



Land of Cheese, Trees and Ocean Breeze

MEMO

Date: August 19, 2026

To: Tillamook County Board of County Commissioners

From: Melissa Jenck, CFM, Senior Planner

Subject: August 26, 2026, BOCC Hearing - #851-25-000533-PLNG-01: Appeal of the Planning Commission's decision to approve Variance request #851-25-000533-PLNG

The documents included with this memorandum are additional testimony and evidence for the upcoming August 26, 2026, hearing at 9:45AM, for the continuation of the public hearing for Appeal Request #851-25-000533-PLNG-01. This is the second hearing regarding the matter – the first occurring on August 12, 2026, at 9:45AM.

The initial hearing on August 12th included staff's presentation, the Appellants presentation, the Applicants presentation, and oral public testimony. The Board of County Commissioners (BOCC) voted to leave the oral and written record open to public comment at the conclusion of the first meeting, until the August 26, 2026, hearing. The BOCC will open the next session on August 26, 2026, and continue with oral public testimony.

Appellant provided additional findings stating that Variance criteria 1 and 2 are not met by the Applicants' proposal. Appellant identifies a property which they present as new construction which would have been required to comply with current flood standards, for a property located at 48340 Breakers Boulevard. It should be noted the dwelling built at 48340 Breakers Blvd was permitted and approved prior to the revised flood maps being adopted by Tillamook County in 2018. The dwelling at 48340 Breakers Boulevard was not required to demonstrate compliance with flood elevation requirements that are currently experienced by the Applicant's property.

Staff conducted a site visit Tuesday, August 18th, in preparation for the upcoming hearing. In review of the site and surrounding area, Staff provides the following findings:

- Grade height from Breakers Boulevard road surface to height of grade of current dwelling is variable, from level to upwards of 10-12 feet of difference.
- Ocean views are not typical along Breakers Boulevard. A small segment of the ocean is viewable from the street at beach access point between McMinnville Avenue and Yamhill Avenue.
- There are existing three-story dwellings on non-oceanfront properties, east of Breakers Boulevard. Due to existing topographic conditions west of Breakers Boulevard there is no guarantee ocean views are reasonably obtained or obstructed in relation to the siting of oceanfront structures on the west side of Breakers Boulevard.
- In the northern end of the Breaker Condominium property (subject property), properties located east of Breakers Boulevard primarily sit anywhere from 5- to 12-feet lower in elevation than properties on the west side of the road. Given the elevation differences on the east and west side of Breakers Boulevard, ocean views were also not viewable from the street level of Breakers Boulevard.

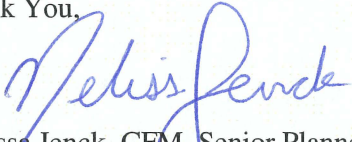
- Due to the orientation of platted properties located west of Breakers Boulevard, primarily between Sheridan Avenue to Salem Avenue, there are existing developed properties which are not considered oceanfront. Staff identified roughly 18 properties located west of Breakers Boulevard which are subject to a 35-foot building height maximum.
- Staff can expand on the observations and findings from this site visit at the August 26, 2026, hearing.

August 26, 2026, Hearing Information

The hearing will be held at Meeting Room 106 at the Tillamook County Courthouse, 201 Laurel Avenue, Tillamook, Oregon. A copy of the virtual meeting link, along with the call-in number, for August 26, 2026, hearing will be posted at the top of the Community Development homepage, on Tuesday, August 25, 2026. The virtual meeting link and call-in number may be used for parties to participate virtually.

If you have any questions about the information received, please do not hesitate to contact me.

Thank You,



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Three-story oceanfront condominium at southern end of Breakers Blvd. 48790 Breakers Blvd.



Example of grade change on the west side of Breakers Blvd



Three-story Pacific Sands Condominium, just south of Breakers Condominium.



Views as seen from Breakers Blvd of the northern end of Breakers Condominium. Grade elevation is higher on westerly side.



Example of grade difference between Breakers Blvd and westerly oceanfront property.

Date: August 18, 2026

To: Tillamook County Board of Commissioners

From: Doug Parks

Re: Breakers Unit 11 Variance Appeal, #851-25-000533-PLNG-01
Addendum for August 26 Meeting of Board of Commissioners

Following the August 12 appeal hearing, I'd like to add to the record:

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

At the very least, approval of the variance for Unit 11 opens the door for Units 1-10 to be granted the same variance in the event their units require a similar rebuild. If all units 1-9 were rebuilt and granted the same variance, it would give the effect of a solid wall of structures some 9' higher than present extending about 250' along the shoreline when viewed from the homes across Breakers Blvd. This would in effect completely abolish the 25' height limit for oceanfront properties on that stretch of beach.

- ***The requirements of Section 8.030 have not been met to grant a variance.***

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.**

Criterion 1 concerns a "property right." The Applicant and the other Breakers' unit owners all have the same right to rebuild their units subject to today's applicable standards. That being said the owner of Unit 11 and all the other owners **do not** have the right to rebuild subject to the standards that existed when their units were first constructed in the 1970's. Unit 11 is not losing a substantial property right – it and the other units are now subject to today's applicable standards.

By much the same reasoning, a variance is not required under Criterion 2 to rebuild and enjoy what would admittedly be an albeit smaller structure. It can be accomplished within the 25' height restriction. If one or more of the other Breakers units were to be rebuilt in similar fashion, they too would still "accommodate a use ... which can reasonably be expected to occur within the zone or vicinity" while observing today's applicable standards.

A nearby residence is instructive. The property at 48340 Breakers Blvd changed hands in 2017. Sometime thereafter the new owners chose to demolish the existing two-story structure and build a new home. By then the property was determined to be in Flood Zone VE-29 and subject to today's standards. What was built back? It was not a two-story home that would have required more than a 25' building height. What came to be is a single-story home elevated by piles that observes the 25' building height limit. Photos of the old and new homes accompany this addendum.

Arguments have already been put forward regarding Criterion 3 concerning the impaired pleasing view to neighbors posed by Unit 11 if the variance is allowed to go forward. It will be a jarring eyesore visible for blocks in all directions.

As for Criterion 4, a reasonable alternative footprint for Unit 11 is there if only the Breakers owners choose to find a way.

- ***Ready2Market, LLC has still not established standing to make the variance application.***

The county ordinance stipulates the ways a variance may be initiated. The Applicant has not met any of the criteria. The County shows the legal owner as Wells Fargo Bank, N.A. as Trustee of the Cael O'Donnell Forceskie Trust. Wells Fargo has not submitted written authorization okaying Ready2Market to make the application. Wells Fargo has only stated, "Ready2Market was hired to rebuild Unit 11." There is also mention in county records of the Cael O'Donnell Forceskie Trust as an owner. Without producing the trust itself to identify Maureen O'Donnell as Co-Trustee, the County cannot entertain the variance application. None of the ordinance criteria have been met enabling Ready2Market to proceed with the variance application.

Respectfully submitted,

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email: ddparx@gmail.com



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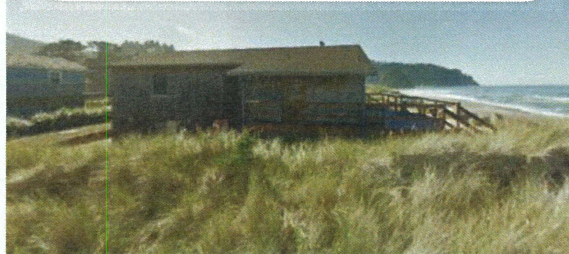


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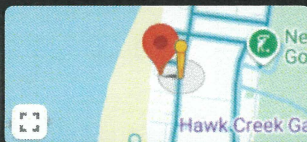
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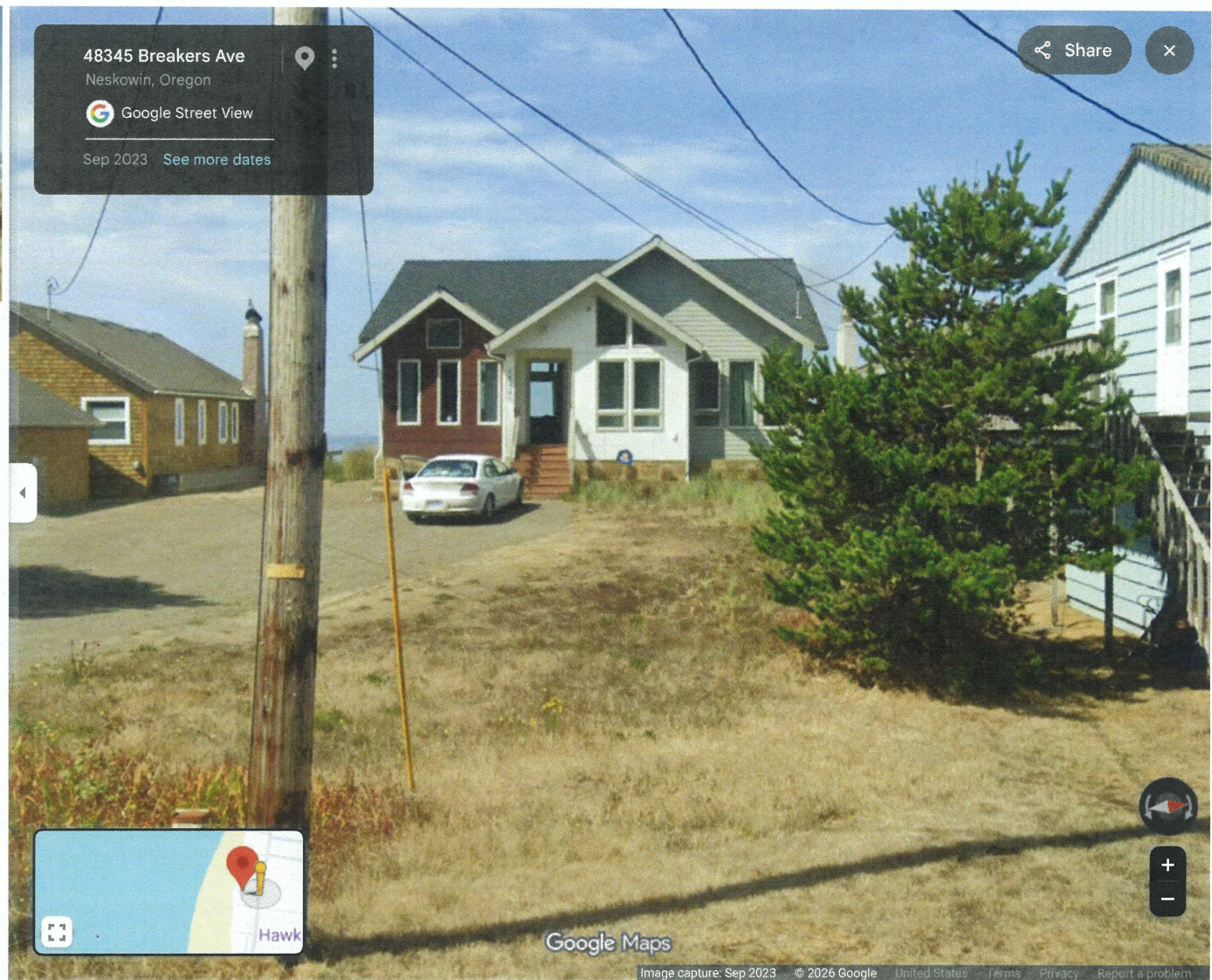
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