure. This jeopardizes the long-term upkeep of a key community asset.
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4. **Erosion of Public Access:** While the variance may remain outside the literal easement boundary, the proximity alone would create the perception of privatization, discourage public use, and degrade the function of a shared community resource.
5. **Unfavorable Precedent:** Approving this request would set a concerning precedent for future encroachments along shared spaces. Each exception undermines the integrity of long-standing community planning standards and weakens protections for public use areas.

In summary, the proposed variance conflicts with community safety, public access, and environmental values. I strongly urge the planning commission to deny this request in order to preserve the functionality, character, and safety of the Pine Beach Loop community.

Sincerely,
George Michael Bean
17405 Pine Beach Way
Rockaway Beach, OR 97136



Georgebean2@hotmail.com 503.374.5189

To Whom it May Concern,

June 5, 2025

I am writing this letter to oppose the variance request number #851-24-000651-PLNG: PALMER/WAVE LLC that would allow construction up to a 5-foot setback adjacent to the community beach access path along Ocean Boulevard, as shown in Tillamook County Tax Map 1N1007DA.

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5. **Unfavorable Precedent:** Approving this request would set a concerning precedent for future encroachments along shared spaces. Each exception undermines the integrity of long-standing community planning standards and weakens protections for public use areas.

In summary, the proposed variance conflicts with community safety, public access, and environmental values. I strongly urge the planning commission to deny this request in order to preserve the functionality, character, and safety of the Pine Beach Loop community.

Sincerely,
Kathleen Kay Bean
17405 Pine Beach Way
Rockaway Beach, OR 97136



Kathykbean10@gmail.com 503.374.5189

Gerald L Brown
17960 Old Pacific Hwy
Rockaway Beach OR 97136

June 8, 2025

(C) 360-608-4411

jerrybwa@earthlink.net

Department of Community Development
ATTN: Melissa Jenck, CFM Senior Planner
1510-B Third St Tillamook OR 97141

Sarah.thompson@tillamookcounty.gov

RE: Variance Request #851-24-00065 1-PLNG: Palmer/Wave Watcher LLC

Dear Ms Jenck and Department of Community Development:

I'm writing to formally oppose the above referenced Variance which seeks to reduce the required 20 foot front yard setback and 20 foot rear yard (south side) setback for the property located on Tax Lot 3204. This variance would permit construction as close as five feet from the north and south sides of the property line. If granted, the south side variance would severely encroach on an established public beach address easement and vital community pathways. I use this easement to frequently walk on the beach and this variance would unfairly and unreasonably impact my access which was deeded to me because of where I live.

Violation of Easement Rights:

According to the Declaration of Easement recorded on June 30, 1967 (Book 208, Page 56) a permanent five foot wide easement exists along the southern property boundary for the benefit of property owners in Blocks 1,3, and 5 (i.e. me). This easement ensures unimpeded pedestrian access to the beach. The proposed variance would significantly reduce clearance adjacent to this easement, undermining its intended purpose and potentially violating Oregon property law by restricting or interfering with its use. Any construction that diminishes the functionality of this easement could expose both the applicant and the County to civil liability under Oregon's property law protections.

Inconsistency with Oregon's Statewide Planning Goals:

Oregon's Statewide Planning Goals, particularly Goal 17 (Coastal Shorelands) and Goal 18 (Beaches and Dunes), mandate the protection of public access to the shoreline and the preservation of coastal resources. Approving this variance would conflict with these goals by allowing construction to crowd a critical community beach access corridor, threatening public safety, access, and environmental integrity. This access is one of only two access points in this entire area.

Public Trust Doctrine Obligations:

Oregon's Public Trust Doctrine requires that beaches and coastal lands be preserved for public use and enjoyment. Reducing the setback and compromising a key beach access path contradicts the state's obligation to protect public trust resources, potentially setting a precedent that threatens coastal access rights across this community.

Community Safety and Emergency Access:

The requested variance would hinder maintenance access and emergency egress which are vital during natural disasters such as earthquakes and tsunamis, especially given the Oregon coast's vulnerability to Cascadia Subduction Zone events. This variance could obstruct vital evacuation routes, delay emergency response, and jeopardize this community's safety.

Lack of Legitimate Hardship:

Oregon law requires that variances be granted only when a property owner demonstrates an unnecessary hardship that is not self-imposed and cannot be mitigated by alternative design. The Applicant has not demonstrated that alternative designs or placement of the structure within the existing setbacks is unfeasible. Financial motivations to maximize buildable area do not meet the legal threshold for hardship.

Negative Precedent:

Granting this variance would set a dangerous precedent for future encroachments on shared community spaces and easements. Each exception undermines the integrity of the county's land use regulations and weakens protections for critical community infrastructure and coastal access.

Environmental and Aesthetic Concerns:

Construction adjacent to this well-used pedestrian trail would degrade the natural character of the Pine Beach Loop and surrounding community and its beach access path which residents and visitors highly value. Preserving the aesthetic and environmental quality of the Oregon coast is essential to both residents and the local economy.

Summary:

This variance request undermines established property easement rights, violates Oregon's statewide planning goals and the Public Trust Doctrine, threatens community safety and emergency egress, lacks evidence of legitimate hardship and sets a harmful precedent for future development. I vigorously urge the Planning Commission to deny this request to preserve the functionality, safety, and character of both the Pine Beach Loop and adjacent (blocks 1,3, & 5) communities.

Thank you for considering my concerns. Please ensure this letter is included in the administrative record for this case.

Sincerely,

A handwritten signature in black ink, appearing to be 'Gerald Brown', with a long horizontal flourish extending to the right.

Gerald Brown

June 12, 2025 1:40 pm.

**To Tillamook County Community Planning and Development
Variance Request # 851-24 - 000651- PLNG**

We are sending in to formally oppose the requested variance that would allow construction up to a 5-foot setback adjacent to the community beach access path along Ocean Boulevard, as shown in Tillamook County Tax Map 1N1007DA.

Granting this variance would permit a structure to be built directly alongside a critical pedestrian corridor used by Ocean Blvd. and Pine Beach Loop residents and guests to access the beach. This path is not only a valued community amenity, but also a vital functional and safety route.

Allowing construction so close to the access trail introduces the following significant concerns:

1. **Restricted Maintenance Access:** The reduced setback would severely limit the space required to deliver and maneuver equipment, materials, and vehicles needed to service the beach ramp and pathway infrastructure. This jeopardizes the long-term upkeep of a key community asset.
2. **Obstructed Emergency Egress:** In the event of a natural disaster, particularly a Cascadia Subduction Zone earthquake and resulting tsunami, residents and beachgoers rely on clear, accessible escape routes to reach higher ground. Any structure built within such close proximity to the trail could delay evacuation, cause congestion, and significantly reduce safety during an emergency.
3. **Environmental and Aesthetic Disruption:** A wall or structure bordering the trail would be visually disruptive and inconsistent with the natural coastal character that Pine Beach HOA and its residents have deliberately maintained. The openness of the trail contributes to the community's identity and is part of what homeowners have invested in preserving.
4. **Erosion of Public Access:** While the variance may remain outside the literal easement boundary, the proximity alone would create the perception of privatization, discourage public use, and degrade the function of a shared community resource.
5. **Unfavorable Precedent:** Approving this request would set a concerning precedent for future encroachments along shared spaces. Each exception undermines the integrity of long-standing community planning standards and weakens protections for public use areas.

In summary, the proposed variance conflicts with community safety, public access, and environmental values. I strongly urge the planning commission to deny this request in order to preserve the functionality, character, and safety of the Pine Beach Loop and Ocean Blvd community.

Please take time to consider all the scenarios of where the home could be placed on the property and how it will affect the neighbors to the south and east. With no specific house and plot plan there are a lot of unknowns like whether the back door or garage and how tall the structure will be along the easement line or a tall solid if fence is planned. Too many factors that will affect all who travel along the trail to the beach from Old Pacific Hwy, Ocean Blvd and our Pine Beach Development. Please keep a home from being built right up to the easement and give all who use the trail a sense of some openness and a little bit of nature as we go to and from our beautiful ocean and the beach.

Please do not grant a 5ft set back on the easement to the south of the property . Thank you

Sincerely,

Bill Cogdall President, Mike Rogers, and Marilyn Robinson

ACC of Pine Beach Replat

P.O. Box 136

Rockaway Beach OR 97136

Secretary: Marilyn Robinson. 503-807-3224 / oscarfanyants@yahoo.com

Pinebeachhoa@gmail.com



**VARIANCE REQUEST #851-24-000651-PLNG:
PALMER/WAVE WATCHER LLC**

**NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER:
ORS 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE,
IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER**

**NOTICE OF ADMINISTRATIVE REVIEW
Date of Notice: May 30, 2025**

Notice is hereby given that the Tillamook County Department of Community Development is considering the following:

#851-24-000651-PLNG: A Variance request to reduce the required 20-foot front yard setback (northerly property line) to 5-feet and reduce the required 20-foot rear yard setback (southerly property line) to 5-feet, to allow for the siting of a single-family dwelling. The subject property is located in the Unincorporated Community of Barview/Watseco/Twin Rocks, accessed via a private easement off of Ocean Blvd, a county road, zoned Community Medium Density Urban Residential (CR-2), and designated as Tax Lot 3204 of Section 7DA, Township 1 North, Range 10 West, Willamette Meridian, Tillamook County, Oregon. The applicant is Nathaniel Palmer, and the property owner is Wave Watcher LLC.

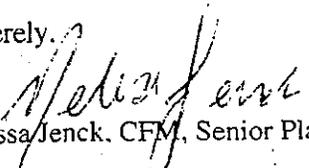
Written comments received by the Department of Community Development prior to 4:00 p.m. on June 13, 2025, will be considered in rendering a decision. Comments should address the criteria upon which the Department must base its decision. A decision will be rendered no sooner than the next business day, June 16, 2025.

Notice of the application, a map of the subject area, and the applicable criteria are mailed to all property owners within 250 feet of the exterior boundaries of the subject parcel for which an application has been made and other appropriate agencies at least 14 days prior to this Department rendering a decision on the request.

A copy of the application, along with a map of the request area and the applicable criteria for review are available for inspection at the Department of Community Development office located at 1510-B Third Street, Tillamook, Oregon 97141. They are also available on the Tillamook County Department of Community Development website: <https://www.tillamookcounty.gov/commdev/landuseapps>.

If you have any questions about this application, please contact the Department of Community Development at (503) 842-3408 x 3123 or sarah.thompson@tillamookcounty.gov

Sincerely,


Melissa Jenck, CFM, Senior Planner

Sarah Absher, CBO, CFM, Director
Enc. Maps and applicable ordinance criteria

851-24-000651-PLNG

To Whom It May Concern,

I am writing to formally oppose the requested variance that would allow construction up to a 5-foot setback adjacent to the community beach access path along Ocean Boulevard, as shown in Tillamook County Tax Map 1N1007DA.

Granting this variance would permit a structure to be built directly alongside a critical pedestrian corridor used by Ocean Blvd. and Pine Beach Loop residents and guests to access the beach. This path is not only a valued community amenity, but also a vital functional and safety route.

Allowing construction so close to the access trail introduces the following significant concerns:

1. **Restricted Maintenance Access:** The reduced setback would severely limit the space required to deliver and maneuver equipment, materials, and vehicles needed to service the beach ramp and pathway infrastructure. This jeopardizes the long-term upkeep of a key community asset.
2. **Obstructed Emergency Egress:** In the event of a natural disaster, particularly a Cascadia Subduction Zone earthquake and resulting tsunami, residents and beachgoers rely on clear, accessible escape routes to reach higher ground. Any structure built within such close proximity to the trail could delay evacuation, cause congestion, and significantly reduce safety during an emergency.
3. **Environmental and Aesthetic Disruption:** A wall or structure bordering the trail would be visually disruptive and inconsistent with the natural coastal character that Pine Beach HOA and its residents have deliberately maintained. The openness of the trail contributes to the community's identity and is part of what homeowners have invested in preserving.
4. **Erosion of Public Access:** While the variance may remain outside the literal easement boundary, the proximity alone would create the perception of privatization, discourage public use, and degrade the function of a shared community resource.
5. **Unfavorable Precedent:** Approving this request would set a concerning precedent for future encroachments along shared spaces. Each exception undermines the integrity of long-standing community planning standards and weakens protections for public use areas.

In summary, the proposed variance conflicts with community safety, public access, and environmental values. I strongly urge the planning commission to deny this request in order to preserve the functionality, character, and safety of the Pine Beach Loop community.

Sincerely,

[Your Full Name] Louis John DeMARTINO
[Your Address] 7815 Pinebeach Loop
[City, State, ZIP] Rockaway Beach, OR 97136
[Email / Phone Number, if applicable] 503-880-7741

MAIL YOUR LETTER TO: DEPT OF COMMUNITY DEVELOPMENT
851-2400651-PLNG
1510 - B. 3rd Street
Tillamook, OR. 97141

Sarah Thompson

From: Janell Dixon <janell.dixon@yahoo.com>
Sent: Wednesday, June 4, 2025 1:21 PM
To: Sarah Thompson
Subject: EXTERNAL: Variance Opposition #851-24-000651-PLNG

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

Regarding Variance request #851-24-000651-PLNG

The normal setbacks as regarding to the neighborhood beach trail need to stay. A structure bordering the trail would be visually disruptive and inconsistent with the natural coastal character that the Pine Beach neighborhood and the Ocean Blvd residents have deliberately maintained.

All other homeowners with properties along the beach trail, including ourselves gave up space and followed the rules of the 20 ft setback.

A home encroaching the neighborhood beach trail would be unfair to them. The openness of the trail contributes to the community's identity and is why the homeowners have invested in building in this neighborhood.

The purchaser was well aware of the property lines and regulations for building when he bought the lot, i.e. not a hardship.

Erosion of Public Access: While the variance may remain outside the literal easement boundary, the proximity alone would create the perception of privatization, discourage public use, and degrade the function of a shared community resource. Approving this request would set a concerning precedent for future encroachments along shared spaces. Each exception undermines the integrity of long-standing community planning standards and weakens protections for public use areas.

Doug and Janell Dixon

Sarah Thompson

From: Michael Ellis <mike.ellis.1@icloud.com>
Sent: Friday, June 6, 2025 5:07 AM
To: Sarah Thompson
Cc: Mike; nicthehomey
Subject: EXTERNAL: To whom it may concern,

[NOTICE: This message originated outside of Tillamook County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

To whom it may concern,

I am writing this letter to oppose the requested lot line set back adjustment on Tillamook county map IN1007DA that impacts the community beach access path that we constructed and maintain. This change could eliminate the residents and guests access and ability to the public beach. This could force thousands of residents and guests who today have easy access to the public beach to have to find alternative routes to the beach.

We as residents have worked hard to maintain a safe ADA trail that is aesthetically pleasing for all to use.

I hope you will consider the needs of our community and reject this request and preserve our lovely community.

Sincerely, long time resident,

Michael Ellis and family
17480 Pine Beach Loop
Rockaway Beach, Oregon
97136

Mikeellispx@gmail.com
503-577-2760

Michael Ellis

Retail and Consumer Product Strategies
Mikeellispx@gmail.com
503-577-2760

Sarah Thompson

From: Nicholas Ellis <nicellispx@gmail.com>
Sent: Friday, June 6, 2025 5:52 AM
To: Sarah Thompson
Cc: Michael Ellis
Subject: EXTERNAL: Tillamook County Pine Beach Loop Setback

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

To whom it may concern,

I am writing this letter to oppose the requested lot line set back adjustment on Tillamook county map IN1007DA that impacts the community beach access path that we constructed and maintain. This change could eliminate the residents and guests access and ability to the public beach. This could force thousands of residents and guests who today have easy access to the public beach to have to find alternative routes to the beach.

We as residents have worked hard to maintain a safe ADA trail that is aesthetically pleasing for all to use.

I hope you will consider the needs of our community and reject this request and preserve our lovely community.

Sincerely, long time resident,

Nicholas Ellis
17480 Pine Beach Loop
Rockaway Beach, Oregon
97136

Nicholas Ellis
360.601.2038

Sarah Thompson

From: sharon finlay <spwfinlay@yahoo.com>
Sent: Tuesday, June 10, 2025 9:23 PM
To: Sarah Thompson
Subject: EXTERNAL: Variance Request #851-000651-PLNG
Attachments: Easement S. Finlay.pdf; Map S. Finlay.pdf

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

Tillamook County Department of Community Development,

I am writing this letter in regards to variance request #851-24-000651-PLNG. I am a homeowner who has an easement adjacent to the property which grants me access to the beach. I have lived here for 29 years and having beach access was an important reason that we purchased the property. I oppose the requested variance that would allow construction up to a 5-foot setback of the south property line that abuts this easement. Every other house that has been built along this easement has had to follow the 20 foot setback regulation and the house built on the property in question should also follow the regulation. While under construction the trail would be blocked which would take away access to the beach. If the house is constructed where planned the house would be at the edge of the easement and the homeowner would use the easement to access the house for maintenance which also would block the easement trail. I do not want a house encroaching on this easement which could interfere with access to the beach.

I also protest that every house that has access to the beach through this easement, which has been in effect since June 30, 1967, was not notified of the variance request. I am including the easement document and the map of my neighborhood which shows that all properties in blocks 1, 3, and 5 have this legal document attached to the ownership of their property. There are at least 40 properties that legally have access and would be affected by a house being built so close to the easement.

I strongly urge the planning committee to deny this request and to preserve the legal rights of all the property owners who would be affected by this variance.

Thank you,

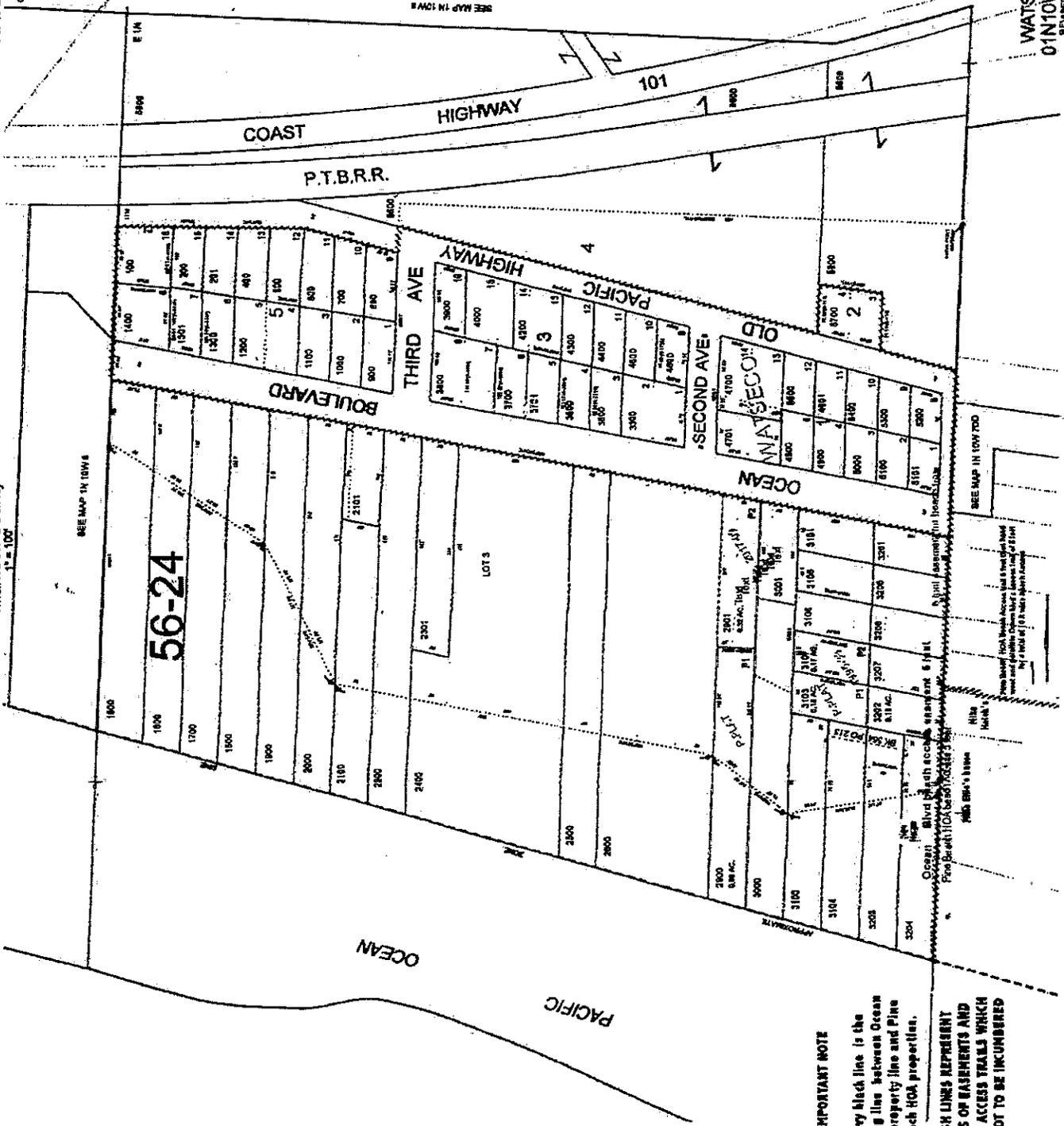
Sharon Finlay
7870 3rd Ave
Rockaway Beach, OR 97136
spwfinlay@yahoo.com
503-812-1395

FOR ASSESSMENT AND TAXATION ONLY, NOT SUITABLE FOR LEGAL, ENGINEERING, OR SURVEY PURPOSES

N.E. 1/4 S.E. 1/4 SEC. 7 T. 1N. R. 10W. W.M.
Tillamook County

01N10W07DA
WATSEGO

CANCELLED:
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12100
13100
14100



WATSEGO
01N10W07DA
REVISED 12/20/17, WS

IMPORTANT NOTE

Heavy black line is the dividing line between Ocean Blvd property line and Pine Beach HOA properties.

HASH LINES REPRESENT AREAS OF BASEMENTS AND BEACH ACCESS TRAILS WHICH ARE NOT TO BE INCUMBERED

DECLARATION OF EASEMENT

June 30, 1967

RAY B. LOSLI, a single man, and owner of a parcel of real property described as that part of Section 7, Township 1 North, Range 10 West of the Willamette Meridian beginning at a point that is 489.6 feet west of the initial point of the Plat of Watseco; thence West a distance of 401 feet; thence North 10° 25' West a distance of 60.34 feet; thence East a distance of 420.75 feet to the West line of Ocean Boulevard; thence South 8° 28' 26" West along the West line of said Ocean Boulevard to the point of beginning, in Tillamook County, Oregon, hereby sets aside the south five (5) feet of the parcel of real property hereinabove described for the use of and access across to the property owners of lots in Blocks 1, 3 and 5, Watseco, in Tillamook County, Oregon, such use of and access to be limited to said property owners and the members of their families, the easement being hereby granted, bargained and conveyed in equal rights to all present and future owners of lots in Blocks 1, 3 and 5, Watseco, Tillamook County, Oregon, said rights to run with the title to each and all of said lots forever, said access, however, to be limited to pedestrian traffic only and to include use for ingress or egress to and from the beach.

The grantor of this easement or successors in ownership of the property upon which such easement is located shall have no obligation whatsoever to maintain such easement or to keep it clear from debris or brush.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 30th day of June, 1967.

Ray B. Losli

 Ray B. Losli

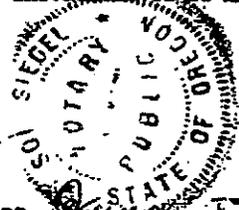
STATE OF OREGON) ss
 County of Multnomah)

June 30, 1967

Personally appeared the above named Ray B. Losli and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me:
Joe Siegel

 Notary Public for Oregon
 My Commission Expires: 2-27-71



June 4, 2025

DEPT OF COMMUNITY DEVELOPMENT
851-24000651-PLNG
1510 - B. 3rd Street
Tillamook, OR. 97141

To Whom It May Concern,

I am writing to formally oppose the requested variance that would allow construction up to a 5-foot setback adjacent to the community beach access path along Ocean Boulevard, as shown in Tillamook County Tax Map 1N1007DA. Granting this variance would permit a structure to be built directly alongside a critical pedestrian corridor used by Ocean Blvd. and Pine Beach Loop residents and guests to access the beach. This path is not only a valued community amenity, but also a vital functional and safety route.

Allowing construction so close to the access trail introduces the following significant concerns:

1. **Restricted Maintenance Access:** The reduced setback would severely limit the space required to deliver and maneuver equipment, materials, and vehicles needed to service the beach ramp and pathway infrastructure. This jeopardizes the long-term upkeep of a key community asset.
2. **Obstructed Emergency Egress:** In the event of a natural disaster, particularly a Cascadia Subduction Zone earthquake and resulting tsunami, residents and beachgoers rely on clear, accessible escape routes to reach higher ground. Any structure built within such close proximity to the trail could delay evacuation, cause congestion, and significantly reduce safety during an emergency.
3. **Environmental and Aesthetic Disruption:** A wall or structure bordering the trail would be visually disruptive and inconsistent with the natural coastal character that Pine Beach HOA and its residents have deliberately maintained. The openness of the trail contributes to the community's identity and is part of what homeowners have invested in preserving.
4. **Erosion of Public Access:** While the variance may remain outside the literal easement boundary, the proximity alone would create the perception of privatization, discourage public use, and degrade the function of a shared community resource.
5. **Unfavorable Precedent:** Approving this request would set a concerning precedent for future encroachments along shared spaces. Each exception undermines the integrity of long-standing community planning standards and weakens protections for public use areas.

In summary, the proposed variance conflicts with community safety, public access, and environmental values. I strongly urge the planning commission to deny this request in order to preserve the functionality, character, and safety of the Pine Beach Loop community.

Sincerely,



Judy Gilkey
7730 Pine Beach Loop
Rockaway Beach, OR 97136
jgilkeyoregon@yahoo.com



June 9, 2025

To Whom It May Concern,

I am writing to formally oppose the requested variance that would allow construction up to a 5-foot setback adjacent to the community beach access path along Ocean Boulevard, as shown in Tillamook County Tax Map 1N1007DA.

Granting this variance would permit a structure to be built directly alongside a critical pedestrian corridor used by Ocean Blvd. and Pine Beach Loop residents and guests to access the beach. This path is not only a valued community amenity, but also a vital functional and safety route.

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In summary, the proposed variance conflicts with community safety, public access, and environmental values. I strongly urge the planning commission to deny this request in order to preserve the functionality, character, and safety of the Pine Beach Loop community.

Sincerely,

A handwritten signature in black ink that reads "Beverly D. Gleason".

Beverly D. Gleason

17420 Ocean Blvd

Rockaway Beach, OR, 97136

beverly.gleason@gmail.com

Tillamook Planning and Review Board

This is regards to the variance request # 851-24-000651-PLNG

Herboth Family Trust LLC. Firmly opposes the variance request proposed by Nathaniel Palmer and Wave Catcher LLC. For tax lot 3204 Section 7DAY. Of township 1north range 10 west Willamette meridian Tillamook County

It doesn't conform to the same set backs as the houses east of the property that aligns with the beach access trail deeded also to the property owners on Ocean Blvd. The developer knew the size of the lot when he purchased it. Granting this variance would decrease the value of the houses and land on Ocean Blvd as this could close off these homes from beach access to the them and their renters. This a heavily used trail especially during the summer. If this variance is granted this new house and/or garage could sit on the easement line. and then the new homeowner would have no buffer from walkers, families, pets etc... Instead of a 6' to 7' fence line as a few other properties have on the easement the new build could have a 10' to 15' or more structure up to the deeded access. The new homeowners would not have any buffer. And the Ocean Blvd residence could have a decidedly abrupt view of private property unlike a fence or landscaping currently along the trail. This lack of buffer is a natural irritant to both pedestrians and home owners. But why should the county be opposed to these possibilities. After all, the county doesn't enforce violations of civil matters. Let the courts deal with the outcomes from a poor planning decision.

Look, the new build is not next to one solitary home owner as normal 5' set backs allow. This property is next to two 5' easements combined to form a path to the beach for many people. This is entirely different set of circumstances than what the developer portrays as reasonable and normal buffers that set backs are to maintain. This width is necessary for maintaining the reventment that requires equipment of significant size. The south side of this lot is in need of much more than 5' setback from the property line that is in the middle of a 10' public access deeded to two neighborhoods. To provide 10' of side yard to a 6' fence on the easement seems reasonable for the south property line. That is a 15' set back that would satisfy the buffer most people would live with under these circumstances. That leaves 40' of width for the build of the new home. Double the width currently allowed by the current set backs.

Ocean Blvd residence deserve the protection of this asset as it is their only access to the beach. The building process can hardly be accomplished without a buffer for equipment and materials along these easements. This will reduce the impact of the build to the combined trail. The new owner will be happier to have their home out of harms way of future maintenance to their reventment and trail to the beach. The beach access has some trees that would disappear if the build line is only 5' from the south property line. These aesthetics are valuable to all who walk the trail.

We have included pictures as you probably never have time to actually go out to see the property in question.

Sincerely,

Rosalie, Brian, Glenn, John, Eric, Matt, Scott, Kathleen and Uma
Email herboth@qwestoffice.net / 503-971-235-9941
7750 Pine Beach Loop Rockaway beach, OR 97136



Looking east down the 5 ft easment trail. It wanders some and is mostly Ocean Blvd" easement. The stakes mark exactly the width of the easement. Then widens some. Looking at the picture the right side is where the house would be. The pole and rope fence that is on the north easment line.



Looking West towards the beach. New house on the north side.



Picture is looking west again. The house on the north side of the trail will be the closest neighbor on the easement to the lot to be developed. He has a 20 ft set back from his property line leaving 15ft for his yard and the 5ft ocean blvd easement trail free, unincumbered and leaving an openness to the beach trail. No small change!



To Whom It May Concern,

I am writing to formally oppose the requested variance that would allow construction up to a 5-foot setback adjacent to the community beach access path along Ocean Boulevard, as shown in Tillamook County Tax Map 1N1007DA.

Granting this variance would permit a structure to be built directly alongside a critical pedestrian corridor used by Ocean Blvd. and Pine Beach Loop residents and guests to access the beach. This path is not only a valued community amenity, but also a vital functional and safety route.

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In summary, the proposed variance conflicts with community safety, public access, and environmental values. I strongly urge the planning commission to deny this request in order to preserve the functionality, character, and safety of the Pine Beach Loop community.

Sincerely,

This is very important to us. Also we need it for wheelchair access too.
There is too legal easements to this trail that this home will block.

[William and Linda Herboth

6006 N.E. Rodney Ave Portland ,OR 97211

7750 Pine Beach Loop Rockaway Beach, Or 9716

dherboth@gmail.com / 503-313-4415

MAIL YOUR LETTER TO: DEPT OF COMMUNITY DEVELOPMENT
851-24000651-PLNG
1510 - B. 3rd Street
Tillamook, OR. 97141

DECLARATION OF EASEMENT

June 30, 1967

RAY B. LOSLI, a single man, and owner of a parcel of real property described as that part of Section 7, Township 1 North, Range 10 West of the Willamette Meridian beginning at a point that is 489.6 feet west of the initial point of the Plat of Watseco; thence West a distance of 401 feet; thence North 10° 25' West a distance of 60.34 feet; thence East a distance of 420.75 feet to the West line of Ocean Boulevard; thence South 8° 28' 26" West along the West line of said Ocean Boulevard to the point of beginning, in Tillamook County, Oregon, hereby sets aside the south five (5) feet of the parcel of real property hereinabove described for the use of and access across to the property owners of lots in Blocks 1, 3 and 5, Watseco, in Tillamook County, Oregon, such use of and access to be limited to said property owners and the members of their families, the easement being hereby granted, bargained and conveyed in equal rights to all present and future owners of lots in Blocks 1, 3 and 5, Watseco, Tillamook County, Oregon, said rights to run with the title to each and all of said lots forever, said access, however, to be limited to pedestrian traffic only and to include use for ingress or egress to and from the beach.

The grantor of this easement or successors in ownership of the property upon which such easement is located shall have no obligation whatsoever to maintain such easement or to keep it clear from debris or brush.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 30th day of June, 1967.

Ray B. Losli

 Ray B. Losli

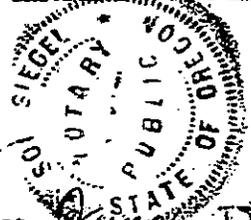
STATE OF OREGON)
 County of Multnomah) ss

June 30, 1967

Personally appeared the above named Ray B. Losli and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me:
Joe Siegel

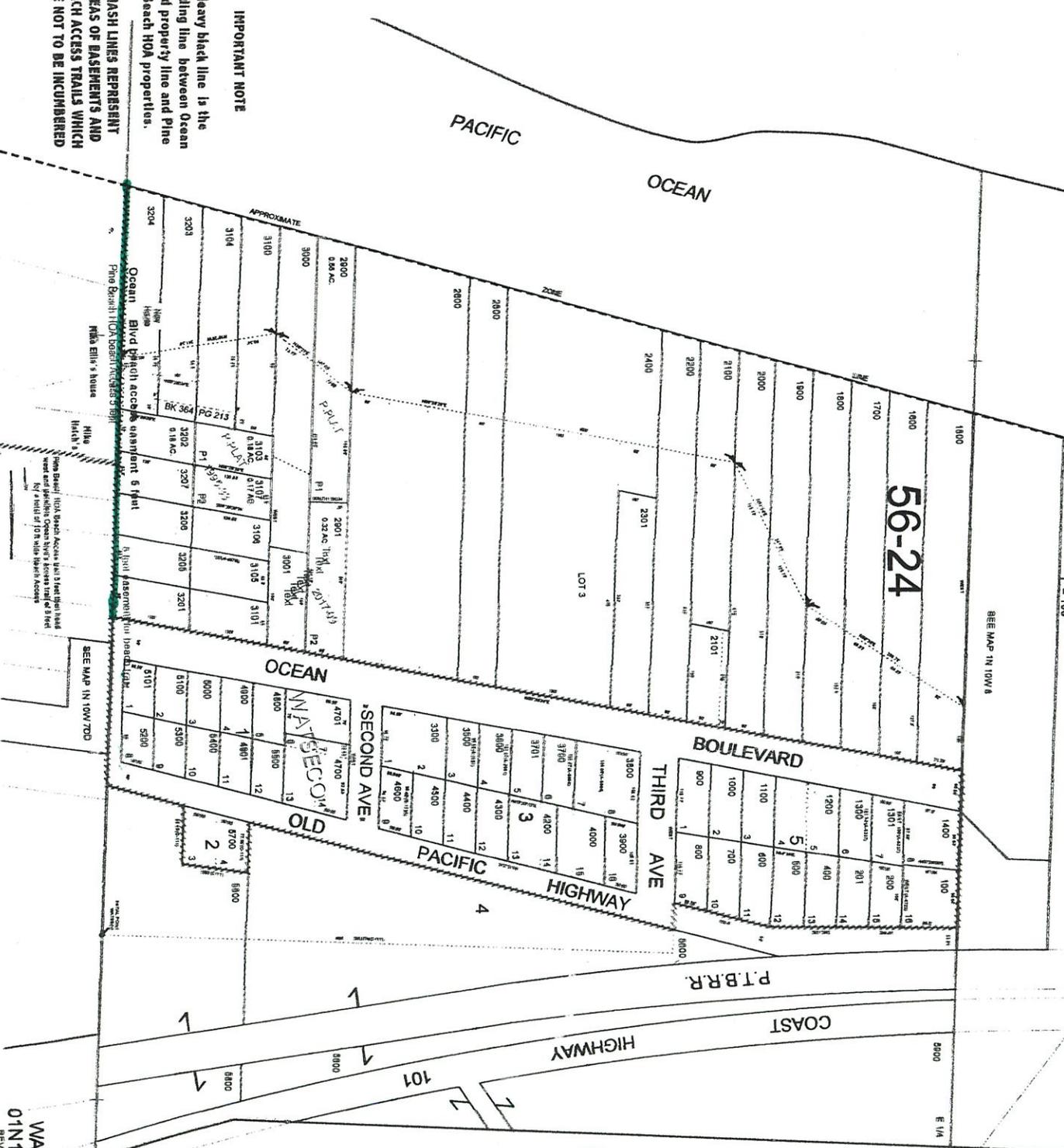
 Notary Public for Oregon
 My Commission Expires: 2-27-71



FOR ASSESSMENT AND TAXATION ONLY, NOT SUITABLE FOR
LEGAL, ENGINEERING, OR SURVEY PURPOSES

N.E. 1/4 S.E. 1/4 SEC. 7 T.1N. R.10W. W.M.
Tillamook County
1" = 100'

01N10W07DA
WATSECO
CANCELLED
1100
1100
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2300
2700
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2500
2500



IMPORTANT NOTE

Heavy black line is the
dividing line between Ocean
Blvd property line and Pine
Beach HOA properties.

HASH LINES REPRESENT
AREAS OF BASEMENTS AND
BEACH ACCESS TRAILS WHICH
ARE NOT TO BE INCUMBERED

WATSECO
01N10W07DA
REVISED 12/28/17, WS

SEE MAP 1N 10W 8

SEE MAP 1N 10W 7C

851-24000651-PLNG

To Whom It May Concern,

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5. **Unfavorable Precedent:** Approving this request would set a concerning precedent for future encroachments along shared spaces. Each exception undermines the integrity of long-standing community planning standards and weakens protections for public use areas.

In summary, the proposed variance conflicts with community safety, public access, and environmental values. I strongly urge the planning commission to deny this request in order to preserve the functionality, character, and safety of the Pine Beach Loop community.

Sincerely,

[Your Full Name] Andrew David Horn
 [Your Address] 17840 Ocean Blvd
 [City, State, ZIP] Rockaway Beach, OR 97136

[Email / Phone Number, if applicable] 503-812-7581 andrewhorn@gmail.com



MAIL YOUR LETTER TO: DEPT OF COMMUNITY DEVELOPMENT
 # 851-24000651-PLNG
 1510 - B. 3rd Street
 Tillamook, OR. 97141

Sarah Thompson

From: Sarah Absher
Sent: Friday, June 6, 2025 4:57 PM
To: andrewdhorn@gmail.com
Cc: Melissa Jenck; Sarah Thompson
Subject: Proposed Exclusive Beach Access on Pine Street Loop, Watseco, Rockaway Beach

Good Afternoon Andrew,

Thank you for reaching out to the Department. I am copying Melissa Jenck, Senior Planner, in this email. Melissa is the project planner for the Variance application. If you would like to submit public comments for this application, please email them directly to Melissa and Sarah Thompson, also copied in this email.

The Variance request is specific to a setback reduction to a required yard for construction of a new dwelling. The site plan depicts the 5-foot wide pedestrian access easement on the site plan and there is no notation or proposal to vacate the easement. In review of the site plan, the proposed location of the dwelling does not encroach the easement, and the status of the easement is not part of this Variance review. Further, the Tillamook County Land Use Ordinance does not impose additional setback requirements from easements. Setbacks are measured from property lines. What is appropriate for the Department to confirm that there are no structural encroachments into the 5-foot-wide private easement, for any project under consideration by way of application for development.

I did reach out to the County Surveyor earlier today. He confirmed the easement is not a public easement and is a private access easement for the property owners in Blocks 1,3 and 5, Watseco, per Deed Book 208, Page 56, Tillamook County Clerk's Records. Any change in the status of the easement would be a civil matter. If you are concerned about the future of the easement, I strongly encourage you to reach out to the property owner directly and share your concerns. Their information is public record and can be found on the front page of the Variance application. The application can be accessed here: <https://www.tillamookcounty.gov/planning/project/851-24-000651-plng>.

Further, the Tillamook County Land Use Ordinance does not impose additional setback requirements from easements. Setbacks are measured from property lines not easement boundaries of this nature. What is appropriate for the Department to confirm at the time of review of a permit moving forward (with or without a Variance request) is that there are no structural encroachments into the 5-foot-wide private easement at the time of project review and during construction.

Sincerely,



Sarah Absher, CBO, CFM, Director
TILLAMOOK COUNTY | Community Development
1510-B Third Street
Tillamook, OR 97141
Phone (503) 842-3408 x3412
Sarah.Absher@tillamookcounty.gov

From: Tillamook County OR <tillamookcounty-or@municodeweb.com>
Sent: Friday, June 6, 2025 3:18 PM
To: Sarah Absher <Sarah.Absher@tillamookcounty.gov>
Subject: EXTERNAL: [Sarah Absher] Proposed Exclusive Beach Access on Pine Street Loop, Watseco, Rockaway Beach

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

Andrew Horn (andrewdhorn@gmail.com) sent a message using the contact form at <https://www.tillamookcounty.gov/>.

Dear Sarah,

I hope this email finds you well. My name is Andrew Horn, homeowner at 17840 Ocean Blvd, Rockaway Beach, OR, 97136. It was brought to my attention yesterday evening that a new development on the last vacant beachfront lot on Pine Street Loop would ultimately result in exclusive beach access for the future homeowner.

Personally, this development is concerning given my family's history in the area. Four generations of immediate and extended family members have called 17840 Ocean Blvd. their home away from home starting when my grandparents purchased the property in the early 1980s, with every generation enjoying unimpeded beach access. I also suspect this development has raised concerns with my other neighbors, who generate considerable income on their vacation rentals predicated on beach access.

Over the last decade, more beachfront properties have been purchased and developed on Ocean Blvd, resulting in a total loss of beach access for everyone without a beachfront lot. Families like ours who had unimpeded beach access now are fenced out and shown no trespassing signs. This unfortunate trend has resulted in the Pine Street Loop beach access trail being the last beach access point for homeowners.

I ultimately write to learn more of this development and its legality as well, as I understood also that blocks 1, 3, and 5 -- which includes my property -- have deeded access to the beach. I also write to ask how this development was not presented to affected Watseco homeowners, especially given the implications.

I look forward to hearing from you.

Sincerely,

Andrew Horn

andrewdhorn@gmail.com

503-812-7581

Joanie M. Johnson

17474 Ocean Blvd
Rockaway Beach OR
joanjOT@yahoo.com
360-941-1025
6/8/2025

Regarding Variance Request #851-24-000651-PLNG

To Whom It May Concern:

I am writing to express my strong opposition to the proposed easement setback modification impacting access to the beach pathway along Ocean Blvd, as shown in Tillamook County Tax Map 1N1007DA for variance request #851-24-000651-PLNG.

The proposal to make an exception to the 20 ft easement requirement would have long-term negative consequences for the wider neighborhood and sets a precedent that threatens our shared values of accessibility, fairness, and public safety.

My strong objections are based on the following concerns:

1. Impaired Stewardship Access

Restricting the easement will severely hinder access for maintenance teams and community caretakers responsible for the upkeep of shared areas. Adequate space is essential for the equipment and services required to maintain the safety, usability, and appearance of the path.

2. Diminished Accessibility for All Residents

Reducing the pathway width creates barriers for community members with mobility challenges, including seniors, children, and those using wheelchairs or strollers. Inclusive access must remain a non-negotiable standard for any public or shared-use pathway.

3. Compromised Emergency Response Readiness

This pathway has long served as a crucial secondary access point for emergency services. Any reduction in width could prevent timely response in cases of fire, medical emergencies, or coastal rescues—putting lives and property at unnecessary risk.

4. Undermining of Shared Community Investment

This neighborhood has made considerable financial and physical investments in maintaining our private infrastructure, including fully funding the paving of the road and personally investing in landscaping efforts to preserve property values and coastal beauty. This easement serves not only as beach access but as a symbol of the dedication and hard work that neighbors have poured into sustaining the community. A setback change undermines those collective contributions and disrespects the very stewardship that has made this area desirable and livable.

5. Loss of Historical and Equitable Public Access

Community access to the beach has been a long-standing and respected tradition. Allowing a setback reduction in this case favors a sole property interest over generations of shared use and dozens of other neighbors, threatening to unravel access that many residents have come to rely on.

6. Disruption of Established Community Standards

All neighboring property owners have complied with the original easement guidelines, respecting the importance of consistency in design and fairness in land use. Granting an exception here would set a dangerous precedent that invites further boundary erosion and neighbor disputes.

Additional Consideration – Trust, Equity, and Cohesion

This proposal risks damaging the trust that binds our community. Residents have honored prior expectations, made personal sacrifices, and cooperated to maintain shared spaces. The integrity of our neighborhood depends on preserving these mutual understandings—not changing them to benefit individual convenience at the expense of the collective.

I urge the decision-makers to consider the broader impact of this request and vote to deny the proposed setback adjustment. Protecting shared access, community investment, and neighborhood cohesion.

Thank you for your time, attention, and commitment to maintaining the integrity and equity standards of our community.

Joanie M. Johnson

Resident of Ocean Blvd for 6 years

July 9, 2025

Dear Planning Commission Members,

We submit this letter to you in opposition to Variance request #851-24-000651-PLNG. Please see attached community letter which outlines many of our collective concerns.

I have developed properties and built houses for 45 years. This experience has provided a good understanding of property acquisitions, site evaluation, setbacks, and building codes. This titanic request for thirty additional feet to the entire width of the purposed structure is basically equivalent to adding a subsequent lot to the site. Approval would create enormous financial gain to both the applicant and new property owner at the peril of the existing residents on Ocean Blvd and Pine Beach Loop.

This building lot is the last one along our community trail which residents and visitors have used and enjoyed for many years. All of the existing homes were built to the specifications and required setbacks as mandated by the Tillamook County Department of Community Development.

If this variance is approved, existing homeowners on Ocean Blvd and Pine Beach Loop will lose ocean views, have a negative impact on their property values, and disrupt the openness and beauty that brought us to this Coastal community.

We strongly urge you to deny this variance request which will only benefit a couple of people, and adversely impact and effect our entire community who live here and share this with many others.

Thank you for your time and consideration.

Kevin and Renee Kolin
17480 Ocean Blvd
Rockaway Beach, OR 97136

Handwritten signatures of Kevin and Renee Kolin in blue ink. The signature on the left is a stylized 'K' followed by a horizontal line. The signature on the right is a more elaborate cursive signature.

To Whom It May Concern,

I am writing to formally oppose the requested variance that would allow construction up to a 5-foot setback adjacent to the community beach access path along Ocean Boulevard, as shown in Tillamook County Tax Map 1N1007DA.

Granting this variance would permit a structure to be built directly alongside a critical pedestrian corridor used by Ocean Blvd. and Pine Beach Loop residents and guests to access the beach.

This path is not only a valued community amenity, but also a vital functional and safety route.

Allowing construction so close to the access trail introduces the following significant concerns:

1. **Restricted Maintenance Access:** The reduced setback would severely limit the space required to deliver and maneuver equipment, materials, and vehicles needed to service the beach ramp and pathway infrastructure. This jeopardizes the long-term upkeep of a key community asset.
2. **Obstructed Emergency Egress:** In the event of a natural disaster, particularly a Cascadia Subduction Zone earthquake and resulting tsunami, residents and beachgoers rely on clear, accessible escape routes to reach higher ground. Any structure built within such close proximity to the trail could delay evacuation, cause congestion, and significantly reduce safety during an emergency.
3. **Environmental and Aesthetic Disruption:** A wall or structure bordering the trail would be visually disruptive and inconsistent with the natural coastal character that Pine Beach HOA and its residents have deliberately maintained. The openness of the trail contributes to the community's identity and is part of what homeowners have invested in preserving.
4. **Erosion of Public Access:** While the variance may remain outside the literal easement boundary, the proximity alone would create the perception of privatization, discourage public use, and degrade the function of a shared community resource.
5. **Unfavorable Precedent:** Approving this request would set a concerning precedent for future encroachments along shared spaces. Each exception undermines the integrity of long-standing community planning standards and weakens protections for public use areas.

In summary, the proposed variance conflicts with community safety, public access, and environmental values. I strongly urge the planning commission to deny this request in order to preserve the functionality, character, and safety of the Pine Beach Loop community.

Sincerely,

[Your Full Name] KEVIN & RENEE KOLIN

[Your Address] 17480 OCEAN BLVD.

[City, State, ZIP] ROCKAWAY BEACH, OR. 97136

[Email / Phone Number, if applicable] 503-750-7756

MAIL YOUR LETTER TO: DEPT OF COMMUNITY DEVELOPMENT
851-24000651-PLNG
1510 - B. 3rd Street
Tillamook, OR. 97141

June 5, 2025

John P. Layman

Lot 5101 Ocean Blvd, Rockaway Beach

(916) 903-4114

Case #851-24-000651-PLNG

To Tillamook County Planning Commission:

I am writing as a property owner in the Ocean Blvd area of Rockaway Beach, having recently purchased a lot with the intent to build a home that reflects and respects the character, values, and integrity of this exceptional community. As someone who invested in this neighborhood with careful consideration, I must respectfully oppose the proposed easement setback variance currently under review for an easement exception as shown in Tillamook County Tax Map 1N1007DA.

While I understand that property owners may seek accommodation to meet their individual needs, this request, if granted, will directly impact not only the collective accessibility and function of the shared pathway—but also the livability, value, and long-term usability of my own future home.

My specific concerns include the following:

1. Impact on Future Access and Property Use

As a lot owner preparing to build, I am deeply concerned about how this proposed variance would reduce the functionality of the existing easement, particularly in terms of access for construction, future maintenance, and daily use. Clear, predictable access is not only essential during the building process but is also a key factor in how the home and property will function over time.

2. Obstruction of Views and Reduced Aesthetic Quality

One of the reasons I purchased this lot was the open, coastal feel of the surrounding space—including the unobstructed lines of sight and intentional spacing between properties. Granting this setback change would disrupt that balance and diminish the very qualities that drew me—and likely others—to invest in this location.

3. Devaluation of Property Investment

The loss of accessible easement space, combined with potential view obstruction and neighborhood inconsistency, may have a measurable impact on property value. Like many

others here, I invested in this community under the assumption that longstanding easement boundaries and neighbor-respected standards would be honored. Changing them midstream undermines that expectation.

4. Threat to Community Access and Emergency Safety

The easement in question is more than a buffer—it serves a vital purpose as a pathway for the community, including emergency access to the beach. Any narrowing of that space compromises both safety and the communal experience that makes this neighborhood unique.

5. Undermining of Shared Investment and Precedent

I have already witnessed the pride this neighborhood takes in its maintenance, shared spaces, and private infrastructure—paid for and maintained by residents themselves. Approving a deviation from established setbacks would set a harmful precedent, one that disregards the shared sacrifices others have made to abide by the rules and preserve a sense of fairness.

As someone about to build a home in this neighborhood, I am entering with a spirit of respect—for the land, the community, and the agreements that have held it together. This proposal, though framed as a minor change, would have lasting implications for neighbors like me who are planning with good faith and clear expectations.

For the sake of access, safety, property value, and community trust, I respectfully urge the board to **deny** the proposed easement setback variance and uphold the standards that have long defined this area.

Thank you for your time and thoughtful consideration.

Sincerely,

John P. Layman

Owner of Lot 5101 Ocean Blvd, Rockaway Beach OR

Sarah Thompson

From: Marv Leach <marvleach@gmail.com>
Sent: Tuesday, June 10, 2025 4:29 PM
To: Sarah Thompson
Subject: EXTERNAL: Variance request #851-24-000651-PLNG

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

Sarah Thompson
Dept. of Community Development
Tillamook County OR

We are opposed to the subject variance request, which would allow construction-up to a 5 foot setback adjacent to the homeowners access path along Ocean Boulevard as depicted in Tillamook's County tax map 1N10W07DA.

There are over 55 Watseco and a like number of Pine Beach Loop home owners and their families that routinely use this beach access. This variance would allow a structure to be built right along this critical Beach access and cause safety, maintenance, environmental and visual impact issues.

1. Safety-this is the only community Beach access for nearly a mile in either direction. A restriction as proposed would happen emergency egress and exiting.
2. Maintenance-wave action requires yearly maintenance to the Beach ramp and this proposed restriction would limit the space to deliver materials, equipment and vehicles to accomplish this essential maintenance.
3. Environmental and Visual-the current openness of the trail fits in with the natural look of our coastal communities.

This variance request needs to be rejected for the above reasons. Our community relies on this for a safe, well maintained and environmentally/visually pleasing beach access.

Marv & Debbie Leach
17955 Ocean Blvd
Rockaway Beach Or 97136
503-474-8045
Marvleach@gmail.com

Sarah Thompson

From: Michael Metrovich <mikemetro69@icloud.com>
Sent: Monday, June 9, 2025 11:01 AM
To: Sarah Thompson
Subject: EXTERNAL: Ocean

[NOTICE: This message originated outside of Tillamook County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

I oppose this as I am a resident of Ocean blvd and part of my property has deeded access to the beach and this will take away from my ability to access Sent from my iPhone

To Whom It May Concern,

I am writing to formally oppose the requested variance that would allow construction up to a 5-foot setback adjacent to the community beach access path along Ocean Boulevard, as shown in Tillamook County Tax Map 1N1007DA.

Granting this variance would permit a structure to be built directly alongside a critical pedestrian corridor used by Ocean Blvd. and Pine Beach Loop residents and guests to access the beach. This path is not only a valued community amenity, but also a vital functional and safety route.

Allowing construction so close to the access trail introduces the following significant concerns:

1. **Restricted Maintenance Access:** The reduced setback would severely limit the space required to deliver and maneuver equipment, materials, and vehicles needed to service the beach ramp and pathway infrastructure. This jeopardizes the long-term upkeep of a key community asset.
2. **Obstructed Emergency Egress:** In the event of a natural disaster, particularly a Cascadia Subduction Zone earthquake and resulting tsunami, residents and beachgoers rely on clear, accessible escape routes to reach higher ground. Any structure built within such close proximity to the trail could delay evacuation, cause congestion, and significantly reduce safety during an emergency.
3. **Environmental and Aesthetic Disruption:** A wall or structure bordering the trail would be visually disruptive and inconsistent with the natural coastal character that Pine Beach HOA and its residents have deliberately maintained. The openness of the trail contributes to the community's identity and is part of what homeowners have invested in preserving.
4. **Erosion of Public Access:** While the variance may remain outside the literal easement boundary, the proximity alone would create the perception of privatization, discourage public use, and degrade the function of a shared community resource.
5. **Unfavorable Precedent:** Approving this request would set a concerning precedent for future encroachments along shared spaces. Each exception undermines the integrity of long-standing community planning standards and weakens protections for public use areas.

In summary, the proposed variance conflicts with community safety, public access, and environmental values. I strongly urge the planning commission to deny this request in order to preserve the functionality, character, and safety of the Pine Beach Loop community.

Sincerely,

[Your Full Name] Denyse Ann Oakes

[Your Address] 7850 Pinebeach loop

[City, State, ZIP] Rockyaway Beach OR 97136

[Email / Phone Number, if applicable] denyse.oakes@gmail.com
650-440-8080

MAIL YOUR LETTER TO: DEPT OF COMMUNITY
DEVELOPMENT

851-24000651-PLNG
1510 - B. 3rd Street
Tillamook, OR. 97141

Dept. of Community Development
#851-24000651-PLNG
1510-B 4rd Street
Tillamook
OR 97141

Twenty years ago I purchased a home at 7855 Pine Beach Loop in Rockaway Beach. It has been a place of joy and safety for me and my family, including my granddaughter and toddler great grandson. Although I no longer live there full time it is still my favorite place on earth and I come for extended periods of time several times a year.

I am writing to formally oppose the requested variance. This would conflict with community safety, public access, and environmental values of the Pine Beach Loop community. I urge you to consider this unfavorable precedent and deny it.

Sincerely,
Jen-Kala Price
Jen-Kala Price



!0 Stonebrook Drive
Apt. 235
Fairport NY

mkp.gramgram@gmail.com
585-364-3959

TO: **Department of Community Development**

I am writing to formally oppose the requested variance that would allow construction up to a 5-foot setback adjacent to the community beach access path along Ocean Boulevard, as shown in Tillamook County Tax Map 1N1007DA.

Granting this variance would permit a structure to be built directly alongside a critical pedestrian corridor used by Ocean Blvd. and Pine Beach Loop residents and guests to access the beach. This path is not only a valued community amenity, but also a vital functional and safety route. Allowing construction so close to the access trail introduces the following significant concerns:

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In summary, the proposed variance conflicts with community safety, public access, and environmental values. I strongly urge the planning commission to deny this request in order to preserve the functionality, character, and safety of the Pine Beach Loop community.

Sincerely,



Robert T. Reed
7760 Pine Beach Avenue
Rockaway Beach, OR 97136
wvu57bob@earthlink.net
(971) 306-1138

To Whom It May Concern,

I am writing to formally oppose the requested variance that would allow construction up to a 5-foot setback adjacent to the community beach access path along Ocean Boulevard, as shown in Tillamook County Tax Map 1N1007DA.

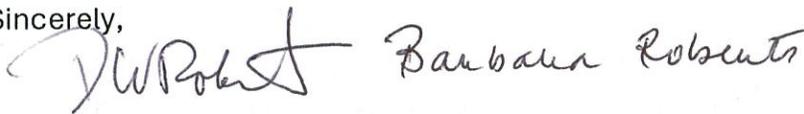
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In summary, the proposed variance conflicts with community safety, public access, and environmental values. I strongly urge the planning commission to deny this request in order to preserve the functionality, character, and safety of the Pine Beach Loop community.

Sincerely,



Don and Barbara Roberts

17380 Pine Beach Loop

Rockaway Beach, OR 97136

donrobertsemail@gmail.com

360 - 921 - 9187

MAIL YOUR LETTER TO: DEPT OF COMMUNITY DEVELOPMENT
851-24000651-PLNG
1510 - B. 3rd Street
Tillamook, OR. 97141



Tillamook County – Sarah Thompson/Sarah Absher

In reference to variance request: #851-24000651-PLNG

We formally oppose the requested variance allowing construction up to 5' adjacent to the deeded access path. The North access trail is not to be impacted

In question are the deeded access trails for two developments. They run side by side. We have access to both, open especially for maintenance of the revetment in the future as we do not know how it will need to be serviced. To get a small piece or machinery up we need the 10 foot width of both trails.

It is unclear to us where exactly in relationship to the trail this house is hoping to be. Even if it is 5 feet from the North trail, won't the process of the excavation of sand for a foundation mess with the access trails? The variance would infringe on the North deeded easement trail as it is open to home owners not incorporated into an HOA. Pine Beach Loop is the South ½ of the trail that is HOA owned. The Pine Beach HOA is not involved in the normal house location setbacks. We would rather not have the setback variance as shown to us be accepted.

Two houses East of this future building lot is where the HOA access trail joins the Ocean Blvd. deeded access trail.

Machines would only be able to get to revetment repair by going through the HOA access road that turns into our 5ft. trail that is not wide enough by itself. It takes both trails to maintain the option to get a small machine to the revetment. (This property in question should be aware of this because they are on the front row revetment). Pinebeach Loop front row homes and the homes to the north front row are responsible for the revetment maintenance.

This is a safety route path as well. It is the beach egress for many homes. Residents, visitors, and all beachgoers use it and in case of emergency, wider is much safer! Closeness of structures so close to an emergency escape route can cause congestion and reduce safety.

Aesthetically, a wall along the path does not fit in with the natural coastal character of these developments.

Approving this request is a concerning precedent for future encroachments along shared spaces. It undermines long-standing community planning standards and weakens protections for public use area.

This proposed variance conflicts with community safety, public access and environmental values. It would make maintenance nonexistent to access.

Please deny this exact variance. We have such faith in your vision for best practices.

Ken and Marilyn Robinson

7735 Pine Beach Loop

(503)807-3224 oscarfancypants@yahoo.com

A few photos will come in another email. Thank you!

To Whom It May Concern,
RE: #851-24-000651-PLNG Variance Request

I am writing to formally oppose the requested variance that would allow construction up to a 5-foot setback adjacent to the community beach access path along Ocean Boulevard, as shown in Tillamook County Tax Map 1N1007DA.

Granting this variance would permit a structure to be built directly alongside a critical pedestrian corridor used by Ocean Blvd. and Pine Beach Loop residents and guests to access the beach. This path is not only a valued community amenity, but also a vital functional and safety route.

Allowing construction so close to the access trail introduces the following significant concerns:

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In summary, the proposed variance conflicts with community safety, public access, and environmental values. I strongly urge the planning commission to deny this request in order to preserve the functionality, character, and safety of the Pine Beach Loop community.

Sincerely and respectfully,

Rodney T Reed

7740 Pine Beach Avenue

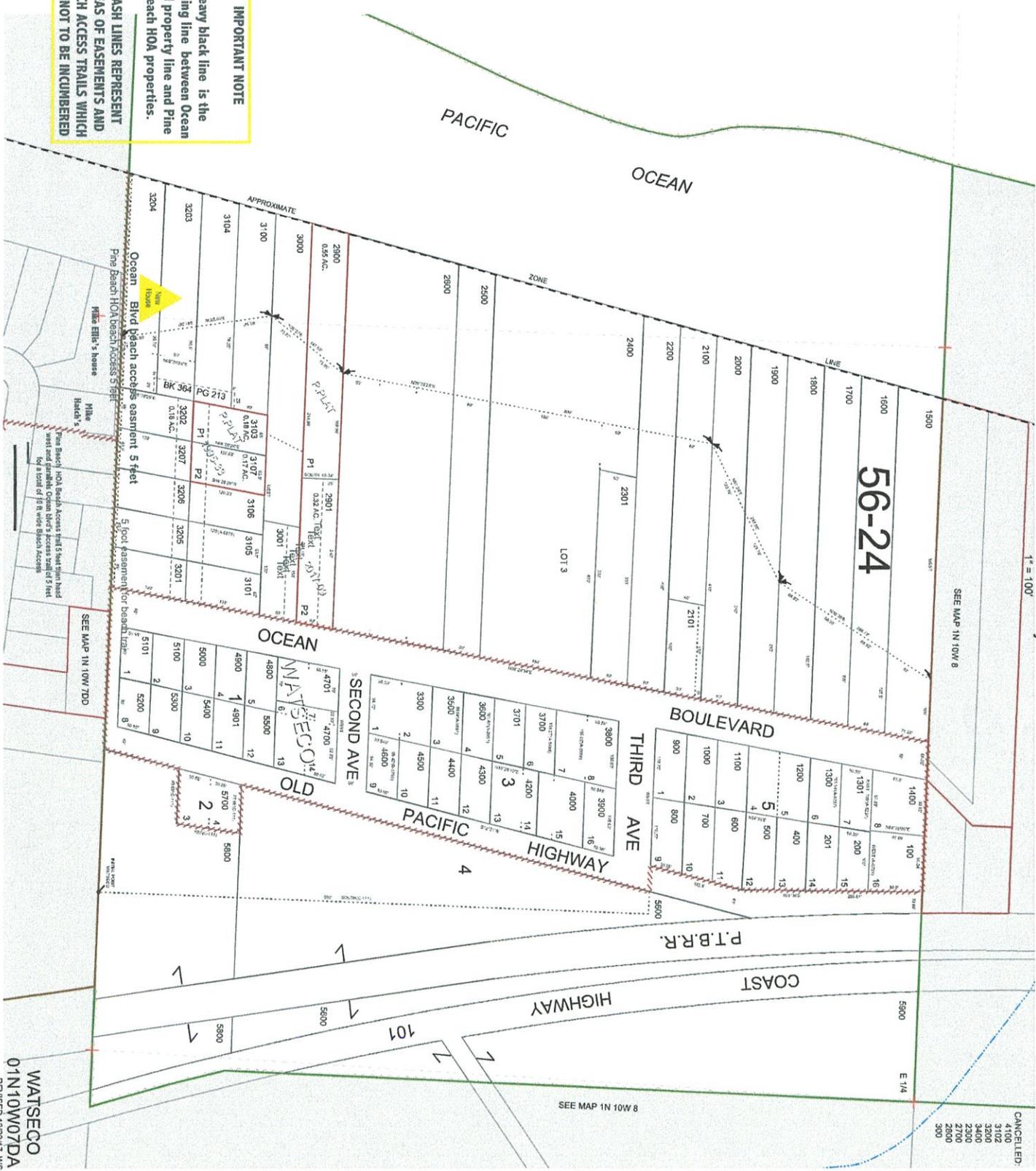
Rockaway Beach, OR 97136
rtrgel@aol.com 503-936-1566

FOR ASSESSMENT AND TAXATION ONLY, NOT SUITABLE FOR LEGAL, ENGINEERING, OR SURVEY PURPOSES

N.E. 1/4 S.E. 1/4 SEC. 7 T. 1N. R. 10W. W.M.
Tillamook County
1" = 100'

01N10W07DA
WATSECO

CANCELLED:
4100
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IMPORTANT NOTE
Heavy black line is the dividing line between Ocean Blvd property line and Pine Beach HOA properties.
HASH LINES REPRESENT AREAS OF EASEMENTS AND BEACH ACCESS TRAILS WHICH ARE NOT TO BE INCUMBERED

WATSECO
01N10W07DA
REVISED 12/29/17 WS

Dear County Official,

June 8, 2025

We are formally opposing the requested variance that would allow construction up to a 5-foot setback adjacent to the community beach access path along Ocean Boulevard, as shown in Tillamook County Tax Map 1N1007DA.

Granting this variance would permit a structure to be built directly alongside a critical pedestrian corridor used by Ocean Blvd and Pine Beach Loop residents and guests to access the beach.

This path is not only a valued community amenity, but also a vital functional and safety route.

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In summary, the proposed variance conflicts with community safety, public access, and environmental values. I strongly urge the planning commission to deny this request in order to preserve the functionality, character, and safety of the Pine Beach Loop community.

Thank you for considering our above reasons and other community members' reasons.

Sincerely,

Julie & Blake Stock

Blake & Julie Stock
17385 Pine Beach Way
Rockaway, OR 97136
jastock1@gmail.com / 509 521-4542



Barbara Trout 17640 Old Pacific Hwy, Rockaway Beach, Oregon 97136



June 13, 2025

To: Tillamook County Department of Community Development
Re: #851-24-000651-PLNG

OPPOSITION TO THE VARIANCE REQUEST

I am writing today regarding a variance request to reduce the "back yard" setback on the southerly property line from 20-feet to 5-feet. As a property owner of houses in both Watseco Blocks 3 and 5, I have deeded private access (granted by Ray Losli in 1967) to a path that runs long the southerly property line in question. I am opposed to the variance as it relates to the southerly property line. The applicant is also requesting a reduction from 20-feet to 5-feet on the northerly property line. I have no problem with that request, as it does not impact my access to the beach, over the deeded access.

In the application, the request for a variance compares the lot to other oceanfront properties. I think it is more appropriate to compare the setback to the other properties that are located along the access path. It is imperative to continue to maintain the width of the path so it is consistent from its beginning to the beach. This is necessary so there will be unobstructed access for the volume of summer pedestrian traffic, but also to be able to mobilize equipment which may be necessary to repair the revetment and maintain the trail.

In conclusion, I want to restate my objection to the lack of notification for this variance. While the Department notified homeowners within a 250 foot radius of the proposed variance, it is my belief that the department should have notified all property owners in Watseco Blocks 1, 3 and 5 about this action, since we all have deeded property rights to the access path.

Sincerely yours,


Barbara Trout

24-0651-PLNG



To Whom It May Concern,

I am a resident of the Pine Beach Loop neighborhood, a retired licensed Architect and a certified Oregon Post Seismic inspector. I am writing to formally oppose the requested variance that would allow construction up to a 5-foot setback adjacent to the community beach access path along Ocean Boulevard, as shown in Tillamook County Tax Map 1N1007DA.

This variance would permit a structure to be built directly alongside a critical pedestrian corridor used by Ocean Blvd. and Pine Beach Loop residents and guests to access the beach. This path is a critical safety route and emergency access. Allowing construction so close to the access trail introduces a significant concern.

As you're aware, we reside adjacent the Juan de Fuca subduction zone, when this seismic event takes place with the accompanying tsunami, evacuation timing is going to be critical and likely on foot. During the summer months this beach is heavily used by beachgoers who rely on clear, accessible escape routes to reach higher ground. Any structure built within such close proximity to the trail could delay and or block evacuation.

In summary, the proposed variance conflicts with community safety, public access, and environmental values. I strongly urge the planning commission to deny this request in order to preserve the functionality, character, and safety of the Pine Beach Loop community.

Sincerely,

Noel Vennes
7885 Pine Beach Loop
Rockaway Beach, Or., 97136

nvennes@gmail.com

503-519-9147

June 4, 2025

To Whom It May Concern,

I am writing to formally oppose the requested variance that would allow construction up to a 5-foot setback adjacent to the community beach access path along Ocean Boulevard, as shown in Tillamook County Tax Map 1N1007DA.

Granting this variance would permit a structure to be built directly alongside a critical pedestrian corridor used by Ocean Blvd. and Pine Beach Loop residents and guests to access the beach. This path is not only a valued community amenity, but also a vital functional and safety route. Allowing construction so close to the access trail introduces the following significant concerns:

1. **Restricted Maintenance Access:** The reduced setback would severely limit the space required to deliver and maneuver equipment, materials, and vehicles needed to service the beach ramp and pathway infrastructure. This jeopardizes the long-term upkeep of a key community asset.
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3. **Environmental and Aesthetic Disruption:** A wall or structure bordering the trail would be visually disruptive and inconsistent with the natural coastal character that Pine Beach HOA and its residents have deliberately maintained. The openness of the trail contributes to the community's identity and is part of what homeowners have invested in preserving.
4. **Erosion of Public Access:** While the variance may remain outside the literal easement boundary, the proximity alone would create the perception of privatization, discourage public use, and degrade the function of a shared community resource.
5. **Unfavorable Precedent:** Approving this request would set a concerning precedent for future encroachments along shared spaces. Each exception undermines the integrity of long-standing community planning standards and weakens protections for public use areas.

In summary, the proposed variance conflicts with community safety, public access, and environmental values. I strongly urge the planning commission to deny this request in order to preserve the functionality, character, and safety of the Pine Beach Loop community.

Sincerely,



Michelle Zalec
7870 Pine Beach Loop
Rockaway Beach, OR 97136
Pazmaz93@comcast.net 503-708-0943

Sarah Thompson

From: deborah.christian@zayo.com
Sent: Friday, June 13, 2025 1:04 PM
To: Sarah Thompson; Melissa Jenck; Sarah Absher
Cc: 'Robert Zink'; lbrown3817@comcast.net; 'Pamela Brown'; 'Velma Limmeroth'
Subject: EXTERNAL: Formal Opposition to Variance Request #851-24-000651-PLNG
Attachments: Fig 1.jpg; Fig 2.jpg; Fig 3.jpg; Fig 4.jpg; Fig 5.pdf

Importance: High

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Robert D. Zink

Pamela Zink-Brown

Lynn D. Brown

17505 Ocean Blvd.

Rockaway Beach, OR 97136

Velma Limmeroth

17495 Ocean Blvd.

Rockaway Beach, OR 97136

June 13th, 2025

Tillamook County Planning Commission

1510-B, 3rd Street

Tillamook, OR 97141

Subject: Formal Opposition to Variance Request #851-24-000651-PLNG

Dear Members of the Planning Commission,

We, Robert D. Zink, Lynn D. Brown, Pamela Zink-Brown, owners of the property located at 17505 Ocean Blvd., Rockaway Beach, OR 97136 and Velma Limmeroth, owner of the property located at 17495 Ocean Blvd., Rockaway Beach, OR 97136, respectfully submit this letter in strong opposition to Variance Request #851-24-000651-PLNG submitted by Nathaniel Palmer on behalf of Wave Watcher LLC.

It is crucial to recognize that the applicant and property owner purchased the property with full knowledge of existing setbacks and easements. Altering these terms post-purchase for personal benefit, to the detriment of the neighborhood, is both inappropriate and against the public interest.

There are several existing homeowners two of which, address's 17478 & 17480 Ocean Blvd that appear to be in violation of the easement and fence restrictions (over 6'), see figures 1-4 attached. The path has been severely impacted by these violations and makes for an extremely narrow pathway. If individuals on the southern side of the pathway were to put up a fence on their property line identified by markers and tape shown in Figures 3&4, there would literally be no path whatsoever. The property owner at 17478 built their fence around an existing tree (in the easement?) and then cut down the tree, The tree is now gone, and the homeowner should adjust the fence accordingly.

We have walked this path for over 30 years, witnessing its transformation from a beautiful, wide wooded trail perfect for family strolls to a narrow, single-file track. It is truly astonishing that these homeowners were permitted such a significant violation regarding the easement, and that they have refused to rectify it. To now entertain a request to further reduce the easement, which would restrict access to the path even more, is not only unreasonable but also deeply unfair to everyone who uses it. New property owners are overstepping their boundaries and the county is allowing it.

The planning commissioners and staff needed to notify the homeowners of the properties identified on the declaration of easement dated June 30th, 1967, document #181528 Book 208 Page 56, please see figure 5. Instead, it is our understanding that only the homeowners located on the path were notified (do they have deeded path access?) If the commissioners and staff had done their due diligence, they would have known this and should have notified all homeowners with deeded path access, and we would have had ample time to respond accordingly. Given, the fact that we were not notified by the county and only by word of mouth of other property owners, we feel the commissioners and their staff need to at the very least push out the decision date.

Again, we strongly urge the planning Commission to deny Variance Request #851-24-000651-PLNG to preserve the integrity, safety, and visual character of our pathway. We are also seeking the Commission to rectify existing infractions identified in this letter. If you move forward with this variance, we will have no choice but to seek legal action against the county.

We have always wanted everyone to enjoy the path that we have enjoyed for over the past 30 years. It is important that the new homeowners understand and abide by the existing easement restrictions. Since they were made aware of these restrictions during the purchase process, it should primarily be a matter of reinforcing that understanding.

While we appreciate your time and consideration, we require a timely response from the county to address our concerns.

Regards,

Robert D. Zink 503-680.5234

robert-zink@hoffmancorp.com

Lynn Brown 360-608-7427

lbrown3817@comcast.net

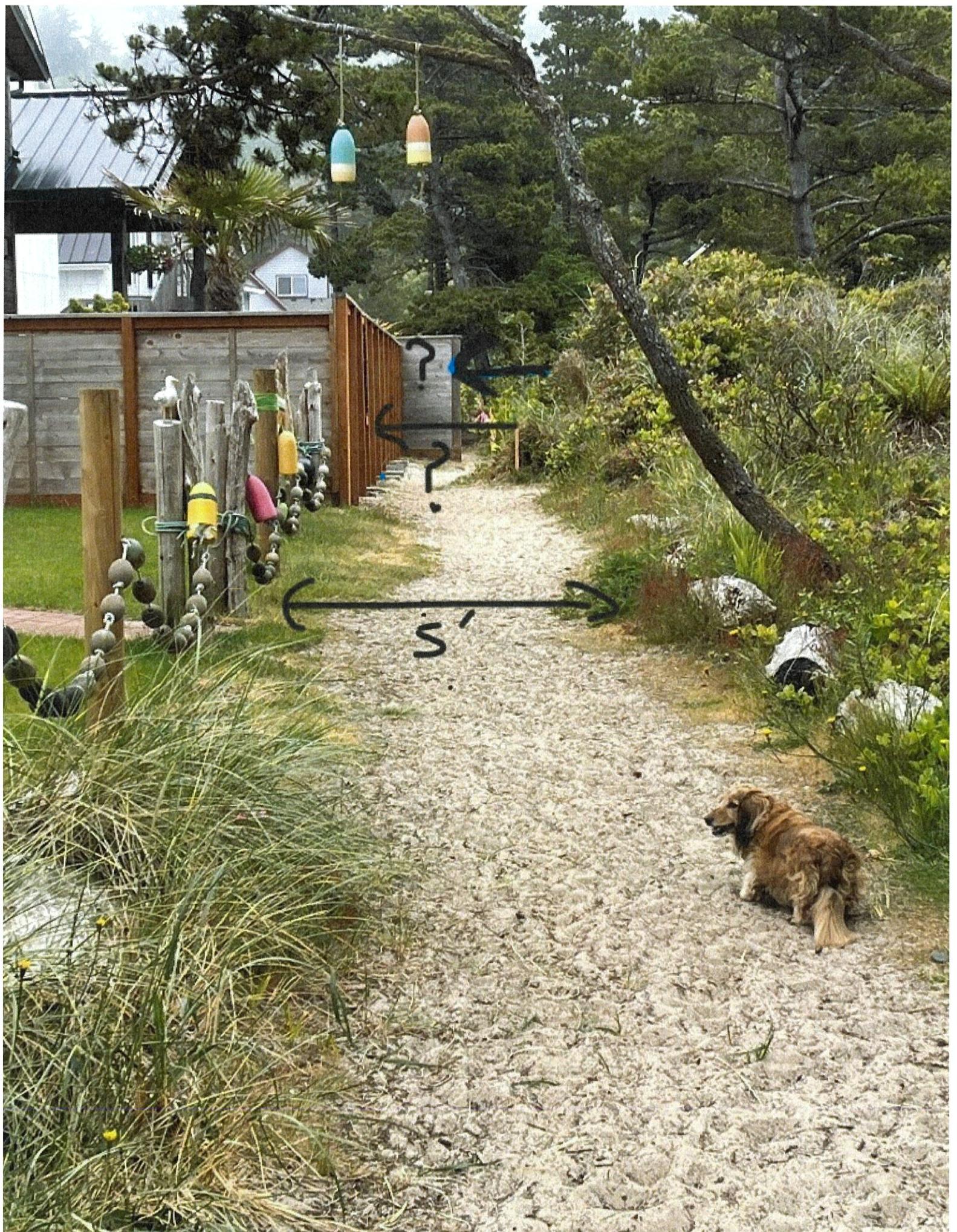
Pamela Zink-Brown 360-903-4193

ovwrked@comcast.net

Velma Limmeroth 541-980-7233

vlimmeroth@gmail.com





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10-18-5 29.1

181528

BOOK 208 PAGE 56

DECLARATION OF EASEMENT

June 30, 1967

RAY B. LOSLI, a single man, and owner of a parcel of real property described as that part of Section 7, Township 1 North, Range 10 West of the Willamette Meridian beginning at a point that is 489.6 feet west of the initial point of the Plat of Watseco; thence West a distance of 401 feet; thence North 10° 25' West a distance of 60.34 feet; thence East a distance of 420.75 feet to the west line of Ocean Boulevard; thence South 8° 28' 26" West along the west line of said Ocean Boulevard to the point of beginning, in Tillamook County, Oregon, hereby sets aside the south five (5) feet of the parcel of real property hereinabove described for the use of and access across to the property owners of lots in Blocks 1, 3 and 5, Watseco, in Tillamook County, Oregon, such use of and access to be limited to said property owners and the members of their families, the easement being hereby granted, bargained and conveyed in equal rights to all present and future owners of lots in Blocks 1, 3 and 5, Watseco, Tillamook County, Oregon, said rights to run with the title to each and all of said lots forever, said access, however, to be limited to pedestrian traffic only and to include use for ingress or egress to and from the beach.

The grantor of this easement or successors in ownership of the property upon which such easement is located shall have no obligation whatsoever to maintain such easement or to keep it clear from debris or brush.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 30th day of June, 1967.

Ray B. Losli

 RAY B. LOSLI

STATE OF OREGON)
 County of Multnomah)

June 30, 1967

Personally appeared the above named Ray B. Losli and acknowledged the foregoing instrument, to be his voluntary act and deed.

Before me:

Sarah Thompson

From: ovrked@comcast.net
Sent: Monday, June 9, 2025 8:23 AM
To: Sarah Thompson
Subject: EXTERNAL: Variance request #851-24-000651-Plng:

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Good morning Sarah

My name is Pam Zink-Brown. My husband and I along with my Brother, and his wife have a beach house at 17505 Ocean Blvd RB 97136

We were notified on Friday of this variance through a neighbor in PineBeach development. My question is, why were we not notified #1 and # 2 why is this happening? Our beach access is under constant attack.

we have one neighbor wanting to build a fence, which is their right, and finds that the neighbor across from them is built a fences on the easement, and will not be room for any passage on our deeded access! And when the neighbor goes to county they are told that you can do nothing? I call foul. This needs to be addressed, My hopes are # 1 this variance request was not sent out to home with deeded access to beach. We are not with in 250 feet, you missed that. Pine beach has a beach access at the southwest corner of development nothing at north. New development on Ocean blvd. Has no access the developers sold it. These development have little say, So why are you not informing us? Due diligence needs to be done, we need time for this

2 come out and look at space before a neighbor situation erupts. Pamela Zink-Brown 360-903-4193