

**ADDITIONAL  
PUBLIC TESTIMONY  
SUBMITTED FOR  
JANUARY 18, 2024  
PLANNING COMMISSION  
HEARING**

Variance #23-05: Consideration of an Application for  
Variance at Unimproved Real Property at Tillamook County  
Assessor's Map # 1N1005BA Lot #9900 to Increase the Building  
Height and Reduce the Front Yard Setback

Received as of 1:00 p.m.

01/18/2024

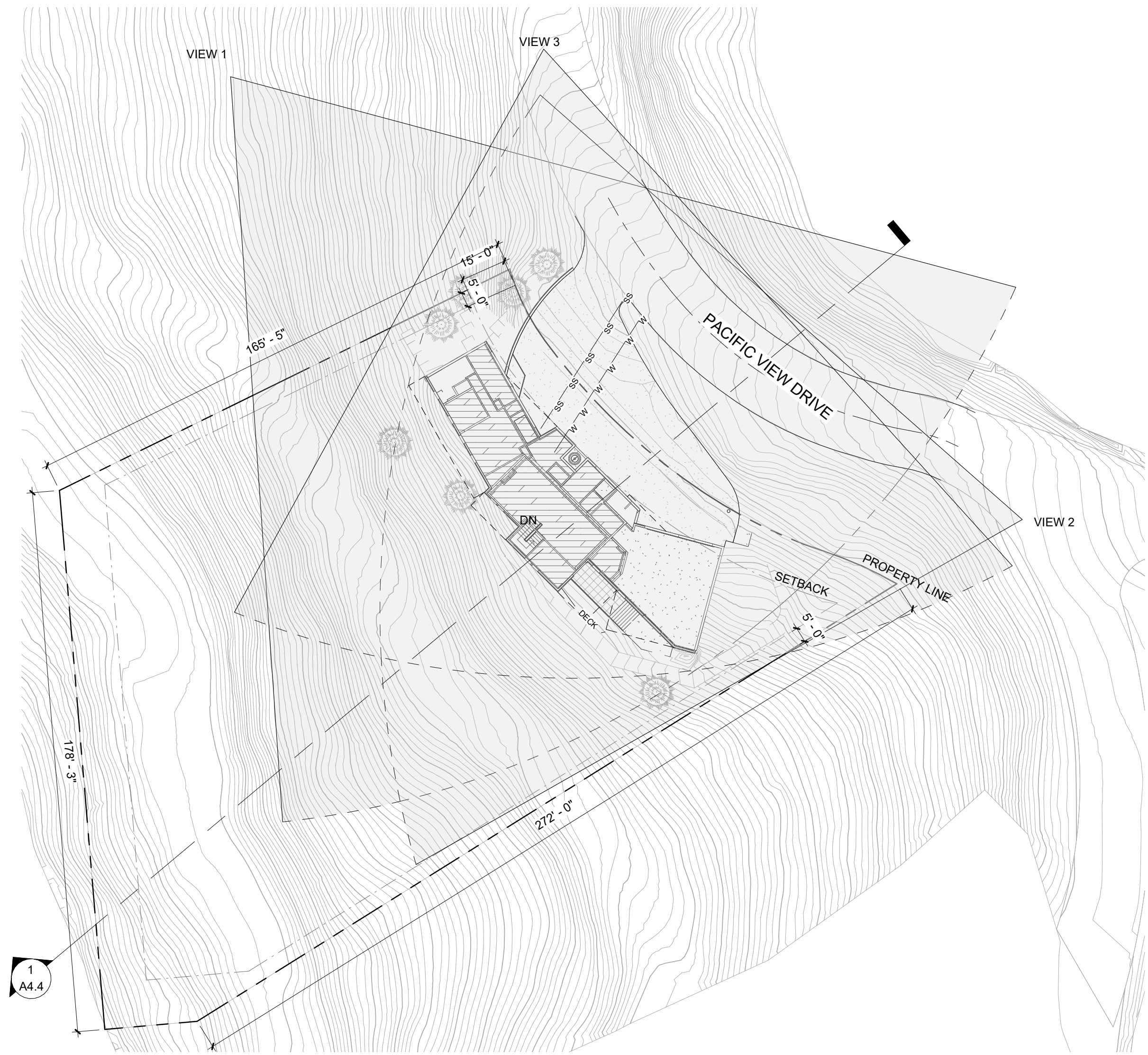


**LEWALLEN**  
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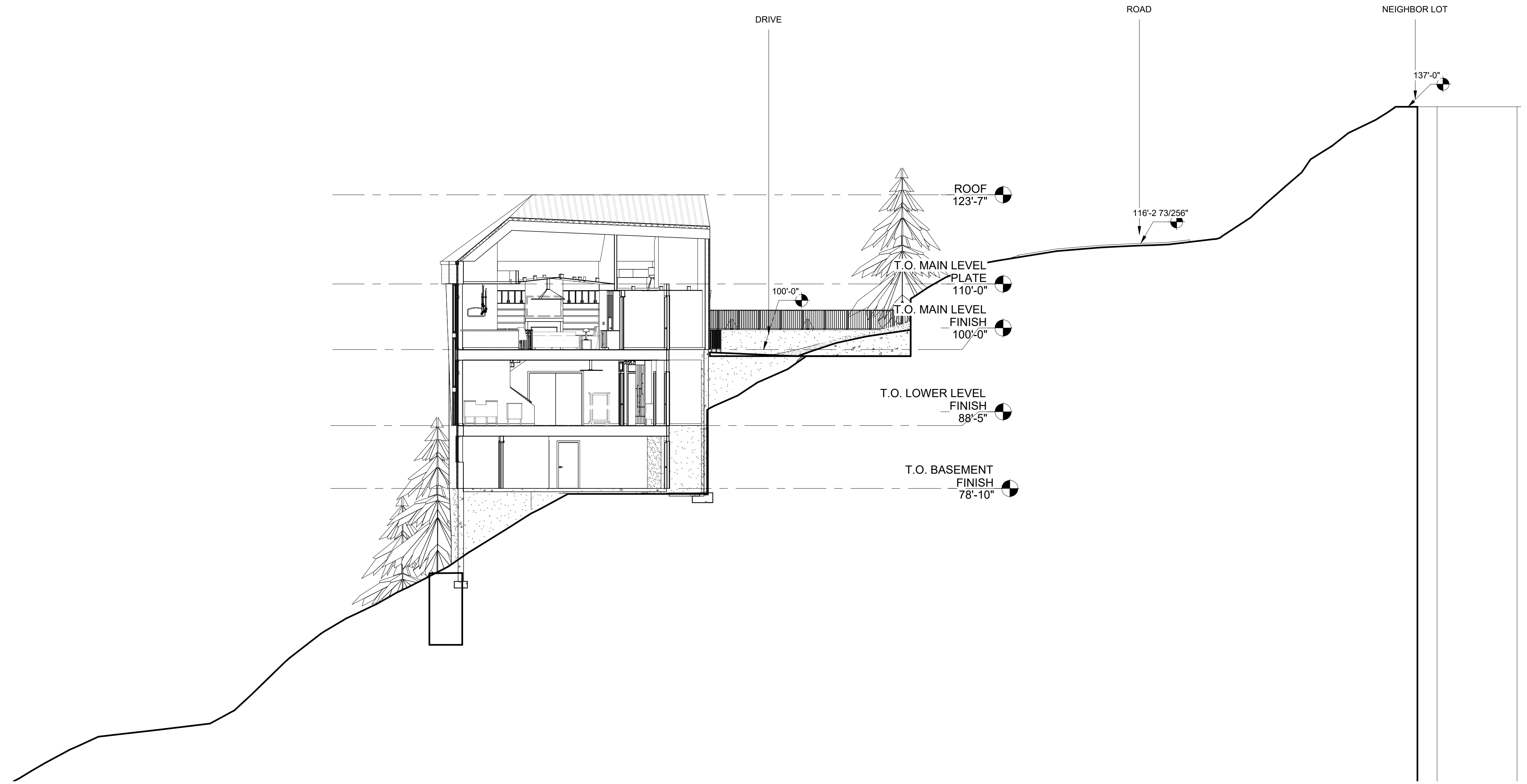
**NOT FOR  
CONSTRUCTION**

Project No. 2312

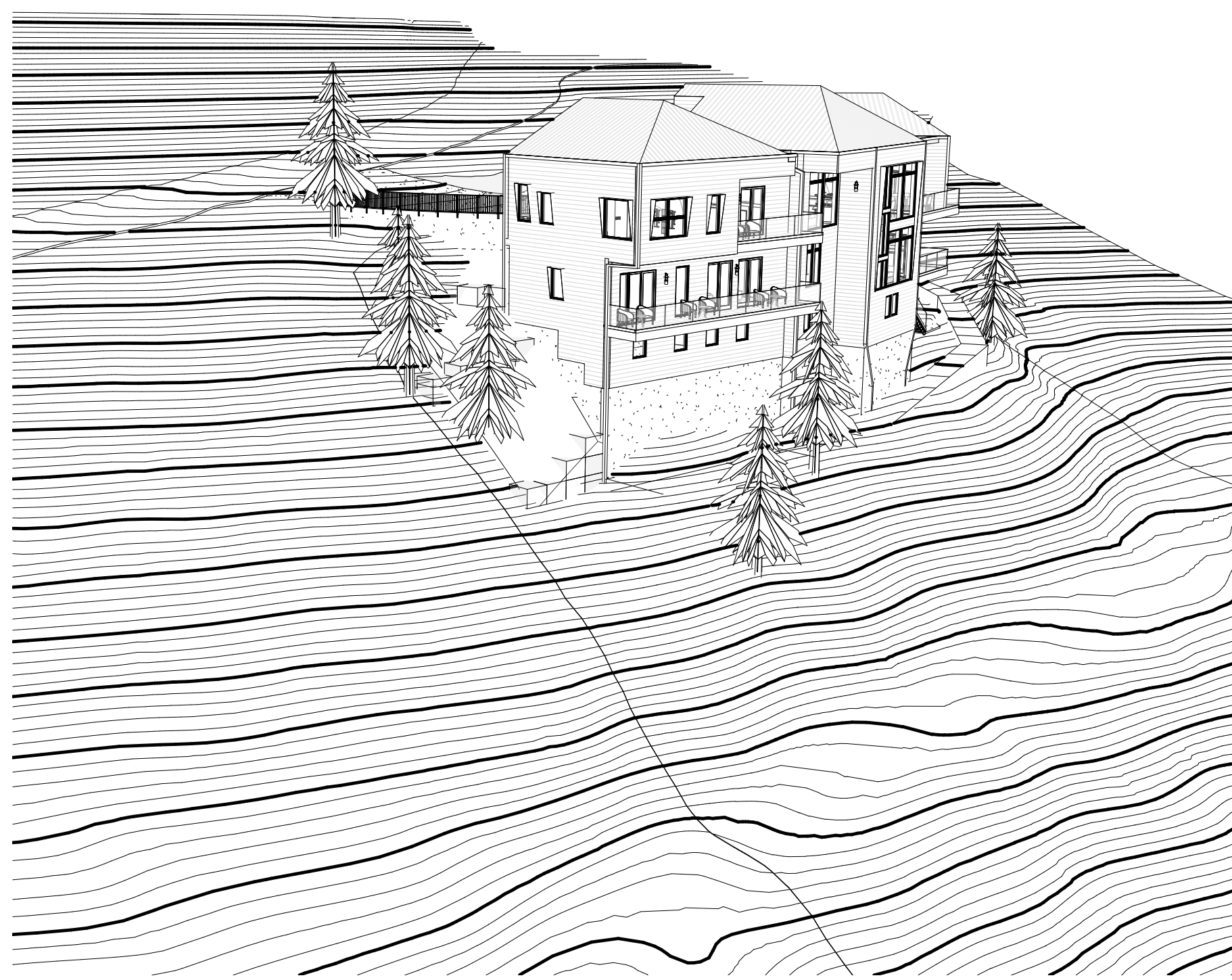
**PACIFIC VIEW HOUSE**  
PACIFIC VIEW ESTATES, LOT 68



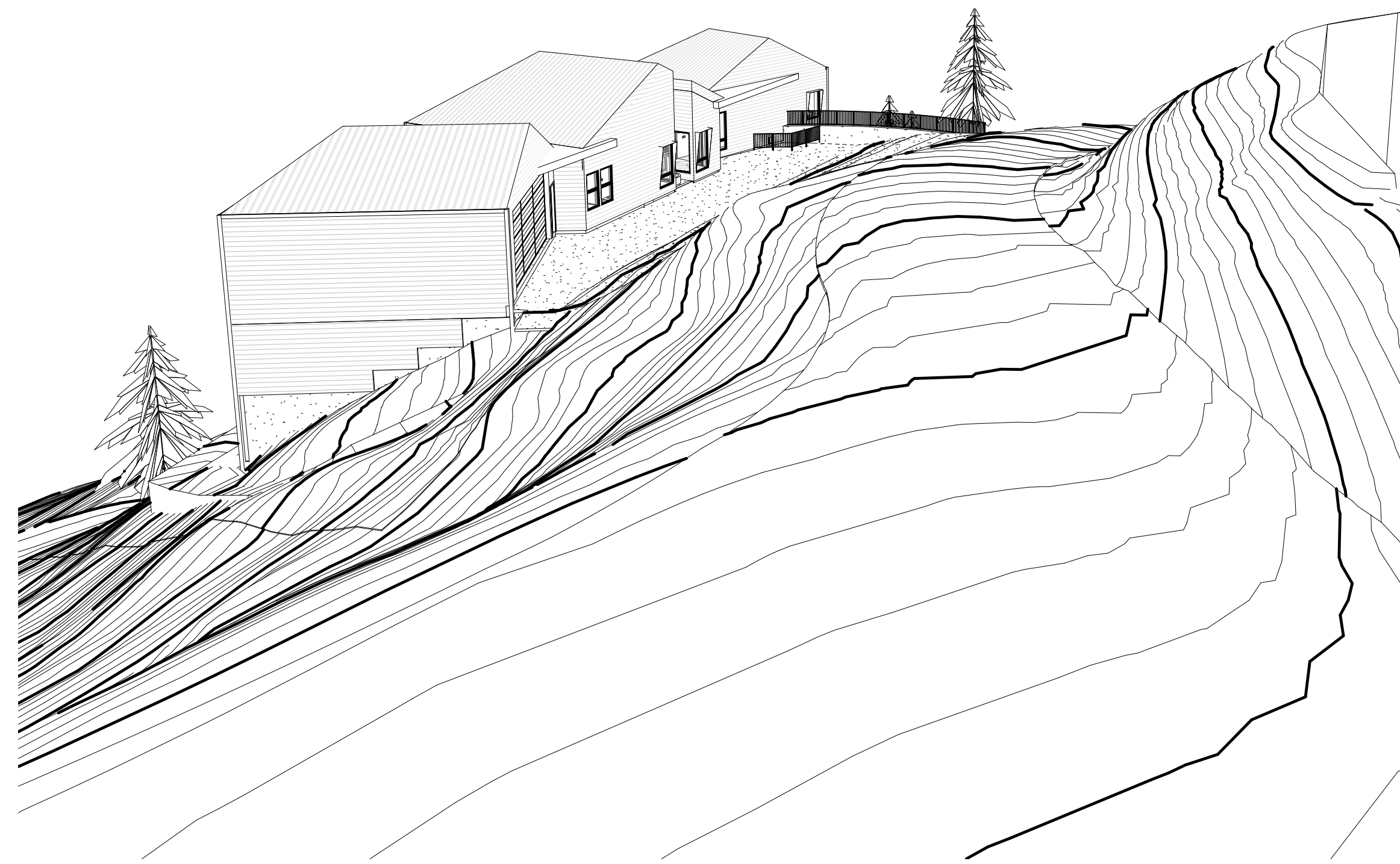
4 SITE PLAN - KEY  
1" = 30'-0"



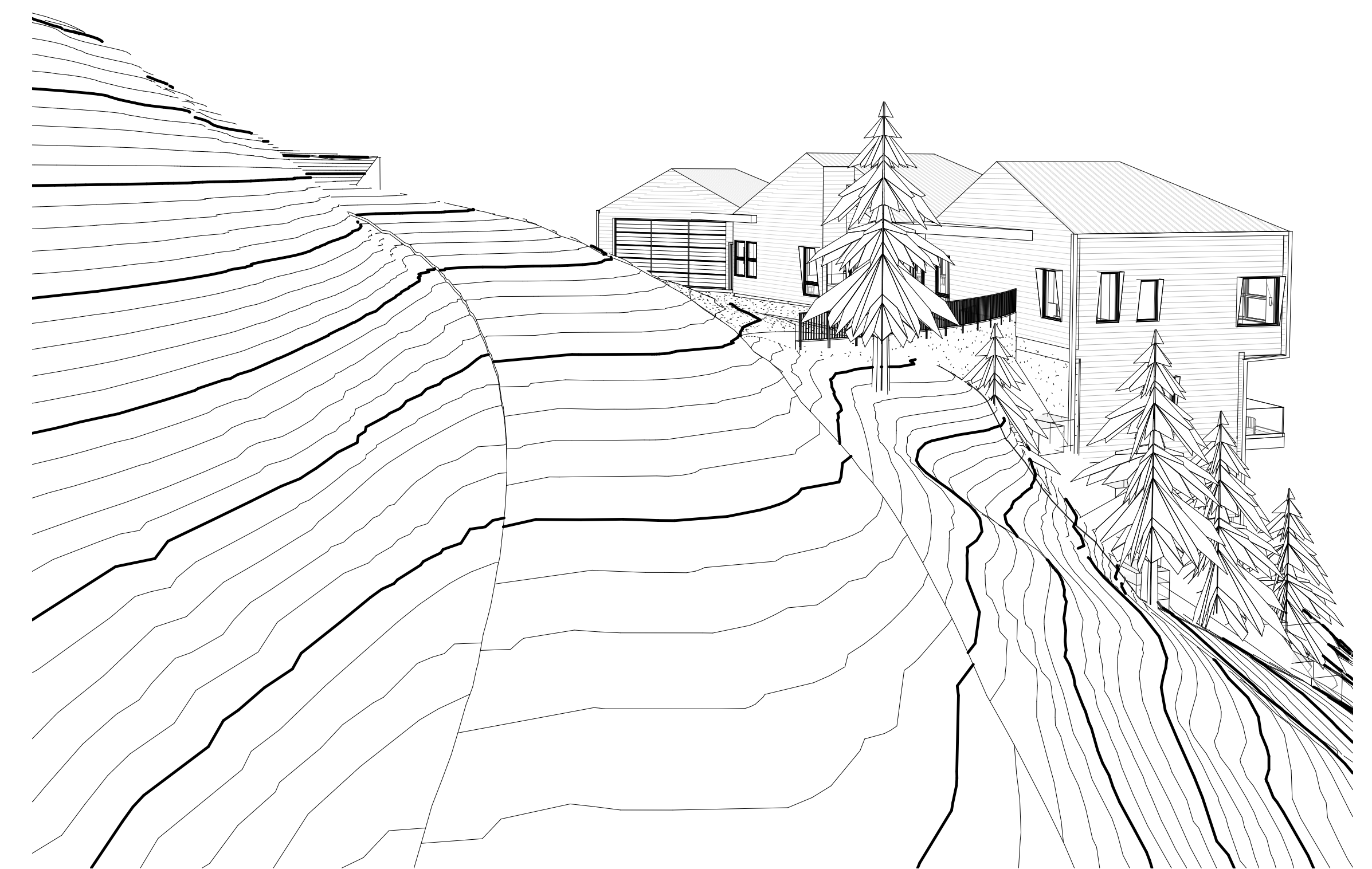
1 SITE SECTION 2  
1" = 10'-0"



2 VIEW 1



3 VIEW 2



5 VIEW 3

Date: 01/04/2024

Drawn by: BRK

Set Issue: DD

Revisions:

No. Description Date

Sheet Size: 30" x 42"

**A4.4**

3D VIEWS

**From:** Doug/Dawn Sellers <[REDACTED]>  
**Sent:** Tuesday, January 16, 2024 2:03 PM  
**To:** City Planner  
**Subject:** Variance #23-05 - Testimony for Public Hearing on January 18, 2024

**Importance:** High

Mary Johnson, City Planner

City of Rockaway Beach, Oregon

January 16, 2024

**RE: VARIANCE #23-05**

Thank you in advance for reviewing and considering the following testimony regarding the above-referenced **variance request for Lot #68 in Pacific View Estates, City of Rockaway Beach, Oregon.**

While we welcome development on the vacant lots in Pacific View Estates, we feel that this request for a variance **does not meet the Variance Review Criteria** due to the following:

1. There has been no formal evidence presented in the form of any supporting documentation from an engineer or builder that a home meeting the existing City zoning ordinance and Pacific View Estates Conditions and Restrictions cannot be reasonably built on this lot within the established height and setback limits.
2. The applicant states that “the slope has created an extraordinary circumstance that the majority of homes in Rockaway Beach do not have”. While this is true for the majority of homes *in the entire city* of Rockaway Beach, it is not true for homes in Pacific View Estates. The majority of homes in Pacific View Estates have been built successfully on significantly sloped lots.
3. The **Rockaway Beach Comprehensive Plan** specifically states in the **East Rockaway Beach Residential Area (5)** that *“Special consideration must also be given to development on steep slope areas to ensure that landslide hazard and erosion is minimized.”* The steep slopes have been considered in this comprehensive plan as well as the protection of riparian vegetation, this is consistent with **statewide planning Goal 5** which balances the protection of these resources with community development objectives. This must be taken into consideration in this applicant’s request. Hillside Drive, on the east side of this specific lot in question, is already compromised by erosion, evidenced by the orange cones that have been on that corner for several years, and decreasing the setback for building on this lot just below the intersection of Pacific View and Hillside Drive, could cause further stress and erosion on this street. **The riparian vegetation depends on the maintenance of this setback requirement and should**

**not be compromised by a variance. This could create a safety hazard to the hillside and is not allowed, see Section 8.020 (2).** It doesn't appear this variance is being reviewed under this section but we suggest it also be considered in this applicant's request for variance and recommend an erosion review be done if this request is to move forward.

4. The **Rockaway Beach Comprehensive Plan (Section 8.020 (1)(a))** states that a *variance should only be granted in cases of unnecessary hardship*. Any hardship to this property owner that would be created in this applicant's request is based on their choice of the size of a home, not the requirements of the slope of the lot. Therefore, **this criteria is not met.**
5. The **Rockaway Beach Comprehensive Plan (Section 8.020 (1)(b))** states that *there must be exceptional or extraordinary circumstances or conditions for the intended use of the property which do not apply generally to other properties in the same zone*. This **criteria is not met**, as it is possible to reasonably build a home on this sloped lot as evidenced by other homes in Pacific View Estates. These lots were established for the purpose of building homes to take advantage of the ocean and city views without requirements of a variance or special circumstances. While the applicant states their circumstance is exceptional, **without supporting documentation from an expert, this extraordinary circumstance cannot be factually established.** It appears this is a choice of the applicant's size and style of home rather than the physical requirement of the slope of the property.
6. In addition to the City of Rockaway Beach zoning ordinance, **Pacific View Estates provides Conditions and Restrictions** that all property owners are provided upon purchase of property in this development. These Conditions and Restrictions were **established in 1979** to protect all property owners in this development. All the homes have been built on sloped lots within these restrictions. Any variance would be in violation of these Conditions and Restrictions. *\*\*You have been provided this relevant document by another Pacific View Estates property owner so I will not repeat this documentation\*\**
7. As established, the **Pacific View Estates Conditions and Restrictions do not allow for a variance in height restriction and any request should not be supported by the City of Rockaway Beach Planning Commission.** It should be deferred to these established Conditions and Restrictions first.
8. Of note in the applicant's request – the only support of the Comprehensive Plan listed is the concern of "second homeowners". This "us vs. them" mentality only serves to further divide our community and does not support the livability or cohesiveness of Rockaway Beach.

I urge you to carefully consider this applicant's request for a variance and take into account that this applicant has completely disregarded the **Pacific View Estates Conditions and Restrictions** established in 1979, which must be applied in addition to the **Rockaway Beach Zoning Ordinance, Section 8.020 Variance Review Criteria. Neither of these has been met in this variance application.**

Additionally, the livability and cohesiveness of the Pacific View Estates community and the city of Rockaway Beach will be adversely affected by the approval of this variance. As the other property owners in Pacific View Estates, we purchased our home with the knowledge that these Conditions and Restrictions were in place along with the city zoning ordinances and that although we expect that this vacant lot will be developed, we stand firmly in the knowledge that any request for a variance would be strongly objected to by other property owners in Pacific View Estates. Our community should not be compromised by the desire to build a house that is not compatible with the restrictions set forth or that could create a potential hardship for the other

property owners. A variance is the exception and should only be used to avoid an unnecessary hardship, it should not be allowed for an individual desire or choice.

Doug Sellers

Dorothy English Trust

[REDACTED]

Rockaway Beach, Oregon