



*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 PUBLIC HEARING TILLAMOOK COUNTY BOARD OF COUNTY COMMISSIONERS

Date of Notice: July 28, 2026

Date of BOCC Hearing: August 12, 2026, and August 26, 2026

A public hearing will be held by the Tillamook County Board of County Commissioners at 9:45a.m. on Wednesday, August 12, 2026, and 9:45a.m. on Wednesday, August 26, 2026, in Meeting Room 106 at the Tillamook County Courthouse, 201 Laurel Avenue, Tillamook, OR 97141 to consider the following:

#851-25-000533-PLNG-01: An appeal of the Planning Commissions decision to approve Variance request #851-25-000533-PLNG to exceed the 25-foot height maximum by 8-feet 10 ¼-inches for a maximum building height of 33-feet 10 ¼-inches as measured from existing, pre-construction grade. The subject property is located within the Breakers Condominium, Unit #11. Located in the Unincorporated Community of Neskowin, the subject property is accessed via Breakers Blvd., a County road, zoned Neskowin Low Density Residential (NeskR-1), and designated as Tax Lot 92411 of Section 25CB, Township 5 South, Range 11 West of the Willamette Meridian, Tillamook County, Oregon. The appellant is Doug Parks. The applicant is Ready2Market LLC. The property owner is Wells Fargo Bank, N.A. Trustee.

Notice of public hearing, a map of the request area, applicable specific request review criteria and a general explanation of the requirements for submission of testimony and the procedures for conduct of hearing has been mailed to all property owners within 250-feet of the exterior boundary of the subject properties for which application has been made at least 10 days prior to the date of the first hearing.

Applicable criteria are contained within the Tillamook County Land Use Ordinance Section 8.030: Variance Review Criteria. Only comments relevant to the approval criteria are considered relevant evidence. Relevant standards include and may not be limited to applicable standards contained within TCLUO Section 3.322: Neskowin Low Density Residential (NeskR-1) Zone, TCLUO Section 3.510: Flood Hazard (FH) Overlay Zone, TCLUO Section 3.530: Beach and Dune Hazard (BD) Overlay Zone, and TCLUO Section 3.570: Neskowin Coastal Hazard (Nesk-CH) Overlay Zone.

The hearings will take place at the Tillamook County Courthouse, Meeting Room 106, at 201 Laurel Avenue, Tillamook, OR with an option for virtual participation. For instructions on how to provide oral testimony at the August 12, 2026, hearing and hearing protocol, please visit the Tillamook County Community Development Hearing & Meeting Information page at <https://www.tillamookcounty.gov/commdev/page/hearing-meeting-information> or email Melissa Jenck, Senior Planner, at melissa.jenck@tillamookcounty.gov. The virtual meeting link will be posted at the top of the Community Development Department homepage as well as a dial in number for those who wish to participate via teleconference the day of each hearing.

Written testimony may be submitted to the Tillamook County Department of Community Development, 1510-B Third Street, Tillamook, Oregon, 97141 prior to 4:00 p.m. on the date of the August 12, 2026, Board of County Commissioners

hearing. Testimony submitted by 4:00pm on Monday, August 3, 2026, will be included in the packet mailed to the Board of County Commissioners the week prior to the August 12, 2026, hearing. Failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision-maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals on that issue. Please contact Melissa Jenck, Senior Planner, Tillamook County Department of Community Development, melissa.jenck@tillamookcounty.gov soon as possible if you wish to have your comments included in the staff report that will be presented to the Board of County Commissioners.

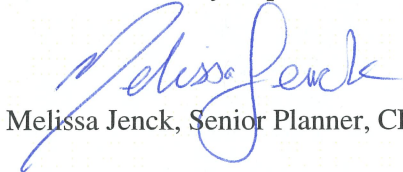
Documents and submitted application are also available on the Tillamook County Department of Community Development website (<https://www.tillamookcounty.gov/commdev/landuseapps>) or at the Department of Community Development office located at 1510-B Third Street, Tillamook, Oregon, 97141. A copy of the application and related materials may be purchased from the Department of Community Development at a cost of 25 cents per page. The staff report will be available for public inspection seven days prior to the hearing. Please contact Melissa Jenck, Senior Planner, for additional information melissa.jenck@tillamookcounty.gov or call 1-800-488-8280 x3301.

In addition to the specific applicable review criteria, the Tillamook County Land Use Ordinance, Tillamook County Comprehensive Plan and Statewide Planning Goals which may contain additional regulations, policies, zones and standards that may apply to the request are also available for review at the Department of Community Development.

The Tillamook County Courthouse is accessible to persons with disabilities. If special accommodations are needed for persons with hearing, visual, or manual impairments who wish to participate in the hearings, call 1-800-488-8280 ext. 3301 or email melissa.jenck@tillamookcounty.gov at least 24 hours prior to the hearing so that the appropriate communications assistance can be arranged.

If you need additional information, please contact Sarah Thompson, DCD Office Specialist, at 1-800-488-8280 ext. 3301 or email melissa.jenck@tillamookcounty.gov.

Tillamook County Department of Community Development



Melissa Jenck, Senior Planner, CFM

Sarah Absher, CFM, Director

Enc. Maps & Testimony Tips

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

Citizen Tips for Providing Testimony at a Planning Commission/Board of County Commissioner Hearing

Goal 1 of Oregon's Statewide Planning Goals recognizes the importance of citizen involvement "in all phases of the planning process." One of the principal ways for citizens to be involved is by testifying at local land use hearings. These citizen tips are designed to help citizens prepare and deliver testimony during Tillamook County land use hearing processes.

Know the Process

The Chair of the decision-making body will always read aloud the order of presentation and the process. Presentation is generally as follows:

- Planning Staff Presentation (generally 15 minutes)
 - Questions to Staff by the Decision-Maker
- Applicant's Presentation (generally 15 minutes)
 - Questions to Applicant by the Decision-Maker
- Public Comment Period
 - Generally limited to 3 minutes per person.
- Applicant Rebuttal & Final Statements
- Staff Final Statements
- Public Hearing Closed for Decision-Maker Deliberation
 - No further public testimony accepted.
- Decision-Maker may ask questions of staff.
- Decision-Makers vote on issue.
- Notice of Decision mailed to all parties.

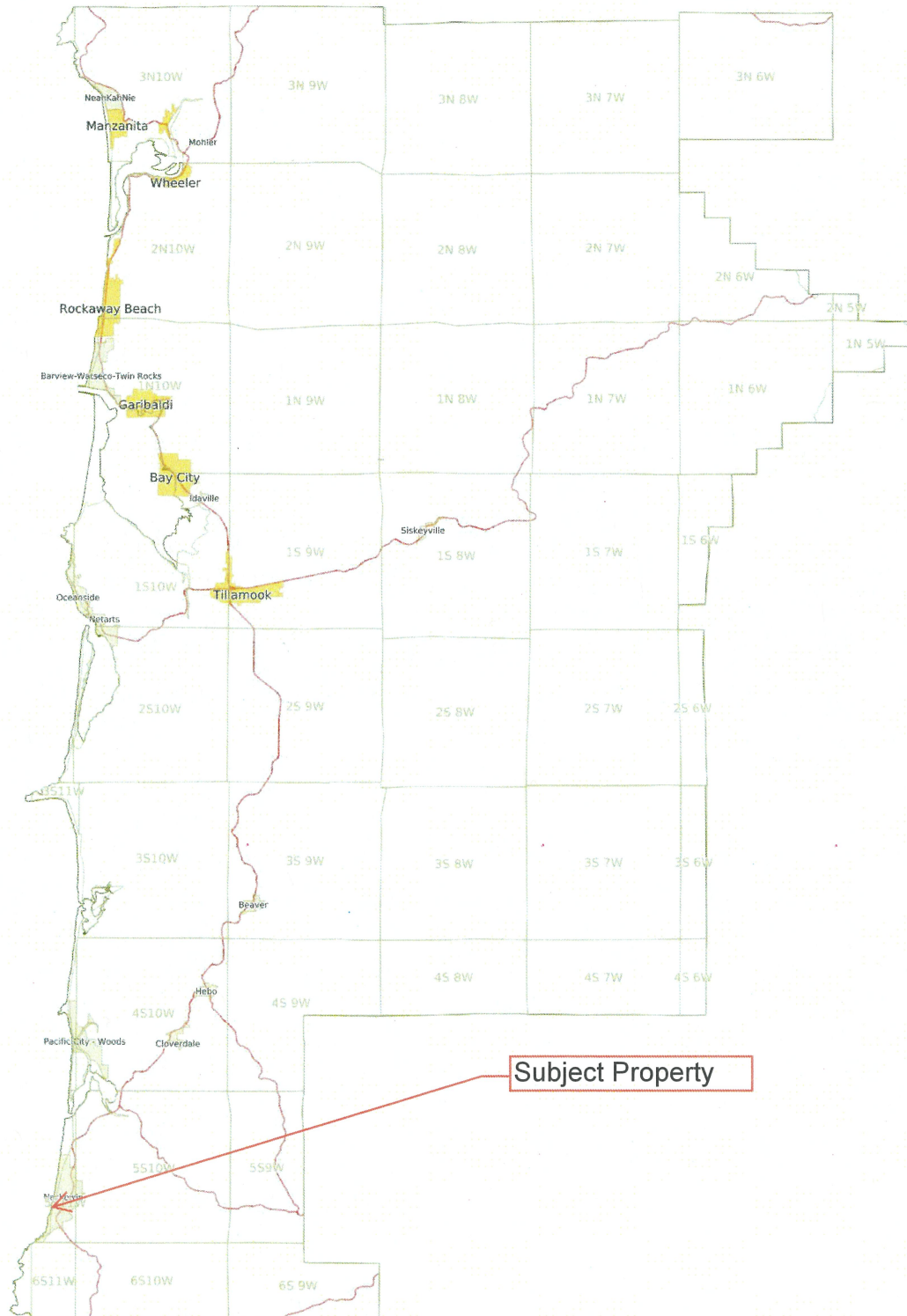
Understand the Issue

- Become familiar with the land use record (application, staff report and hearing materials) found on the Land Use Applications page under the Planning tab of the Community Development website.
- Become familiar with the relevant criteria (included in notice of public hearing).
- Prepare an outline of your testimony to use while testifying and focus testimony to the relevant criteria
- Decisions to approve or deny a request are based on the relevant criteria.
- Know when, where and who you are speaking to.
 - Tillamook County Planning Commission or Board of County Commissioners- depending on nature of request, application review process, and current phase of hearing process.
- Public testimony is generally limited to 3 minutes per person.
- Be sure to state your name and address for the record at the beginning of your testimony to ensure you receive notice of decision after hearing process has ended.

Check Department Website for Updates

- Visit the Land Use Applications page.
- Follow posted calendar dates for written testimony submittal opportunities if the hearing is ongoing.
- Review additional written testimony received during the open comment periods.
- Review hearing packets and agendas if hearing process is ongoing.
- Review Notice of Decision and remain informed on appeal dates.

Vicinity Map



Zoning Map



THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

N.W.1/4 S.W.1/4 SEC.25 T.5S. R.11W. W.M.
TILLAMOOK COUNTY

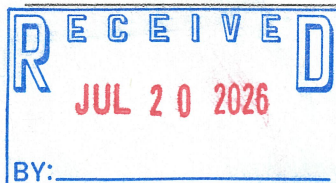
05S11W25CB
NESKOWIN

0 50 100 150 200 Feet
1" = 100'



05S11W25CB
NESKOWIN
Revised 8/12/22, VS

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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