

BOARD OF
COUNTY
COMMISSIONERS
HEARING

AUGUST 26, 2026

#851-25-000533-PLNG-01

APPEAL OF VARIANCE REQUEST

#851-25-000533-PLNG

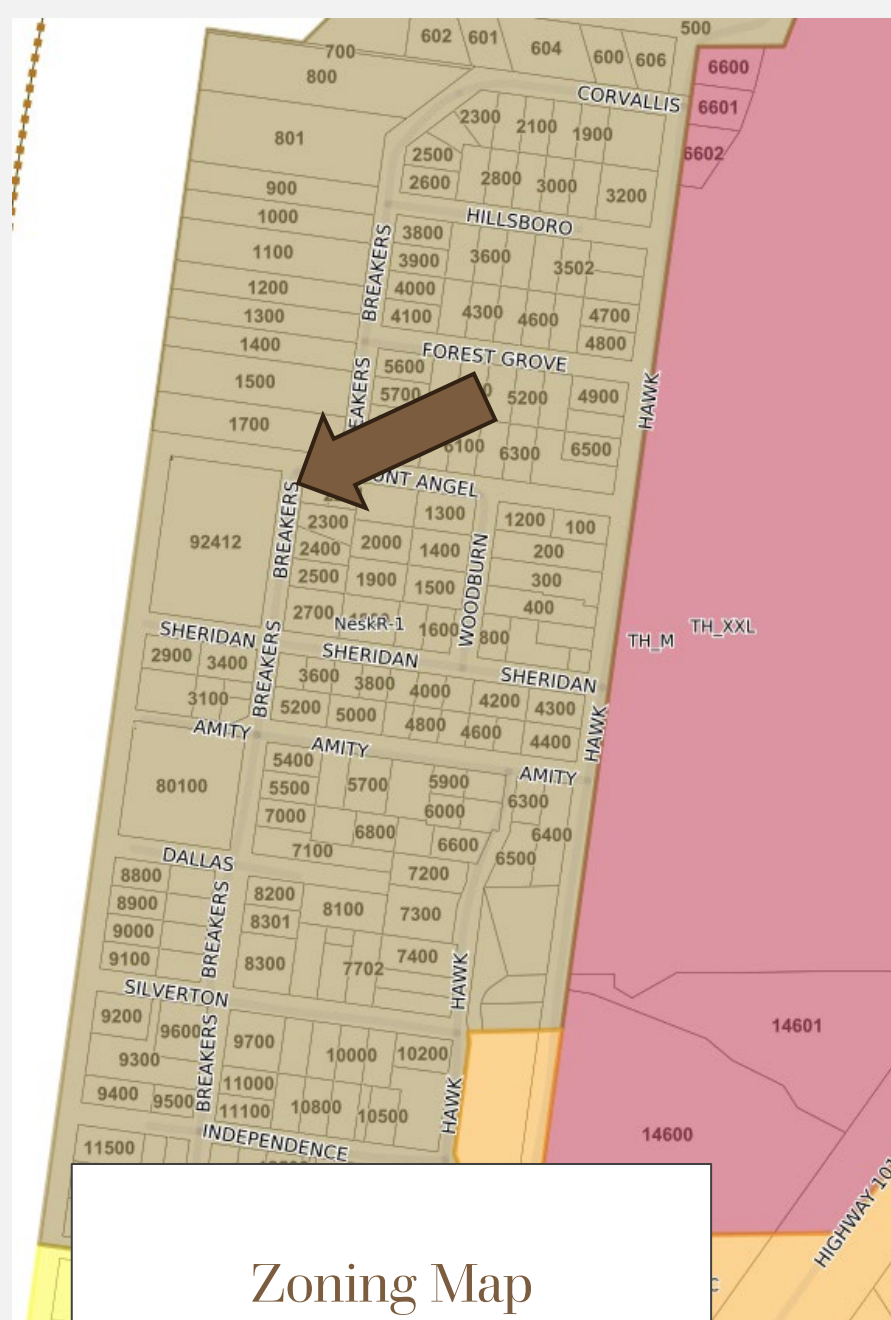
ORIGINAL REQUEST

Appellant: Doug Parks

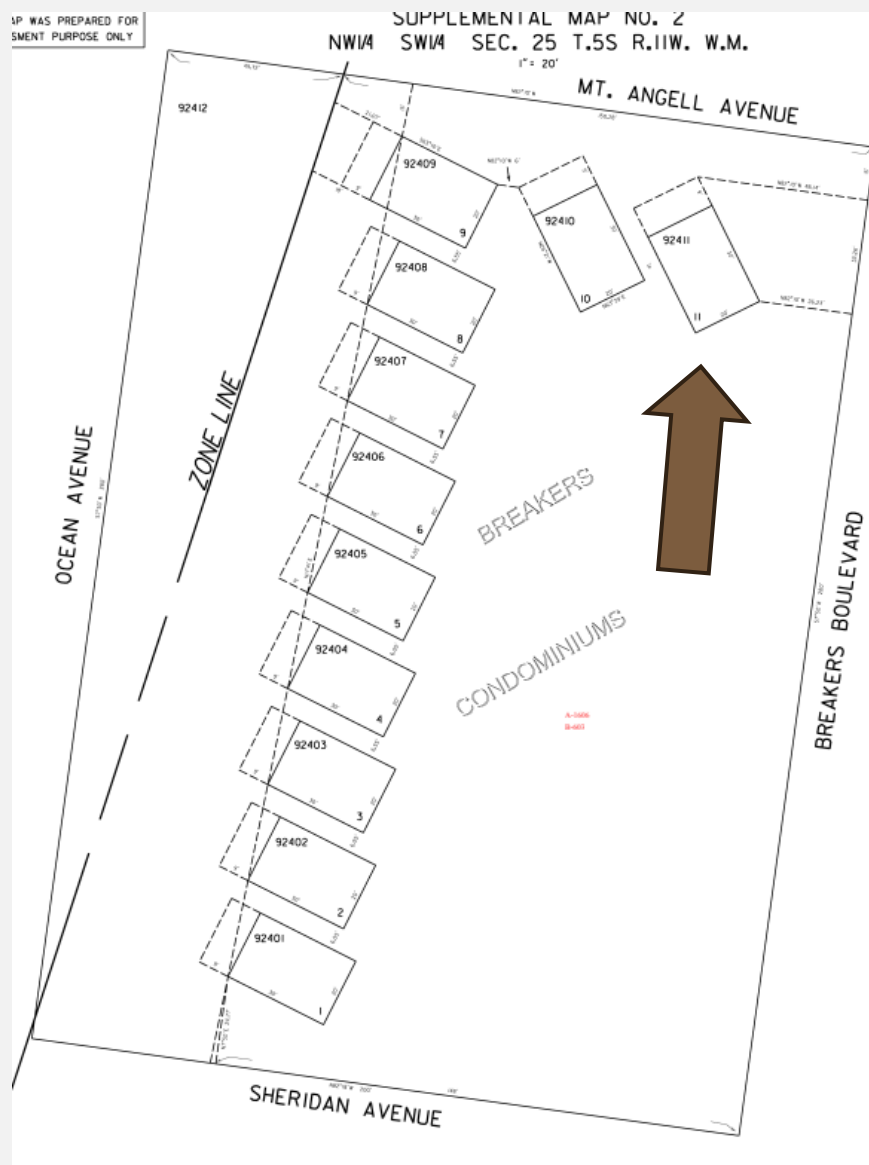
Applicant: Ready2Market, LLC

Property Owner: Wells Fargo Bank, N.A. Trustee of the Cael O'Donnell Forceskie Trust

- Exception to 25-ft building height by 8-ft 10 ¼-inches, for a proposed building height of 33-feet 10 ¼-inches.
- Reconstruction of a dwelling which was lost due to a fire.
- Neskowin Low Density Residential (NeskR-1) Zone
- Property is part of the Breakers Condominium plat, with the proposed exception for Unit #11.



Zoning Map



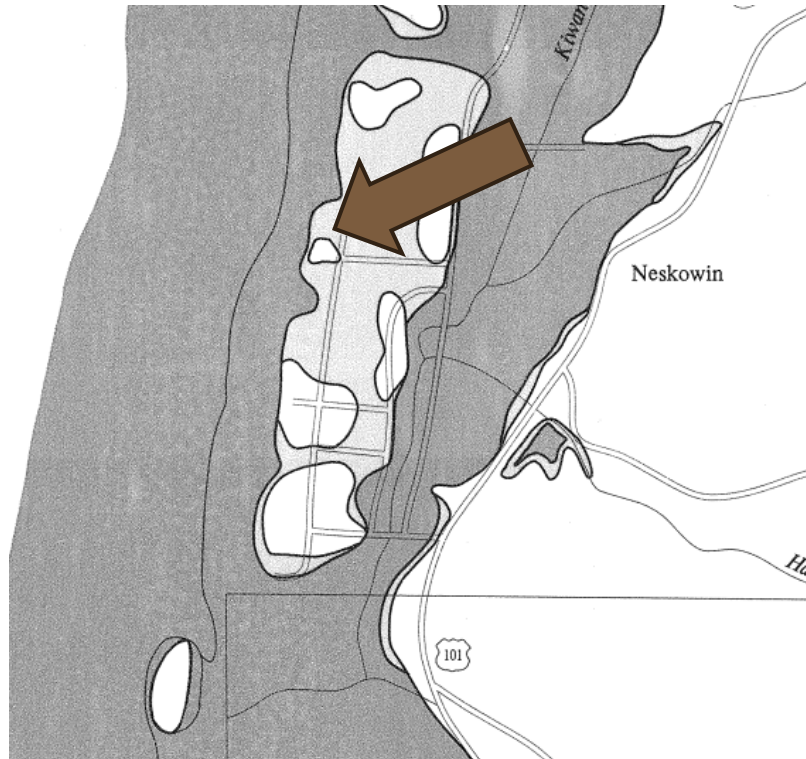
Vicinity Map



Comparison of Flood Maps

ORIGINAL FIRM:

ADOPTED AUGUST 1, 1978

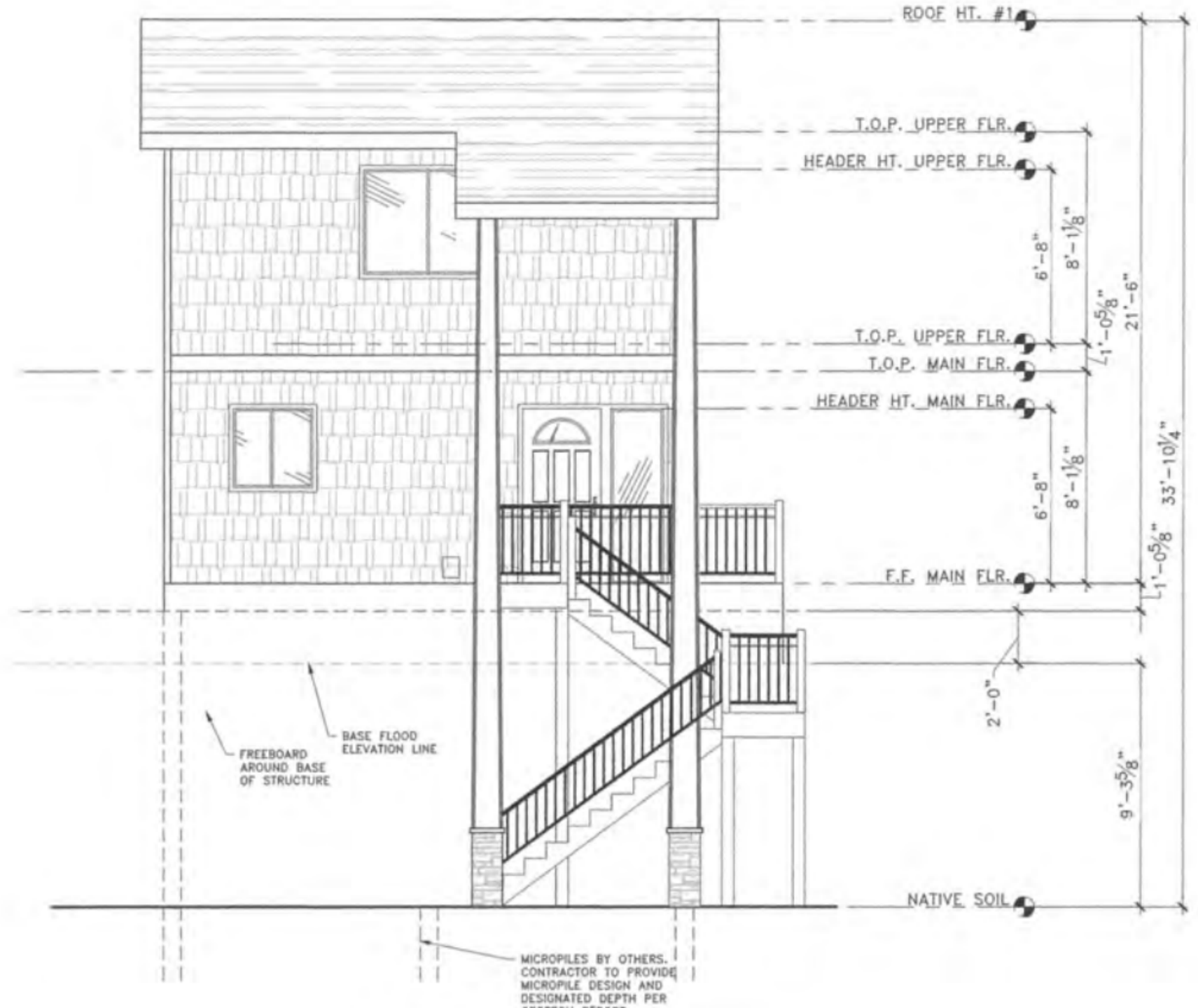


CURRENT FIRM

ADOPTED SEPTEMBER 28, 2018



HOUSE PLANS



Appellant Basis of Appeal

- Planning Commission failed to address criterion 1 through 4.
- Challenges Applicants right to initiate Variance request.
- Concerns of precedent of decision, which to invite future applicants to apply for height exceptions.

THREE-STORY, OCEANFRONT
CONDOMINIUM STRUCTURE AT 48790
BREAKERS BLVD, SOUTHERN END OF
BREAKERS BLVD.



Photographs from Site Visit

Pictures identify grade change,
whereas topography slopes upwards
towards the foredune.

DEMONSTRATING GRADE CHANGE.
LOCATED AT NORTHERN END OF
BREAKERS BLVD



GRADE DIFFERENCE AT BREAKERS
CONDOMINIUM



EXAMPLE OF GRADE CHANGE, WEST
OF BREAKERS BOULEVARD.



STAFF FINDINGS

Applicable Provisions

TILLAMOOK COUNTY LAND USE ORDINANCE (TCLUO)

- **TCLUO Section 3.322 Neskowin Low Density Residential (NeskR-1) Zone:** Single family dwelling allowed outright. Oceanfront property maximum building height of 25-feet.
- **TCLUO Section 3.510 Flood Hazard (FH) Overlay Zone:** Reconstruction of dwelling requires compliance with current flood regulations, which require new development to be elevated on post/pier-style foundation.
- **TCLUO Section 3.570 Neskowin Coastal Hazard (Nesk-CH) Overlay Zone:** Applicant obtained approved Neskowin Coastal Hazards Area Permit, which demonstrates compliance with Beach and Dune (BD) Hazard Overlay and Development Requirements for Geologic Hazard Areas.

Review Criteria: Variance – Section 8.030

- (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.

Review Criteria: Section 4.005

- (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.

Adopted Conditions of Approval

1. The applicant/property owner shall obtain all Federal, State, and Local permits, as applicable.
2. The applicant/property owner shall obtain an approved Consolidated Zoning and Building Permit from the Tillamook County Department of Community Development.
3. The applicant/property owner shall submit a site plan, drawn to scale depicting all required setbacks are met at the time of Consolidated Zoning and Building Permit application submittal.
4. The applicant/property owner shall comply with the requirements of the approved Neskowin Coastal Hazards Area Permit, 851-24-000313-PLNG.
5. The applicant/property owner shall comply with the Flood Hazard (FH) Overlay, TCLUO Section 3.510, and shall obtain an approved Floodplain Development Permit prior to the start of construction/development.
6. The applicant/property owner shall submit a Fire Letter from the local fire department at the time of consolidated Zoning and Building Permit application submittal.
7. Height of the structure shall not exceed 33-feet 10 ¼-inches in height as measured in accordance with TCLUO Section 3.322(4)(l). Certification by a licensed professional surveyor confirming the height of the structure does not exceed the approved 33-foot 10 ¼-inches height maximum shall be provided to the Department prior issuance of the Certificate of Final Occupancy by the Department.
8. A building height affidavit as included in 'Exhibit D' shall be signed by the property owners and provided at time of applying for the Consolidated Zoning and Building Permit from the Tillamook County Department of Community Development.
9. This approval shall be void two years from the date of approval, unless construction of approved plans has begun, or an extension is requested from, and approved by this Department.
10. The maximum building height in Condition #7 shall be reduced by one (1) foot upon Department determination that the established base flood elevation contained in FEMA FIRM #41057C1005F, and the required freeboard per TCLUO Section 3.510, allows the lowest horizontal structural member to be reduced by one (1) foot.