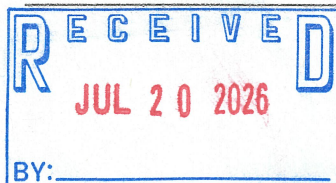


NOTICE OF APPEAL
TO TILLAMOOK COUNTY



OFFICE USE ONLY

Hearing Scheduled August 12 ~~at~~ 26, 2026
Public Notice Completed _____
Property Owner Notice Completed _____
Fee Paid \$ 250

APPELLANT:

1. Name Doug Parks

Only personal names. If you are also representing an organization, place its name on line number 4.

2. Address 4344 Snowbrush Ct, Lake Oswego, OR 97035

3. Telephone (Daytime) 503.819.6267

4. Representing _____

Place your organizations name here IF you are an official representative of an organization that has authorized this appeal. Proof of such authorization must be shown by the time of the public hearing. (You need not represent an organization in order to file an appeal.)

5. Date of Decision

07/10/2026 Notice of Decision arising from 06/25/2026 Hearing Decision

6. Action Appealed

Granting of Variance RE #851-25-000533-PLNG

7. Decision Appealed (*Denied, Granted*) Variance Granted 07/10/2026

8. Name of Applicant Ready2Market LLC

9. Additional Comments _____

You will be notified by mail of the date and time set for the public hearing before the appeal body.

Date 07/17/2026

Signature

Doug Parks

Date: July 17, 2026

To: Tillamook County Board of Commissioners

From: Doug Parks

Re: Appeal of Granting of Variance by Hearing Commission
Breakers Unit 11 Variance Application, #851-25-000533-PLNG

Grounds for appeal:

- The Applicant and Planning Commission failed to recognize that the higher overall building height would significantly elevate the Unit 11's view while impairing the views of others.

Tillamook County Land Use Ordinance, Section 4.005 (8), reads: "To ensure that pleasing views are neither unreasonably obstructed nor obtained."

The staff report's findings read:

Findings: Applicant states,

"The proposed structure will restore a building in the same foundational footprint as previously existed. As such, no view shall be unreasonably obstructed. Due to Federal Flood Risk Management Standards we are required to elevate the first floor height. In turn, the second floor height must be elevated as well. Therefore, no pleasing view shall be unreasonably obtained (Exhibit B).

"Staff find the Applicants design identifies highest point of the roof above grade with a maximum height of 33-feet 10 1/4-inches above pre-construction grade. Illustrations of the proposed dwelling would conclude that the dwelling is to be an elevated structure, with two-stories of living space (Exhibit B)."

The Applicant suggests that because the footprint of the reconstructed building is unchanged, the views associated with it will be unchanged as well. Not so. It is common sense that a higher structure will impair the pleasing view of the surrounding neighbors, and especially those whose homes are across Breakers Blvd to the east. If allowed to proceed, Breakers units 1-10 will have a consistent height whereas unit 11, the furthest unit to the east and closest to Breakers Blvd, will jut upwards in an unsightly way and have an outsized impact to surrounding views.

By permitting the variance, the Applicant's structure will rise the equivalent of a floor higher than all the other Breakers units resulting in an expansively improved pleasing

view **unreasonably obtained** and one that **unreasonably obstructs** the pleasing views of those around it.

- **The Applicant and The Breakers HOA have not exercised due diligence in determining whether there are reasonable alternatives to rebuilding Unit 11 in a way that avoids a variance.**

Tillamook County Land Use Ordinance, Section 8.030 (4), reads: "There are no reasonable alternatives requiring either a lesser or no VARIANCE."

The application states that, "We were given feedback and instruction from The Breakers HOA, composed of the other 10 homeowners, that when and where possible, our design should remain true to the original look and exterior appearance."

Additional hearsay testimony during the hearing added little. A conclusion may be drawn that suggests there has been no focused investigation or in-depth discussions between the Applicant and The Breakers to formally consider other building footprint alternatives. The staff report took the Applicant's explanation at face value that an increased height limit was necessary due to three factors, one of which is "dimensional limitations of lot to reconstruct."

Because Unit 11 is an end unit and is bordered to the east and south by open property, the possibility exists to explore whether a comparable structure with a 25' height limit complementary to The Breakers development is possible. It would necessitate amending the plat for Unit 11, something within the control of The Breakers condominium association.

- **The Applicant lacked standing to file the variance application.**

Tillamook County Land Use Ordinance ARTICLE X DEVELOPMENT APPROVAL PROCEDURES reads in part:

SECTION 10.020: APPLICATIONS

(1) Applications for Type I, Type II and Type III planning actions may be initiated by the following:

- (a) The owner of the property that is the subject of the application;
- (b) The purchaser of such property who submits a duly executed written contract, or copy thereof, which has been recorded with the Tillamook County Clerk;

- (c) The purchaser of such property who submits a duly executed earnest money agreement stating the land use action proposed;
- (d) A lessee in possession of such property who submits written consent of the owner to make such application;
- (e) The County Board through an adopted Resolution;
- (f) The County Road Department [or Public Works], (when dealing with land involving public works projects); or
- (g) By the representative or agent of any of the above upon submittal of written authorization to make such application.

The Applicant is Ready2Market LLC. The property owner is Wells Fargo Bank, N.A. as Trustee of the Cael O'Donnell Forceskie Trust. Ready2Market LLC is neither the owner, purchaser, lessee or authorized representative and thus has no standing to make such an application.

- **Approval of the variance will set a harmful precedent going forward.**

The federal FIRM map in effect currently will dictate that any of the dozens and dozens of current Neskowin residences in the flood V-zone north and south of and including any other Breakers units that suffer the same fate as Unit 11 will apply for a height variance when rebuilding. While the risk of loss from a devastating house fire may remain essentially unchanged, future climate change enhances the probability of catastrophic loss from wildfires, rising seas, king tides, flood, tsunami and/or sneaker waves. Granting a variance this instance will invite other future impacted property owners to expect an exception to the 25' height limit when faced with the same reconstruction challenges as Unit 11.

Parties supporting this appeal:

Parks Family Revocable Trust (Doug Parks, Trustee), 4315 Mt Angel Ave
Schiess Family Trust (Tom and Jim Schiess), 48025 Breakers Blvd
Candice and Gregory Miller, 49315 Nescove Drive

Respectfully submitted,

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