

# NEDONNA WAVE

Subdivision & Planned Unit Development

Prepared for  
Nedonna Development LLC

Prepared by



November 2007

# Nedonna Wave Development

## Subdivision and Planned Unit Development (PD) Application Variance Applications Supplemental Information

- A. Project Justification for Nedonna Wave Planned Unit Development and Subdivision (5 pages)
- B. Nedonna Wave Subdivision Application #07-19 (1 page)
- C. Nedonna Wave Planned Unit Development (PD) Application #07-19 (2 pages)
- D. Area Map (1 page)
- E. Height Variances Request Applications, #07-20 and #07-21 (2 pages)
- F. Height Variances Justification Statements (9 pages)
- G. Sidewalk Variance Request Application #07-22 and Justification Statements (3 pages)

**PROJECT JUSTIFICATION**  
**for**  
**NEDONNA WAVE PLANNED UNIT DEVELOPMENT**

**PROPERTY DESCRIPTION:** The subject property is located near the north end of the Nedonna Beach area and is situated on the east end of Riley Street and south of the newly created Nedonna Meadows subdivision. The property includes Tax Lots 4600 and 9000 in Section 20AB, Township 2 North, Range 10 West of the Willamette Meridian. The Tentative Plat and PUD Plans are presented in 'Appendix A'. The total area of the property is approximately 6.23 acres. A legal description is included with this submittal as 'Appendix B'.

**OWNER / DEVELOPER:** The property is owned by Nedonna Development, LLC, a limited liability corporation represented by Anna Song.

**FINANCING:** The development will be financed by private funds from Nedonna Development, LLC.

**DEVELOPMENT SCHEDULE:** The development of this property will be completed in this calendar year. In general, development will proceed according to the following schedule:

Summer 2007                      Phase I construction with completion by Spring of 2008

**QUANTITATIVE DATA:**

Total Single Family Residential Structures	28 units
Average Parcel Size	3,655 sq.ft.
Min. Allowable Lot Size in Parent zone	±5,000 sq.ft. per lot
Calculated Net Density	82.38%
Existing Wetlands	±1.82 acres
Created Wetlands	±0.51 acres

Additional details of the lot sizes, lot areas, setbacks and other lot-related quantity calculations are presented in 'Appendix D'.

**AGREEMENTS and PERMITS:** The use, maintenance, and continued protection of the planned development and common open space will be governed by a "Declaration of Covenants, Conditions, and Restrictions" to be filed at the time of the final plat. A draft copy of this document is included with this submittal as 'Appendix C'.

All required wetlands delineation and mitigation permits have been received by the applicant. The wetlands mitigation plan has been permitted by the Oregon Division of State Lands and by the US Army Corps of Engineers. The wetlands mitigation work has been completed in accordance with a development permit issued by the City of Rockaway Beach. Copies of all wetlands permits are included in 'Appendix E'.

A separate agreement has been executed and is recorded for the easterly extension of Riley Street along the south end of this subdivision. See 'Appendix G' for a copy of the Reciprocal Easement Agreement for Roadway Extending Riley Street.

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**CURRENT ZONING:** The property is divided among two separate land use zones under the jurisdiction of the City of Rockaway Beach.

**Single Family (R-1) Zone:** This zone is located within the City of Rockaway Beach Urban Growth Boundary and is the location of the proposed development. The uses permitted in this zone are covered in Section 3.010 of the City of Rockaway Beach's Zoning Ordinance.

**Special Area Wetlands (SA):** This zone is located within the City of Rockaway Beach Urban Growth Boundary and is the location of the proposed development. The uses permitted in this zone are covered in Section 3.080 of the City of Rockaway Beach's Zoning Ordinance.

The CC&R's are designed to protect the wetlands with Common Open Spaces. A fence or other suitable screen will be constructed around the wetlands to further add to that protection as a visual barrier. The applicant or subsequent lot owners will install a wetlands identification signage to advise the public of the values of wetlands and the necessary protection given by city, state and federal requirements. For a proposed wetlands identification signage example, see 'Appendix H'.

All required wetlands delineation and mitigation permits have been received by the applicant. The wetlands mitigation plan has been permitted by the Oregon Division of State Lands and by the US Army Corps of Engineers. The wetlands mitigation work has been completed in accordance with a development permit issued by the City of Rockaway Beach. Copies of all wetlands permits are included in 'Appendix E'.

**Hazards Overlay Zone (HO):** The easterly portion of the property contains some steep slopes that place this land in the HO zone. A Geotechnical Evaluation and Geologic Hazard Report has been completed for this property and is included in 'Appendix F'.

**PLANNING GOALS**

**PROPOSED DEVELOPMENT:** The goal of the Planned Development is to develop the area for residential housing. The main attraction of the property is the natural beauty and the abundance of wildlife viewing opportunities in the area. The proposed development will preserve the key features of the natural environment and incorporate them into the overall project. The dominant natural features on the property are the existing waterways, natural wetland vegetation, and abundant wildlife. The existing natural features will be preserved and protected through the dedication of the majority of the property to open space; flexible design standards requiring less impact to the ground; and control of private development on the individual lots through restrictive Covenant's, Codes, and Restrictions (CC&R's).

All required wetlands delineation and mitigation permits have been received by the applicant. The wetlands mitigation plan has been permitted by the Oregon Division of State Lands and by the US Army Corps of Engineers. The wetlands mitigation work has been completed in accordance with a development permit issued by the City of Rockaway Beach. Copies of all wetlands permits are included in 'Appendix E'.

**A. Open Space**

The open spaces on this property shall mean the tract(s) designated as such in the Declaration or the Plat,



**PROJECT JUSTIFICATION**  
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**NEDONNA WAVE PLANNED UNIT DEVELOPMENT**

or in any declaration or amended Plat annexing property hereto, including any Improvements thereon, which Common Areas are primarily set aside because they contain wetlands. The protection of the wetlands is set forth in the Covenant's, Codes, and Restrictions (CC&R's). See 'Appendix C'.

**B. Development Standards**

The development standards will follow the standards of the underlying R-1 zone.

The proposed road rights-of-way will match those of the development to the north of this development. The extension of Riley Street, the East/West connection to the balance of Nedonna Beach area, will be built to the City of Rockaway Beach's Standards for a 50-ft R-O-W section. Kittiwake Drive the North/South connector will be built to City standards as a 40-ft R-O-W roadway section. All other roadways proposed for this development will be built to standards set forth for a 40-ft R-O-W roadway.

**C. Lot Lines and Building Set Backs:**

The lot lines for this development have been carefully laid out to allow this development to blend the roadways and lots with the existing waterways and wetlands.

Building setbacks have been determined on a lot by lot basis. The allowable building area will be determined for each lot as shown on the plans and in 'Appendix D'. The building envelopes have been arranged to maximize the view potential of each lot while protecting the existing natural elements of this development. The default setbacks have been set using the guidelines for the parent R-1 zone. The PD process allows a decrease in setbacks for individual cases. A lot area table showing the lot numbers, total area, buildable area, typical house dimensions, and setback has been included in this report as 'Appendix D'. The total allowable building area for each lot will be approximately 2,359 to 6,062 square feet.

**D. Homeowner's Association:**

The Developer has developed a set of Covenant's, Conditions, and Restrictions (CC&R's) which will establish a Homeowner's Association and an Architectural Review Committee. The primary duties of the Architectural Review Committee is to promote architectural compatibility and to protect the value, livability and aesthetic quality of the property. Additionally the CC&R's cover the maintenance of the common open space; and to control the appearance of the individual lots. A draft of the CC&R's is included in 'Appendix C'.

**PROJECT JUSTIFICATION**  
**for**  
**NEDONNA WAVE PLANNED UNIT DEVELOPMENT**

**PLANNED UNIT DEVELOPMENT (PUD) REVIEW CRITERIA**

**Article 10. Planned Unit Development (PUD)**

**10.030 Section Permitted Buildings and Uses**

The proposed uses in the development are single family dwellings. This use is consistent with Section 10.030 (1) and (2).

**Section 10.040 Development Standards**

1) Minimum Lot Size:

The lot lines for this development have been carefully laid out to allow this development to blend the roadways and lots with the existing waterways and wetlands. This is in conformance with the intent of Section 10.040 (1).

2) Open Spaces:

Over 65 percent of this project will be dedicated to open spaces this is well within the guidelines as specified in the section of the ordinance.

3) Subdivision of Lot Sizes:

Some of the minimum areas, width, depth, and frontage requirements for the subdivision lots in this PUD are less than the minimums set forth elsewhere in City ordinances. This is in accordance with the requirements of this section of the PUD ordinance.

**Roadways**

All streets will be constructed in accordance with the City of Rockaway Beach Standards.

Streets will be developed to the following standards

Street Name	R-O-W Width (Feet)	Base Width (Feet)	Pavement Width (Feet)	Minimum Curve Radius
Kittiwake Drive	40	28	20	400
Riley Street	50	38	22	150
Jackson Street	40	28	20	n/a
Song Street	40	28	20	100
Duke Street	40	28	20	n/a

**PROJECT JUSTIFICATION**  
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**Maintenance of Common Areas**

All common open space will be owned and maintained by the Homeowners Association.

**Dedication of Streets**

Roadway rights-of-way will be dedicated to the City of Rockaway Beach and maintained by the City.

**Utility Easements**

All street rights-of-way will be dedicated as public streets and therefore available for access and maintenance for all utilities located within the street rights-of way. In addition, specific easements will be created for individual utilities where the utilities and/or structures are located outside the street right-of-way.

Additionally the TPUD, Charter Communications and Sprint (now Qwest) will have an 8-foot wide utility easement for the franchise utilities located in the front of the lots.

All of the above-mentioned easements and dedications will be executed either prior to or in conjunction with the recording of the final subdivision plat.

**Building Heights**

The applicant is requesting two variances for building heights in accordance to Section 10.040(7) Height Guidelines: *"The same restrictions shall prevail as permitted outright in the zone in which such development occurs, except that the Planning Commission may allow a variance of heights where it is determined that surrounding property will not be harmed"*.

The requests for the two height variances show that a change in building heights for this development will not adversely affect the views from other homes in the area. For the justification statements in support of the height variance request, see the Justification Statements following the Height Variance Applications.

# 07-19

CITY OF ROCKAWAY BEACH  
APPLICATION FOR  
SUBDIVISION

Please fill out this form completely. Please type or print.

Applicant Name: Nedonna Development LLC Attn: Anna Song  
Mailing Address: 3120 NW Bauer Woods Dr., Portland, OR 97229  
Phone: 503-706-1930

Owner Name (if other than applicant): (same)

Mailing Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Property Location:

Map: ZN10ZOAB Tax Lot: 4600, 4900, 9000 Block: - Lot(s): -

Situs Address: n/a

Name of Proposed Subdivision: Nedonna Wave

consisting of 6.23 acres divided into 28 lots, proposed in 1 phases.

Township 2N Range 10W Section 20AB Land Use Zone R-1

*See attached subdivision criteria.*

Attach a scale drawing showing the dimensions of the property, adjacent street(s), dimensions of any existing structures and dimensions of proposed development.

Applicant must include with this application twelve (12) copies of proposed plans.

Applicant Signature: [Signature] Date: 10/9/2007

Property Owner Signature: [Signature] Date: 10/9/2007

If the applicant is other than the owner, the owner hereby grants permission for the applicant to act on his/her behalf.

Please attach the name, address, phone number and signature of any additional property owners.

#07-19

CITY OF ROCKAWAY BEACH  
P.O. BOX 5  
ROCKAWAY BEACH, OR 97136  
Phone (503) 355-2291 / Fax (503) 355-8221

PLANNED UNIT DEVELOPMENT APPLICATION

Please fill out this form completely making sure to include all the listed criteria upon submission of this application and the fee associated. Please type or print.

Applicant Name: Nedonna Development LLC Attn: Anna Song

Mailing Address: 3120 NW Bauer Woods Dr., Portland, OR 97229

Phone: 503-706-1930 Fax: 503-

Owner (if other than applicant): (same)

Mailing Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Property Location:

Map: ZN 10 ZOAB Tax Lot(s): 1600, 4900, 9000 Block: - Lot(s): -

Subdivision Name: Nedonna Wave

Consisting of: 6.23 acres divided into 28 lots, proposed in 1 phases.

Township ZN Range 10W Section ZOAB Land Use Zone R-1

Included with this application must be the information required in Rockaway Beach Zoning Ordinance No. 143, Article 10, Planned Unit Development, Sections 10.010 - 10.080. A copy of this portion of the ordinance is attached.

Applicant Signature: [Signature] Date: 10/9/2007

If the applicant is other than the property owner, the owner hereby grants permission for the applicant to act on his/her behalf.

Property Owner Signature: [Signature] Date: 10/9/2007



Fee: \$1,000.00 + \$20.00/lot

*For Office Use Only:*

Date Received: \_\_\_\_\_ By: \_\_\_\_\_

Fee Paid: \_\_\_\_\_ Receipt No. \_\_\_\_\_ Date: \_\_\_\_\_

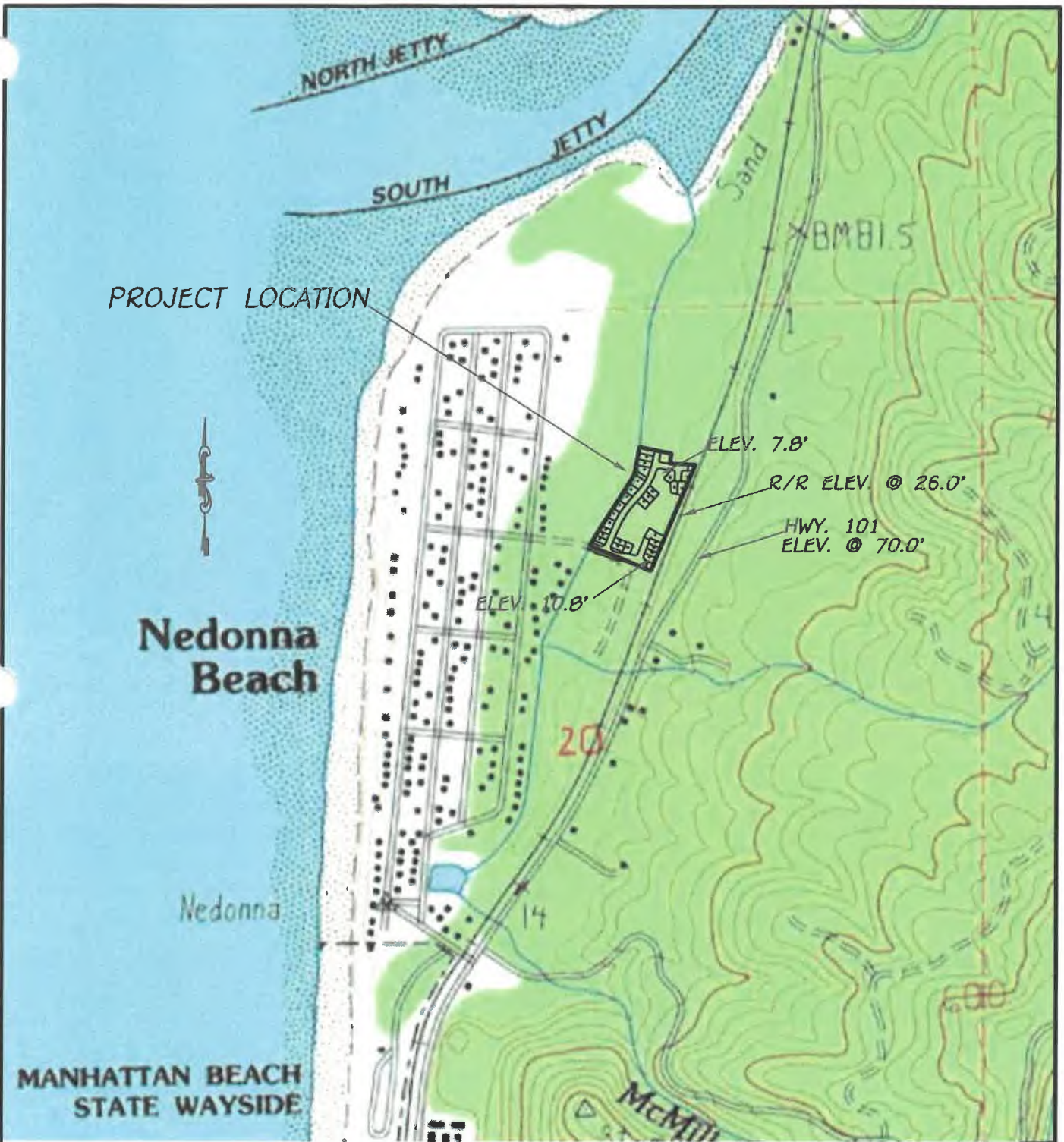
Balance Due: \_\_\_\_\_ Receipt No. \_\_\_\_\_ Date: \_\_\_\_\_

Date of Notice: \_\_\_\_\_

Notice Published: \_\_\_\_\_

Date of Staff Report: \_\_\_\_\_

Date Approved: \_\_\_\_\_



DRAWING: Height Variance.DWG Not to Scale/40' Contours SHEET 1 OF 1

**ANNA SONG**  
 NEDONNA WAVE  
 TYPICAL ELEVATIONS

Rockaway Beach, 2N 10 20AB, TL 4600 & 9000

**HLB & Associates**  
 INCORPORATED

Surveying • Civil Engineering • Planning • Water Rights • Wetlands Consulting

CLATSOP COUNTY	PACIFIC COUNTY	TILLAMOOK COUNTY
4253-A HWY 101 N. GEARHART, OR 97130	1715-B N. PACIFIC AVE. LONG BEACH, WA 98631	160 LANEDA AVE. MANZANITA, OR 97130
(503) 730-3425	(360) 642-4454	(503) 368-5394
FAX: (503) 730-7455	FAX: (360) 642-4054	FAX: (503) 368-5047
<a href="http://WWW.HLBINC.COM">WWW.HLBINC.COM</a>		

# 07 - 20  
# 07 - 21

**CITY OF ROCKAWAY BEACH**  
276 S. Highway 101  
P.O. Box 5  
Rockaway Beach, OR 97136  
Phone (503) 355-2291/Fax (503) 355-8221

**VARIANCE REQUEST APPLICATION**

Please fill out this form completely. Please type or print.

Applicant Name: Nedonna Development, LLC Attn: Anna Song

Mailing Address: 3120 NW Bauer Woods Dr., Portland OR 97229 Phone: (503) 706-1930

\*\*\*\*\*

Owner (If different than applicant): (same)

Mailing Address: \_\_\_\_\_ Phone: \_\_\_\_\_

**Property Location:**

Map: ZN 10 ZOAB Tax Lot: 4600, 4900, 9000 Block: — Lots: —

Street Address: n/a

**Description of Proposal:**

Request for Building Height Variance (max. 29 feet) for  
Lots 1 through 24, Nedonna Wave PUD, and Request  
for Building Height Variance (max. 36 feet) for Lots  
25 through 28, Nedonna Wave PUD.

**Justification of variance request. Explain how the request meets each of the following criteria for granting a variance per Rockaway Beach Zoning Ordinance #143, as amended, Article 8, Variances, Section 8.020, Criteria.**

**Note:** Use extra sheets, if necessary, for answering the above questions.

**Attach a scale drawing showing the dimensions of the property, adjacent street(s), dimensions of existing structure and dimensions of proposed development.**

Applicant Signature: John V. Song Date: 10/9/2007

Property Owner Signature: John V. Song Date: 10/9/2007

If the applicant is other than the owner, the owner hereby grants permission for the applicant to act on his/her behalf.

Please attach the name, address, phone number and signature of any additional property owners.

Non-refundable fee: \$500.00 (Any additional expenses will be billed accordingly.)

\*\*\*\*\*

**FOR OFFICE USE ONLY**

Date Received \_\_\_\_\_ By: \_\_\_\_\_

Fee Paid: \_\_\_\_\_ Receipt No: \_\_\_\_\_

Date of Notice: \_\_\_\_\_

Notice Published: \_\_\_\_\_

Public Hearing Date: \_\_\_\_\_

Granted: \_\_\_\_\_ Denied: \_\_\_\_\_

Date of Order: \_\_\_\_\_

Final Date To Appeal: \_\_\_\_\_

\_\_\_\_\_  
Rockaway Beach City Planner

\_\_\_\_\_  
Date

**Height Variance Justification Statement for  
Nedonna Wave PUD Variance Application  
for All Lots in Nedonna Wave Subdivision,  
TL 4600, 4900 & 9000, Map 2N 10 20AB  
Rockaway Beach, Oregon**

The Applicant requests that the City of Rockaway Beach Planning Commission grant a variance for the building height for all lots in this subdivision to be 29 feet which is 5 feet above the allowable height limit of 24 feet. The Applicant has addressed each of the four required Criteria for granting a Variance as set forth in Section 8.020, Variances, City of Rockaway Beach Zoning Ordinance, as well as the four Criteria for granting a Variance as set forth in Article 1, Section 48; Subdivision & Land Partition section of the City of Rockaway Beach Subdivision Ordinance, as well as Section 10.040 Development Standards, Section (7) Height Guidelines of Article 10 Planned Unit Development.

The City of Rockaway Beach Zoning Ordinance allows for the following building heights within the R-1 Zone: The maximum building height shall be 20 feet on the oceanfront. The maximum building height shall be 29 feet East of Highway 101. The maximum building height shall be 24 feet elsewhere (West of Highway 101 but not including the oceanfront). The building height requirements therefore allow for an increase in building heights as buildings are further removed from the oceanfront.

For the vast majority of properties within the City of Rockaway Beach, Highway 101 is parallel with and is generally equidistant to the oceanfront. Thus, for all properties from NW 23<sup>rd</sup> Street to the South line of the City Limits, the highway is generally about 300 to 500 feet East of the oceanfront. Given this relatively equal distance from the oceanfront, the dividing line between the 24' height limit and the 29' height limit is equitable and uniformly applied throughout the City Limits. This situation is NOT TRUE for the Nedonna Beach area since the highway curves to the East. The subject property is located more than 1500 feet East of the ocean and at the toe or base of land that slopes up to the East from the East line of this subdivision. There is no reason for a 24 foot height restriction given this situation of location from the oceanfront and topography to the East. The arbitrary limit of "East of Highway 101" as the defining line of the 29 foot height limit is not equitably applied to the subject property. Therefore, it is necessary to request a variance to the Height Limit Requirement specified by the City of Rockaway Beach Zoning Ordinance in order to build a house with substantially the same building height as the owners of other properties in the general vicinity and area. It should be noted that the Nedonna Meadows PUD Subdivision was granted a similar variance to allow for a 29 foot building height throughout that subdivision.

If granted, the increase in building height to 29 feet on all lots will not adversely affect any other homeowners in the area and would not be materially detrimental to the purpose of the ordinances since no views would be blocked. All properties to the East of this subdivision are substantially higher in ground elevation than is the ground in this subdivision.

Section 8.020 of the City of Rockaway Beach Zoning Ordinance sets forth the four criteria for granting a variance as follows:



a. *That a strict or literal interpretation and enforcement of the specified requirement would result in practical difficulty or unnecessary hardship and would be inconsistent with the objectives of the Comprehensive Plan; and*

b. *That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties in the same zone; and*

c. *That the granting of the variance will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the near vicinity; and.*

d. *That the granting of the variance would support policies contained within the Comprehensive Plan.*

Following are the ordinance criteria for a variance and the “Applicant’s Response” (suggested findings of fact) to each criteria.

8.020a. *That a strict or literal interpretation and enforcement of the specified requirement would result in practical difficulty or unnecessary hardship and would be inconsistent with the objectives of the Comprehensive Plan; and*

**Applicant’s Response:** The Land Use Section for Nedonna West (Rockaway Urban Growth Boundary Polices Section 11.A.1 pages 50 & 51). in the Comprehensive plan states that “The undeveloped area has good potential for residential development” and the Land Use Element, IV Natural Features paragraph 2 section of the Comprehensive Plan states “Cluster development is encouraged as a method of minimizing development impacts in areas with sensitive natural features”. This building height variance application is in harmony with all of these Comprehensive Plan policy objectives by allowing the homes in this subdivision to be of the same height as other homes within the City of Rockaway Beach at the same distance from the ocean. Using the arbitrary line of Highway 101 to determine the height of these homes would restrict them for no valid reason, creating an unnecessary hardship for the owners. These homes have no view of the ocean anyway, which was the underlying reason for the graduation of building height correlating to the distance away from the ocean. The granting of this variance would not harm the surrounding property, indeed it would make it more uniform with the other lots in the PUD as well as with the homes in the neighboring subdivision, Nedonna Meadows. (Nedonna Meadows PUD Subdivision was granted a similar variance to allow for a 29 foot building height throughout that subdivision.) Therefore, it is necessary to request a variance to the Height Limit Requirement specified by the City of Rockaway Beach Zoning Ordinance in order to build a house with substantially the same building height as the owners of other properties in the general vicinity and area.

8.020b *That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties in the same zone; and*

**Applicant’s Response:** The exceptional conditions these homes have are that they are required to have a building height that is based on the arbitrary limit of “East of Highway 101” as the defining line of the 29 foot height limit. This requirement is not fairly applied to the homes in this PUD as comparable homes within Rockaway Beach (at the same distance from the ocean) are allowed to have a building height of 29 feet. Therefore, it is necessary to request a variance to the Height

**Limit Requirement specified by the City of Rockaway Beach Zoning Ordinance in order to build a house with substantially the same building height as the owners of other properties in the general vicinity and area.**

8.020c *That the granting of the variance will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the near vicinity; and*

**Applicant's Response:** The granting of this height variance will in no way be detrimental to public health, safety or welfare as it will not adversely affect any of the residences near them. Allowing the lots to all have a building height of 29 feet should have no adverse affects on any lot as they have no view of the ocean anyway. (see attached subdivision plans of typical ground elevations)

8.020d *That the granting of the variance would support policies contained within the Comprehensive Plan.*

**Applicant's Response:** The Land Use Section for Nedonna West (Rockaway Urban Growth Boundary Polices Section 11.A.1 pages 50 & 51). in the Comprehensive plan states that "The undeveloped area has good potential for residential development" and the Land Use Element, IV Natural Features paragraph 2 section of the Comprehensive Plan states "Cluster development is encouraged as a method of minimizing development impacts in areas with sensitive natural features". This building height variance application is in harmony with all of these policy objectives by providing a uniform height for these homes that will conform to other homes in the area that are approximately the same distance from the ocean.

In addition to the requirements for a variance in the Zoning Ordinance, Article 1, Section 48 of the City of Rockaway Beach Subdivision Ordinance sets forth the following four criteria for granting a variance (to the subdivision ordinance) as follows:

1. *Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same vicinity, and result from tract size or shape, topography or other circumstances over which the owners of property since enactment of this ordinance have had no control.*
2. *The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same vicinity.*
3. *The variance would not be materially detrimental to the purposes of this ordinance, or to property in the same vicinity in which the property is located, or otherwise conflict with the objectives of any City plan or policy.*
4. *The variance requested is the minimum variance which would alleviate hardship.*

Technically, there is no variance being requested to the Subdivision Ordinance since the building height requirements are set forth in the Zoning Ordinance. Nevertheless, as requested by the City of Rockaway Beach, the Applicant offers the following statements in support of this request:

1.048 1        *Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same vicinity, and result from tract size or shape, topography or other circumstances over which the owners of property since enactment of this ordinance have had no control.*

**Applicant's Response:** The exceptional conditions these homes have are that they are required to have a building height that is based on the arbitrary limit of "East of Highway 101" as the defining line of the 29 foot height limit. This requirement is not fairly applied to the homes in this PUD as comparable homes within Rockaway Beach (at the same distance from the ocean) are allowed to have a building height of 29 feet. Therefore, it is necessary to request a variance to the Height Limit Requirement specified by the City of Rockaway Beach Zoning Ordinance in order to build a house with substantially the same building height as the owners of other properties in the general vicinity and area. The distance of these homes from the ocean is in no way something that could be controlled by the owner.

1.048 2        *The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same vicinity.*

**Applicant's Response:** For the vast majority of properties within the City of Rockaway Beach, Highway 101 is parallel with and is generally equidistant to the oceanfront. Thus, for all properties from NW 23<sup>rd</sup> Street to the South line of the City Limits, the highway is generally about 300 to 500 feet East of the oceanfront. Given this relatively equal distance from the oceanfront, the dividing line between the 24' height limit and the 29' height limit is equitable and uniformly applied throughout the City Limits. This situation is NOT TRUE for the Nedonna Beach area since the highway curves to the East. The subject property is located more than 1500 feet East of the ocean and at the toe or base of land that slopes up to the East from the East line of this subdivision. There is no reason for a 24 foot height restriction given this situation of location from the oceanfront and topography to the East. The arbitrary limit of "East of Highway 101" as the defining line of the 29 foot height limit is not equitably applied to the subject property. In order to guarantee these property owners enjoy the same rights as similar Rockaway Beach property owners, it is therefore necessary to request a variance to the Height Limit Requirement specified by the City of Rockaway Beach Zoning Ordinance in order to build a house with substantially the same building height as the owners of other properties in the general vicinity and area.

1.048 3        *The variance would not be materially detrimental to the purposes of this ordinance, or to property in the same vicinity in which the property is located, or otherwise conflict with the objectives of any City plan or policy.*

**Applicant's Response:** The granting of this variance would not be materially detrimental to the purposes of this ordinance as it will not adversely affect any of the residences near them. Allowing the lots to all have a building height of 29 feet should have no adverse affects on any lot as they have no view of the ocean anyway. (see attached subdivision plans of typical ground elevations)

1.048.4        *The variance requested is the minimum variance which would alleviate hardship.*

**Applicant's Response:** The requested amount of building height increase (5 feet) allows the owners of these properties to enjoy the same zoning requirements as owners of similar properties. To not

allow this equity would create a hardship for these owners that similar Rockaway Beach property owners do not have to overcome. The arbitrary limit of "East of Highway 101" as the defining line of the 29 foot height limit is not equitably applied to the subject property. Therefore, it is necessary to request a variance to the Height Limit Requirement specified by the City of Rockaway Beach Zoning Ordinance in order to build a house with substantially the same building height as the owners of other properties in the general vicinity and area. It should be noted that the Nedonna Meadows PUD Subdivision (neighboring this PUD) was granted a similar variance to allow for a 29 foot building height throughout that subdivision.

Following is the ordinance criteria for a variance and the "Applicant's Response" (suggested findings of fact) of Article 10 (PUD) Section 040 (Development Standards) Paragraph 7 (Height Guidelines)

*10.040.7 HEIGHT GUIDELINES. The same restrictions shall prevail as permitted outright in the zone in which such development occurs, except that the Planning Commission may allow a variance of heights where it is determined that surrounding property will not be harmed.*

**Applicant's Response:** The granting of this variance would not harm the surrounding property because it will not adversely affect any of the residences within the PUD or the neighboring Nedonna Meadows PUD (Nedonna Meadows PUD Subdivision was granted a similar variance to allow for a 29 foot building height throughout that subdivision.) Allowing the lots to all have a building height of 29 feet should have no adverse affects on any lot as they have no view of the ocean anyway.

**Applicant's Conclusion:** The existing City of Rockaway Beach 24 foot building height restriction is inappropriate for the homes to be located in Nedonna Wave PUD Subdivision, due to the development's distance from the ocean. In order to give these property owners the same rights and restrictions of property owners similarly distant from the ocean the variance should be granted. Therefore, a 5 foot increase in the allowable building height restriction to 29 feet is justified. We believe that all the Variance Criteria for both the Zoning Ordinance, Subdivision Ordinance and PUD development standards have been met in the documentation provided above.

**Height Variance Justification Statement for  
Nedonna Wave PUD Variance Application  
for Lots 25, 26, 27, & 28  
of 2N 10 20AB, TL 9000  
Rockaway Beach, Oregon**

The Applicant requests that the City of Rockaway Beach Planning Commission grant a variance for the building height of the proposed residences to be 36 feet which is 12 feet above the allowable height limit of 24 feet. The Applicant has addressed each of the four required Criteria for granting a Variance as set forth in Section 8.020, Variances, City of Rockaway Beach Zoning Ordinance, as well as the four Criteria for granting a Variance as set forth in Article 1, Section 48; Subdivision & Land Partition section of the City of Rockaway Beach Subdivision Ordinance, as well as Section 10.040 Development Standards, Section (7) Height Guidelines of Article 10 Planned Unit Development.

Because of the unique size and location of these lots, the unique topography, and the development requirements set forth in the Geologic Hazard Report from PSI, Inc., the buildable area of these lots is significantly reduced from that of the other lots in the subdivision. In summary, these lots are located between the steep slope to the East and the wetlands to the West (separated by a proposed street. Therefore, it is necessary to request a variance to the Height Limit Requirement specified by the City of Rockaway Beach Zoning Ordinance in order to build a house with substantially the same livable space as the owners of other properties in the area.

If granted, the increase in building height to 36 feet on these four lots only will not adversely affect any other homeowners in the area and would not be materially detrimental to the purpose of the ordinances since no views would be blocked. All properties to the East of these lots are substantially higher in elevation. These lots back up to the Port of Tillamook Bay Railroad which is near to Highway 101 on the East side of the subdivision. These four lots will not directly overlook any other homes because of the street that will separate them from the other homes. Also the granting of this variance will allow for a house to be built with a garage and off street parking on the ground floor and two floors above the garage level. This would allow for a basic floor area similar to the other homes in the subdivision.

Section 8.020 of the City of Rockaway Beach Zoning Ordinance sets forth the four criteria for granting a variance as follows:

- a. *That a strict or literal interpretation and enforcement of the specified requirement would result in practical difficulty or unnecessary hardship and would be inconsistent with the objectives of the Comprehensive Plan; and*
- b. *That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties in the same zone; and*
- c. *That the granting of the variance will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the near vicinity; and.*
- d. *That the granting of the variance would support policies contained within the Comprehensive Plan.*



Following are the ordinance criteria for a variance and the “Applicant’s Response” (suggested findings of fact) to each criteria.

*8.020a. That a strict or literal interpretation and enforcement of the specified requirement would result in practical difficulty or unnecessary hardship and would be inconsistent with the objectives of the Comprehensive Plan; and*

**Applicant’s Response:** Lots 25 -28 in the Nedonna Wave subdivision have a considerable smaller buildable area than the other lots. This is a result of the wetlands to the West and the steep slope to the East. To enforce the 24’ building height would greatly impact the owners’ available square footage, therefore creating an unnecessary hardship for them. Off-street parking is an objective outlined in the Comprehensive Plan (Transportation Element) and in order to provide this, the houses on these lots need to devote the entire ground floor to a garage and would therefore require additional height to allow for 2 floors of living space above the garage. Without this additional building height, there would be a practical difficulty of living space that would be essentially half of the living space of the other homes in the subdivision.

*8.020b That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties in the same zone; and*

**Applicant’s Response:** The topography of these lots creates an extraordinary condition in which the lot size is similar to the other lots, but the buildable area is considerable smaller. There is a steep slope on the backside of each of these lots which creates an exceptional condition to the location of a home on each of these four lots. No cutting into the slope is allowed in accordance with the geological requirements of the Geologic Hazard Report from PSI, Inc. (see enclosures) This requirement significantly changes the area in which to build a home on these lots. These lots are intended to be used in the same manner (as single family residences) as the other properties in the subdivision and in the same zone.

*8.020c That the granting of the variance will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the near vicinity; and*

**Applicant’s Response:** The granting of this height variance will in no way be detrimental to public health, safety or welfare as it will not adversely affect any of the residences near them. The lots are separated from the other lots in this subdivision by a street and they back up to the railroad and highway. All properties to the East of these lots is significantly higher than the subject property. (see attached subdivision plans of typical ground elevations)

*8.020d That the granting of the variance would support policies contained within the Comprehensive Plan.*

**Applicant’s Response:** The Land Use Section for Nedonna West (Rockaway Urban Growth Boundary Polices Section 11.A.1 pages 50 & 51). in the Comprehensive plan states that “The undeveloped area has good potential for residential development” and the Land Use Element, IV Natural Features paragraph 2 section of the Comprehensive Plan states “Cluster development is encouraged as a method of minimizing development impacts in areas with sensitive natural features”. This building height variance application is in harmony with all of these policy

objectives by providing a realistic, attractive and cost effective approach to the building limitations faced by the owners of these lots.

In addition to the requirements for a variance in the Zoning Ordinance, Article 1, Section 48 of the City of Rockaway Beach Subdivision Ordinance sets forth the following four criteria for granting a variance (to the subdivision ordinance) as follows:

1. *Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same vicinity, and result from tract size or shape, topography or other circumstances over which the owners of property since enactment of this ordinance have had no control.*
2. *The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same vicinity.*
3. *The variance would not be materially detrimental to the purposes of this ordinance, or to property in the same vicinity in which the property is located, or otherwise conflict with the objectives of any City plan or policy.*
4. *The variance requested is the minimum variance which would alleviate hardship.*

Technically, there is no variance being requested to the Subdivision Ordinance since the building height requirements are set forth in the Zoning Ordinance. Nevertheless, as requested by the City of Rockaway Beach, the Applicant offers the following statements in support of this request:

1.048 1 *Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same vicinity, and result from tract size or shape, topography or other circumstances over which the owners of property since enactment of this ordinance have had no control.*

**Applicant's Response:** As stated in the response to 8.021.A above, the terrain of these lots (Lots 25-28) is unique in the subdivision due to the steep slope and large elevation change located at the rear (East) of the lots. The topography is unique to these lots of the subdivision and does not apply to other properties in the same vicinity.

1.048 2 *The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same vicinity.*

**Applicant's Response:** This variance will help to equalize the useable building square footage of these homes as compared with the neighboring homes, thus making the property rights of these owners substantially the same as the owners of the other properties in the subdivision. Losing the ground floor to a garage to provide off-street parking severely decreases the amount of liveable space the owners would be allowed to have, but the granting of this building height variance to allow for a 36 foot building height preserve a necessary property right.

1.048 3 *The variance would not be materially detrimental to the purposes of this ordinance, or to property in the same vicinity in which the property is located, or otherwise conflict with the objectives of any City plan or policy.*

**Applicant's Response:** The variance would not be materially detrimental to the purposes of this ordinance as this is located in a Planned Unit Development, in which it is typical for the types and styles of the homes to be selected by the Developer. One of the reasons for this is to help ensure


some commonality and equity of the homes. The selection of a taller but narrower home for these lots is in agreement with the objectives of the policies of the City in that it provides the same quality of living as the homes around it.

*1.048 4            The variance requested is the minimum variance which would alleviate hardship.*

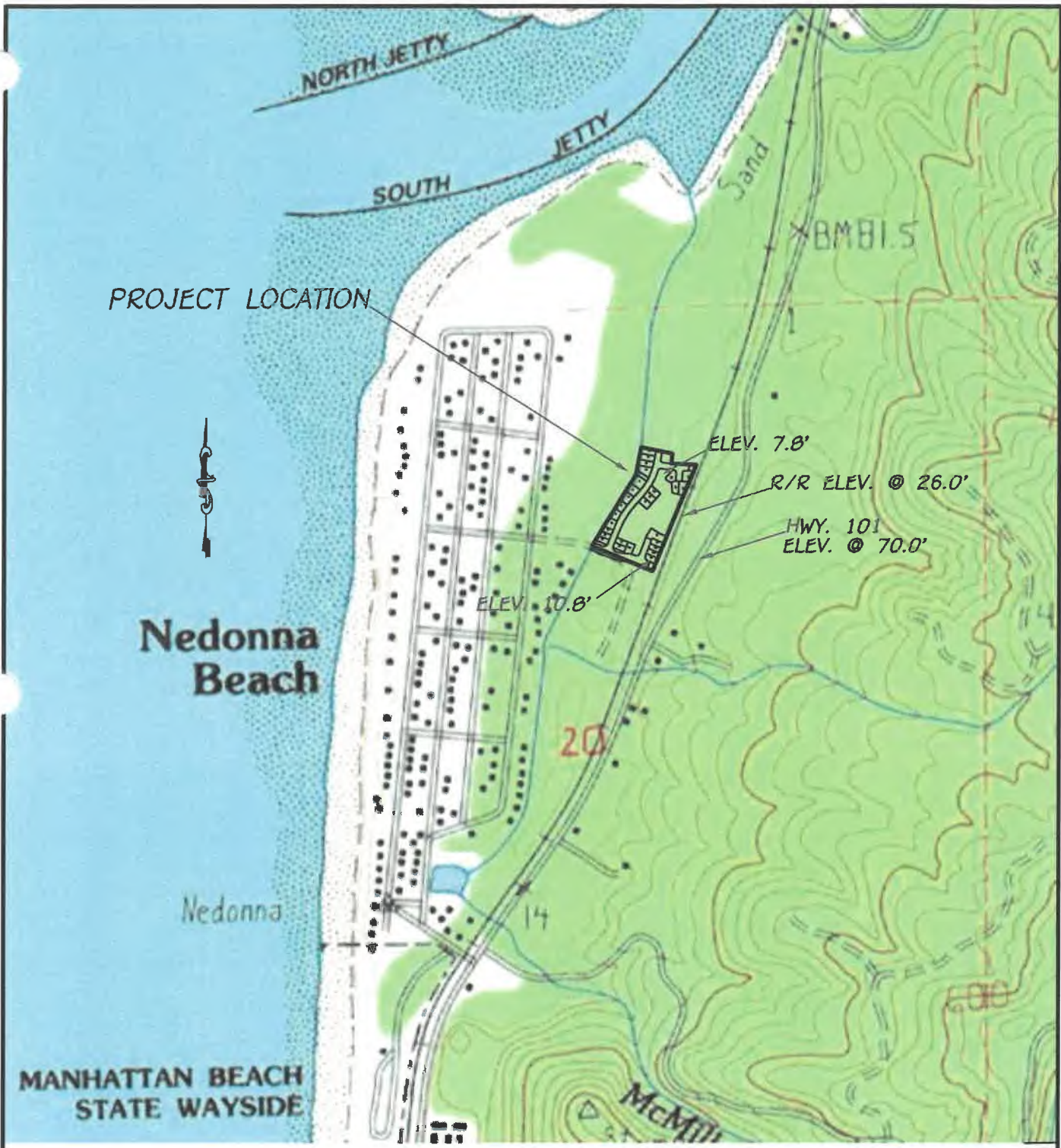
**Applicant's Response:** The requested amount of building height increase (12 feet) allows for an additional floor to be built. The lots are so small that the ground floor would be taken up by a garage, leaving only one floor as livable space. The granting of an additional floor would alleviate the hardship of having such a limited area and make the useable living space of these homes more comparable to the rest of the homes in the subdivision.

**Applicant's Conclusion:** The existing City of Rockaway Beach 24 foot building height restriction is inappropriate for the homes to be located on Lots 25 - 28 of Nedonna Wave PUD Subdivision, due to the unique topography and location with respect to the adjacent wetlands and railroad slope. The slope located at the back of these lots cannot be cut into which makes the buildable area of these lots much smaller than the neighboring lots of the subdivision. By allowing taller, narrower houses to be built on these lots, the property owners can enjoy the same rights as their neighbors and still provide the off-street parking as required by the City. Therefore, a 12 foot increase in the allowable building height restriction is justified. being asked for. We believe that all the Variance Criteria for both the Zoning and Subdivision Ordinances have been met in the documentation provided above.

Prepared and respectfully submitted on behalf of the Applicant by



Ronald G. Larson, PE, PLS  
Planning and Engineering Consultant  
HLB & Associates, Inc.



DRAWING: Height Variance.DWG Not to Scale/40' Contours SHEET 1 OF 1

**ANNA SONG**  
 NEDONNA WAVE  
 TYPICAL ELEVATIONS

Rockaway Beach, 2N 10 20AB, TL 4600 & 9000

**HLB & Associates**  
 INCORPORATED

Surveying • Civil Engineering • Planning • Water Rights • Wetlands Consulting

CLATSOP COUNTY	PACIFIC COUNTY	TILLAMOOK COUNTY
4253-A HWY 101 N. (503) 738-3425 FAX: (503) 738-7455	1715-B N. PACIFIC AVE. LONG BEACH, WA 98631 (360) 642-4454 FAX: (360) 642-4054	160 LANEDA AVE MANZANITA, OR 97130 (503) 368-5394 FAX: (503) 368-5847
<a href="http://WWW.HLBINC.COM">WWW.HLBINC.COM</a>		

# 07 - 22

**CITY OF ROCKAWAY BEACH**  
276 S. Highway 101  
P.O. Box 5  
Rockaway Beach, OR 97136  
Phone (503) 355-2291/Fax (503) 355-8221

**VARIANCE REQUEST APPLICATION**  
for Tentative Plan of Subdivision

Please fill out this form completely. Please type or print.

Applicant Name: Nedonna Development, LLC Attn: Anna Song

Mailing Address: 3120 NW Bauer Woods Drive Portland, OR 97229

Phone: (503) 706-1930

Owner Name (if other than applicant): same

Mailing Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Property Location:

Map: 2N 10 20AB Tax Lot: 4600, 4900 & 9000 Block: \_\_\_\_\_ Lot(s): \_\_\_\_\_

Street Address: \_\_\_\_\_

**DESCRIPTION OF THE PROPOSAL**

Variance Request to eliminate the requirement for sidewalks in the proposed NEDONNA WAVE subdivision as required by Section 44(3) of the Rockaway Beach Subdivision Ordinance

Justification of variance request. Explain how the request meets each of the following criteria for granting a variance per Subdivision and Land Partitioning Ordinance #150, Section 56.

1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same vicinity, and result from tract size or shape, topography or other circumstances over which the owners of property since enactment of this ordinance have had no control.

There are exceptional circumstances that apply to this property which which do not apply generally to other properties in the vicinity, none of which have sidewalks. The property is separated from the rest of the Nedonna Beach vicinity by McMillan Creek. There is no continuation of the property to the east (cut off by the PTB RR). This property should be treated like all other properties in the area, none of which have sidewalks.



2. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same vicinity possess.

Residents of the area have for a long time walked safely on the streets and shoulders of the roads in this area without a detrimental effect on the public safety or welfare and without the use of sidewalks. The lack of sidewalks actually helps to reduce the speed of vehicles on the street. All other properties in the area have been developed without the requirement for sidewalks to be constructed, therefore, it is a basic property right that has been enjoyed by the owners of other property in the same vicinity to be allowed to develop their properties without the requirement of constructing sidewalks. This same property right should be preserved and extended to the applicant.

3. The variance would not be materially detrimental to the purposes of this ordinance, or to property in the same vicinity in which a property is located, or otherwise conflict with objectives of any City plan or policy.

It is an unnecessary hardship to require the construction of sidewalks when curb and gutter is not a requirement and when none of the adjacent subdivisions or adjacent properties have sidewalks. In this residential neighborhood there are no other sidewalks. The lack of existing sidewalks in the Nedonna Beach vicinity is not materially detrimental to any other properties in the same vicinity, thus this variance to eliminate sidewalks is not materially detrimental to property in the same vicinity in which this property is located. The Comprehensive Plan contains the objective of sidewalks "constructed along all heavily traveled streets, including Highway 101", therefore the variance request to eliminate sidewalks in the residential area of Nedonna Beach (Transportation Element, Special Transportation Needs) does not conflict with the Comprehensive Plan. As such, the granting of this variance to eliminate sidewalks in this subdivision would not be materially detrimental to the purposes of this ordinance, or to property in the same vicinity in which a property is located, or otherwise conflict with objectives of any City plan or policy.

4. The variance requested is the minimum variance which would alleviate the hardship.

The variance requested is, in fact, the minimum which would alleviate the hardship as the request is to eliminate and not construct the sidewalks. There is no numerical value which could be reduced to some other variation. The sidewalks are either constructed or eliminated. Therefore, the variance request to eliminate the requirement for sidewalks is the minimum which would alleviate the hardship.

Variance Request, Subdivision - Sidewalk

Note: Use extra sheets, if necessary, for answering the above questions.

Attach a scale drawing showing the dimensions of the property, adjacent street(s), dimensions of existing structure(s), and dimensions of proposed development

Applicant Signature: *John W. Song* Date: 10/9/2007

Property Owner Signature: *John W. Song* Date: 10/9/2007

If the applicant is other than the owner, the owner hereby grants permission for the applicant to act on his/her behalf.

Please attach the name, address, phone number and signature of any additional property owners.

Fee: \$400.00

Actual costs of processing request will be billed to the applicant, less the deposit.

For Office Use Only:

Date Received: \_\_\_\_\_ By: \_\_\_\_\_

Fee Paid: \_\_\_\_\_ Receipt No.: \_\_\_\_\_

Balance Due: \_\_\_\_\_ Receipt No.: \_\_\_\_\_ Date: \_\_\_\_\_

Date of Notice: \_\_\_\_\_

Notice Published: \_\_\_\_\_

Public Hearing(s): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Granted/Denied: \_\_\_\_\_

Date of Order: \_\_\_\_\_

Final Date to Appeal: \_\_\_\_\_

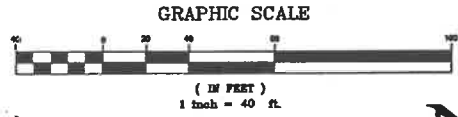
# Nedonna Wave Development

## Subdivision and PD Application

### Appendices

- A. Tentative Site Plans (4 sheets attached) and current Assessor's Map (2N 10 20AB)
- B. Legal Description of Ownership (Attached)
- C. Draft Covenants, Conditions, and Restrictions (CC&Rs) (Attached)
- D. Lot Area / Setback Table (Attached)
- E. Wetland CoE/DSL Joint Permit Application, Permit Approvals from DSL and CoE, City of Rockaway Fill/Development Permit, DEQ Stormwater Control Permit (Attached)
- F. Geotechnical Evaluation and Geologic Hazard Report (Attached)
- G. Riley Street Access Agreement (Attached)
- H. Proposed Wetlands Sign (Attached)
- I. Building Elevations (Attached)
- J. Subdivision Name Reservation (Attached)

**Appendix A**  
Tentative Site Plans  
Current Assessor's Map



# NEDONNA WAVE

## TENTATIVE PLAN/P.U.D.

### ROCKAWAY BEACH, OR

#### APPLICANT/PROPERTY OWNER

PROPERTY OWNER/SUBDIVIDER:  
 NEDONNA DEVELOPMENT, LLC  
 ATTN: ANNA SONG  
 3120 NW Bauer Wood Drive  
 Portland, OR 97229  
 (503) 706-1930

#### PROJECT NOTES

1. THE APPLICANT WILL APPLY FOR WETLAND MITIGATION APPROVAL FROM THE DIVISION OF STATE LANDS. UNTIL SUCH MITIGATION IS APPROVED AND COMPLETED, THE FOLLOWING LOTS (DESIGNATED WITH AN ASTERISK: 1, 2, 3, 4, 7, 16, 19, 21, 26, & 27) ARE NOT ELIGIBLE FOR BUILDING PERMITS AS ISSUED FROM THE CITY OF ROCKAWAY BEACH.
2. THIS PROPERTY IS LOCATED IN A FLOOD HAZARD ZONE AND IN THE BEACHES AND DUNES HAZARD ZONE. ACCORDING TO THE CITY OF ROCKAWAY BEACH FUTURE CONSTRUCTION REQUIRES ANY HOUSE TO BE IN ACCORDANCE WITH SECTION 3.095 AND SECTION 3.104 OF THE CITY OF ROCKAWAY BEACH ZONING ORDINANCE.
3. SIDEWALKS ARE NOT PLANNED FOR THIS DEVELOPMENT.
4. A SWALE WILL EXIST BETWEEN THE EDGE OF THE ROADWAY AND THE LOT FOR PURPOSES OF RETENTION. FUTURE DRIVEWAYS WILL NOT BE REQUIRED TO INCLUDE CULVERTS, CONSISTENT WITH THE CHARACTERISTICS OF THE NEIGHBORHOOD.
5. WETLANDS DELINEATED BY RORICK ENVIRONMENTAL SERVICES, JAN. 2006.
6. THE ELEVATIONS SHOWN HEREON ARE BASED UPON THE FEMA REFERENCE MARK, RNE DESCRIBED AS "A STANDARD OREGON HIGHWAY DEPARTMENT DISK, STAMPED 5 47 1950, APPROXIMATELY 2.0 MILES SOUTH OF BIGNON ALONG THE OREGON COAST HIGHWAY 101, APPROXIMATELY 110 FT NORTH OF A GARAGE ON EAST SIDE OF HIGHWAY, OPPOSITE OF A SOUTHERN PACIFIC RAILROAD CULVERT, AT A CONCRETE HIGHWAY CULVERT, IN TOP OF NORTHEAST CORNER OF SOUTHEAST HEADWALL" EL. = 12.615 FT.
7. FLOOD HAZARD ZONE, AS (ELEV. 12) SEE TILLAMOOK COUNTY PERM #410196 0000A. MINIMUM FLOOR ELEVATION OF PROPOSED RESIDENCES IS 13 FT NGVD.

#### ENGINEERING TEAM

ENGINEER/SURVEYOR:  
 HLB OTEK, INC.  
 ATTN: RONALD G. LARSON, P.E. PLS  
 10445 NEAH-EAH-NE COR. RD.  
 MARZANITA, OR 97130

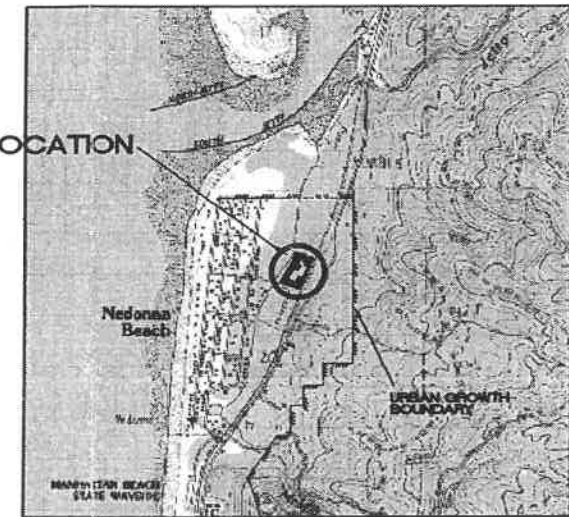
#### SERVICE PROVIDERS

- WATER, SEWER, STORM DRAINAGE, ROADS: CITY OF ROCKAWAY BEACH, P.O. BOX 9, ROCKAWAY BEACH, OR 97136 (503) 555-2291
- TELEPHONE: SPRINT UNITED TELEPHONE, 2714 FOURTH STREET, TILLAMOOK, OR 97141 (503) 815-3024
- ELECTRICITY: TILLAMOOK PUBLIC UTILITY DISTRICT, 1115 PACIFIC AVE., TILLAMOOK, OR 97141 (503) 842-2552
- CABLE TELEVISION: CHARTER COMMUNICATIONS, 1344 RD. HWY 101, LINCOLN CITY, OR 97357 (541) 957-3709

#### TOTAL AREA AND DENSITY INFORMATION

	SG. FT. (ACRES)
A) TOTAL GROSS AREA	271,241 (6.23)
B) TOTAL R.O.M. AREA	49,556 (1.14)
C) EXISTING WETLANDS	79,145 (1.82)
D) CREATED WETLANDS	22,182 (0.51)
E) TOTAL NET DEVELOPABLE AREA (A - (C+D))	189,914 (4.90)
F) MINIMUM ALLOWED LOT SIZE IN PARENT ZONE	5000
G) NUMBER OF LOTS ALLOWED IN PARENT ZONE (E / F)	34
H) NUMBER OF LOTS PROPOSED	28
I) CALCULATED NET DENSITY (H / G)	82.94%

#### PROJECT LOCATION



VICINITY MAP  
NO SCALE

#### SHEET INDEX

- SHT. 1: COVER SHEET & EXISTING TOPOGRAPHY
- SHT. 2: LOT DIMENSIONS & ROADWAY DETAILS
- SHT. 3: UTILITIES & HOME STYLES
- SHT. 4: PRELIMINARY GRADING, STORM DRAINAGE & WETLAND MITIGATION.

#### LEGEND

- PROPOSED PROPERTY LINE
- EXISTING PROPERTY LINE
- FUTURE PROPERTY/ROW LINE
- PROPOSED ASPHALT PAVEMENT
- EXISTING ASPHALT PAVEMENT
- CENTERLINE
- EXISTING GRAVITY SEWER MAIN
- EXISTING WATER MAIN
- EXISTING SEWER FORCE MAIN
- PROPOSED SEWER MAIN
- EXISTING MANHOLE
- POWER POLE
- FIRE HYDRANT
- EXISTING/PROPOSED WATER METER
- WETLANDS BOUNDARY

PACIFIC COUNTY  
 17150 S. N. PACIFIC AVE.  
 LONG BEACH, WA 98051  
 (360) 842-4444  
 FAX: (360) 642-4094

TILLAMOOK COUNTY  
 10445 NEAH-EAH-NE COR. RD.  
 MARZANITA, OR 97130  
 (503) 555-2291  
 FAX: (503) 555-2291

CLATSOP COUNTY  
 4535-A HWY 101 N.  
 GAINESVILLE, OR 97130  
 (503) 736-3423  
 FAX: (503) 736-7455

WWW.HLB-OTAK.COM

JOB NO. 2004-0264  
 DATE: OCT 12, 2007  
 DESIGNED BY: [Signature]  
 CHECKED BY: [Signature]  
 DRAWN BY: [Signature]  
 DATE: OCTOBER 2, 2007  
 NO. 2004-01-02

PROFESSIONAL SEAL  
 REGISTERED PROFESSIONAL ENGINEER  
 STATE OF OREGON  
 RONALD G. LARSON  
 NO. 10000

NEDONNA WAVE  
 TENTATIVE PLAN  
 COVER SHEET & EXISTING TOPOGRAPHY

SHEET  
 1  
 OF 4

Rockaway Beach, Oregon 2N 10W 20AB, TL 4500 & 9000



# NEDONNA WAVE

## TENTATIVE PLAN/P.U.D.

### ROCKAWAY BEACH, OR

#### TYPICAL SETBACKS AS PER ZONING ORDINANCE

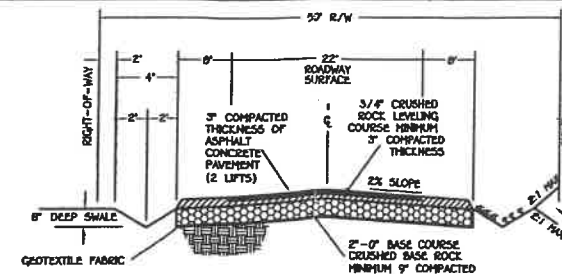
FRONT YARD: 15 FT  
SIDE YARD: 5 FT  
REAR YARD: 20 FT

#### EXCEPTIONS

LOTS < 3500 SF & > 3500 SF  
FRONT YARD: 15 FT  
SIDE YARD: 10 FT  
CORNER LOT REAR: 5 FT

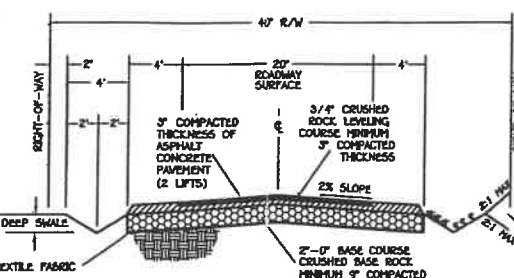
LOTS < 3500 SF  
FRONT YARD: 10 FT  
REAR YARD: 10 FT  
CORNER LOT REAR: 5 FT

SEE DETAILED SETBACK ANALYSIS AND LOT AREA SETBACK TABLE IN APPLICANTS PUD APPLICATION. IN GENERAL ALL LOTS ADHERE TO A 5' SIDE YARD SETBACK. A STREET SIDE YARD SETBACK OF 8' OR 10' APPLIES TO LOTS 20, 21 AND 22. THE FRONT AND REAR YARD SETBACKS HAVE BEEN REDUCED TO THOSE VALUES SHOWN AS ALLOWED IN THE PUD ORDINANCE.

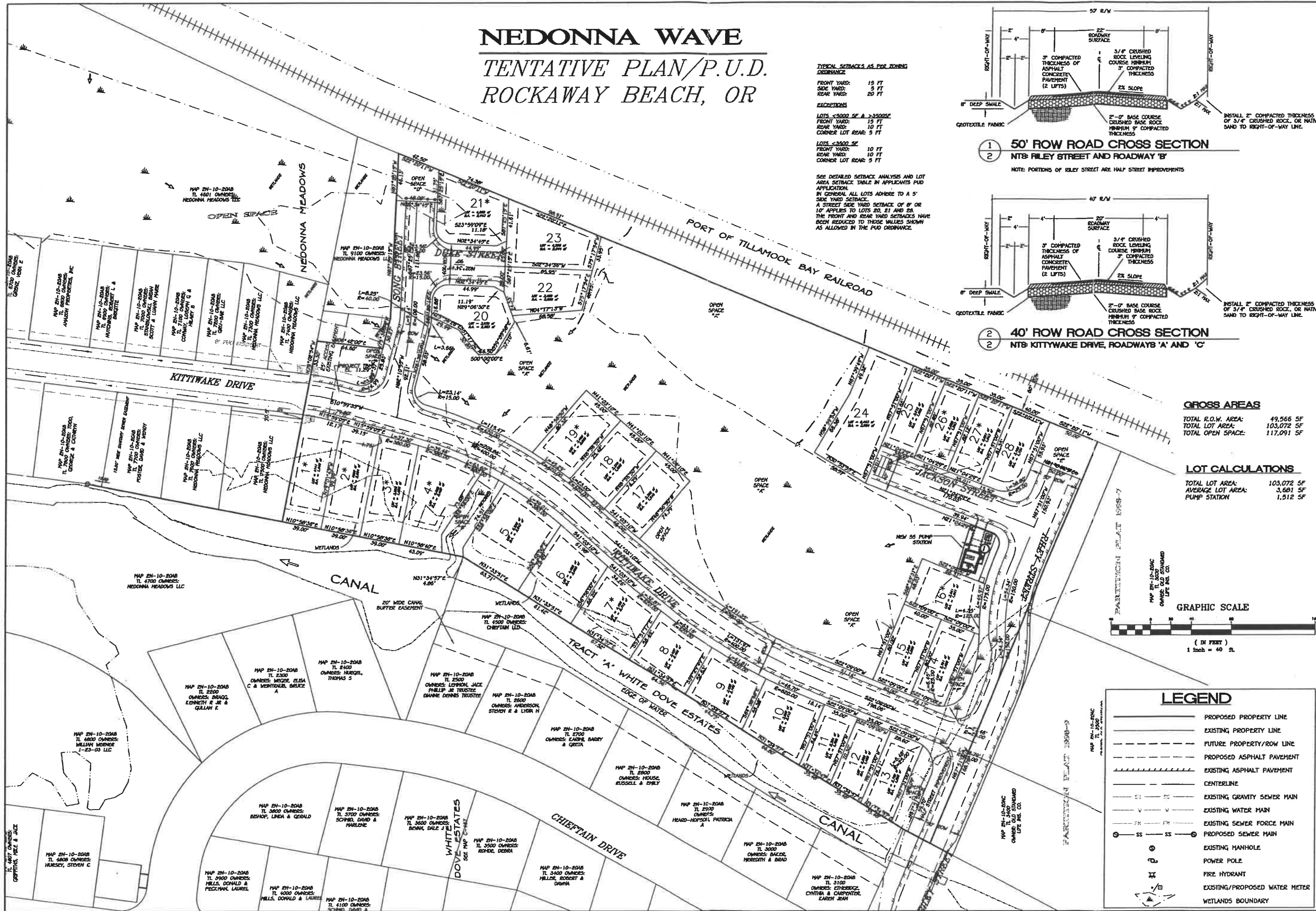


1 50' ROW ROAD CROSS SECTION  
NTS: RILEY STREET AND ROADWAY 'B'

NOTE: PORTIONS OF RILEY STREET ARE HALF STREET IMPROVEMENTS



2 40' ROW ROAD CROSS SECTION  
NTS: KITTYWAKE DRIVE, ROADWAYS 'A' AND 'C'

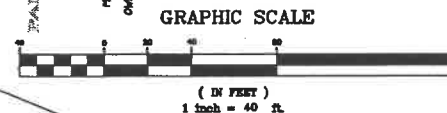


#### GROSS AREAS

TOTAL R.O.W. AREA: 49,566 SF  
TOTAL LOT AREA: 103,072 SF  
TOTAL OPEN SPACE: 117,091 SF

#### LOT CALCULATIONS

TOTAL LOT AREA: 103,072 SF  
AVERAGE LOT AREA: 3,681 SF  
PUMP STATION: 1,512 SF



#### LEGEND

- PROPOSED PROPERTY LINE
- - - EXISTING PROPERTY LINE
- - - FUTURE PROPERTY/ROW LINE
- ==== PROPOSED ASPHALT PAVEMENT
- ==== EXISTING ASPHALT PAVEMENT
- CENTERLINE
- EXISTING GRAVITY SEWER MAIN
- EXISTING WATER MAIN
- EXISTING SEWER FORCE MAIN
- PROPOSED SEWER MAIN
- ⊙ EXISTING MANHOLE
- ⊙ POWER POLE
- ⊙ FIRE HYDRANT
- ⊙ EXISTING/PROPOSED WATER METER
- WETLANDS BOUNDARY

PACIFIC COUNTY  
1715 S. N. PACIFIC AVE  
LONG BEACH, WA 98631  
PHONE: (360) 642-4094  
FAX: (360) 642-4094

JILLAMOOK COUNTY  
4253-A HWY 101 N  
GRANDVIEW, OR 97130  
PHONE: (503) 796-3429  
FAX: (503) 796-3594



JOB NO. 100-10264  
DATE 12.2007  
DRAWN JPS  
CHECKED JHL  
DESIGNED JHL  
PROJECT NO. 1000264-01-02  
"SUNNY" PADDOS



NEDONNA WAVE  
TENTATIVE PLAN  
LOT DIMENSION AND ROADWAY DETAILS

SHEET  
2  
OF 4

Rockaway Beach, Oregon 2N 10W 204B, TL 4600 & 9000

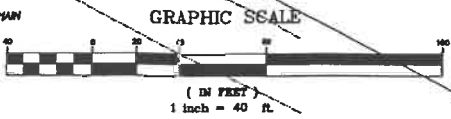
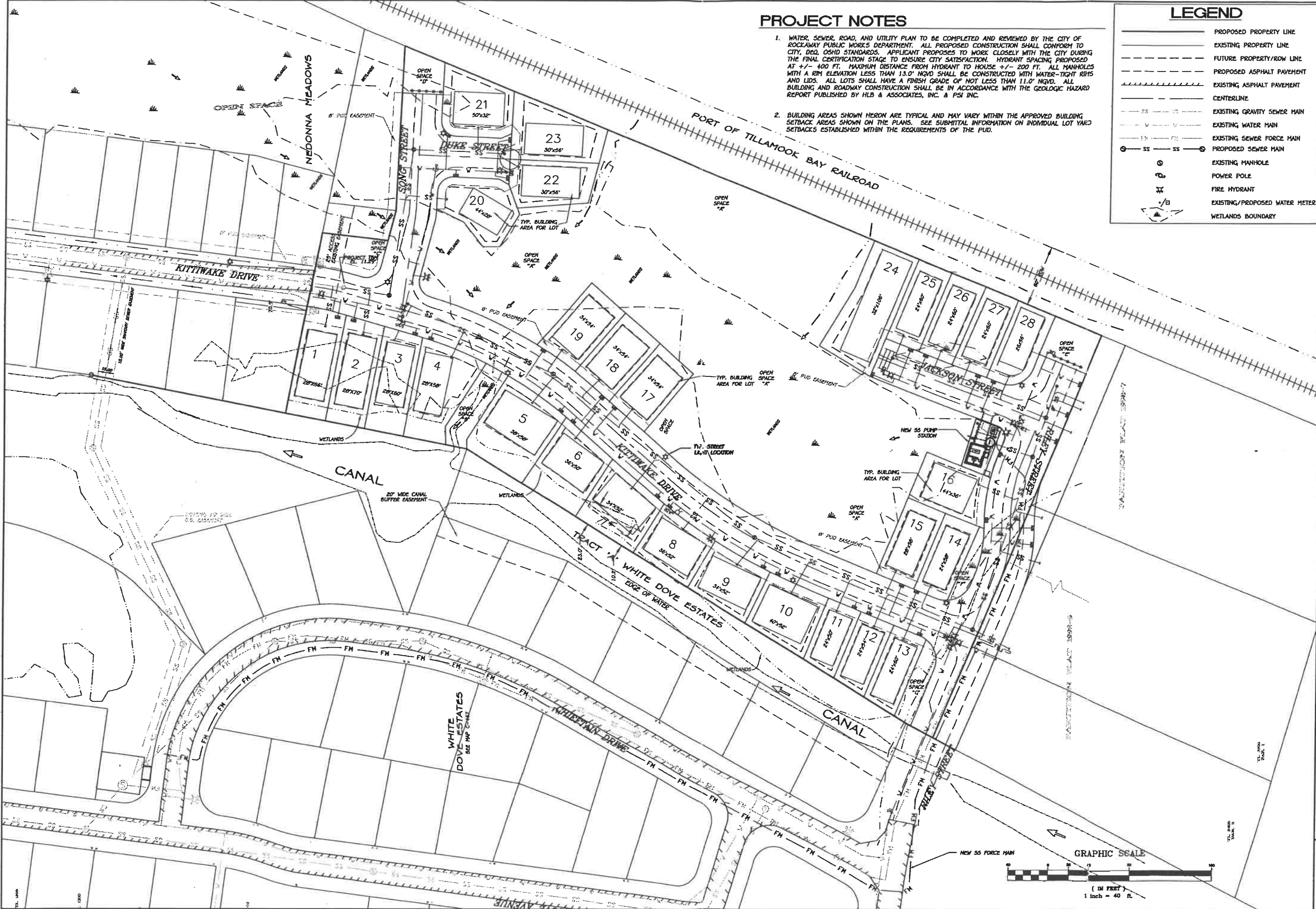
WWW.HLB-OTAK.COM

**PROJECT NOTES**

1. WATER, SEWER, ROAD, AND UTILITY PLAN TO BE COMPLETED AND REVIEWED BY THE CITY OF ROCKAWAY PUBLIC WORKS DEPARTMENT. ALL PROPOSED CONSTRUCTION SHALL CONFORM TO CITY, DEQ, OSHD STANDARDS. APPLICANT PROPOSES TO WORK CLOSELY WITH THE CITY DURING THE FINAL CERTIFICATION STAGE TO ENSURE CITY SATISFACTION. HYDRANT SPACING PROPOSED AT +/- 400 FT. MAXIMUM DISTANCE FROM HYDRANT TO HOUSE +/- 200 FT. ALL MANHOLES WITH A RIM ELEVATION LESS THAN 13.0' NGVD SHALL BE CONSTRUCTED WITH WATER-TIGHT RIMS AND LIDS. ALL LOTS SHALL HAVE A FINISH GRADE OF NOT LESS THAN 11.0' NGVD. ALL BUILDING AND ROADWAY CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE GEOLOGIC HAZARD REPORT PUBLISHED BY HLB & ASSOCIATES, INC. & PSI INC.
2. BUILDING AREAS SHOWN HEREON ARE TYPICAL AND MAY VARY WITHIN THE APPROVED BUILDING SETBACK AREAS SHOWN ON THE PLANS. SEE SUBMITTAL INFORMATION ON INDIVIDUAL LOT YARD SETBACKS ESTABLISHED WITHIN THE REQUIREMENTS OF THE PUD.

**LEGEND**

	PROPOSED PROPERTY LINE
	EXISTING PROPERTY LINE
	FUTURE PROPERTY/ROW LINE
	PROPOSED ASPHALT PAVEMENT
	EXISTING ASPHALT PAVEMENT
	CENTERLINE
	EXISTING GRAVITY SEWER MAIN
	EXISTING WATER MAIN
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	EXISTING/PROPOSED WATER METER
	WETLANDS BOUNDARY



PACIFIC COUNTY  
 1715 S. N. PACIFIC AVE.  
 LONGVIEW, OR 97130  
 (503) 642-4444  
 FAX: (503) 642-1094

TILLAMOOK COUNTY  
 1044 MARSHALL STREET, SE.  
 WAINWRIGHT, OR 97130  
 (503) 368-5594  
 FAX: (503) 368-5917

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 • PLANNING  
 • WATER RIGHTS  
 • WETLAND CONSULTING

GLATSOP COUNTY  
 4233-A HWY 101 N.  
 GRESHAM, OR 97130  
 (503) 738-7445  
 FAX: (503) 738-7445

REGISTERED PROFESSIONAL ENGINEER  
 8443  
 DOT 12, 2007  
 DESIGNER  
 PRC  
 P. J. BROWN  
 CHECKED  
 RCL  
 MARCH 14, 2008 P.M.  
 HP9284-01-02

**NEDONNA WAVE**  
 TENTATIVE PLAN  
 UTILITIES & BUILDING ENVELOPE

Rockaway Beach, Oregon 2N 10W 20AB, TL 4600 & 9000



# NEDONNA WAVE

## TENTATIVE PLAN/P.U.D.

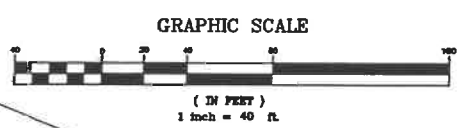
### ROCKAWAY BEACH, OR

LEGEND	
	PROPOSED PROPERTY LINE
	EXISTING PROPERTY LINE
	FUTURE PROPERTY/ROW LINE
	PROPOSED ASPHALT PAVEMENT
	EXISTING ASPHALT PAVEMENT
	CENTERLINE
	EXISTING GRAVITY SEWER MAIN
	EXISTING WATER MAIN
	EXISTING SEWER FORCE MAIN
	PROPOSED SEWER MAIN
	EXISTING MANHOLE
	POWER POLE
	FIRE HYDRANT
	EXISTING/PROPOSED WATER METER
	WETLANDS BOUNDARY

**WETLANDS SUMMARY**

GROSS EXISTING WETLANDS ON SITE: 79,145 SF = 1.82 ACRES  
 WETLAND PROPOSED TO BE FILLED FOR DEVELOPMENT: 14,479 SF = 0.33 ACRES  
 WETLANDS CREATED FOR MITIGATION OF FILLED WETLANDS: 22,182 SF = 0.51 ACRES

RATIO OF CREATED WETLANDS TO FILLED WETLANDS:  
 22,182 / 14,479 = 1.53 (> 1.5 MIN.)



### WETLAND AND PROJECT NOTES

1. THE APPLICANT WILL APPLY FOR WETLAND MITIGATION APPROVAL FROM THE DIVISION OF STATE LANDS. UNTIL SUCH MITIGATION IS APPROVED AND COMPLETED, THE FOLLOWING LOTS (DESIGNATED WITH AN ASTERISK: 1, 2, 3, 4, 7, 16, 19, 21, 26 & 27) ARE NOT ELIGIBLE FOR BUILDING PERMITS AS ISSUED FROM THE CITY OF ROCKAWAY BEACH.
2. WETLANDS DELINEATED BY RORICK ENVIRONMENTAL SERVICES, JAN. 2006.
3. WETLANDS MITIGATION PLAN SHOWN HEREON, HAS BEEN DEVELOPED BY RORICK ENVIRONMENTAL SERVICES. THE WETLANDS MITIGATION PLAN IN GREATER DETAIL AND WITH ALL REQUIRED COMPONENTS AND MAPS WILL BE SUBMITTED TO AND APPROVED BY ALL THE REQUIRED AGENCIES (DSL/CDE) PRIOR TO IMPLEMENTATION.
4. PRELIMINARY GRADING SHALL BE COMPLETED TO THE SPOT ELEVATIONS SHOWN HEREON AS IN GENERAL EACH LOT WILL HAVE A MINIMUM FINISH GRADE OF 11.0' (NGVD).

**CLATSOP COUNTY**  
 1715 S. N. PACIFIC AVE.  
 ASTORIA, OR 97103  
 (503) 325-4431  
 FAX: (503) 325-4434

**TILLAMOOK COUNTY**  
 1048 N.W. 4th AVE. CR. 50  
 HAYDEN, OR 97136  
 (503) 862-3594  
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 SURVEYING ENGINEERING  
 PLANNING RIGHTS  
 WETLAND CONSULTING

**CLATSOP COUNTY**  
 4253-A HWY 101 N.  
 CLATSOP, OR 97130  
 (503) 758-7455  
 FAX: (503) 758-7455

JOB NO. 09-0264  
 09-0264  
 DOT 12, 2007  
 DESIGNED  
 ETC  
 DRAWN  
 CHECKED  
 RDL  
 09/02/08-01-02  
 09/02/08-01-02

**NEDONNA WAVE**  
**TENTATIVE PLAN**  
**PRELIMINARY GRADING, STORM DRAINAGE, & WETLANDS**

Rockaway Beach, Oregon 2N 10W 20S, T. 4600 & 9000



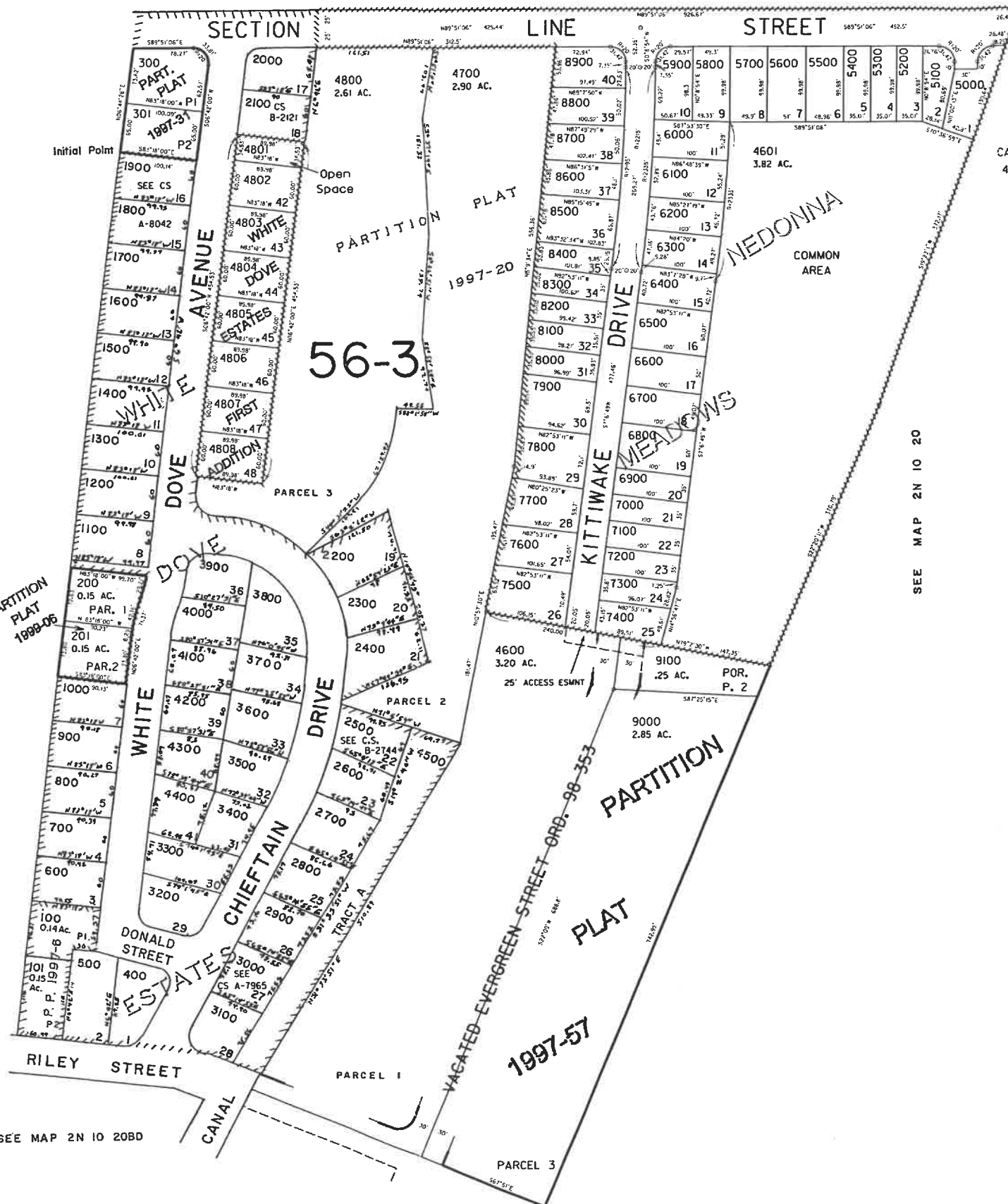
THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY

NW1/4NE1/4 SEC. 20 T.2N. R.10W. W.M.  
TILLAMOOK COUNTY

2N 10 20AB

1" = 100'

SEE MAP 2N 10 17



CANCELLED NO.  
4900

SEE MAP 2N 10 20BA

SEE MAP 2N 10 20

SEE MAP 2N 10 20BD

2N 10 20AB  
REVISED 07/05/06, WS

**Appendix B**  
Legal Description of Ownership

**LEGAL DESCRIPTION of**  
**NEDONNA WAVE (including tax lots 9000 and 4600, 2N 10 20AC)**

Preliminary Report

Order No.: **7052-671167**

Page 7 of 7

**Exhibit "A"**

Real property in the County of Tillamook, State of Oregon, described as follows:

Parcel 1, Partition Plat 1997-20, recorded June 16, 1997 in Plat Cabinet B-523-1, Partition Plat Records of Tillamook County, Oregon, and being situated in Section 20, Township 2 North, Range 10 West of the Willamette Meridian, in Tillamook County, Oregon.

EXCEPTING THEREFROM that portion as more particularly described by instrument recorded September 25, 1998 in Book 400, Page 586, Tillamook County Deed Records, known as proposed KITTYWAKE SUBDIVISION.

Real property in the County of Tillamook, State of Oregon, described as follows:

Parcel 3, PARTITION PLAT 1997-57, recorded December 30, 1997, in Plat Cabinet B. Slide 547-2, Tillamook County Partition Plat Records, and being situated in Section 20, Township 2 North, Range 10 West of the Willamette Meridian, in Tillamook County, Oregon.

TOGETHER WITH the East half of vacated Evergreen Street as as recorded January 3, 2005, Document No. 2005-000013, Deed Records of Tillamook County, Oregon, Ordinance Number 98-353.

**Appendix C**  
Draft Covenants, Conditions,  
and Restrictions (CC&Rs)

AFTER RECORDING RETURN TO:

Foster Pepper Tooze LLP  
Suite 1800  
601 SW Second Avenue  
Portland, OR 97204-3171  
Attn: Walter M. McMonies

**DRAFT**

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**DECLARATION OF COVENANTS, CONDITIONS AND  
RESTRICTIONS FOR NEDONNA WAVE SUBDIVISION**

**Tillamook County Oregon**

---



**DECLARATIONS OF COVENANTS, CONDITIONS, AND  
RESTRICTIONS FOR NEDONNA WAVE SUBDIVISION**

THIS DECLARATION is made this \_\_\_\_\_ day of \_\_\_\_\_, 2006, by NEDONNA DEVELOPMENT, LLC, an Oregon limited liability company ("Declarant").

**R E C I T A L S**

A. Declarant is the owner of that certain parcel of real property in Tillamook County, Oregon, constituting 6.05 acres more or less, more particularly described in Section 2.1 (the "Initial Property" or "Property"), and desires to create thereon a 28 lot residential PUD under applicable City of Rockaway Beach ordinance and a Class III Planned Community under the provisions of the Oregon Planned Community Act, ORS 94.550 et seq. (the "Act") to be known as "Nedonna Wave Subdivision" (the "Subdivision"). Declarant further desires to provide for the preservation and enhancement of the property values, amenities and enjoyment of the Subdivision and is therefore subjecting the Subdivision to the covenants, conditions, restrictions, reservations, easements, charges and liens set forth in this Declaration.

B. Declarant has recorded the plat of the Initial Property as the Subdivision in the plat records of Tillamook County, Oregon, which plat is recorded \_\_\_\_\_ in Plat Cabinet \_\_\_\_\_ Slide \_\_\_\_\_, Tillamook County Records, Tillamook County, Oregon.

**ARTICLE 1  
DEFINITIONS**

As used in this Declaration, the terms set forth below shall have the following meanings:

1.1 "**Architectural Review Committee**" means the Committee appointed pursuant to Section 3.1 hereof, which shall oversee architectural, design and aesthetic issues with regard to the construction or maintenance of Improvements within the Subdivision.

1.2 "**Articles**" shall mean the Articles of Incorporation for the non-profit corporation, Nedonna Wave Subdivision Homeowners' Association, Inc., as filed with the State of Oregon.

1.3 "**Assessments**" shall mean all assessments and other charges, fines and fees imposed on an Owner by the Association in accordance with this Declaration.

1.4 "**Association**" shall mean the Nedonna Wave Subdivision Homeowners' Association, Inc., which shall be incorporated in the State of Oregon as an Oregon nonprofit corporation.

1.5 "**Board**" shall mean the Board of Directors of the Association.

1.6 "**Bylaws**" shall mean the Bylaws of the Nedonna Wave Subdivision Homeowners' Association, Inc. which shall be adopted by the Association and recorded in Tillamook County.

1.7 "**Canal**" shall mean that certain water course immediately to the West of an abutting the Property as shown on the Plat.

1.8 "**Committee**" shall mean the Architectural Review Committee of the Association.

1.9 "**City**" shall mean the City of Rockaway Beach.

1.10 "**Common Area**" or "Common Property" shall mean the tract(s) designated as such in this Declaration or the Plat, or in any declaration or amended Plat annexing property hereto, including any Improvements thereon, which Common Areas are primarily set aside because they contain wetlands or are buffer zones for the wetlands.

1.11 "**Common Easement Areas**" shall mean any areas designated as such in this Declaration or the Plat, or in any declaration or amended Plat annexing property hereto including any Improvements thereon.

1.12 "**Declarant**" shall mean Nedonna Development, LLC, and its successors and assigns if such successor or assign should acquire: (i) Declarant's interest in the Property or (ii) all of Declarant's rights under this Declaration pursuant to a recorded instrument executed by Declarant.

1.13 "**Declaration**" means this document and all of the easements, covenants, conditions, restrictions, liens, charges and other provisions set forth herein, as the same may be amended or supplemented from time to time in accordance with the provisions hereof.

1.14 "**Improvement**" shall mean every structure or improvement of any kind, including but not limited to a House (as defined herein), garage, accessory building, a fence, wall, driveway, swimming pool, storage shelter, or other product of construction efforts on or in respect to the Property.

1.15 "**Initial Development**" shall mean the Property, as more particularly described in Section 2.1.

1.16 "**Lot**" shall mean a platted lot or lawfully partitioned parcel within the Property, with the exception of any tract designated in this Declaration or in any plat of the Property as being a Common Area or a Third Party Tract.

1.17 "**Maintenance**" shall mean any and all work required to keep the Improvements in compliance with all of the terms of this Declaration including cleaning, repairs, reconstruction and replacement.

1.18 "**Mortgage**" means a mortgage or a trust deed; "mortgagee" means a mortgagee or a beneficiary of a trust deed; and "mortgagor" means a mortgagor or a grantor of a trust deed.

1.19 "**Owner**" means the person or persons, including Declarant, owning a fee or equitable interest in any Lot, but does not include a tenant or holder of a leasehold interest or a person holding only a collateral or security interest in a Lot, or a vendor under a recorded contract who has surrendered possession. The rights, obligations and other status of being an

Owner shall commence upon acquisition of the ownership of a Lot and terminate upon disposition of such ownership, but termination of ownership shall not discharge an Owner from obligations incurred prior to termination.

1.20 "Plat" means the recorded Plat creating the subdivision.

1.21 "The Property" means the Initial Development, together with any portion of he South of Riley Parcel annexed pursuant to Section **Error! Reference source not found.**

1.22 "Residence" or "House" shall mean that portion or part of any structure intended to be occupied by one family as a dwelling, together with any attached or detached garage, as the case may be, and any patios, porches, or steps attached or adjacent thereto, and shall also include any accessory living unit.

1.23 "Sold" means that legal title has been conveyed or that a contract of sale has been executed and recorded under which the purchaser has obtained the right of possession.

1.24 "Special Declarant Rights" shall have the meaning set forth in the Act and are rights specific to the Declarant, such as the right to annex in Section 2.2, the right to appoint the Architectural Review Committee in Section 3.1, the right to review plans of Houses on its own Lots in Section 3.6, and so forth.

1.25 "Third Party Tracts" means any pre-existing lots shown on or located within the boundaries of, but not part of, the Plat and which are not owned by Declarant as of the date of recording of this Declaration.

1.26 "Wetland Area" means an area of the Property defined to contain a wetland under ordinances of the City, Tillamook County and/or the Oregon Division of State Lands and set aside by Declarant for protection as a wetland.

Any term not defined herein shall have the meaning given under the Act.

**ARTICLE 2  
PROPERTY SUBJECT TO THIS DECLARATION**

2.1 **Initial Development**. The real property described below (the "Property" or the "Initial Development") is hereby made subject to this Declaration and shall be owned, conveyed, hypothecated, encumbered, used, occupied and improved subject to this Declaration:

All that certain property located in Tillamook County, Oregon, described in that certain plat entitled Nedonna Wave Subdivision filed in the Plat Records of Tillamook County, Oregon, on the \_\_\_\_\_ day of \_\_\_\_\_, 2006, in Plat Cabinet B, Slide \_\_\_\_\_, Tillamook County Records.

**ARTICLE 3  
ARCHITECTURAL REVIEW COMMITTEE**

3.1 **Creation of Committee.** In order to promote architectural compatibility and to protect the value, livability and aesthetic quality of the Property, the Declarant, as hereinafter provided, will establish an Architectural Review Committee comprised of not less than one (1) nor more than three (3) persons, each of whom and each of their successors shall be approved in writing in advance of their appointment by Declarant through the date of Turnover of the Association by the Declarant, and each of whom shall hold office for a term to be established by the Declarant.

3.2 **Duties.**

3.2.1 **Pre-Construction. Approval Required.** No House, building, structure, other Improvements, nor any initial landscaping shall be erected, done, placed or altered on any Lot, until one (1) full set of construction plans and specifications ("Plans") have been submitted to and approved by the Committee as being in compliance with this Declaration.

**Requirements for Plans.** The Plans shall be submitted on full, blue print size and shall show: (1) the size and dimensions of the Improvements, including interior floor plan(s); (2) the exterior design and all elevations thereof; (3) exterior siding (cedar shakes or natural woods only), roofing materials (black and green only), including trim colors; and (4) a site plan showing the location of improvements on the Lot, including driveway, parking areas, walkway and decks; the location of existing trees to be removed; the existing and proposed grading.

**Review Criteria.** The review process will include, without limitation, consideration of (a) the quality of design, construction and materials, (b) the harmony of external design with existing Improvements on the applicant's Lot and on adjacent Lots, and (c) the location with respect to topography and finished grade elevation and conformance to the approved Subdivision grading and drainage plan. The Committee may, at its sole discretion, withhold consent to any Plans if the Committee finds the proposed work would be inappropriate for the particular Lot or incompatible with the design standards that the Committee has adopted for the Subdivision. The Architectural Design Standards in Article 7 shall be applied. Considerations such as siding, shape, size, color, design, height, solar access, impairment of the view from other Lots, or other effects on the enjoyment of other Lots, or the Common Area, disturbance of existing terrain and vegetation and any other factors which the Committee reasonably believes to be relevant, may be taken into account by the Committee in determining whether or not to consent to any proposed work. More specific procedures and requirements for review and approval of residential construction may be set forth in Design Guidelines adopted from time to time by the Committee or Board.

**Review Process.** The Committee's approval or disapproval as required in this Declaration shall be in writing. In the event the Committee fails to approve or disapprove the Plans within fifteen (15) days after a complete submission, approval will be deemed denied. If a plan or proposal is disapproved, then an alternate or revised Plans or proposal may be submitted, which alternate or revised Plans or proposal shall be handled in the same manner as the initial Plans or proposal. Any disapproval shall include a brief written statement of the reasons for disapproval. All Committee decisions shall be made at the sole discretion of the Committee. In all cases which the Committee consent is required by this Declaration, the provisions of this Article shall apply.

3.3 **Liability of Members.** No member of the Committee shall be liable to any Owner on account of any action or failure to act in performing its duties or rights hereunder, provided that such person has, in accordance with actual knowledge possessed by such person, acted in good faith. Such members will be deemed officers of the Association and entitled to indemnification as an officer in accordance with the Bylaws and applicable law.

3.4 **Majority Action.** A majority of the members of the Committee shall have the power to act on behalf of the Committee, without the necessity of a meeting, and without the necessity of consulting the remaining members thereof. A decision of the Committee shall be in writing setting forth the action taken by the members thereof. If the Committee consists of one (1) member, that member shall have full authority to act on behalf of the Committee.

3.5 **Appeal.** At any time after Declarant has delegated appointment of the members of the Committee to the Board, any Owner adversely affected by action of the Committee may appeal such action to the Board. Appeals shall be made in writing within thirty (30) days of the Committee action, and shall contain specific objections or mitigating circumstances justifying the appeal. A final, conclusive decision shall be made by the Board within fifteen (15) days after receipt of such notification. Prior to such delegation, any appeal shall be made to Declarant.

3.6 **Construction by Declarant.** Improvements constructed by Declarant on any Lot or other property owned by Declarant within ten (10) years of the recording of this Declaration are not subject to the review or oversight by the Committee.

3.7 **Nonwaiver.** Consent by the Committee to any matter proposed to the Committee or within its jurisdiction shall not be deemed to constitute a precedent or waiver impairing the Committee's right to withhold approval as to any similar matter thereafter proposed or submitted to it for consent.

3.8 **Effective Period of Consent.** The Committee's consent to any proposed work shall automatically be revoked one (1) year after issuance unless construction of the work has been commenced and diligently pursued thereafter or unless the Owner has applied for and received an extension of time from the Committee.

3.9 **Estoppel Certificate.** Within fifteen (15) working days after written request is delivered to the Committee by any Owner, and upon payment to the Committee of a reasonable fee fixed by the Committee to cover costs, the Committee shall provide such Owner with an Estoppel Certificate executed by the Committee and acknowledged, certifying with respect to any Lot owned by the Owner, that as of the date thereof, either: (a) all Improvements on such Lot comply with this Declaration, or (b) such Improvements do not so comply, in which event the certificate shall also identify the noncomplying Improvements and set forth with particularity the nature of such noncompliance. Any purchaser of the Lot from the Owner, and any mortgagee of the Lot, shall be entitled to rely on such certificate with respect to the matters set forth therein, such matters being conclusive as between, on the one hand, the Committee, the Association and all Owners, and, on the other, such purchaser or mortgagee.

#### **ARTICLE 4 USE OF PROPERTY/DEVELOPMENT CONTROLS**

4.1 **General.**

4.1.1 Residential Use. Lots shall be used for residential purposes only. Nothing in this paragraph shall be deemed to prohibit: (a) activities relating to the rental or sale of Houses, (b) the right of Declarant or any contractor or homebuilder to construct houses on any Lot, to store construction materials and equipment on such Lots in the normal course of construction, and to use any House as a sales or rental office or model home for purposes of sales or rental in the Subdivision, and (c) the right of an Owner to maintain his professional personal library, keep his personal business or professional records or accounts, handle his personal business or professional telephone calls or confer with business or professional associates, clients, or customers, in his House; provided, however, that no Owner can run a retail business where customers visit routinely to purchase products or services.

4.1.2 Structures Permitted. Except to the extent expressly provided or contemplated in this Declaration, and in conformity with the other provisions herein, no Improvements shall be erected or permitted to remain on any Lot, except for one (1) single family House and Improvements normally accessory thereto.

4.1.3 Resource Extraction. No oil or gas drilling, mineral exploration, quarrying or mining operations of any kind shall be permitted upon or in any Lot, nor shall oil wells, tanks, tunnels, mineral excavations or shafts be permitted upon or in any Lot. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained or permitted upon any Lot.

4.1.4 Maintenance of Structures and Grounds. Each Owner shall maintain such Owner's Lot and all Improvements thereon in a clean and attractive condition and so as not to create a fire hazard or nuisance. Such maintenance shall include, without limitation, painting, repair, replacement and other normal care of roofs, gutters, down spouts, decks, siding and other exterior building surfaces, driveways, sidewalks, walks and other exterior improvements and glass surfaces, and landscaping. Damage caused by windstorms, fire, flood, earthquake, landslides, riot, vandalism, or other causes shall likewise be the responsibility of each Owner and shall be restored within a reasonable period of time and according to the Plans submitted to the Committee.

4.1.5 Storage. Storage of any kind of personal goods, chattels, merchandise or material shall within the House, garage or a storage shed so as to be out of sight of adjoining Lots and streets. Open carports shall not be used for storage other than that enclosed by walls of the structure. Equipment and material being used by a builder in the course of construction of Improvements may be stored on the Lot during the allowable eight (8) month construction period. The Committee may extend this period for good cause shown by the Owner.

4.1.6 Parking. All parking requirements of the City of Rockaway Beach Zoning Ordinance shall be met and adhered to by each Owner. Section 4.060 of the Rockaway Beach Zoning Ordinance requires two (2) off-street parking spaces, each a minimum of 18 feet deep by 9 feet wide, on each residential lot.

4.1.7 Vehicles in Disrepair. No Owner shall permit any vehicle which is in a state of disrepair to be abandoned or to remain parked upon any Lot, in a street, or on the Common Areas for a period in excess of seven (7) days. A vehicle shall be deemed in a "state of

disrepair" if inoperable, partially disassembled or otherwise when the Committee reasonably determines that its presence is offensive. Should any Owner fail to remove such vehicle within five (5) days following the date on which notice is mailed to such Owner by the Committee, the Committee may have the vehicle removed from the Property and charge the expense of such removal to the Owner.

4.1.8 Animals. No animals, livestock or fowl of any kind shall be raised, bred, kept on any Lot except up to a total of two (2) household pets (e.g. dogs or cats) may be kept on a Lot. No such dogs, cats or other pets will be permitted to run at large, but shall be reasonably controlled so as not to be a nuisance. Neither shall animals be kept, bred or raised for commercial purposes. Any inconvenience, damage or unpleasantness caused by such pets will be the responsibility of the respective Owners thereof, and Owners will be responsible for removal and proper disposal of wastes of their animals. No pet will be permitted to cause or create a nuisance or unreasonable disturbance or irritating noise (e.g. incessant barking).

4.1.9 Rubbish and Trash. No Lot or part of the Common Areas shall be used as a dumping ground for trash or rubbish of any kind. All garbage, recycling, debris, yard rakings, and construction waste shall be kept in appropriate sanitary containers for proper disposal and out of public view. Should any Owner fail to remove the same from his Lot within ten (10) days after written notice of such default is mailed to the Owner by the Committee or Board, the Committee or Board may have such materials removed and charge the expense of such removal to the Owner.

4.1.10 Temporary Structures. No structure of a temporary character, trailer, tent, shack, garage, barn or other outbuilding shall be used on any Lot at any time as a residence, either temporarily or permanently, except that construction trailers serving as an on-site office only may be placed on the Lot while a House is being built.

4.1.11 Antennas. One (1) exterior antenna and one (1) satellite dish no greater than 18" in diameter shall be allowed on a Lot, so long as placed in an inconspicuous location.

4.1.12 Signs. No signs shall be erected or maintained on any Lot except signs which are approved as to appearance and location by the Committee. The restrictions contained in this paragraph shall not apply to, that is, there is no restriction on:

(a) Political Signs. The temporary placement of "political" signs on any Lot by the Owner thereof;

(b) "For Sale" Signs. One (1) "for sale" sign, not exceeding in size of approximately 18"x 24" area placed on a Lot on behalf of its Owner;

(c) Declarant's Signs. The placement of the Declarant's, its contractor's, and its lender's project sign(s) on any Lot selected by the Declarant for the duration of the Declarant's Lot sales; and

(d) Security System Signs. Security system signs not exceeding one square foot in size and mounted on a wall, fence or structure.



4.1.13 Private Entry Signs. Declarant and/or the Association may erect, install, maintain, repair and replace monumentation and related landscaping, lighting and other improvements thereon.

4.1.14 Vacant Lots. Any vacant Lot shall be maintained by its Owner in a reasonable, clean, presentable condition.

4.1.15 Utility Services. All purchasers of Lots shall use underground service wires to connect their Houses to the underground electric, telephone, cable television or other utility facilities. No overhead electric or telecommunication services shall be erected on the Property.

4.1.16 Offensive or Unlawful Activities. No unlawful, noxious or offensive activities shall be carried on upon any Lot or in Common Areas, nor shall anything be done or placed on any Lot or Common Areas which interferes with or jeopardizes the enjoyment of other Lots or the Common Areas. No unlawful use shall be made of a Lot nor any part thereof, and all laws, zoning ordinances, and regulations of all governmental bodies having jurisdiction thereof shall be observed.

4.1.17 Service Facilities. Garbage and recycling recepticals, fuel tanks, clotheslines, etc. shall be screened such that the elements screened are not visible at any time from the street or a neighboring Lot.

4.1.18 Restriction on Subdividing Lots. No Lot shall be further subdivided or partitioned into smaller Lots by an Owner, including by Declarant.

The Owner and any builder shall be held strictly liable for any violations of this section.

## **ARTICLE 5 COMMON AREAS**

5.1 **Obligations of the Association**. Subject to the rights of Owners set forth in this Declaration, the Association shall be the owner of and responsible for the exclusive management and control of the Common Areas and any improvements thereon, and shall keep the same in good, clean, attractive and sanitary condition, order and repair. The Common Areas shall be maintained in its natural state in a safe condition to at least City of Rockaway Beach standards, (Section 4.150, Riparian Vegetation) and in a good and workmanlike manner such that the areas may be used for the purposes for which they are intended. Maintenance of the Common Areas shall include, but not be limited to:

5.1.1 The removal of debris, leaves, ice and snow from any pedestrian ways, and maintenance of the Common Areas above and adjoining them;

5.1.2 The removal of any trash or other unsightly or dangerous materials;

5.1.3 The removal of dead, diseased or dying trees, invasive or non-native vegetation and replanting of replacement materials; provided, however, that if a Wetland Area,

no planting shall be done but of prescribed native vegetation consistent with the approved wetland mitigation plan;

5.1.4 The trimming of trees and vegetation along street right-of-way areas;

5.1.5 The replanting of any areas having exposed soil due to an earth slide or the removal of vegetation; provided that the soil in any Wetland Area shall not be disturbed; and

5.1.6 The maintenance of the improvements in a useable condition and in good repair.

5.2 **Owners' Easement of Enjoyment; Public Agencies.** Subject to the provisions of this Declaration and the Bylaws, every Owner shall have a nonexclusive right and easement of access to and enjoyment in and to the Common Areas, which shall be appurtenant to and shall pass with the title to every Lot. No private use may be made of the Common Areas, e.g. no private parties, etc., and no vehicles, including off road vehicles, ATV's, may be operated in any Wetland Area. Additionally, Wetland Areas are available to public agencies for monitoring of the wetland mitigation.

5.3 **Extent of Owners' Easements.** The Owners' easements of enjoyment created hereby shall be subject to the following:

5.3.1 **Association Rules and Fees.** The right of the Association to establish reasonable rules and regulations and to charge reasonable assessments and fees for maintenance and upkeep of the Common Areas and payment of all Association expenses, initially \$50.00 as a reserve on purchase of a Lot and thereafter 30.00 a year per Lot, subject to increase by a supermajority (75% or greater) vote of all Lot Owners.

5.3.2 **No Sale of Common Areas.** Subject to the provisions of the Act, the Association may, without approval of the members of the Association, grant easements to public agencies and to private utility providers, in any portion of the Common Areas, for public utilities, telecommunication utilities and for all other public purposes consistent with the intended use of the Common Areas. However, the Association may not otherwise sell, convey or subject to a security interest any portion of the Common Areas.

5.4 **Damage or Destruction of Common Areas by Owner.** Should any Common Area incur damage or destruction by an Owner or any of its guests, tenants, licensees, or agents in a manner that would subject such Owner to liability for such damage under Oregon law, such Owner does hereby authorize the Association to repair such damage. The Association shall repair damage in a good and workmanlike manner as originally constituted or as the area may be modified or altered subsequently by the Association in the sole discretion of the Association. The reasonable cost necessary for such repairs shall be immediately reimbursed or otherwise shall become a special assessment upon the Lot of the Owner who caused or is otherwise responsible for such damage.

5.5 **Contemplated Improvements.** Except for sanitary sewer and storm sewer facilities, and wetland mitigation to the extent specified in Section 6.3 below, Declarant does not intend and is not obligated to build any Improvements; however, Declarant shall have the right,

but not the obligation, to add Improvements not described in the Declaration. All such Improvements shall not damage or adversely affect any wetlands or wetland mitigation areas.

## **ARTICLE 6 EASEMENTS AND MAINTENANCE**

6.1 **Utility Easements.** Easements for installation and maintenance of utilities and drainage facilities and other public purposes are reserved, as shown on the Plat. No permanent or temporary surface or underground structures, private or public utility lines, or Improvements shall be constructed or located in easements strips shown on the Plat, which have been granted to the City or to the public, without the written consent of the City Engineer. Within the easement strips, no structure, planting or other material shall be placed or permitted to remain which may damage or interfere with the installation or maintenance of utilities, or which may change the direction, obstruct or retard of flow of any drainage channel in the easements. An Owner shall be responsible for repair or restoration of landscaping damaged or disturbed in the course of construction, operation, maintenance, or repair of such service facilities if the City fails to perform such repair or restoration.

6.2 **Easements Reserved.** In addition to any utility and drainage easements shown on the Plat, Declarant hereby reserves the following easements for the benefit of Declarant and the Association:

6.2.1 **Common Areas.** The Owner of any Lot which is adjacent to any Common Areas shall permit the Association and its agents to enter upon the Lot to perform the maintenance of such Common Areas.

6.2.2 **Wetland Areas.** Owners shall not disturb the soils in areas of the Subdivision which are designated as Wetland Areas. The sensitive trimming of vegetation and the removal of non-native or non-wetlands vegetation is permitted. The Wetland Areas shall be open to pedestrian traffic only.

6.3 **Wetland Areas; Maintenance.** The landscape material and wetland plants in the Wetland Areas shall be installed by the Declarant upon completion of the construction in accordance with the approved wetland mitigation plan. It shall be maintained by the Declarant for the period of time specified in the approved Wetland Mitigation Plan, following the initial installation of the landscape material and wetland plants. Plants that have not survived until the end of the specified time period will be replaced by the Declarant. The Association shall maintain the landscape material and wetland plants following the initial wetlands monitoring time period.

6.4 **Landscape Maintenance.** The landscape material on the Common Areas shall be installed by the Declarant upon completion of the construction shown on the Plat and shall be maintained by the Declarant for one (1) year thereafter, that is following installation of the landscape material. Plants that have not survived will be replaced. The Association shall maintain the landscape material and plants after the first (1st) year.

**ARTICLE 7**  
**ARCHITECTURAL DESIGN STANDARDS**

7.1 **Quality and Compatibility.** Houses will be constructed and maintained using quality materials and workmanship and shall be of such character, quality and design as to be in harmony and compatible with the other surrounding Houses in the Subdivision. All Houses shall be constructed in strict accordance with the terms and provisions of this Declaration, in particular these Design Standards, any Design Guidelines adopted by the Committee and all applicable laws, regulations, ordinances and codes.

7.2 **Specific Standards.**

7.2.1 **Attached One Car Garage.** All Houses shall have a minimum of a one car garage (not a mere carport) which must be attached or incorporated as part of the House.

7.2.2 **House Height.** On Lots 25, 26, 27 and 28, no House shall be more than three (3) stories, with a maximum building height, as defined by the City zoning ordinance, of 36 feet. On all other lots, no House shall be more than two (2) stories in height with a maximum building height, as defined by the City zoning ordinance, of 29 feet. Any exceptions to the above height limitations shall require the written consent of the Committee and any applicable City and/or County height variance approval.

7.2.3 **Set Backs and Development Footprint.** No Improvement shall be constructed or maintained in violation of any setback, maximum height or minimum yard requirement, except with written consent of the Committee and any applicable City and/or County approval. Improvements shall be consistent with City of Rockaway Beach zoning ordinance Section 3.010 (R-1 zone). Additionally, all structures shall be set back a minimum of 15 feet from the Canal consistent with City of Rockaway Beach zoning ordinance Section 4.150 regarding riparian vegetation.

7.2.4 **Landscaping Theme.** All landscaping shall maintain the natural coast environment by using indigenous (native) plantings as the theme for landscaping.

7.2.5 **View Preservation.** In order to insure the existing views are protected against future intrusion of trees or tall shrubs, Owners generally shall not plant, or allow to grow from seed, trees or shrubs that in the mature height will exceed 20 feet. It is recognized, however, that there are some locations within Subdivision where the planting or maintenance of tall trees or shrubs may be appropriate. Therefore, an Owner may petition the Committee for permission to plant or maintain tall trees and/or shrubs. Before granting such permission, the Committee shall determine that the proposed action is appropriate and that significant views from all Lots within Subdivision will be maintained.

7.2.6 **View Restoration.** In the event of any tree, shrub or other vegetation blocking or obscuring a significant view from any House, the Owner of such Lot on which the affected House is situated may petition the Committee to mandate the trimming, topping or removal of such tree, shrub or other vegetation. Upon receipt of such petition, the Committee shall investigate the matter and determine whether such view is significant and whether it is in fact, blocked or substantially obscured. If the Committee so determines, then the Committee

shall order the Owner of the Lot on which the offending tree, shrub or other vegetation is located to either trim, top or entirely remove the same as determined by the Committee is needed to restore the view to the satisfaction of the Committee. The Owner of the offending tree, shrub or other vegetation shall take action to comply with the direction of the Committee within thirty (30) days unless such additional time is needed in order to protect the tree, shrub or other vegetation by performing such work at the appropriate time of year for pruning if the tree, shrub or other vegetation is to be preserved. If the Owner fails to trim, top or remove the offending tree etc, the Committee may hire an arborist or other person to do so. In any event, the entire cost of trimming, topping or removal shall be the responsibility of the Owner of the Lot on which the offending tree, shrub or other vegetation is located.

7.2.7 **Fences.** No fence shall be erected, placed or permitted to remain in the front yard of any Lot, that is the portion of the Lot abutting the adjacent street, nor shall any fence more than 42 inches in height shall be erected, placed or permitted to remain in the back or side yard on any Lot, in either case without the prior written approval of the Committee.

7.3 **Waivers.** The Committee shall have the authority to grant individual waivers from the standards set forth in this Article 7, but no waiver in one instance shall be regarded as a waiver in a separate instance for the same or a different Owner or Lot.

7.4 **Building Permits.** Each Lot Owner shall be responsible for investigating and complying with the requirements for securing a building permit to build the Improvements for its Lot. This requirement includes, but is not limited to, site investigations and requirements of the City of Rockaway Beach zoning ordinance for properties in a Flood Hazard Area and a Beaches and Dunes Area.

7.5 **Wetlands Lots.** Lots 1, 2, 3, 4, 7, 16, 19, 21, 26 and 27 contain jurisdictional wetlands. No building permits will be issued for these Lots until either the appropriate Division of State Lands and U.S. Army Corps of Engineers permits are acquired or a site plan design is submitted to and approved by the City that does not alter or disturb (i.e. that builds over) the wetlands consistent with City of Rockaway Beach standards for construction in wetland areas, Section 3.080 (4)(a) through (m).

7.6 **Completion of Construction.** The construction of an Owner's House or any other Improvement, including painting and all exterior finish, shall be completed within ten (10) months from the beginning of construction. The construction area shall be kept clean and in workmanlike order during the construction period. All debris shall be picked up daily at all construction areas as to not create a nuisance for surrounding Lot Owners.

7.7 **Construction Activity.** During construction of any Lot, the Owner and any builder shall be responsible for complying with all City of Rockaway Beach erosion control requirements and the relevant conditions of approval for the Property. The Owner and any builder of an improvement on a Lot shall be liable for any costs incurred by the Declarant or the Association due to violations of this section.

7.8 **Exterior Color Approval.** Any change in exterior color to a House or other Improvement is subject to the prior approval of the Committee.

**ARTICLE 8  
PROPERTY MAINTENANCE COVENANTS**

8.1 **Personal Obligation of and Lien for Assessments.** The Declarant hereby covenants, and each Owner of any Lot by acceptance of a deed transferring the Lot to such Owner, whether or not it shall be so expressed in such deed, shall be deemed to covenant and agree to pay to the Association: (i) regular, annual or quarterly assessments or charges for common expenses of the Association of \$30.00 a year per lot, or such larger amount as a supermajority of all Lot Owners (75% or more) may determine to make, (ii) reserve assessments or charges for any major capital improvements a Supermajority of all Lot Owners may determine to make, and (iii) any special assessments required to repair damage or destruction of any Common Areas or as provided in this Declaration. All such assessments, together with interest thereon at the rate of nine percent (9%) per annum and together with all other charges allowed by law, including reasonable attorneys' fees, shall be a lien and charge on the respective Owner's Lot and shall be a continuing lien upon the Lot against which each such assessment is made until paid. Such lien shall exist and be executed, recorded and foreclosed in the manner provided by law.

**ARTICLE 9  
AMENDMENT AND REPEAL**

9.1 **Term.** The covenants, conditions and restrictions of this Declaration shall run until March 31, 2036, unless amended as herein provided. On and after March 31, 2036, such covenants, conditions and restrictions shall be automatically extended for successive periods of ten (10) years each, unless amended or extinguished by a written instrument executed and voted upon by the Board and approved by at least seventy-five percent (75%) of the Owners within six (6) months of such expiration date.

9.2 **Amendment and Repeal.**

9.2.1 This Declaration, or any provision thereof, as from time to time shall be in effect with respect to all or any part of the Property, may be amended or repealed by majority vote of the Board and, in turn, approved by the affirmative vote of not less than seventy-five percent (75%) of the Owners based on one vote per Lot and, so long as Declarant owns any lots, by the written consent of Declarant.

9.2.2 Any such amendment or repeal shall become effective only upon recordation in the deed records of Tillamook County of an acknowledged certificate of the Declarant, or if one hundred percent (100%) of the Lots have been conveyed to Owners other than the Declarant, an acknowledged certificate of a representative of the Board setting forth in full the amendment(s) or repeal so approved and certifying that said amendment(s) or repeal have been approved in the manner required by this Declaration.

9.2.3 In no event shall an amendment under this section create, limit or diminish Declarant's Special Rights (as delineated in Article 10) without Declarant's written consent, or change the boundaries of any Lot or any uses to which any Lot is restricted unless the Owners of all the directly affected Lots (typically adjacent Lots) unanimously consent to the amendment.

9.3 **Regulatory Amendments.** Notwithstanding the provisions of Article 12, until one hundred percent (100%) of the Lots have been conveyed to Owners other than Declarant, Declarant shall have the right to amend this Declaration in order to comply with the requirements of any applicable statute, ordinance, regulation or guideline of the City of Rockaway Beach, Tillamook County, the Oregon Division of State Lands, the Oregon Real Estate Agency, the Federal Housing Administration, the Veterans Administration, the Farmers Home Administration of the United States, the Federal National Mortgage Association, the Government National Mortgage Association, the Federal Home Loan Mortgage Corporation, any department, bureau, board, commission or agency of the United States or the State of Oregon, or any corporation wholly owned, directly or indirectly, by the United States or the State of Oregon that insures, guarantees or provides financing for a planned community or for Houses or lots in a planned community.

## **ARTICLE 10 DECLARANT'S SPECIAL RIGHTS**

As long as Declarant owns any Lot on the Property, with respect to the Common Areas and each Lot on the Property, the Declarant shall have the following special rights, as long as they are not inconsistent with City of Rockaway Beach ordinance or regulation:

10.1 **Sales Office and Model.** Upon approval of Declarant, a builder shall have the right to maintain a sales office and model on one (1) or more of the Lots which the Declarant owns. The Declarant, each builder and their agents shall have the right to use and occupy the sales office and models during reasonable hours any day of the week.

10.2 **"For Sale" Signs.** The Declarant may maintain a reasonable number of "For Sale" signs at reasonable locations on the Property, including, without limitation, the Common Areas.

10.3 **Declarant Easements.** Declarant reserves an easement over, under and across the Common Areas in order to carry out development, construction, sales, marketing and rental activities related to the development of the Property or the sale or rental of Lots and for such other purposes as may be necessary or convenient for discharging Declarant's obligations or for exercising any of Declarant's rights hereunder.

10.4 **Period of Declarant Control.** Declarant hereby reserves control of the Association until such time as Declarant no longer owns any Lot on the Property or the South of Riley Parcel, if annexed hereto, unless Declarant voluntarily relinquishes the rights reserved herein at an earlier time. In particular, the Declarant, in its sole discretion, shall have the right to appoint and remove members of a Board, which shall manage the affairs of the Association, and of the Architectural Control Committee.

10.5 **Transitional Advisory Committee.** Pursuant to the Act, Declarant shall form a Transitional Advisory Committee to provide for the transition of administrative control of the Association from the Declarant to the Association within sixty (60) days of the sale of fifty percent (50%) of the Lots of the Subdivision.



10.6 **Turnover**. No later than ninety (90) days after the expiration of the Period of Declarant Control provided in Section 10.4 above, the Declarant shall call a meeting for the purpose of turning over administrative control of the Association from the Declarant to the Owners. The Declarant shall give notice of the meeting to each Owner as provided in the Bylaws. If the Declarant does not call the meeting required under this subsection, any Owner may do so.

10.7 **Common Areas**. Declarant may revise and reallocate Common Areas and Lots, as approved by the City of Rockaway Beach, such that there is no net decrease in Common Area total area. Declarant may increase the number of Lots, as approved by the City of Rockaway Beach.

## **ARTICLE 11 ASSOCIATION**

11.1 **Association**. Prior to the first conveyance of a Lot to an Owner, Declarant shall organize the Association as a nonprofit corporation under the laws of the State of Oregon. The Association shall be governed by the Articles of Incorporation and Bylaws of the Association.

11.2 **Membership**. Every Owner of one or more Lots within the Property shall automatically be a member of the Association. Such membership shall commence, exist and continue by virtue of such ownership, shall expire automatically upon termination of such ownership without additional confirmation.

11.3 **Voting Rights**. All Lot owners shall have one (1) vote per Lot in the Association.

11.4 **General Powers and Obligations**. The Association shall have, exercise and perform all of the powers, duties and obligations as may be granted to the Association by this Declaration, the Bylaws and the Act. Such powers, duties and obligations may from time to time be amended by changes to this Declaration made in accordance with the provisions herein, accompanied by changes in the Articles or Bylaws of the Association made in accordance with such instruments and with the nonprofit corporation laws of the State of Oregon.

11.5 **Non-liability**. No member of the Board or Committee shall be liable to the Association or any member thereof for any damage or loss claimed on account of any action or failure to act in the performance of his or her duties, so long as acting in good faith, except for acts of gross negligence or intentional acts in violation of the terms of this Declaration, the Bylaws or applicable law. In the event any member of the Board or any officer of the Association is made a party to any proceeding because the individual is or was a director or officer of the Association, the Association shall indemnify, defend and hold such individual harmless against liability and expenses incurred to the maximum extent permitted by law.

11.6 **Contracts Entered into by Declarant or Prior to Turnover Meeting**. Notwithstanding any other provision of this Declaration, any leases or contracts (including management contracts, service contracts and employment contracts) entered into by the Declarant or the Board on behalf of the Association prior to the Turnover Meeting shall provide

that it may be terminated without cause or penalty by the Association or Board upon not less than thirty (30) nor more than ninety (90) days' written notice to the other party.

## **ARTICLE 12 ENFORCEMENT**

In the event any Owner shall violate any provision of this Declaration, the Association, the Board or Declarant, if Declarant is still the holder of more than fifty percent (50%) of the Lots, may notify the Owner in writing that the violations exist and that such Owner is responsible for them, and may do any or all of the following: (a) suspend the Owner's voting rights for the period that the violations remain unabated, (b) impose fines upon the Owner, in the manner and amount that the Association, Board or Declarant deems appropriate in relation to the violation, which fines shall be paid into an account for the expenses of the Association, (c) bring suit or action against such Owner to enforce this Declaration, the Bylaws or Rules and Regulations, (d) levy a special assessment against the Owner to fund the correction of the violation, and/or (e) correct the violation by appropriate curative action. All costs of such actions incurred by the Association, the Board, or Declarant, including reasonable attorney's fees and all disbursements, shall be immediately paid by the Owner in question upon demand, together with interest thereon at an interest rate, if allowable by law, of eighteen percent (18%) per annum or as established from time to time by resolution of the Board, from the date of expenditure until fully paid.

## **ARTICLE 13 MISCELLANEOUS**

13.1 **Right to Seek Injunction.** In the event of any violation or threatened violation by any person of any of the restrictions contained in this Declaration, the Association or any of the Owners shall have the right to enjoin such violation or threatened violation in a court of competent jurisdiction. The right of injunction shall be in addition to all other remedies set forth in this Declaration or provided by law.

13.2 **Breach: Protection of Mortgagees.** It is expressly agreed that no breach of this Declaration shall entitle any Owner to terminate this Declaration, but such limitation shall not affect in any manner any other rights or remedies which such Owner may have hereunder by reason of any breach of this Declaration. Any breach of this Declaration shall not defeat or render invalid the lien of any mortgage or trust deed made in good faith for value, but this Declaration shall be binding upon and be effective against any Owner whose title is acquired by foreclosure, trustee's sale, or otherwise.

13.3 **Default by Owner.** In the event the Association or another Owner believes that an Owner is in default of this Declaration, the Association or Owner shall give to such Owner, and if appropriate the Board, written notice of the default (or alleged default if given by another Owner), setting forth with particularity the nature of the default. The Owner receiving such notice from the Association shall have fifteen (15) days from the date of such notice to correct the default. If such notice is from another Owner, it shall be deemed to be given by Association effective ten (10) days later, unless the Association within such period gives notice to both Owners that it does not agree that a default has occurred. In such event Owner is deemed

violation shall have a full (15) days from the expiration of the 10-day period. If not able to be corrected within fifteen (15) days, the Owner shall commence correction of the default to within said fifteen (15) day period, and shall pursue those measures diligently to completion. If an Owner fails to comply with the provisions of this Section 13.3 after receipt of a notice of default, the Association or another Owner shall be entitled to all remedies provided for in this Declaration, at law or in equity.

13.4 **Notices.** Any notices permitted or required to be delivered as provided herein shall be in writing and may be delivered either personally or by US Mail. If delivery is made by mail, it shall be deemed to have been delivered seventy-two (72) hours after a copy of the same has been deposited in the U.S. Mail within the State of Oregon, postage prepaid as certified or registered mail, addressed to any person at the address given by such person for the purpose of service of such notice, or to the residence of such person if no address has been given. Such address may be changed from time to time by notice in writing. Notices shall be delivered to Declarant at \_\_\_\_\_ A copy of notices to Declarant shall be simultaneously sent, by first class U.S. Mail, to Foster Pepper Tooze LLP, 601 SW 2nd Ave., Suite 1800, Portland, OR, 97204, Attn: Walter McMonies.

13.5 **Right of Enforcement.** Except as otherwise provided herein, any Owner of any Lot of this Subdivision shall have the right to enforce any or all of the provisions hereof against any Lot or other Property covered by this Declaration and against the Owners thereof.

13.6 **Remedies Cumulative.** Each remedy provided herein is cumulative and not exclusive.

13.7 **Joint Owners.** In any case in which two or more persons share the ownership of a Lot, regardless of the form of ownership, the responsibility of such persons to comply with this Declaration shall be joint and several and the act or consent of any one (1) or more of such persons shall constitute the act or consent of the entire ownership interest; provided, however, that in the event such persons disagree among themselves as to the manner in which any vote or right of consent held by them shall be exercised with respect to a pending matter, any such person may deliver written notice of such disagreement to the Association, and the vote or right of consent involved shall then be disregarded completely in determining the proportion of votes or consents given with respect to such matter.

13.8 **Non-Waiver.** The failure to enforce any of the provisions herein at any time shall not constitute a waiver of the rights to enforce any such provision or any other provision of said restrictions.

13.9 **Restrictions Construed Together.** All of the provisions hereof shall be liberally construed together to promote and effectuate the general plan and scheme of the Subdivision.

13.10 **Restrictions Severable.** Each of the provisions hereof shall be deemed independent and severable, and the invalidity or partial invalidity of any provision or portion thereof shall not affect the validity or enforceability of any other provision.

13.11 **Singular Includes Plural.** Unless the context requires a contrary construction, the singular shall include the plural and the plural the singular; and the masculine, feminine or neuter shall each include the masculine, feminine and neuter.

13.12 **Captions.** All captions and titles used in this Declaration are intended solely for convenience of reference and shall not affect that which is set forth in any of the provisions hereof.

13.13 **Limitation on Claims Against Declarant.** Each Owner and the Association shall be deemed to have agreed that the limitation on claims in this Section 13.13 shall be comprehensive and final and binding on all parties. In the event that it is determined that any claim against the Declarant, the Declarant's principals, members, owners, agents, employees, successors and assigns, under any legal theory or equitable ground, is not time barred by the applicable statutory time limitation for any reason, then the parties agree that such claim, if with respect to a Lot or Lots, shall be brought no later than: the latest of : (a) the first (1st) anniversary of the date of closing on the sale of the first Lot involved in such claim or action or (b) two years after the recording of this Declaration. In any case and notwithstanding the above time limitations, all claims must be brought within sixty (60) days after the date that the affected/aggrieved Owner knew or reasonably should have known of facts sufficient to put the Owner on notice of the claim. Any such claims that an Owner shall attempt to bring after this time limit shall be deemed barred.

13.14 **Arbitration of Disputes.** Other than the enforcement of a lien created under Article 8, all disputes among Owners and/or the Association and/or the Declarant shall be resolved by binding arbitration. If available, the parties agree to promptly arbitrate any dispute pursuant to the arbitration rules of the Arbitration Service of Portland or failing its continued existence, the American Arbitration Association. The arbitration shall be final and binding.

13.14.1 Except to the extent that it may be inconsistent with this Agreement, the arbitration shall be governed by the Federal Arbitration Act, 9 USC §§ 1-16.

13.14.2 Except as specifically mandated by statute, or provided for in this Declaration or the Bylaws, the prevailing party in the arbitration or other proceeding shall be entitled to recover costs or attorneys' fees in connection therewith.

13.14.3 To the fullest extent allowed by law, and (a) except for disputes in an amount less than or equal to Ten Thousand Dollars (\$10,000), (b) actions to appoint a receiver, (c) actions to summarily abate and remove a structure or condition that violates the Declaration or the Bylaws, (d) and/or claims of the Association for assessments, fines or other amounts owed to the Association hereunder or pursuant to the Bylaws, no claim shall be brought by the Association without approval from the Owners holding seventy-five percent (75%) of the Association's voting power.

13.14.4 Any and all discussions of disputes and settlements shall be kept confidential and shall not be disclosed, whether directly or indirectly, to any third parties unless the disclosing party is compelled to do so by an order of a court of competent jurisdiction. All parties agree that, except for disclosure to attorneys and consultants retained in such dispute, and

then only with a confidentiality restriction, in the event a party breaches its confidentiality obligation the other party or parties to the dispute shall be entitled to seek and obtain any and all equitable remedies, including injunctive relief and specific performance and each party hereby waives any claim or defense that the other party has an adequate remedy at law for any such breach and the parties agree that the aggrieved party shall not be required to post any bond or other security in connection with any such equitable relief.

IN WITNESS WHEREOF, the undersigned have caused this instrument to be executed this \_\_\_\_\_ day of May, 2006.

**NEDONNA DEVELOPMENT LLC,**  
an Oregon limited liability company

By: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF OREGON )  
 ) ss.  
County of \_\_\_\_\_ )

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2006 by \_\_\_\_\_ as Member of NEDONNA DEVELOPMENT, LLC.

\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: \_\_\_\_\_





## Appendix C - Deed Restriction for Wetlands – Final Draft

### AFTER RECORDING RETURN TO:

Anna Song  
3120 NW Bauer Woods Dr.  
Portland, Oregon 97229

### **DECLARATION OF COVENANTS AND RESTRICTIONS RELATING TO WETLAND AREAS FOR THE NEDONNA WAVE SUBDIVISION**

THIS DECLARATION made this \_\_\_\_\_ day of November 2007, by NEDONNA DEVELOPMENT, LLC, an Oregon limited liability company (“Declarant”).

#### **RECITALS**

A. WHEREAS, Declarant is the owner of that certain 6.23 acre parcel of undeveloped real property in Rockaway Beach, Tillamook County, Oregon located North of Riley Street, East of McMillan Creek, and West of Hwy 101, legally described in **Exhibit A-1** attached hereto and by this reference incorporated herein as the “Property”, and, as part of the Property’s development as a 28 lot residential PUD subdivision, desires to restore and enhance selected areas of wetland as shown on the Plat of the Property attached hereto as **Exhibit A-2** as protected wetlands (“Wetland Areas”) to be maintained by Declarant and the successor subdivision homeowner’s association in accordance with the Permit Number 36702-RF approved by the Oregon Department of State Lands (“ODSL”);

B. WHEREAS, Declarant desires to provide for the preservation and enhancement of the wetland values of the Wetland Areas, and to this end desires to subject the Wetland Areas to the covenants, restrictions, easements and other encumbrances hereinafter set forth, each and all of which is and are for the benefit of the Property in general and of the Wetland Areas in particular.

NOW, THEREFORE, the Declarant declares that the Wetland Areas of the Property shall be held, transferred, sold, conveyed and occupied subject to the covenants, restrictions, easements and other encumbrances hereinafter set forth in this Declaration.

#### **ARTICLE 1**

#### **DEFINITIONS**

1.1 “Declaration” shall mean the covenants, restrictions, and all other provisions set forth in this Declaration of Covenants and Restrictions.

1.2 “Declarant” shall mean and refer to Nedonna Development, LLC, its successors or assigns.

## Appendix C - Deed Restriction for Wetlands – Final Draft

1.3 “Removal fill permit” shall mean the final document approved by the ODSL that formally establishes the wetland mitigation for the Property and stipulates the terms and conditions of the construction, operation and long-term management of the Wetland Areas.

1.4 “Property” shall mean and refer to the entire 6.23 acre parcel of real property to be known as the Nedonna Wave Subdivision, as more particularly described in **Exhibit A-1** and as shown on **Exhibit A-2** (the “Plat”).

1.5 “Wetland Areas” shall mean those designated areas of the Property shown on the Plat which are reserved for wetland use only.

### ARTICLE 2

#### PROPERTY SUBJECT TO THIS DECLARATION

The Wetland Areas are and shall be held, transferred, sold, conveyed and occupied subject to this Declaration. The Property is located in the City of Rockaway Beach, Tillamook County, Oregon and is more particularly described in **Exhibit A-1** (the legal description).

### ARTICLE 3

#### GENERAL PLAN OF DEVELOPMENT

Declarant is developing the Property as a 28 lot residential PUD subdivision, with designated Wetland Areas, which Wetland Areas Declarant will manage for the purpose of wetland mitigation. Current management is in accordance with ODSL Permit Number 36702-RF.

### ARTICLE 4

#### USE RESTRICTIONS AND MANAGEMENT RESPONSIBILITIES

Declarant and all users of the designated Wetland Areas are subject to any and all easements, covenants and restrictions of record affecting the Property, as well as the following:

4.1 There shall be no removal, destruction, cutting, trimming, mowing, alteration or spraying with biocides of any vegetation in the Wetland Areas, nor any disturbance or change in the natural habitat of the Wetland Areas.

4.2 There shall be no agricultural, commercial, or industrial activity undertaken or allowed in the Wetland Areas; nor shall any right of passage across or upon the Wetland Areas be allowed or granted if that right of passage is used in conjunction with agricultural, commercial or industrial activity.

4.3 No motor vehicles, motorized equipment or domestic animals shall be allowed on the Wetland Areas, except motorized equipment by specifically authorized ODSL.

4.4 There shall be no filling, excavating, dredging, mining or drilling; no removal of topsoil, sand, gravel, rock minerals or other materials, nor any dumping of ashes, trash, garbage, or of any other material, and no changing of the topography of the land of the Wetland Areas in any manner.

Appendix C - Deed Restriction for Wetlands – Final Draft

4.5 There shall be no construction or placing of buildings, mobile homes, advertising signs, billboards, or other advertising material, or other structures on the Wetland Areas.

ARTICLE 5

RESOLUTION OF DOCUMENT CONFLICTS

In the event of any conflict between this Declaration and Permit Number 36702-RF, the Permit shall control.

ARTICLE 6

RUNS WITH THE LAND; ATTORNEY FEES

These restrictions of this Declaration shall run with the land. They may be enforced by ODSL, the City of Rockaway, Declarant, or by any successor owner of a lot in the Property. In enforcing this Declaration, the prevailing party shall be entitled to its reasonable attorney fees and court costs at trial and on appeal.

IN WITNESS WHEREOF, the undersigned being Declarant herein, has executed this instrument this \_\_\_\_\_ day of November, 2007.

NEDONNA DEVELOPMENT, LLC  
an Oregon limited liability company

By: \_\_\_\_\_  
Kahm N. (Anna) Song  
Member/ Manager

STATE OF OREGON        )  
  ) ss:  
County of \_\_\_\_\_)

This instrument was acknowledged before me on November \_\_\_\_, 2007 by Kahm N. (Anna) Song as member/ manager of Nedonna Development, LLC.

\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: \_\_\_\_\_

**Appendix D**  
Lot Area / Setback Table

**NEDONNA WAVE  
LOT AREA/SET BACK TABLE**

Appendix D

Revised 10/12/07 By JPS

12-Oct-07

Lot Number	Corner Lot	Total Area (sf)	Buildable Area (sf)	Open Yard Area (sf)	Average Lot Depth (ft)	Average Lot Width (ft)	House (Typ.) Dimensions		Typ. Home Footprint (sf)	SETBACKS			Comment
										Front (ft)	Side (ft)	Rear (ft)	
1		4141	1940	2201	106	39	28	66	1848	15	5	20	Canal Setback for Rear, PUE for Front
2		4029	2064	1965	103	39	28	70	1960	13	5	20	Canal Setback for Rear, PUE for Front
3		3895	1846	2049	99	39	28	60	1680	10	5	20	Canal Setback for Rear, PUE for Front
4		4825	2487	2338	95	50	28	58	1624	8	5	20	5- Wetland Setback
5		5523	2547	2976	79	69	38	58	2204	8	5	20	5- Wetland Setback
6		4405	2008	2397	72	61	36	50	1800	8	5	20	5- Wetland Setback
7		4106	2312	1794	61	67	34	52	1768	8	5	15	Rear Possible 10'-15', Varies Depending On Wetland after Rear Mitigation
8		3441	2106	1335	54	64	52	36	1872	8	5	5	Canal Setback
9		3425	2179	1246	54	64	52	34	1768	8	5	5	Canal Setback
10		3829	2412	1417	60	64	52	40	2080	10	5	5	Canal Setback
11		2354	1395	959	67	35	24	50	1200	10	5	5	Canal Setback
12		2557	1450	1107	73	35	24	54	1296	10	5	5	Canal Setback
13		2759	1595	1164	78	35	24	60	1440	10	5	5	Canal Setback
14		2791	1498	1293	80	35	24	58	1392	10	5	10	
15		3200	1800	1400	80	35	28	58	1624	10	5	10	
16		3441	1940	1501	72	48	44	36	1584	8	5	5	
17		3365	1918	1447	75	45	34	54	1836	8	5	10	
18		3370	1920	1450	75	45	34	54	1836	8	5	10	
19		3486	2006	1480	78	45	34	54	1836	8	5	10	
20	Yes	3839	2383	1456	65	54	28	44	1232	8	5	5	8' PUD Setback
21	Yes	4069	2443	1626	65	49	50	32	1600	8	5	5	8' PUD Setback
22		3459	2058	1401	77	45	30	56	1680	8	5	10	Footprint Change
23		4528	2544	1984	92	50	30	56	1680	8	5	10	Revised for DSL
24		6463	3904	2559	63	120	32	106	3392	5	5	10	Revised for DSL
25		2915	1582	1333	83	35	24	60	1440	10	5	10	
26		2888	1562	1326	82	35	24	60	1440	10	5	10	
27		2861	1543	1318	81	35	24	60	1440	10	5	10	
28	Yes	3108	1734	1374	81	40	26	56	1456	10	5N, 8S	5	8' Adjacent Riley St.

**TYPICAL SETBACKS**  
 Front Yard: 15 ft  
 Side Yard: 5 ft  
 Rear Yard: 20 ft

**(EXCEPTIONS):**

**Lots <5000 SF & >3500 SF**  
 Front Yard: 15 ft  
 Rear Yard: 10 ft  
 Corner Lot Rear: 5 ft

**Lots < 3500 SF**  
 Front Yard: 10 ft  
 Rear Yard: 10 ft  
 Corner Lot Rear: 5 ft

## **Appendix E**

Wetland Joint Permit Application

May 2006

Oregon DSL Removal/Fill Permit

October 17, 2006

Oregon DSL Removal/Fill Permit Extension

August 6, 2007 (expires October 17, 2008)

US CoE Removal/Fill Permit

April 17, 2007

City of Rockaway Beach Development Permit

June 5, 2007

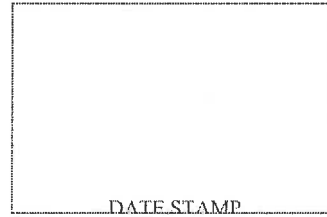
ODEQ Construction Storm Water Control Permit

July 18, 2007





# Joint Permit Application Form



**Army Corps  
Of Engineers (Portland District)**

AGENCIES WILL ASSIGN NUMBERS

Corps Action ID Number \_\_\_\_\_

Oregon Department of State Lands No \_\_\_\_\_

**SEND ONE SIGNED COPY OF YOUR APPLICATION TO EACH AGENCY**

District Engineer  
ATTN: CENWP-OD-GP  
PO Box 2946  
Portland, OR 97208-2946  
503-808-4373

**AND**

*West of the Cascades:*  
State of Oregon  
Department of State Lands  
PO Box 4395, Unit 18  
Portland, OR 97208-4395  
503-378-3805

**OR**

*East of the Cascades:*  
State of Oregon  
Department of State Lands  
1645 NE Forbes Road, Suite 112  
Bend, Oregon 97701  
541-388-6112

<b>(1) Applicant</b> Name and Address	Anna Song, Nedonna Development LLC 3120 NW Bauer Woods Drive Portland, OR 97229	Business Phone # 503-645-7765 Home Phone# FAX # E-mail:
Authorized Agent Name and Address (Signature required in Block 9)	Nancy Rorick Rorick Environmental Services 37552 SE Rachael Drive Sandy, OR 97055	Business Phone # 503-668-8660 Home Phone# FAX # 1-866-249-8833 E-mail: nrorick@verizon.net
<input checked="" type="checkbox"/> Consultant <input type="checkbox"/> Contractor		
Property Owner Name and Address (If different than applicant) <sup>1</sup>	<i>same as applicant</i>	Business Phone # Home Phone# FAX # E-mail:

### PROJECT LOCATION

Street, Road or other descriptive location		Legal Description ( <i>attach tax lot map*</i> )		
Nedonna Beach area of Rockaway Beach, E of McMillan Creek, N of Riley St., and W of Hwy 101		Quarter/Quarter NW ¼ of NE ¼	Section 20	Township 2N Range 10W
In or Near (City or Town) Rockaway Beach	County Tillamook	Tax Map # 2N 10 20AB		Tax Lot # <sup>2</sup> 4600, 4900 and 9000
Wetland/Waterway Name (pick one) Wetland	River Mile (if known) n/a	Latitude 45° 38' 59.58" N		Longitude 123° 55' 59.30" W
Do you consent to allow Corps or Dept. of State Lands staff to enter into the above-described property?*				<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

### (3) PROPOSED PROJECT INFORMATION

Type:  Fill  Excavation (removal)  In-Water Structure  Maintain/Repair an Existing Structure

Brief Description: Proposal to fill 0.332 acres of jurisdictional wetland to construction a 28-lot subdivision

**Fill**

Riprap  Rock  Gravel  Sand  Silt  Clay  Organics  Other: \_\_\_\_\_

<b>Wetlands</b>	Total Fill (cy)	1,066	Permanent (cy)	1,066	Temporary (cy)	0
	Impact Area in Acres	0.332 acres	Dimensions (feet)	L'	W'	H'
<b>Waters below OHW</b>	Total Fill (cy)	0	Permanent (cy)	0	Temporary (cy)	0
	Impact Area in Acres		Dimensions (feet)	L'	W'	H'

**Removal**

Riprap  Rock  Gravel  Sand  Silt  Clay  Organics  Other: \_\_\_\_\_

<b>Wetlands</b>	Total Fill (cy)	265	Permanent (cy)	265	Temporary (cy)	0
	Impact Area in Acres	0.332	Dimensions (feet)	L'	W'	H'
<b>Waters below OHW</b>	Total Fill (cy)	0	Permanent (cy)	0	Temporary (cy)	0
	Impact Area in Acres		Dimensions (feet)	L'	W'	H'

Will the disposal area upland?  Yes  No      Impervious surface created?  <1 acre?  >1 acre?

<sup>1</sup> If applicant is not the property owner, permission to conduct the work must be attached.

<sup>2</sup> Attach a copy of all tax maps with the project area highlighted.

\* *Italicized areas are not required by the Corps for a complete application, but may be necessary prior to final permit decision by the Corps.*

Are you aware of any state or federal Endangered Species on the project site?  Yes  No If yes, please explain in the project description (in block 4)

Are you aware of any Cultural/Historic Resources on the project site?  Yes  No

Is the project site within a national Wild & Scenic River?  Yes  No

Is the project site within a state Scenic Waterway? \*  Yes  No

**PROPOSED PROJECT PURPOSE & DESCRIPTION**

**Project Purpose and Need:**

*Provide a description of the public, social or economic benefits of the project along with any supporting formal actions of a public body (e.g. city council, special district board), as appropriate. \**

Nedonna Development LLC is proposing to construct a 28-lot Planned Unit Development (PUD). The proposed project is consistent with local planning goals and the City of Rockaway’s Comprehensive plan.

1. The project is located within the City of Rockaway’s Urban Growth Boundary and in an area that is zone R-1 residential.
2. The project is a PUD which allows for clustering. “Cluster development shall be encouraged, especially in areas of steep slopes, or wetlands as a means of minimizing the potential adverse impacts of development...” (P. 9, Rockaway Beach Comprehensive Plan).

Clustering is the grouping of smaller lots to provide open space and avoid natural features located within the development. The PUD’s design flexibility and open space requirements enable developers to design lot layouts with less environmental impact than regular subdivisions due to allowances for clustering, flexible lot sizes and open space requirements. The City of Rockaway’s Zoning Ordinance requires that 50% of the development be set aside as open space in PUDs. Seventy-five percent of the open space must be common or shared space, and twenty five percent can be utilized privately. In a regular subdivision, there are no requirements to set aside open space.

The 28 lots are necessary to meet the 80% density required by state law (ORS 197.360) for an expedited PUD. Density calculations prepared by HLB and Associates show that the calculated net density is 82.38%. If the number of lots is dropped to 27, the density would drop to 79% and the project would no longer be an expedited PUD. The result of this is that the lot size will increase to a minimum of 5,000 square feet (City of Rockaway Beach Zoning requirements for R1), there would be no open space requirements, and the entire project would need to be resubmitted to the City of Rockaway Beach for approval.

**Total Area and Density Information (source HLB and Associates, Inc.)**

A	Total gross area	271,281
B	Total ROW area	59,848
C	Existing wetlands	79,145
D	Created wetlands	22,182
E	Total net developable area (A-(C+D))	169,954
F	Minimum allowed lot size in parent zone	5,000
G	Number of lots allowed in parent zone (E/F)	34
H	Number of lots proposed	28
I	Calculated net density (H/G)	82.38%

The DSL completeness review requests that the applicant provide demonstrate the need to fill wetlands in order to create lots. It is necessary to fill the wetlands on these lots in order to meet the density requirement of 28 lots for the PUD. These lots were minimize in area to as low as 3,800 square feet to avoid wetlands. The buildable areas were also designed to reduce wetland impacts. The portions of the wetland located within the lots, but outside of the buildable areas, are shown as filled due to direction received from DSL. The agency requested that all wetland within smaller lots be mitigated for regardless of whether it is located within the building footprint due to “reasonably expected adverse impacts.”

*Housing Demand*

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According to David Jones of Pete Anderson Realty in Oregon the demand for housing in Rockaway Beach on the west side of Highway 101 is very high and all available houses have been sold. The housing demand is driven by the desire for retirement properties and second homes. Also such properties are no longer available in Manzanita and Cannon Beach. The property tax income derived from the development of the PUD will be significant.

**Project Description:** Include the following information:

Nedonna Development LLC is proposing to develop a 28-lot Planned Unit Development in the Nedonna Beach area of Rockaway Beach (figures 1 and 2). The project site covers 6.05 acres and includes tax lots 4600, 4900 and 9000 on tax map 2N 10 20 AB (figure 3). The project's legal location is NW ¼ of the NE ¼ of Section 20 in Township 2 North, Range 10 W. The proposed CWM site is located on the same property as the proposed development. Figure 4 is an aerial photograph of the project site.

Green Point Consulting delineated wetlands on this property in 1998 as part of a much larger project (WD 98-0109). In 2003, Rorick Environmental Services (RES) completed an update of Brophy's 1998 delineation on the property immediately north of the Nedonna Development property for Douglas Leading (WD 04-0008). As part of this work, RES delineated the large wetland on the Nedonna Development property. The update for this delineation was approved by Janet Morlan from the Department of State Lands (DSL) on September 7, 2004.

In December 2005, RES returned to the property and delineated the wetlands not done in 2003 (figure 5). A letter prepared by RES and submitted to DSL describes the wetland delineation update. There is 1.857 acres of jurisdictional wetland located within the ND property. This delineation was verified by DSL on August 1, 2006.

The proposed impacts are to wetlands. There are no proposed impacts to waterways. The only waterway within the project area is McMillan Creek, and there is no work planned in McMillan Creek. The DSL agreed with the wetland determination that all other features on the site were wetlands.

There are three drainages on the project site (figure 5). Two that flow onto the site from the hills to the east and a ditch that flows along the north edge of the entrance road (Riley). The northern creek that flows from the hill east of the slope discharges into the large wetland that covers the site. The south creek that enters the site dissipates in the sand at the base of the hill slope. Neither of these two creeks will be disturbed by the project. The wetland associated with ditch along Riley is 15 to 20 feet wide and has a vegetated bottom. The side slopes of the ditch are covered with Himalayan blackberry (*Rubus discolor* FACU).

A portion of this ditch will be culverted to upgrade Riley Street. Riley Street is currently a dirt road and must be widened in order to meet City code.

*Volumes and acreages of all fill and removal activities in waterway or wetland separately*

The applicant is proposing to fill 0.332 acres of jurisdictional wetland. The total fill volume for the wetland is 1,066 cubic yards and the total removal volume is 265 cubic yards. Excluding the wetland mitigation site, the volume totals for the entire project are 1,416 cubic yards of fill and 241 cubic yards of removal.

*Permanent and temporary impacts*

The permanent impacts are 0.332 acres of filled wetlands. There are no temporary impacts anticipated.

*Types of materials (e.g., gravel, silt, clay, etc.)*

The fill material will be sand.

*How the project will be accomplished (i.e., describe construction methods)*

The project will employ bulldozers and other equipment typically used in developing residential subdivisions.

*For work in waterways where fish are likely to be present, complete and attach a plan to isolate the work area from the*

\* *Italicized areas are not required by the Corps for a complete application, but may be necessary prior to final permit decision by the Corps.*

*flowing water. (See the Section A of the Resource Plan Guidance Document.)*

There are no fisheries issues associated with this project because there will be no work in McMillan Creek or any other waterways.

**Project Drawings:**

State the number of project drawing sheets included with this application:

A complete application must include a location map, site plan, cross-section drawings and recent aerial photo as follows and as applicable to the project:

1. Project location map.
2. Tax map.
3. Topographic map.
4. Aerial Photograph
5. Wetland delineation map
6. Alternative property locations
7. Local Wetland Inventory map for alternative properties
8. Local Wetland Inventory map for alternative properties
9. Original alternative
10. Site plan and proposed alternative
11. HGM classification of existing wetlands, impacted wetlands and created wetlands.
12. Cowardin classification of existing wetlands, impacted wetlands and created wetlands.
- 13a - 13e. Cross sections and proposed contours of fill areas.
14. Storm drainage areas
- 15a - 15c. Cross sections of stream crossings
16. Wetland mitigation grading plan
- 17a - 17c. Wetland mitigation cross sections

Will any construction debris, runoff, etc., enter a wetland or waterway?  Yes  No

If yes, describe the type of discharge and show the discharge location on the site plan.

Estimated Project Start Date: August 2006

Estimated Project Completion Date: January 2007

(5) PROJECT IMPACTS AND ALTERNATIVES

Describe alternative sites and project designs that were considered to avoid impacts to the waterway or wetland. (Include alternative design(s) with less impact and reasons why the alternative(s) were not chosen. \*) Describe what measures you will (before and after construction) to minimize impacts to the waterway or wetland.

In preparing the alternatives analysis, RES compared the project site to three alternative properties that were on the market at the time (figure 6). All four sites are located within the UGB and the City Limits of Rockaway Beach, and they are zoned R3 (high density urban residential). The property listings were provided by David Jones of Pete Anderson Realty in Rockaway Beach.

Table 1 Alternatives analysis summary.

Table with 6 columns: Site Description, Tax Map, Tax Lot, Size (acres), Aerial Photograph, and Local Wetland Inventory. It lists four alternative sites and compares them to the project site based on these criteria.

Development of the alternative sites would not result in less environmental impact than development of the project site. Figures 7 and 8 from the Local Wetland Inventory map show that alternative properties all contain substantial wetlands. Therefore, none of the alternative properties could be developed without some wetland impact.

Minimization and avoidance

On March 6, 2006 Ryan Collinworth of HLB and Associates, Anna Song, David Jones of Pete Anderson Realty, and Nancy Rorick met with Kathryn Harris of the U.S. Army Corps of Engineers to review the original layout (Figure 9). Based on the conversation with Ms. Harris, Mr. Collinworth redesigned the lot layout and reduced lot size in order to reduce the wetland impact from 0.355 acres to 0.332 acres (figure 10). Ms. Harris had asked for a 25-foot-wide vegetated buffer, but this reduced the area available for wetland mitigation to the point that it no longer met the DSL's wetland creation ratio of 1.5:1. The balance would have been made up using the state's payment-to-provide program. However, the applicant decided against this option because it would have rendered the project ineligible for the recently enacted State Programmatic General Permit (SPGP).

The DSL completeness review requests that the applicant discuss options for avoiding wetlands on lots 1-7. Please note that the plan does not show any wetland impacts on lots 5 and 6. Reducing the number of lots would result in the projects exclusion from the expedited PUD process as explained in the purpose and need section of the permit. The lots cannot be moved to the east to avoid the wetlands because Kittiwake Drive cannot be moved without impacting the large wetland to the east. The wetlands located on lots 1, 2 and 3 cannot be avoided because they are located in the center of the lots and shifting the location of these lots would not reduce the wetland impact.

Impact area is: [ ] Ocean [ ] Estuary [ ] River [ ] Lake [ ] Stream [x] Freshwater Wetland

Describe the existing physical and biological characteristics of the wetland/waterway site by area and type of resource (Use separate sheets and photos, if necessary).

There are 1.87 acres of freshwater jurisdictional wetland located with the Nedonna Development property (figure 5). There are no navigational, fishing, or recreational uses of the site wetlands.

\* Italicized areas are not required by the Corps for a complete application, but may be necessary prior to final permit decision by the Corps.

The Nedonna Beach area is located south of Nehalem River Jetty on sand deposited by long shore currents subsequent to construction of the jetty. Except for the east edge, the property is nearly level. The wetlands occur in depressions in the sand that intersect the locally high water table. The 1939 aerial photograph shows that the entire Nedonna Beach area is bare ground littered with large logs washed in by storm surges. Later aerial photographs show forested areas developing on the site after 1960.

There are two Hydrogeomorphic (HGM) classes of wetland on the site: 0.162 acres of Riverine Flow Through (RFT) and 1.696 acres of Slope / Flats (SF). The RFT wetlands are all associated with McMillan Creek except for wetland 4 which is connected with a ditch that drains a large wetland south of the project site (figure 11). The remaining 1.71 acres are classified as SF wetlands because the primary water source is a high water table that intersects depressions in the land surface. Other water sources include inflow from the hills east of the site and direct inflow.

There are palustrine emergent (0.030 acres), palustrine forested (1.755 acres), and palustrine scrub shrub (0.073 acres) wetlands within the project area (figure 12). The palustrine emergent wetland is a small area that appears to have been created by recent soil disturbance.

The dominant vegetation in the herb layer consists of *Lysichiton americanum* OBL, *Oenanthe sarmentosa* OBL, and *Carex obnupta* OBL. The dominant vegetation in the shrub layer is *Sambucus racemosa* FACU, *Rubus spectabilis* FAC, *Salix hookerana* FACW-, and *Salix lasiandra* FACW+. The dominant tree species on the site are *Alnus rubra* FAC and *Picea sitchensis* FAC.

Water features within 500 feet of the site include McMillan Creek, wetlands, seeps and springs (figure 2). McMillan Creek flows north along the west boundary of the project area. The water-level elevation in McMillan Creek appears to be tidally influenced. Immediately east of the site are steep hillsides that contain seeps and springs. The wetlands on the site are part of a large wetland complex that extends both north and south of the project site.

#### *Functional Assessment*

The consultants assessed the Functional Capacity of the site wetlands using the Judgmental Method developed by Paul Adamus and Dana Field in 2001. The proposed wetland mitigation is an expansion of the site's existing wetlands. Therefore, the wetland mitigation is expected to have the same functional capacity as the existing wetlands. Gains or losses in functional capacity would affect both the existing and mitigated wetlands. Therefore, a separate functional assessment was not prepared for the mitigated wetlands. Post-construction refers to the time after the construction of the subdivision and the wetland mitigation site.

The factors most affecting the functional scores are the poorly developed sandy soils, human visitation and the potential for introduced weedy species to spread. The scores for phosphorous retention and nitrogen removal are lower than would be found in a similar wetland with well developed soils. The site is currently used by neighbors as a dog-walking area. Human usage will increase after construction which will affect functions related to wildlife habitat. There are also some invasive species, on the site: blackberry, Scot's broom and reed canary grass. These will be reduced by site maintenance. There is, however, an increased potential for non-natives to spread into the wetland and buffer areas.

Construction of the wetland mitigation areas will affect the following functions.

- There will be a minimal increase in water storage and delay. Due to the site's position near the ocean and highly permeable sandy soils it contributes little to water storage and delay.
- Increase in the area of wetland related habitat. This positive increase may be offset by increased human activity in the area surrounding the wetlands.
- Increased human activity raises the potential for non-native species to invade the site wetlands.

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Function	Score	Comment	Post-Construction
Water Storage and Delay	0.8	The score for this site is high due to the site's large storage volume.	There is no anticipated change in the post construction score of this function.
Sediment Stabilization and Phosphorus Retention	0.6	Score is low due to sandy substrate and lack of mature soils.	No anticipated change.
Nitrogen Removal	0.5	Score is reduced by lack of burning and the relatively recent recontouring due to sediment deposition.	No anticipated change.
Primary production	0.8	Score is high due to abundant vegetation growth.	The score is not expected to change. The vegetation planted in the wetland mitigation areas will quickly fill in due to the favorable growing climate on the coast.
Invertebrate Habitat Support	0.9	Score is high due to favorable hydrologic regime, water quality and diverse vegetation.	The score is not expected to change. Hydrologic regime, water quality and vegetation diversity will not be affected by the project.
Amphibian and Turtle Habitat	0.9	Score is high due to hydrologic regime, woody debris, and adjacent land cover.	The adjacent land cover will change due to construction of home sites.
Breeding Waterbird Support	0.7	Site has permanent water but lacks "many acres of permanent or nearly permanent water." Site is visited frequently by people walking their dogs.	Score may lower due to increased human visitation.
Wintering and Migratory Waterbird Support	0.6	The score is low due the predominance of a single water depth and somewhat frequent human visitation.	Score may lower due to increased human visitation.
Songbird Habitat Support	0.9	Score is high due to year-round surface water and surrounding forest.	Score may lower due to increased human visitation and some vegetation clearing.
Support of Characteristic Vegetation	0.8	Score is depressed due to presence of <i>Rubus discolor</i> .	Score may lower due to increased human visitation and anticipated changes in surrounding land cover.

### Resource Plan Requirements

- Describe the water quality conditions of the site and the expected effect of the project on these conditions.

The water quality on the site is excellent. The water sources for the site wetlands are a high water table, discharge from hillside seeps and springs east of the project, and direct precipitation. The site is within a wide-spread sand deposit. The unconfined aquifer in the sand is a secondary water source for the City of Rockaway Beach. The project is not expected to affect water quality. All of the proposed houses in the development will be on the City's sewer system.

- Describe the reasonably expected adverse effects of the development of this project and how the effects will be mitigated.\*

Adverse impacts on wildlife related functions can reasonably be expected due to increased human visitation and clearing. These are being addressed in part through the wetland mitigation plan which will enlarge the existing wetland. The wetland mitigation plan is attached in Section F.

\* *Italicized areas are not required by the Corps for a complete application, but may be necessary prior to final permit decision by the Corps.*

Plan	Required for this project?	Reason
Section A - Work Area Isolation Plan	No	No work is proposed in a waterway where migratory fish are present. No work is proposed in McMillan Creek
Section B - Fish Passage Plan	No	No work is proposed in a waterway where fish are present.
Section C - Sediment and Erosion Control Plan	Yes	<i>Attached</i>
Section D - Stormwater Management Plan	Yes	<i>Attached</i>
Section E - Site Restoration (for temporary disturbance) Plan	No	There are no proposed temporary impacts; all of the impacts are permanent.
Section F - Compensatory Wetland Mitigation Plan	Yes	<i>Attached</i>
Section G - Compensatory Mitigation Plan	No	There are no proposed impacts to waterways or riparian areas.
Section H - Special Areas of Concern	No	The site does not meet the criterion for Mature Forest (5 trees per acres with a DBH greater than 32 inches) defined in <i>Criteria of ORNHIC Review of Projects Under SPGP, Oregon Natural Heritage Information Center, Oregon State University, May 4, 2005.</i>

\* *Italicized areas are not required by the Corps for a complete application, but may be necessary prior to final permit decision by the Corps.*

(6)

ADDITIONAL INFORMATION

Adjoining Property Owners and Their Address and Phone Numbers (if more than 5, attach printed labels\*)

Kenneth R Jr & Gullan K Bragg 16460 Chehalem Way Hillsburo, OR 97123	Russell and Emily House 26525 Chieftan Drive Rockaway Beach, OR 97136
Elisa Weger 4361 Tahama Lane Turlock, CA 95382	Patricia A. Heard-Hopson 4722 NE Simpson Portland, OR 97218
Thomas S Huegel 18181 SW Shady Meadows Ct. Beaverton, OR 97007	Cynthia Etheridge Karen Jean Carpenter 2817 Brixton Avenue Gresham, OR 97080
Jack Phillip Lemmon 10175 SW Alsea Ct. Tualaton, OR 97062	Meredith and Brad Baker 3218 SE 62 <sup>nd</sup> Avenue Portland, OR 97206
Steven & Lydia Anderson 16745 NW Joscelyn Beaverton, OR 97006	William Werner 26330 SW 45 <sup>th</sup> Drive Wilsonville, OR 97070
Barry & Greta Karimi 13483 Fielding Road Lake Oswego, OR 97034	Steve Hursey Nedonna Meadows LLC 333 S. State Street, Suite V256 Lake Oswego, 97034

Has the proposed activity or any related activity received the attention of the Corps of Engineers or the Department of State Lands in the past, e.g., wetland delineation, violation, permit, lease request, etc.?  Yes  No

If yes, what identification number(s) were assigned by the respective agencies:  
Corps # \_\_\_\_\_ State of Oregon # \_\_\_\_\_

Has a wetland delineation been completed for this site?  Yes  No

If yes, by whom\*: *Rorick Environmental Services*

Has the wetland delineation been approved by DSL or the COE?  Yes  No (see note)

Note: This site was originally delineated in 1998 by Green Point Consulting (WD98-0109). A portion of the site was updated by Rorick Environmental Services in 2003 (WD04-0008). The remainder of the site was updated in 2005 and a letter describing the updates has just been submitted to the DSL.

\* Italicized areas are not required by the Corps for a complete application, but may be necessary prior to final permit decision by the Corps.

**(7) CITY/COUNTY PLANNING DEPARTMENT AFFIDAVIT (to be completed by local planning official) \***

I have reviewed the project outlined in this application and have determined that:

- This project is not regulated by the comprehensive plan and land use regulations.
- This project is consistent with the comprehensive plan and land use regulations.
- This project will be consistent with the comprehensive plan and land use regulations when the following local approval(s) are obtained.

Conditional Use Approval       Development Permit       Other \_\_\_\_\_

This project is not consistent with the comprehensive plan. Consistency requires a

Plan Amendment       Zone Change       Other \_\_\_\_\_

An application  has  has not been filed for local approvals checked above.

Local planning official name (print) \_\_\_\_\_ Signature \_\_\_\_\_ Title \_\_\_\_\_ City / County \_\_\_\_\_ Date \_\_\_\_\_

Comments:

**(8) COASTAL ZONE CERTIFICATION \***

If the proposed activity described in your permit application is within the Oregon coastal zone, the following certification is required before your application can be processed. A public notice will be issued with the certification statement, which will be forwarded to the Oregon Department of Land Conservation and Development for its concurrence or objection. For additional information on the Oregon Coastal Zone Management Program, contact the department at 635 Capitol Street NE, Suite 150, Salem, Oregon 97301 or call 503-373-0050.

**CERTIFICATION STATEMENT**

I certify that, to the best of my knowledge and belief, the proposed activity described in this application complies with the approved Oregon Coastal Zone Management Program and will be completed in a manner consistent with the program.

Print /Type Name KAHM N. SONG Title operating manager / OWNER

Applicant Signature [Signature] Date 5/1/06

**(9) SIGNATURE FOR JOINT APPLICATION**

Application is hereby made for the activities described herein. I certify that I am familiar with the information contained in the application, and, to the best of my knowledge and belief, this information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I understand that the granting of other permits by local, county, state or federal agencies does not release me from the requirement of obtaining the permits requested before commencing the project. I understand that payment of the required state processing fee does not guarantee permit issuance. The fee for the state application must accompany the application for completeness.

Amount enclosed \$ \_\_\_\_\_ \*

Print /Type Name KAHM N. SONG Title operating manager / OWNER

Applicant Signature [Signature] Date 5/1/06

I certify that I may act as the duly authorized agent of the applicant.

Print /Type Name \_\_\_\_\_ Title \_\_\_\_\_

Authorized Agent Signature \_\_\_\_\_ Date \_\_\_\_\_

I certify that the applicant has my permission to conduct the project on my property.\*

Print /Type Name \_\_\_\_\_ Title \_\_\_\_\_

Property Owner Signature<sup>3</sup> \_\_\_\_\_ Date \_\_\_\_\_

<sup>3</sup> If the project is on a state-owned waterway, you must contact the Land Management Division of the Department of State Lands for approval to proceed with this application. See [www.oregon.gov/DSL/](http://www.oregon.gov/DSL/) for a list of state-owned waterways.

\* Italicized areas are not required by the Corps for a complete application, but may be necessary prior to final permit decision by the Corps.

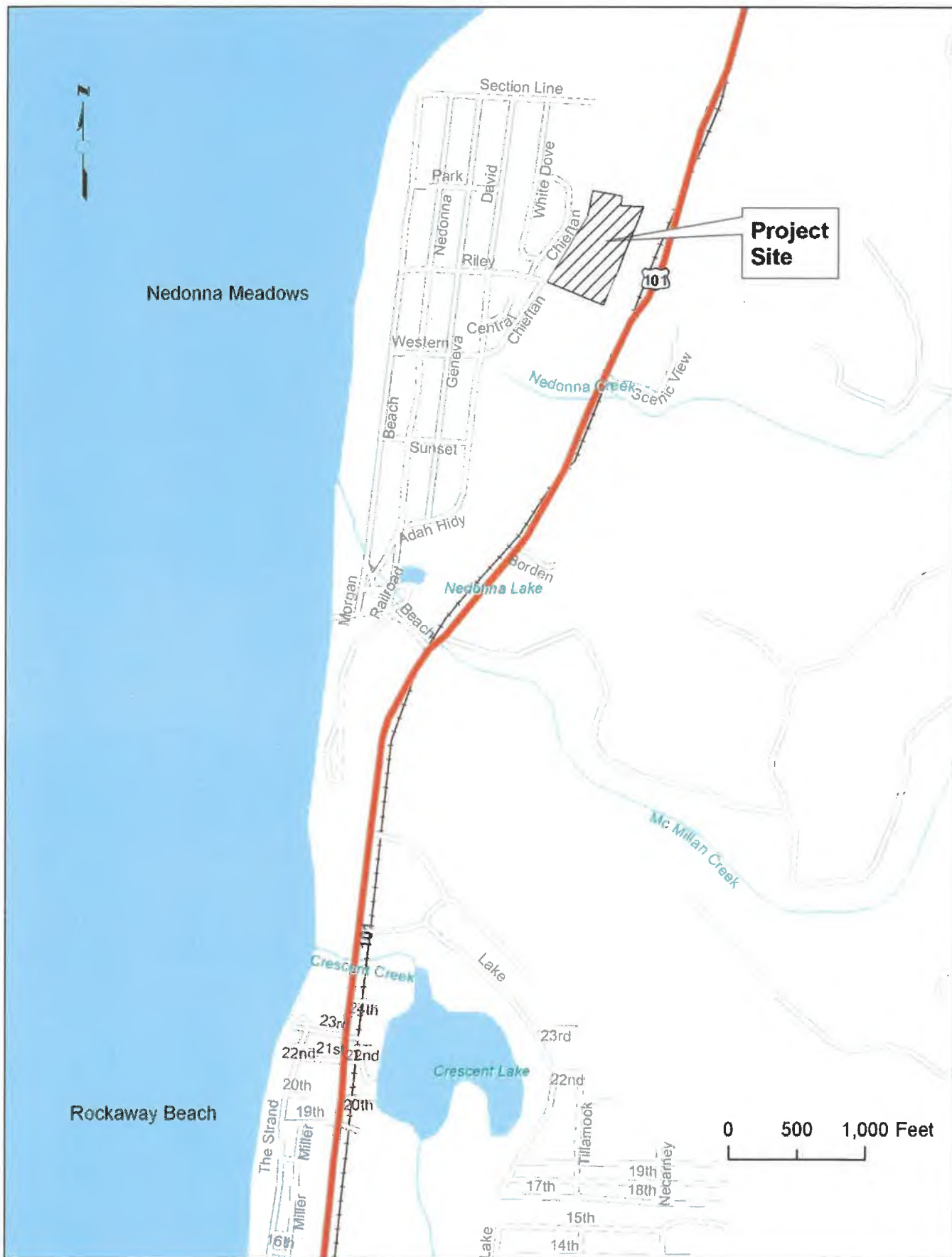


Figure 1 Project location map.



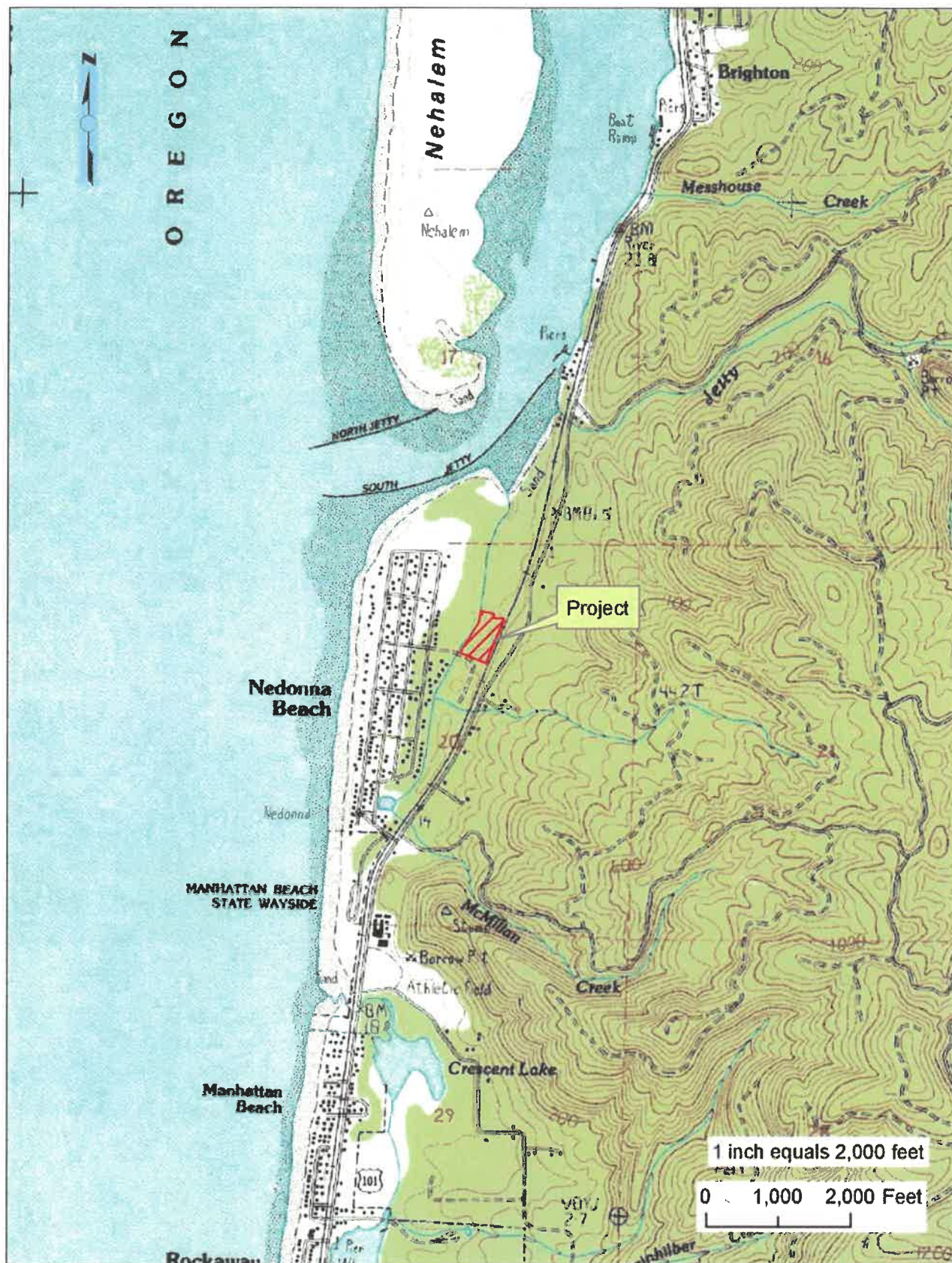


Figure 2 Topographic map (USGS 1985).



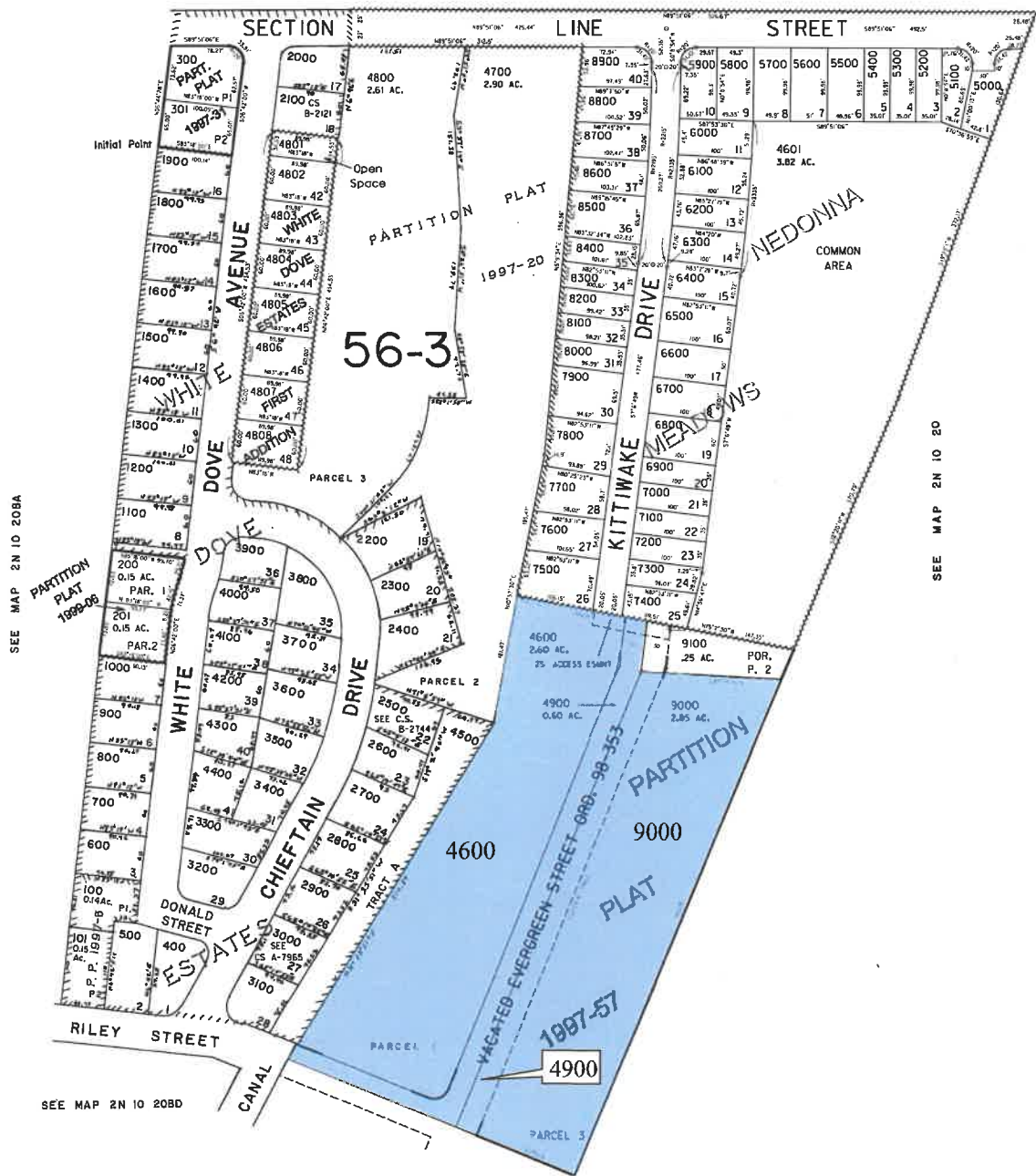
THIS MAP WAS PREPARED FOR  
 ASSESSMENT PURPOSE ONLY

NW1/4NE1/4 SEC. 20 T.2N. R.10W. W.M.  
 TILLAMOOK COUNTY

2N 10 20AB

1" = 100'

SEE MAP 2N 10 17



SEE MAP 2N 10 20BA

SEE MAP 2N 10 20

SEE MAP 2N 10 20BD

2N 10 20AB  
 REVISED 04/01/05, WS

Figure 3 Tax lot map.



Figure 4 Aerial photograph of site from the USGS. Photograph taken in 2000.

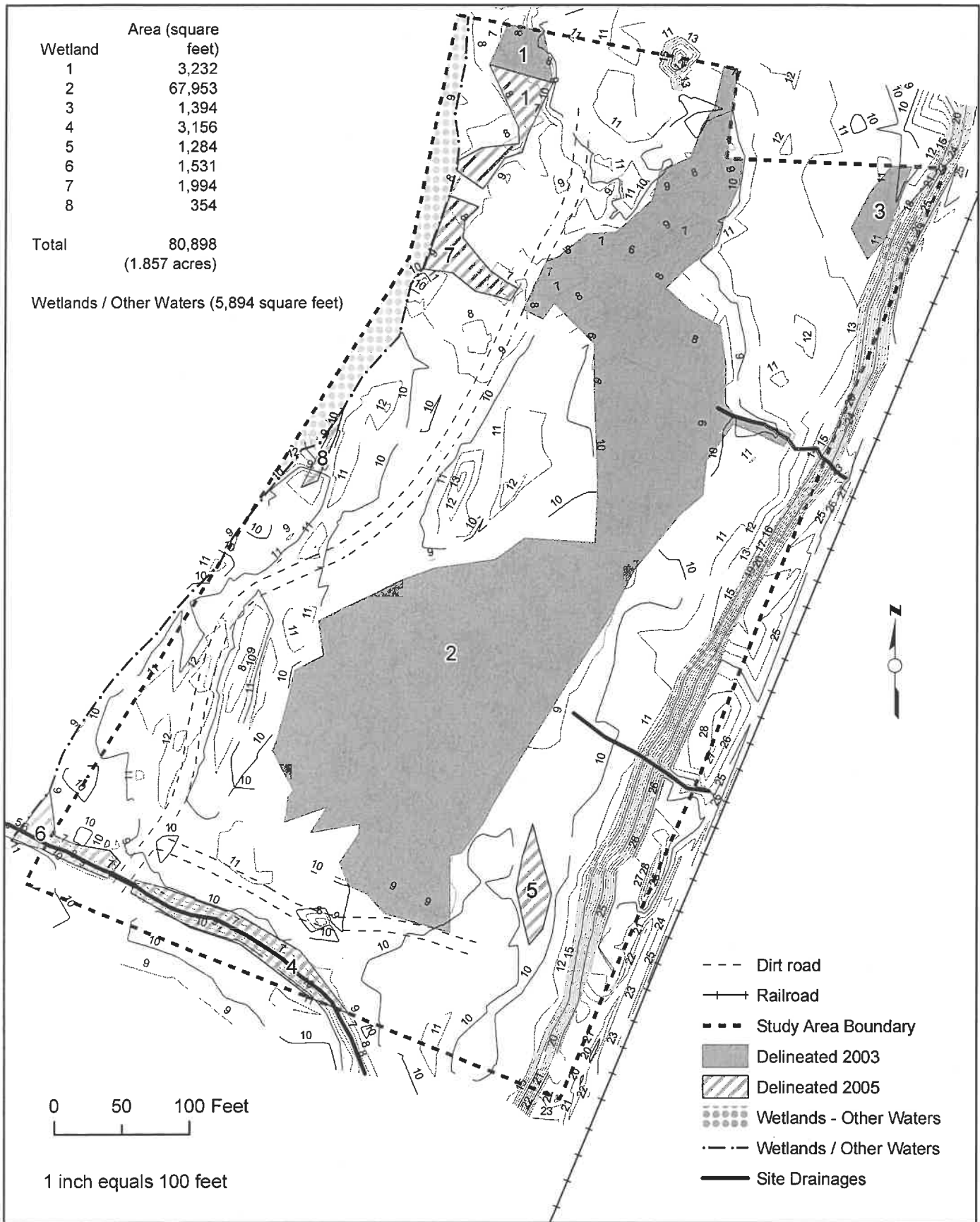


Figure 5 Wetlands map (revised 7-26-06).



Figure 6 Alternative project locations.



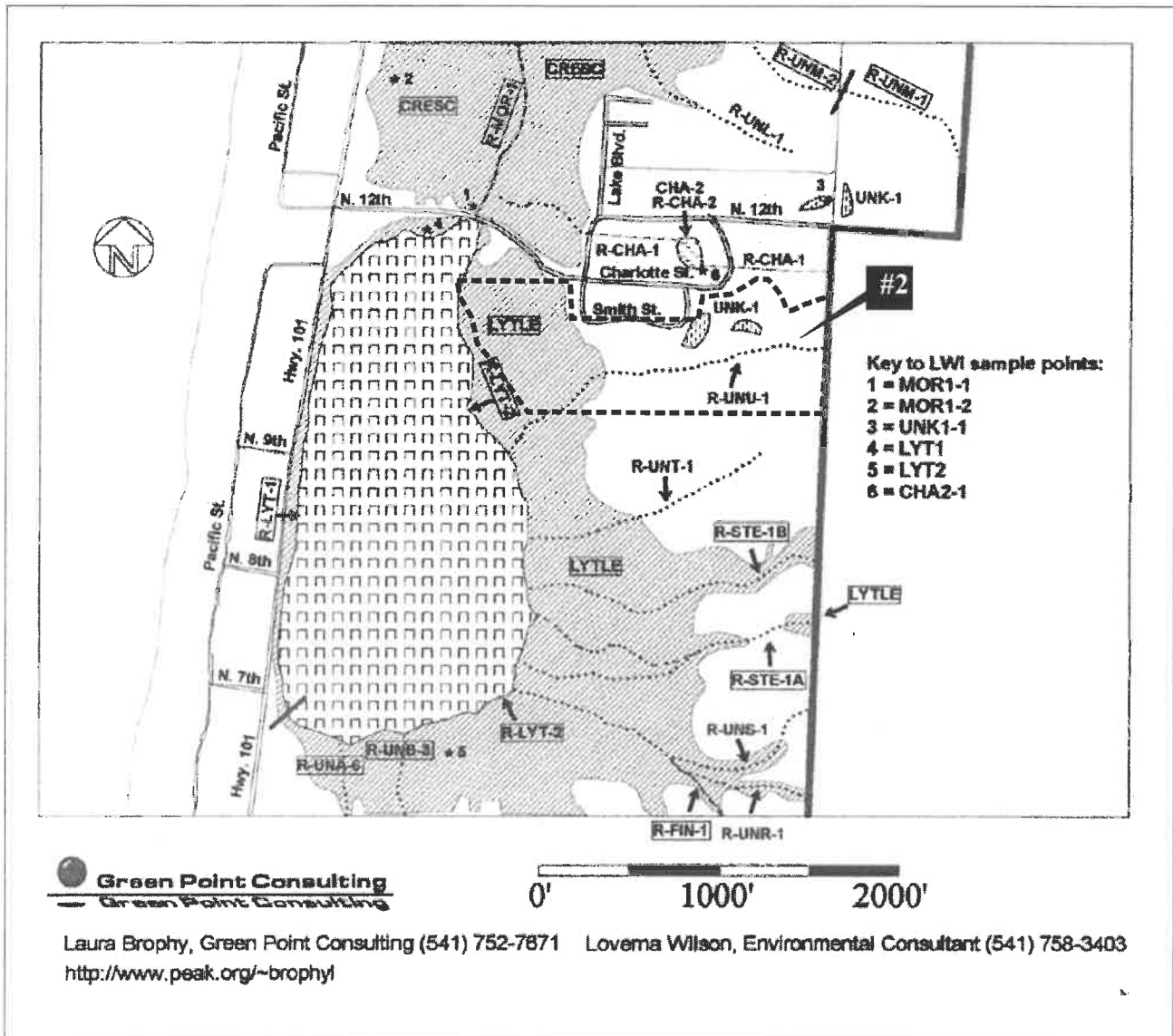
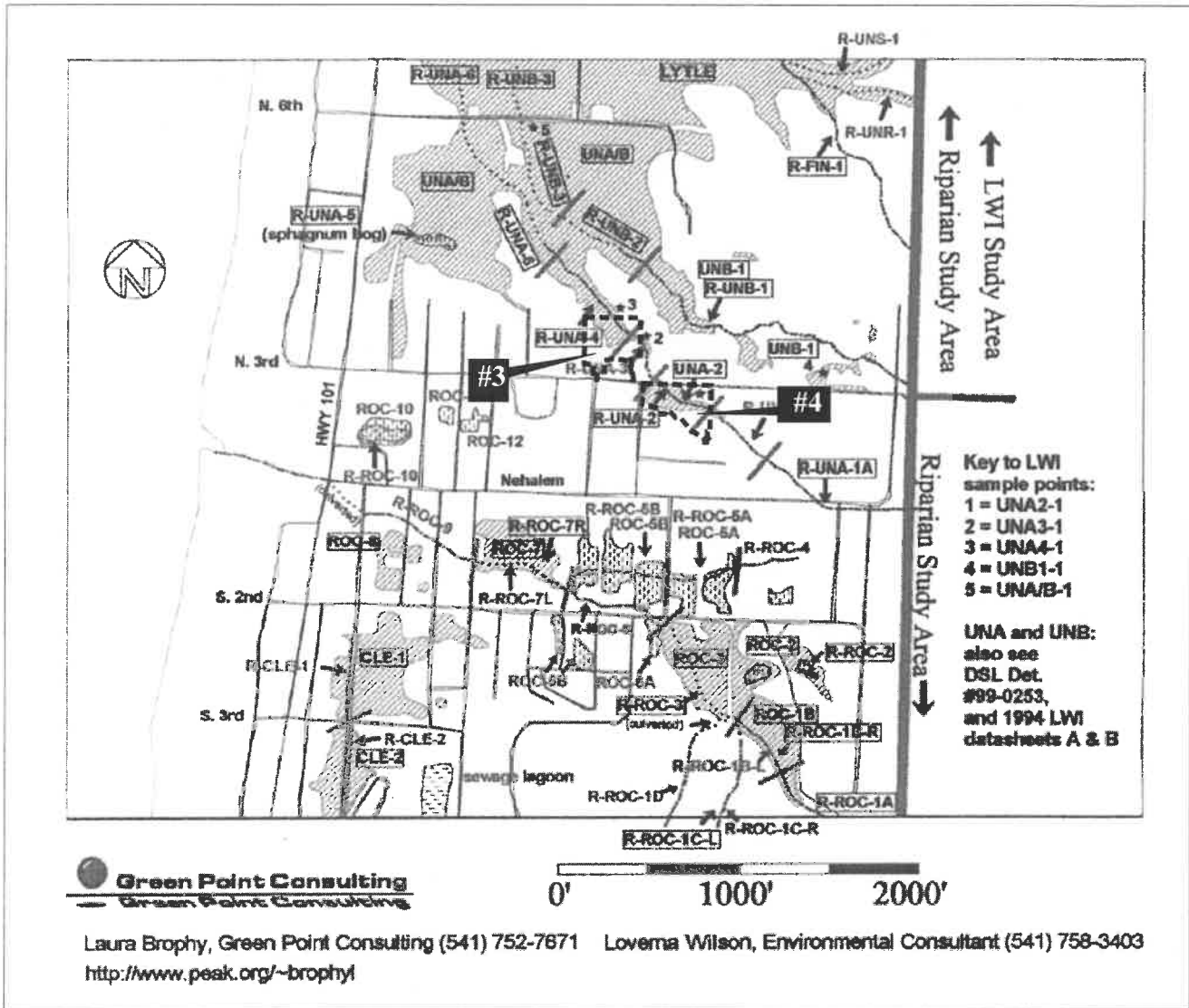


Figure 7 Local Wetland Inventory of alternative property Number 2 (Lake Lytle Estates).



**Figure 8** Local Wetland Inventory of alternative property Number 3 (North Third Street West of Juniper Street) and Number 4 (North Third Street East of Juniper Street).



Figure 9 Original alternative.



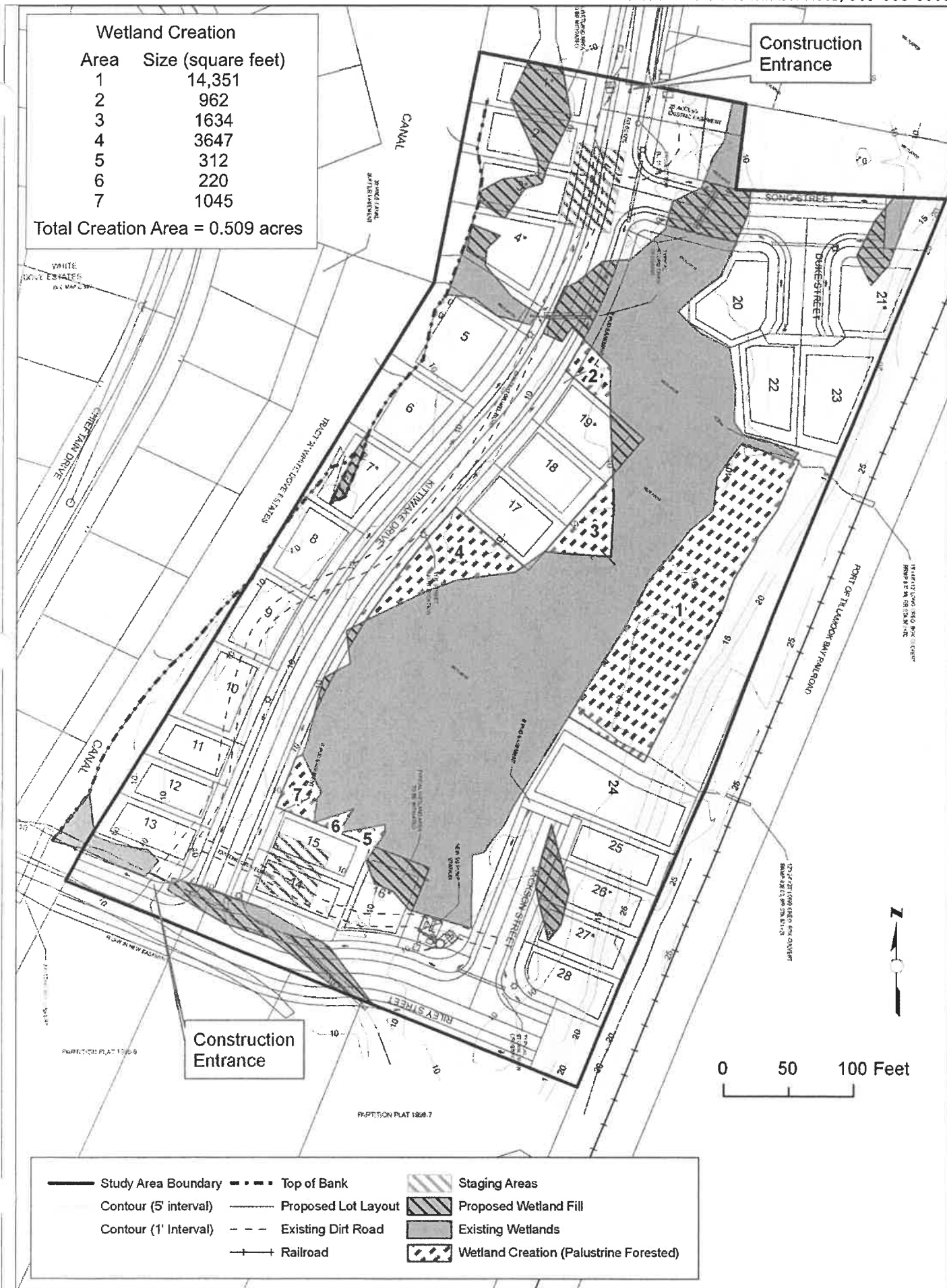


Figure 10 Site plan and proposed alternative.

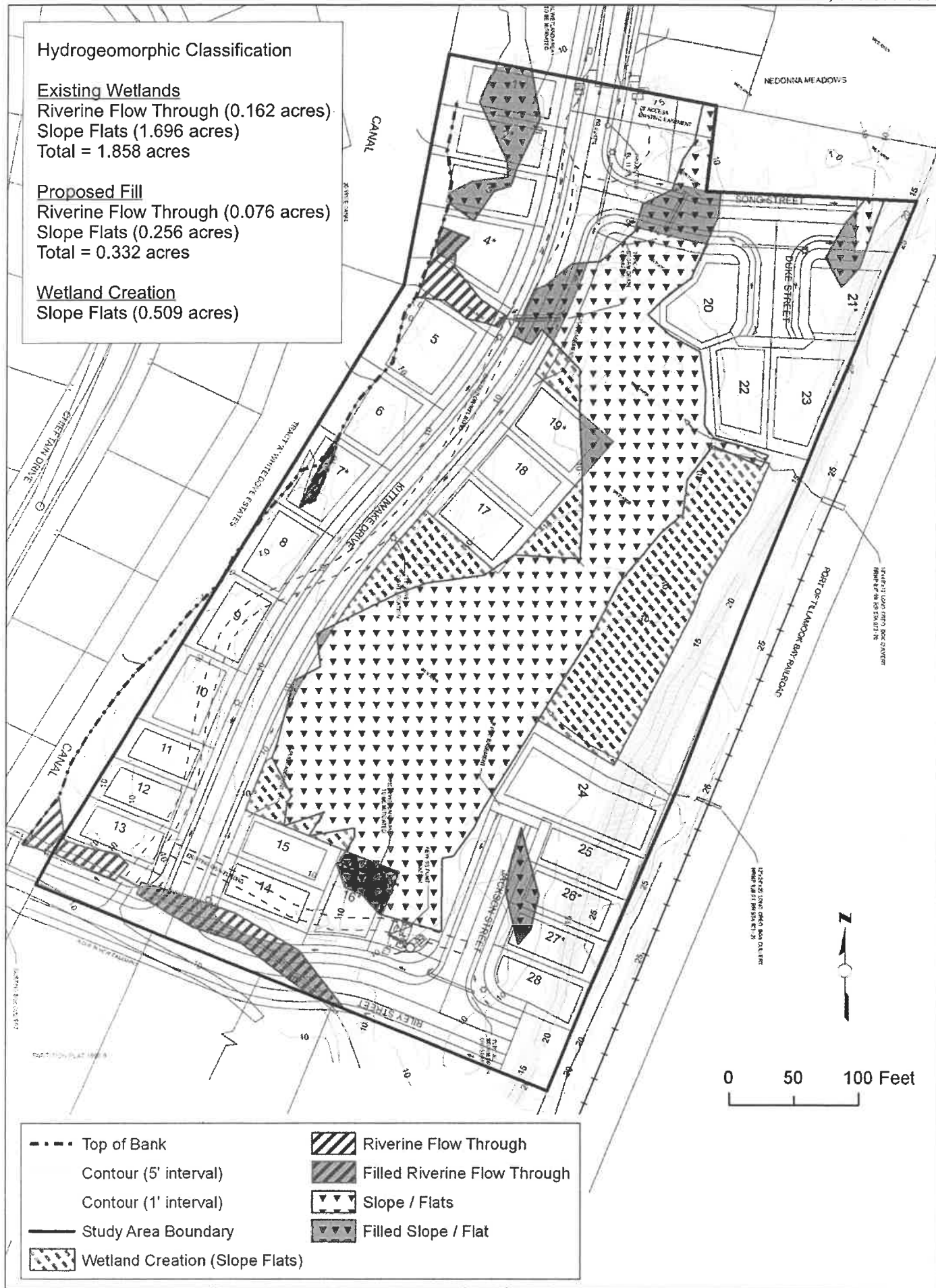


Figure 11 HGM classification of existing wetlands, impacted wetlands and created wetlands.



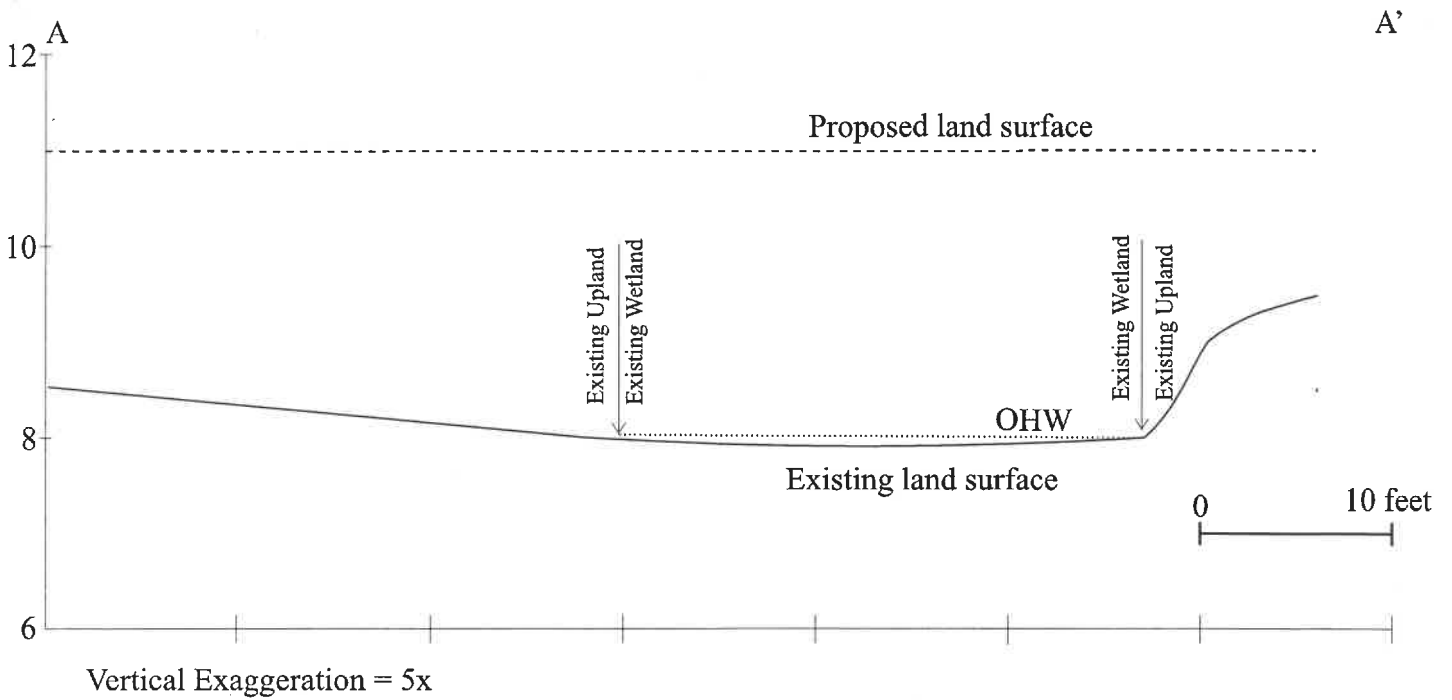
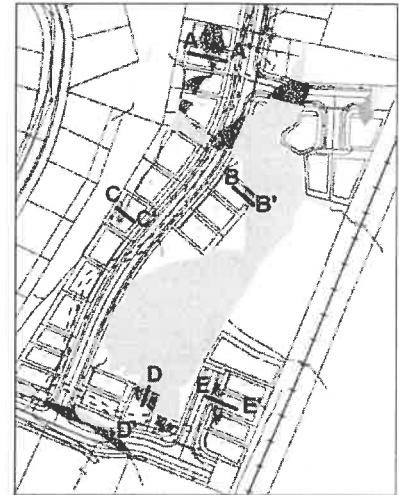
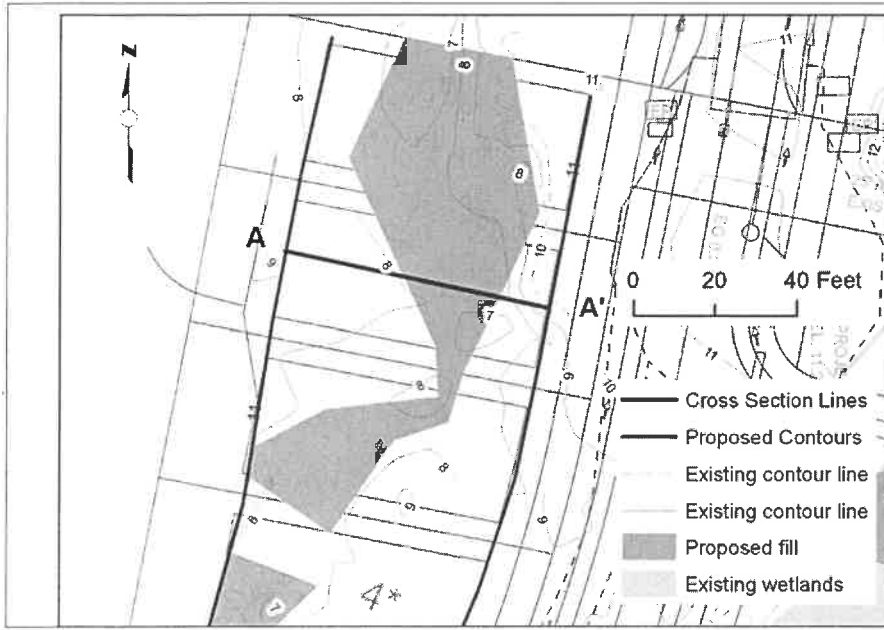


Figure 13a Cross section AA' showing proposed fill.

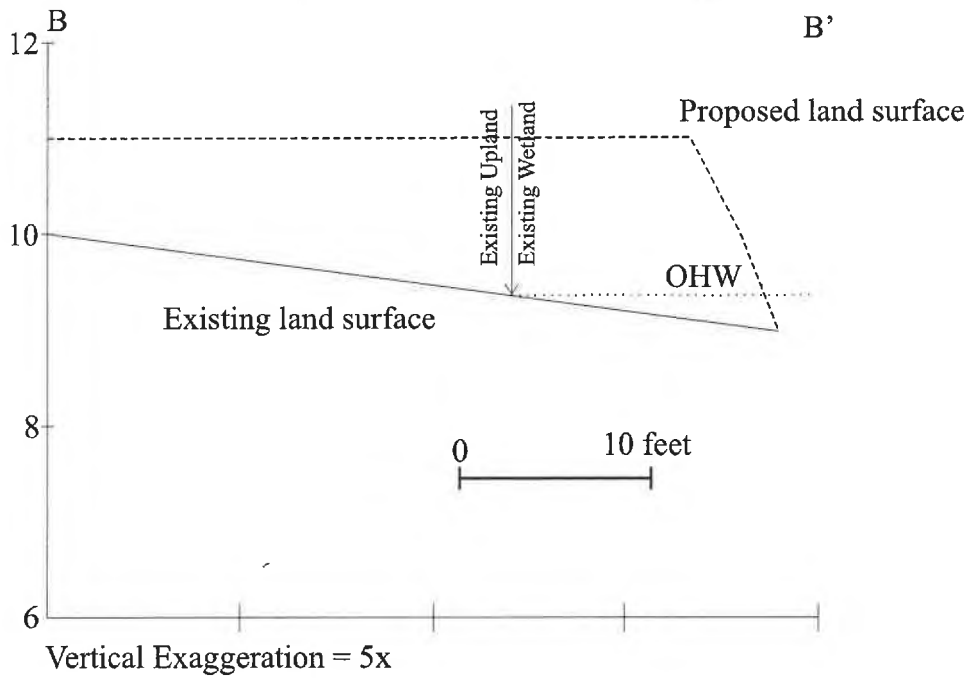
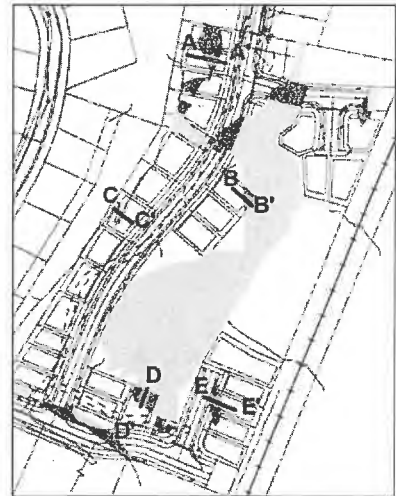
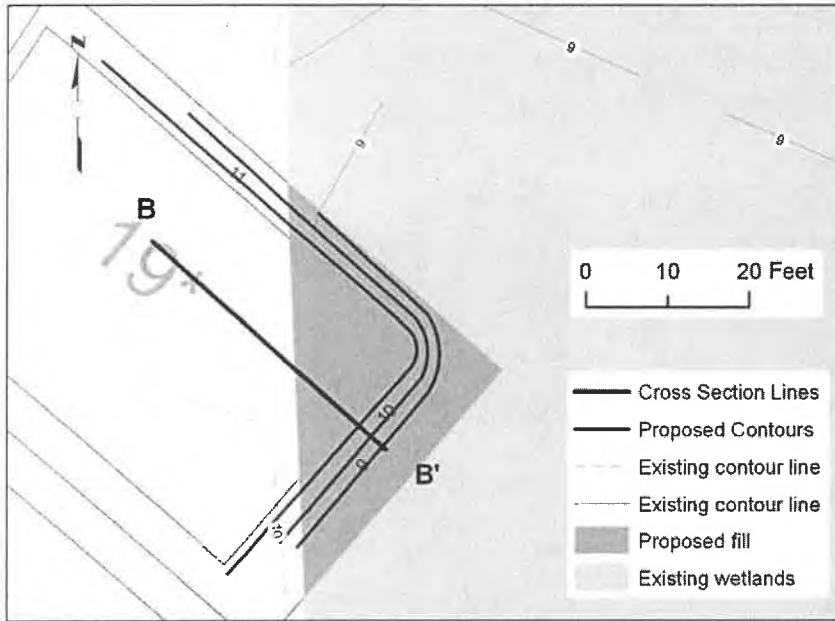


Figure 13b Cross section BB' showing proposed fill.

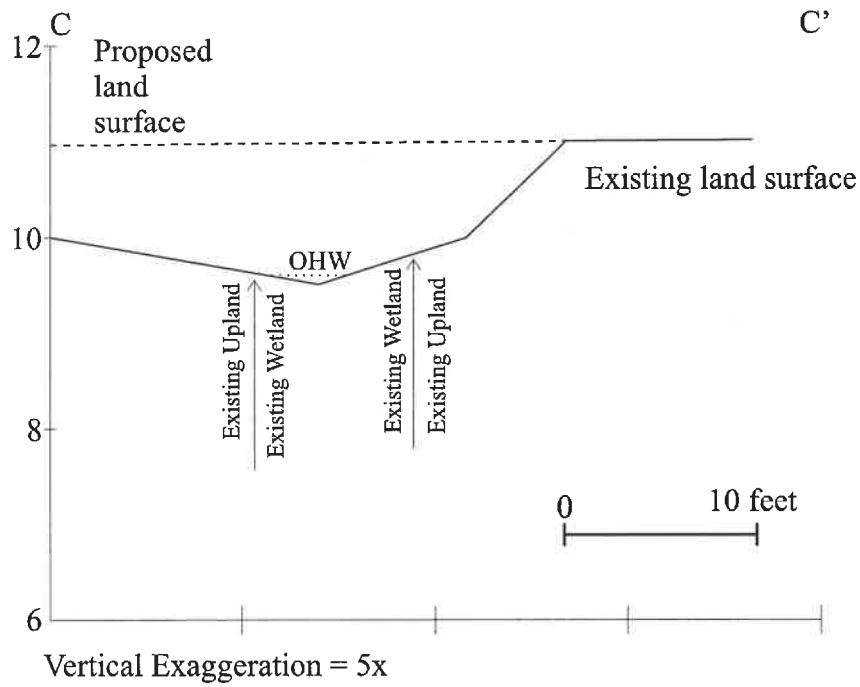
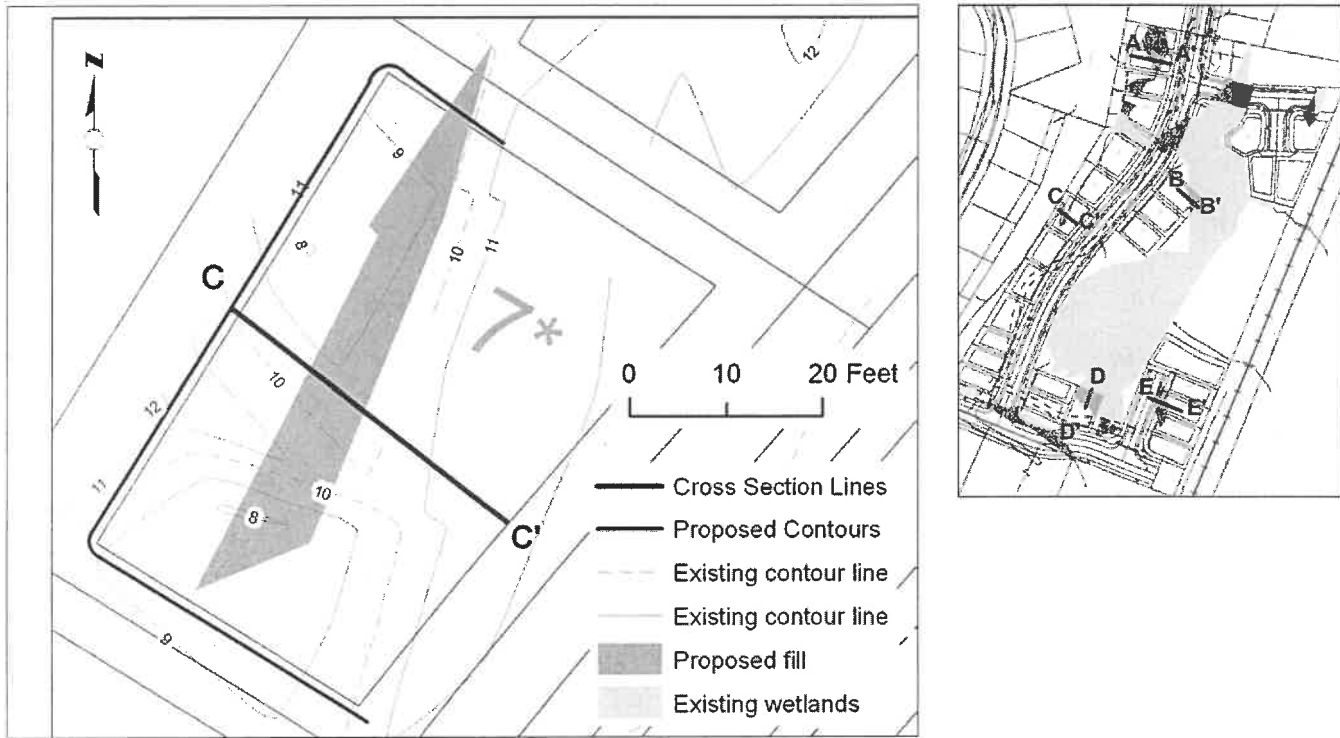


Figure 13c Cross section CC' showing proposed fill.



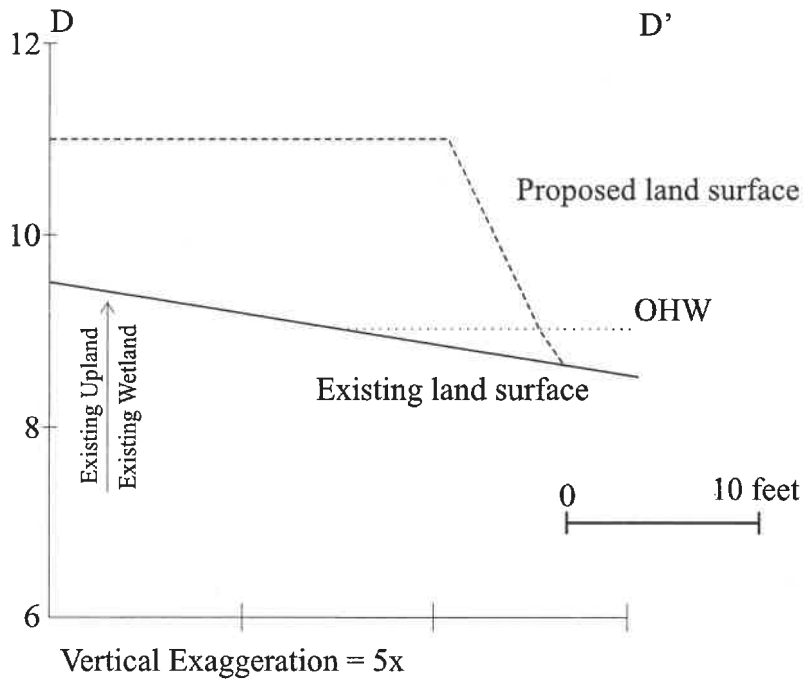
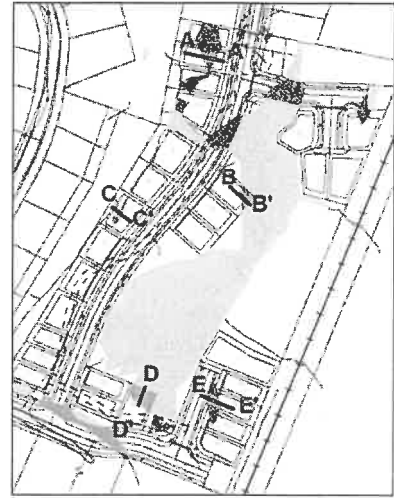
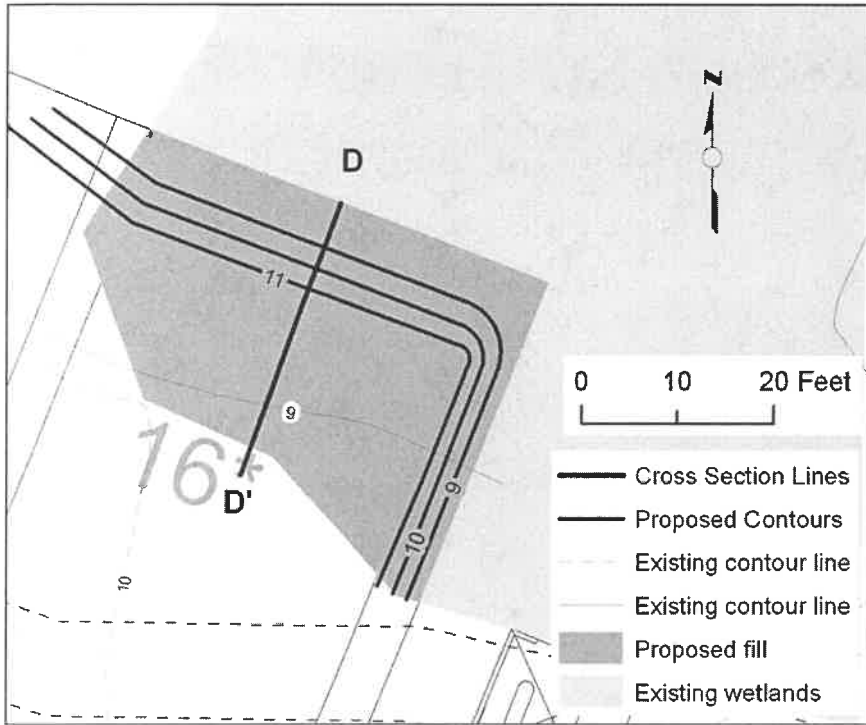


Figure 13d Cross section DD' showing proposed fill.

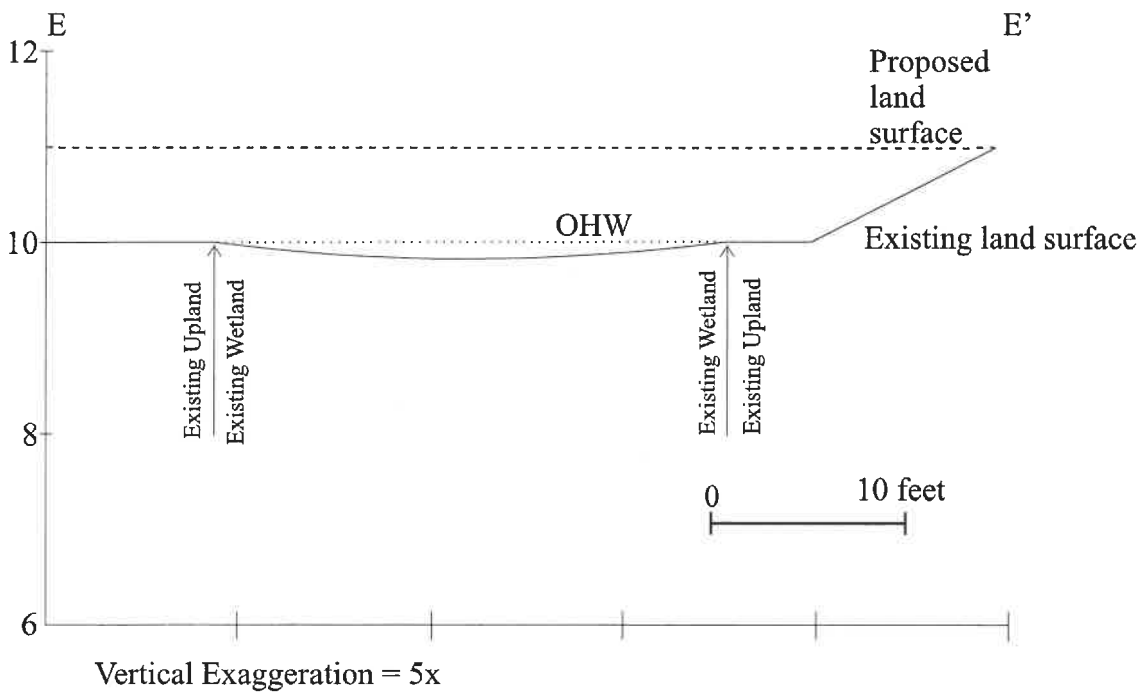
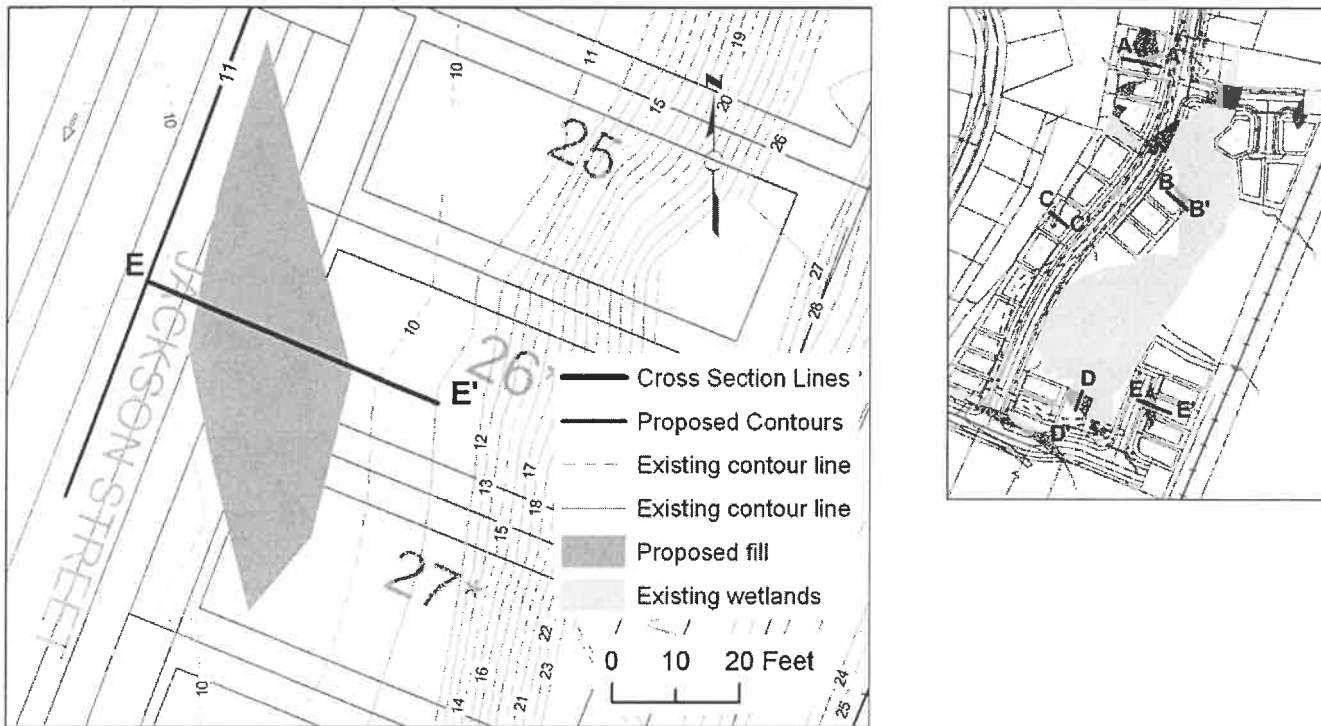


Figure 13e Cross section EE' showing proposed fill.

P 2N-10-20AB  
9100 OWNERS:  
NMA MEADOWS, LLC

SONG STREET

DUKE STREET

D-L-W-20

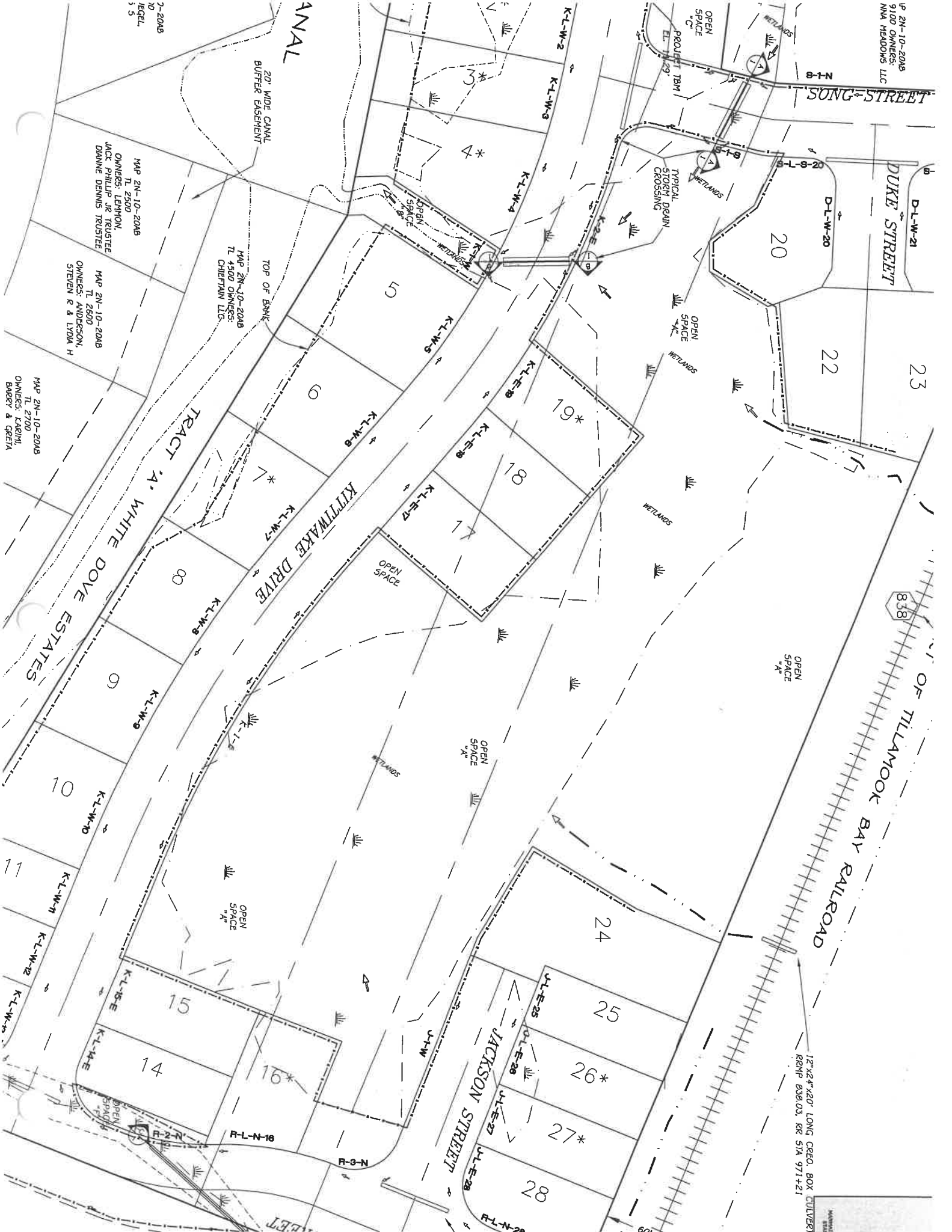
22

23

OF TILLAMOOK BAY RAILROAD

12"x24"x20' LONG CREO. BOX CULVERT  
R2MP 638.03, RR 51A 971+21

MAP



7-20AB  
10 JEGEL  
3 5

MAP 2N-10-20AB  
TL 2500  
OWNERS: LEHMON,  
JACK PHILIP JR TRUSTEE  
DANNE DENNIS TRUSTEE

MAP 2N-10-20AB  
TL 2600  
OWNERS: ANDERSON, H  
STEVEN R & LYDIA

MAP 2N-10-20AB  
TL 2700  
OWNERS: KAGIHI,  
BARRY & GRETA

MAP 2N-10-20AB  
TL 4300 OWNERS:  
CHIEFTAIN LLC

ANAL

20' WIDE CANAL  
BUFFER EASEMENT

TOP OF BANK

TRACT 'A' WHITE DOVE ESTATES

KITWAKE DRIVE

JACKSON STREET

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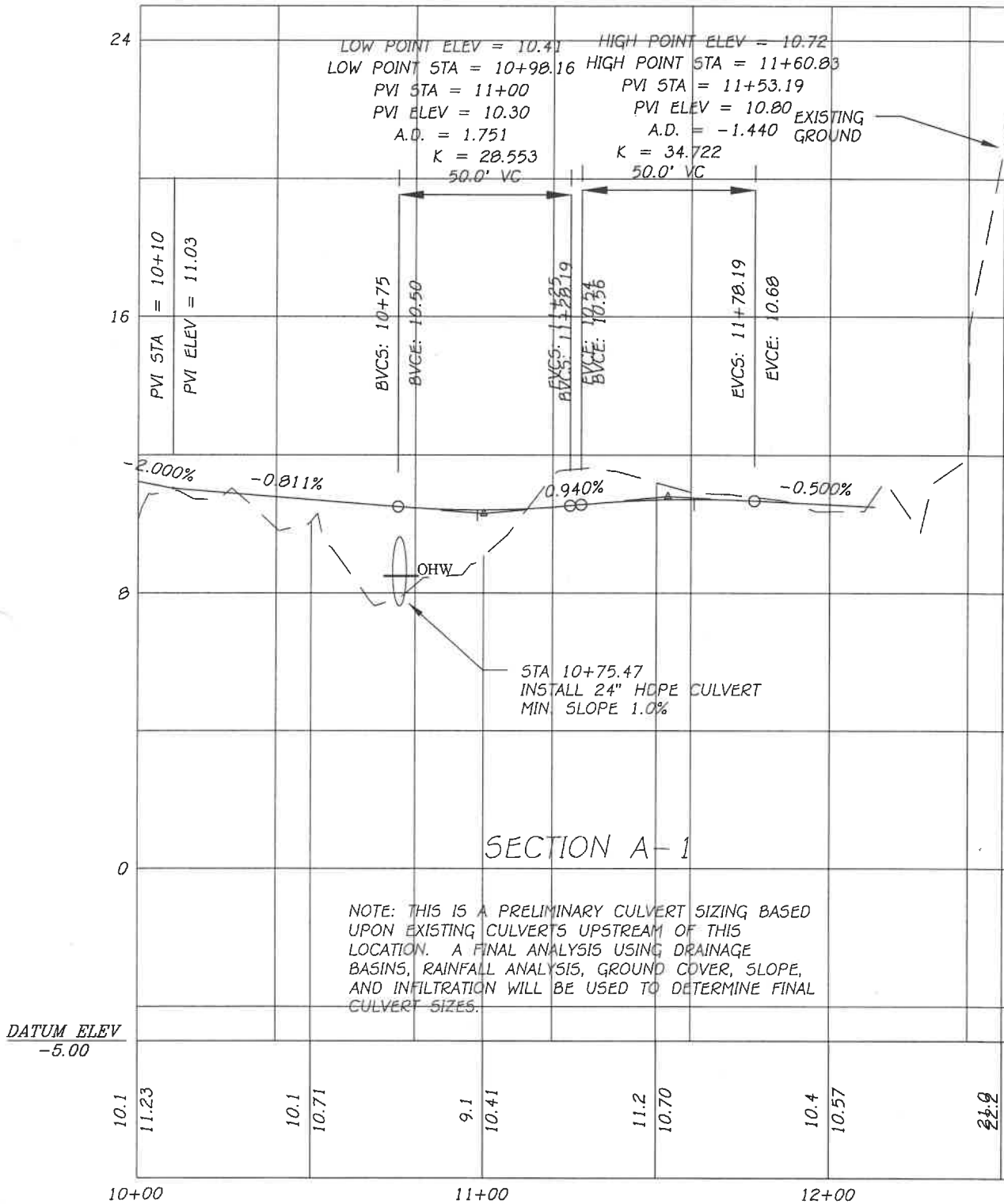
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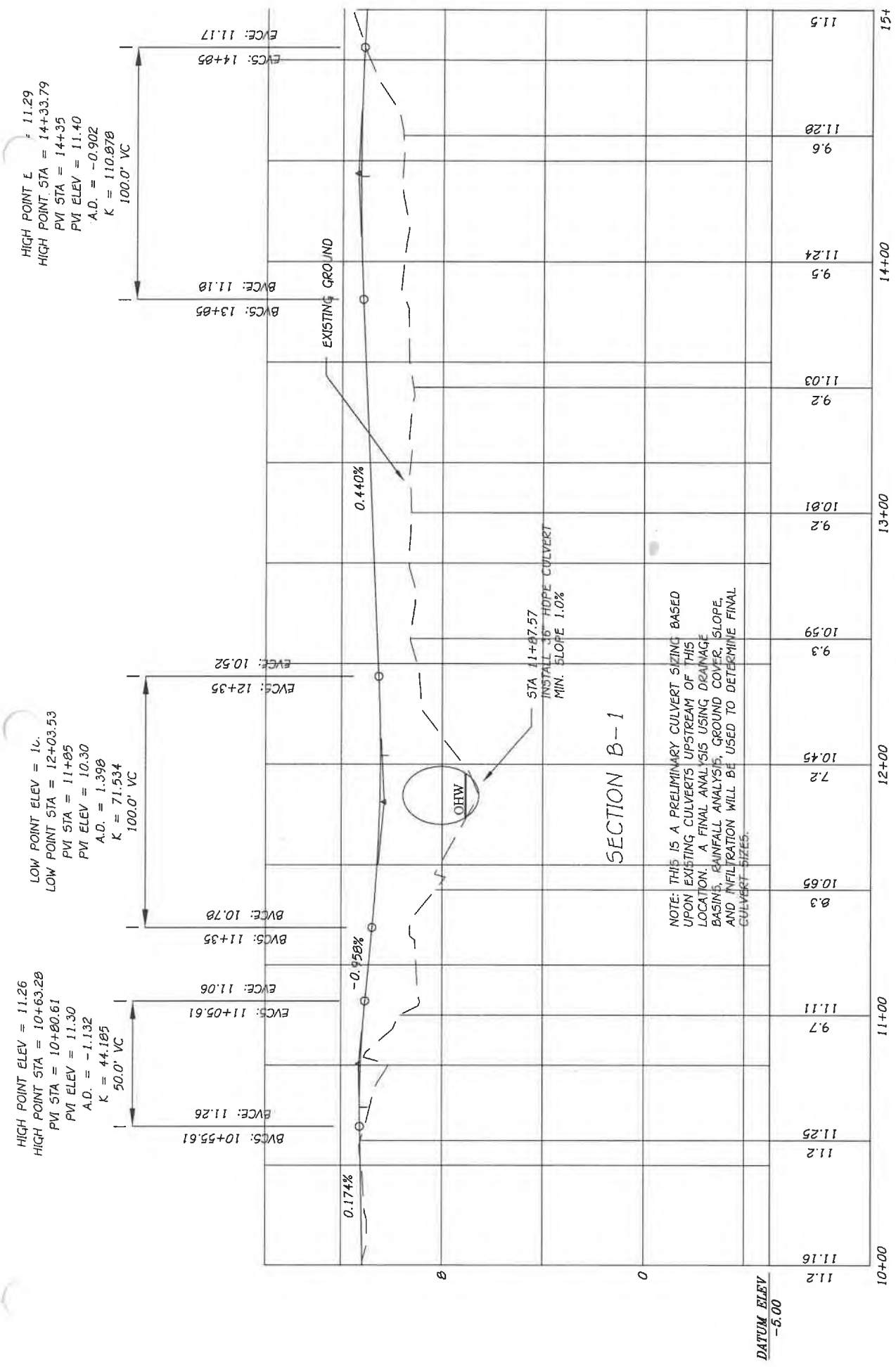
# PROFILE: SONG STREET

SCALE: EXHIBITS NOT TO SCALE

HORIZONTAL 1" = 40'

VERTICAL 1" = 4'

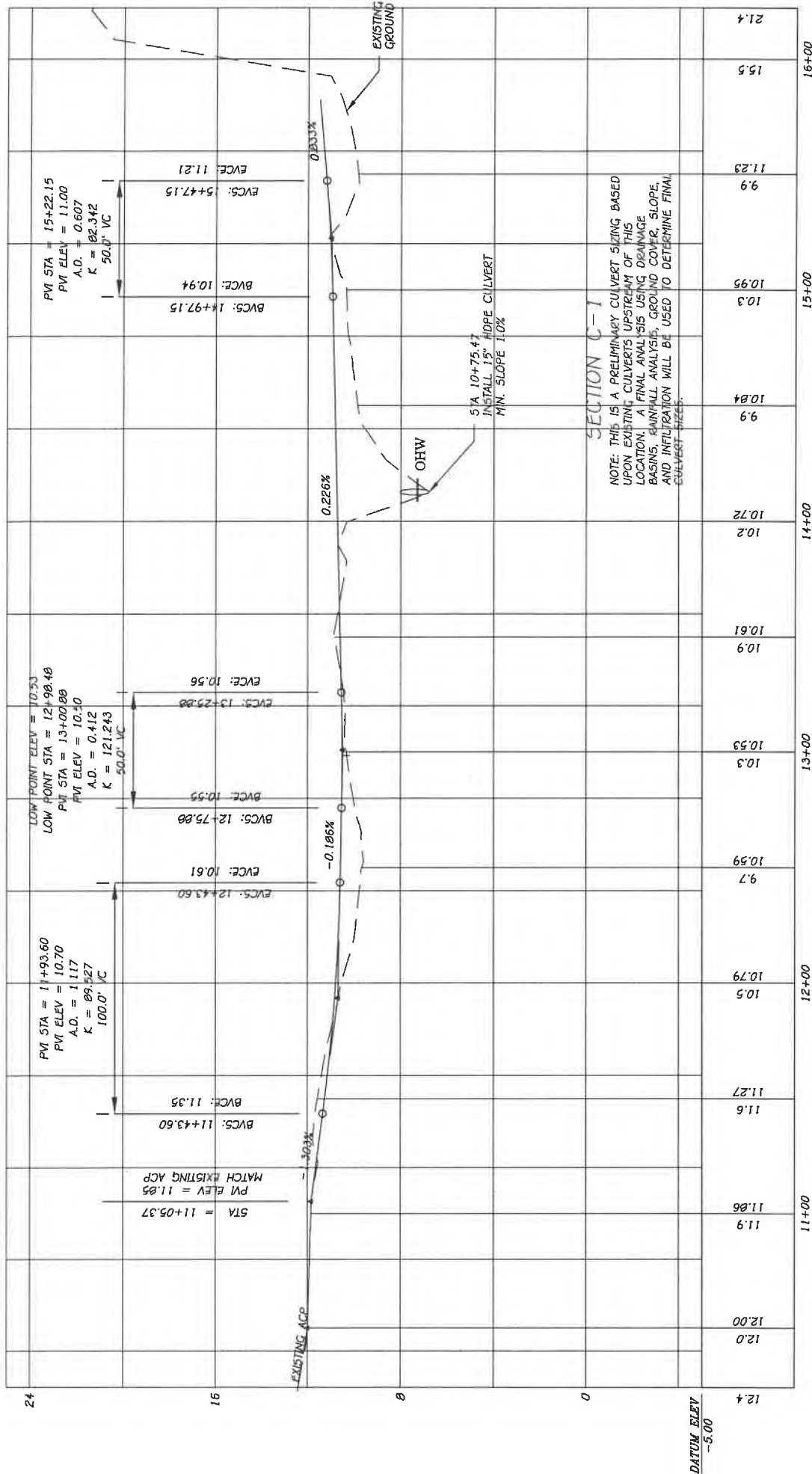
Figure 15a



# PROFILE: KITTIWAKE DRIVE

SCALE: EXHIBITS NOT TO SCALE  
 HORIZONTAL 1" = 40'  
 VERTICAL 1" = 4'

Figure 15b



# PROFILE: RILEY STREET

SCALE: EXHIBITS NOT TO SCALE

HORIZONTAL 1" = 40'

VERTICAL 1" = 4'

Figure 15c



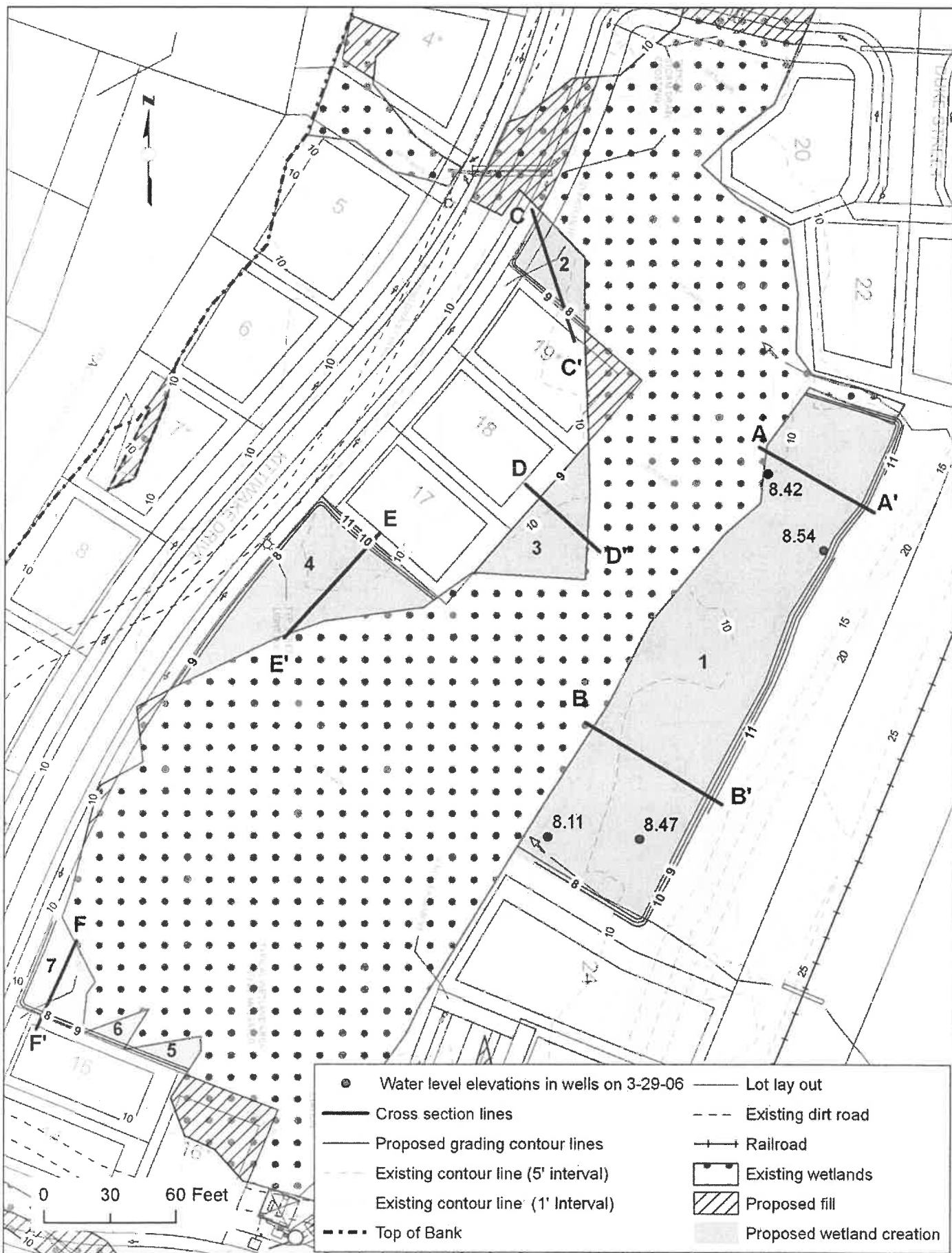
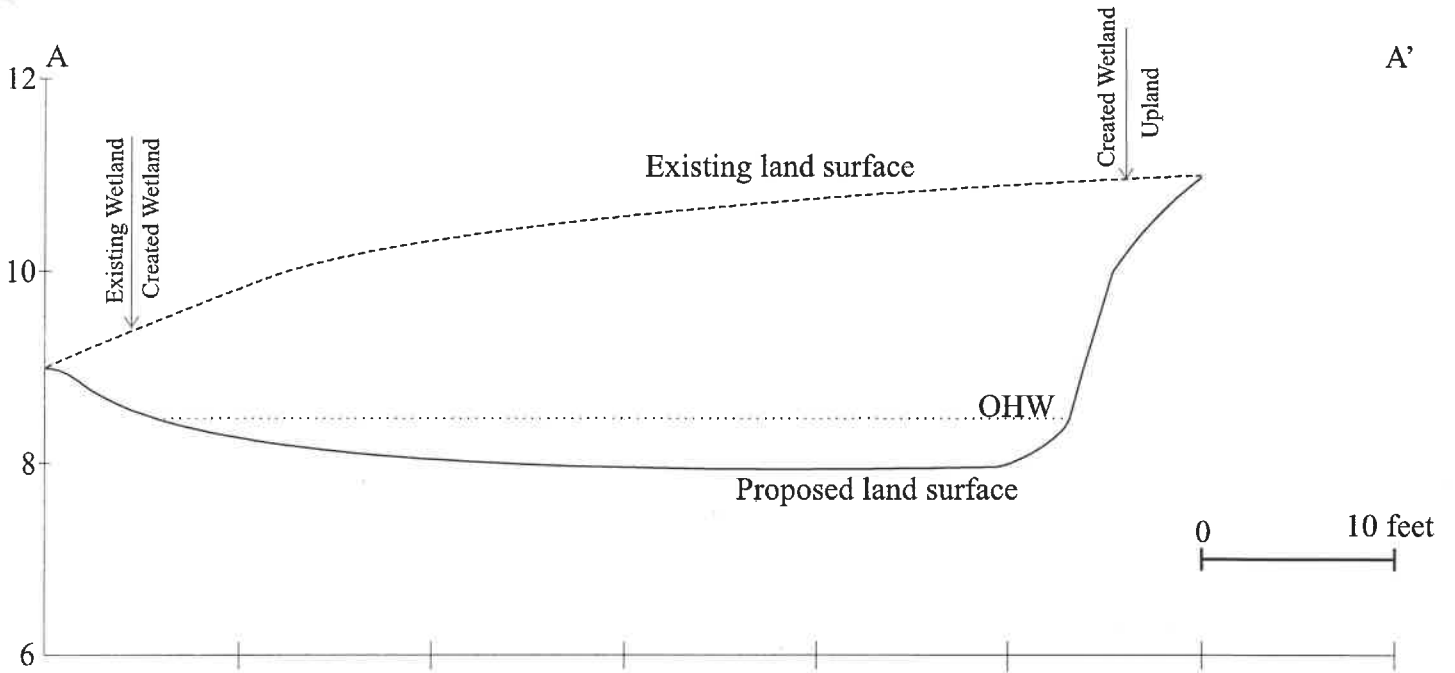


Figure 16 Wetland mitigation site grading plan.



Vertical Exaggeration = 5x

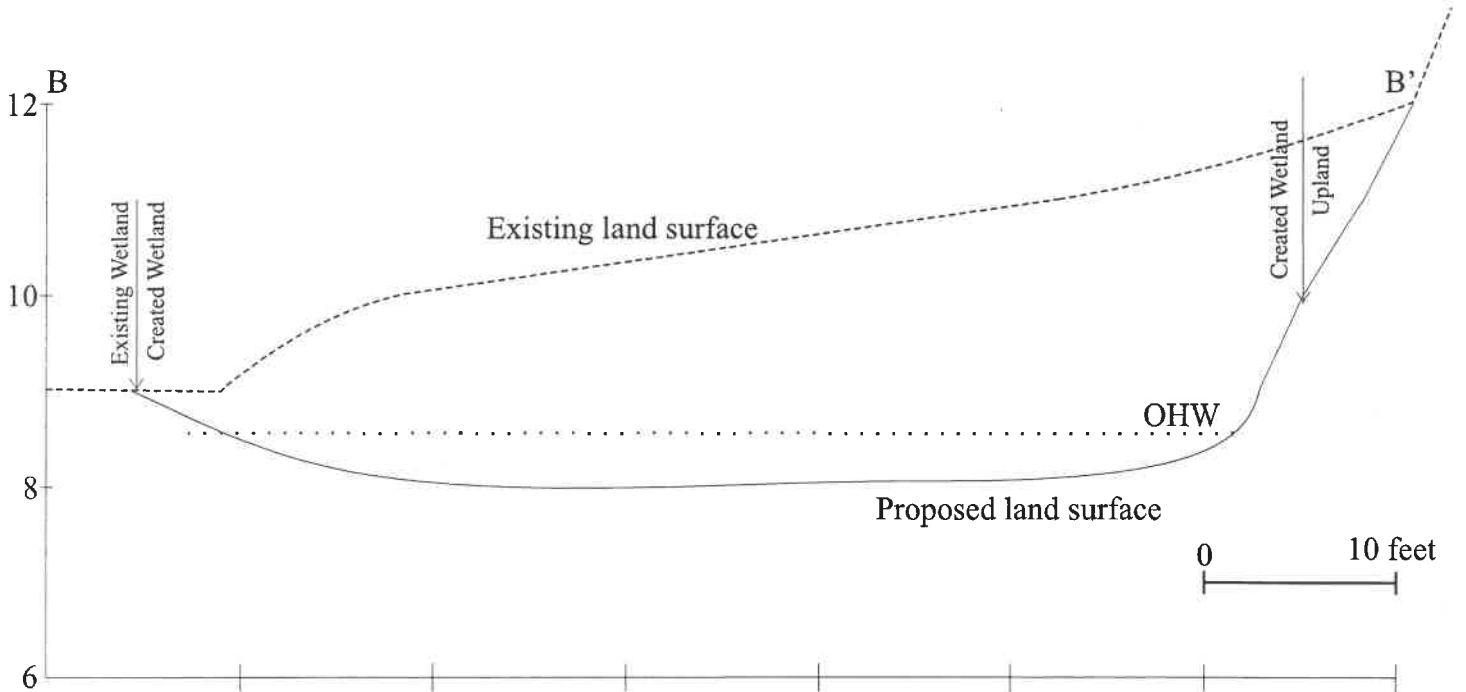
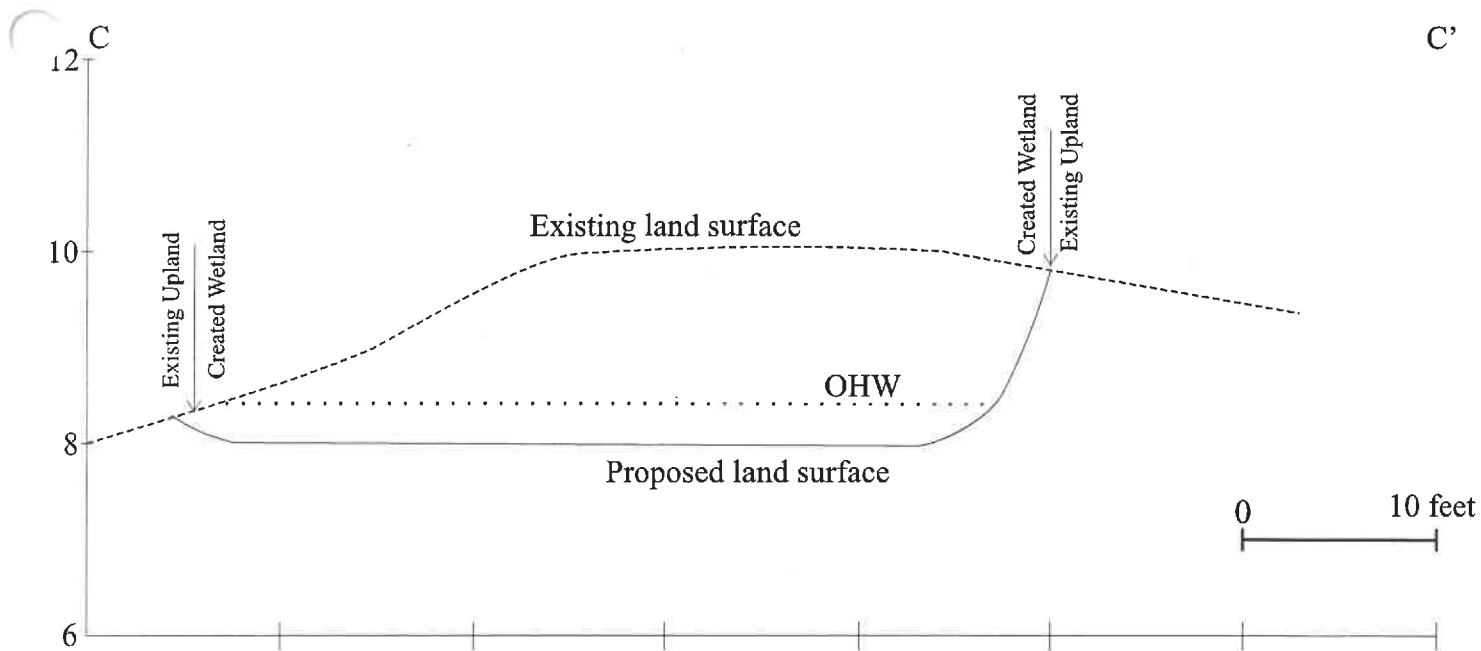


Figure 17a Cross sections AA' and BB'



Vertical Exaggeration = 5x

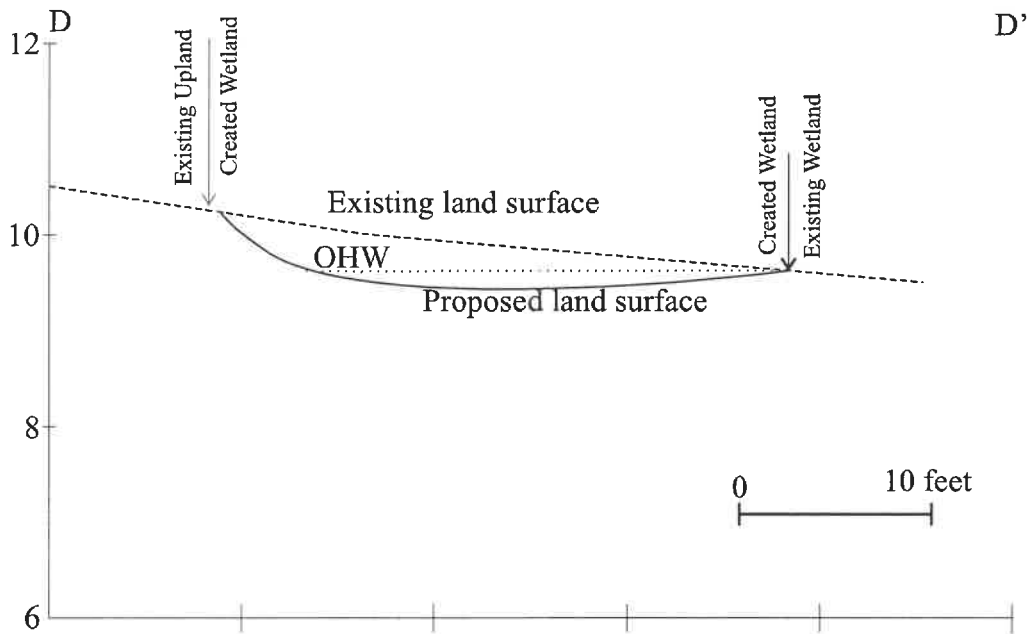
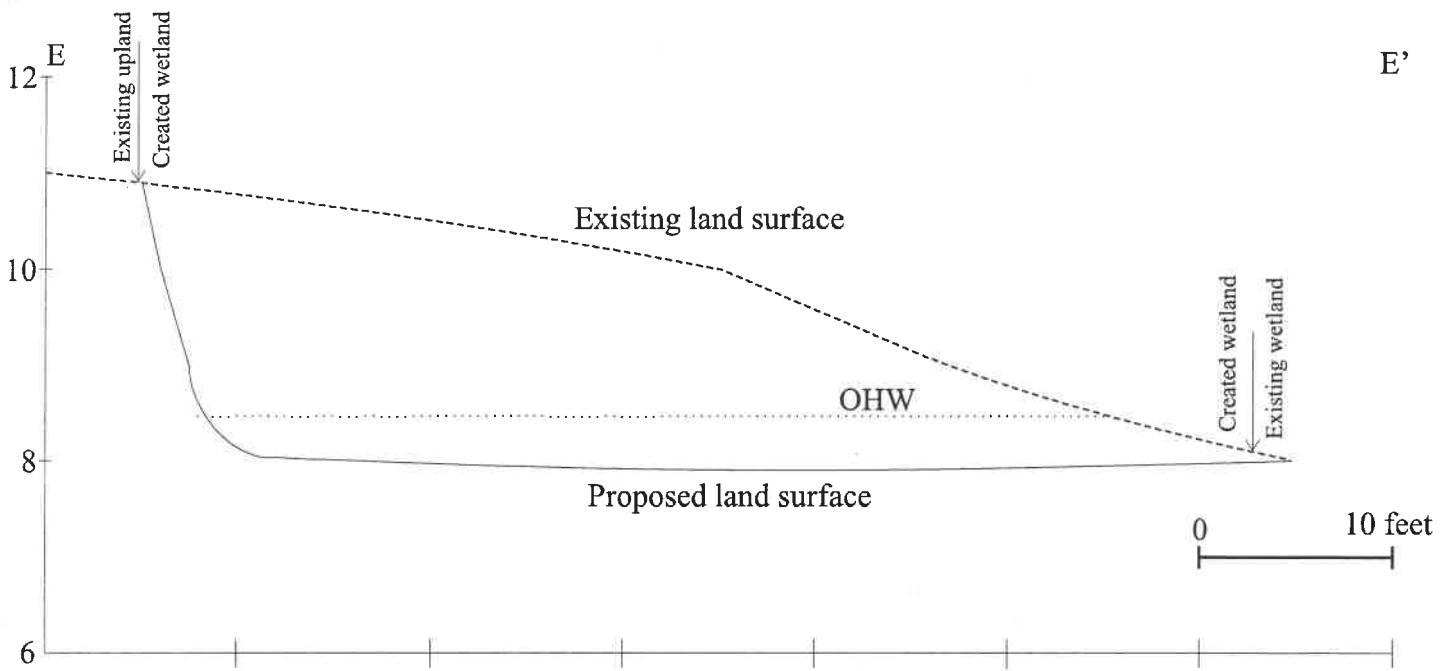


Figure 17b Cross sections CC' and DD'



Vertical Exaggeration = 5x

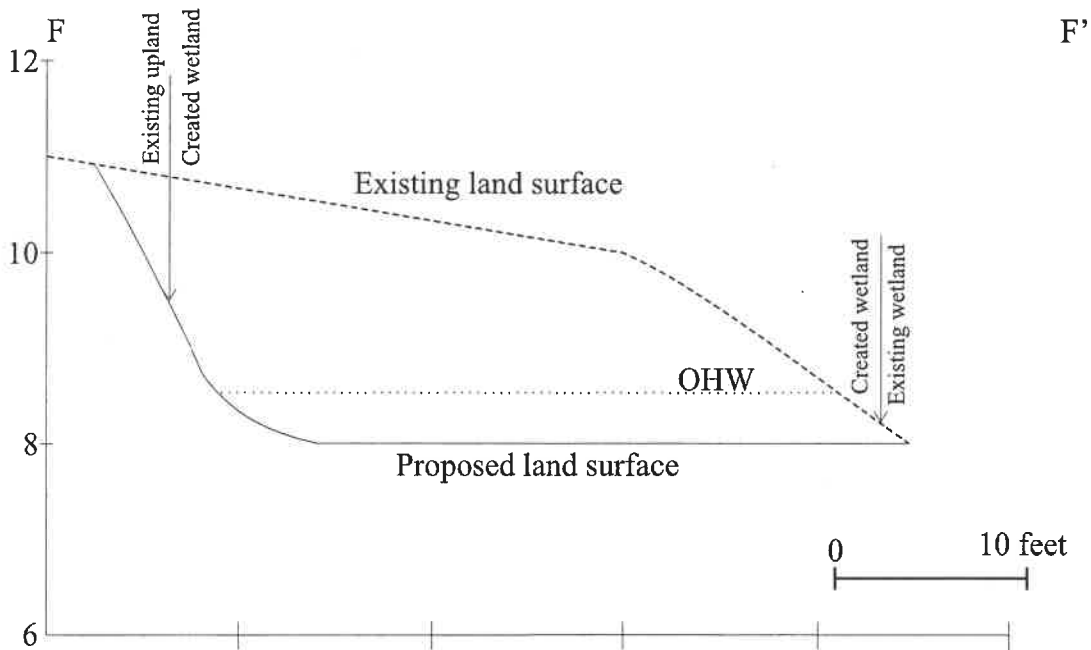
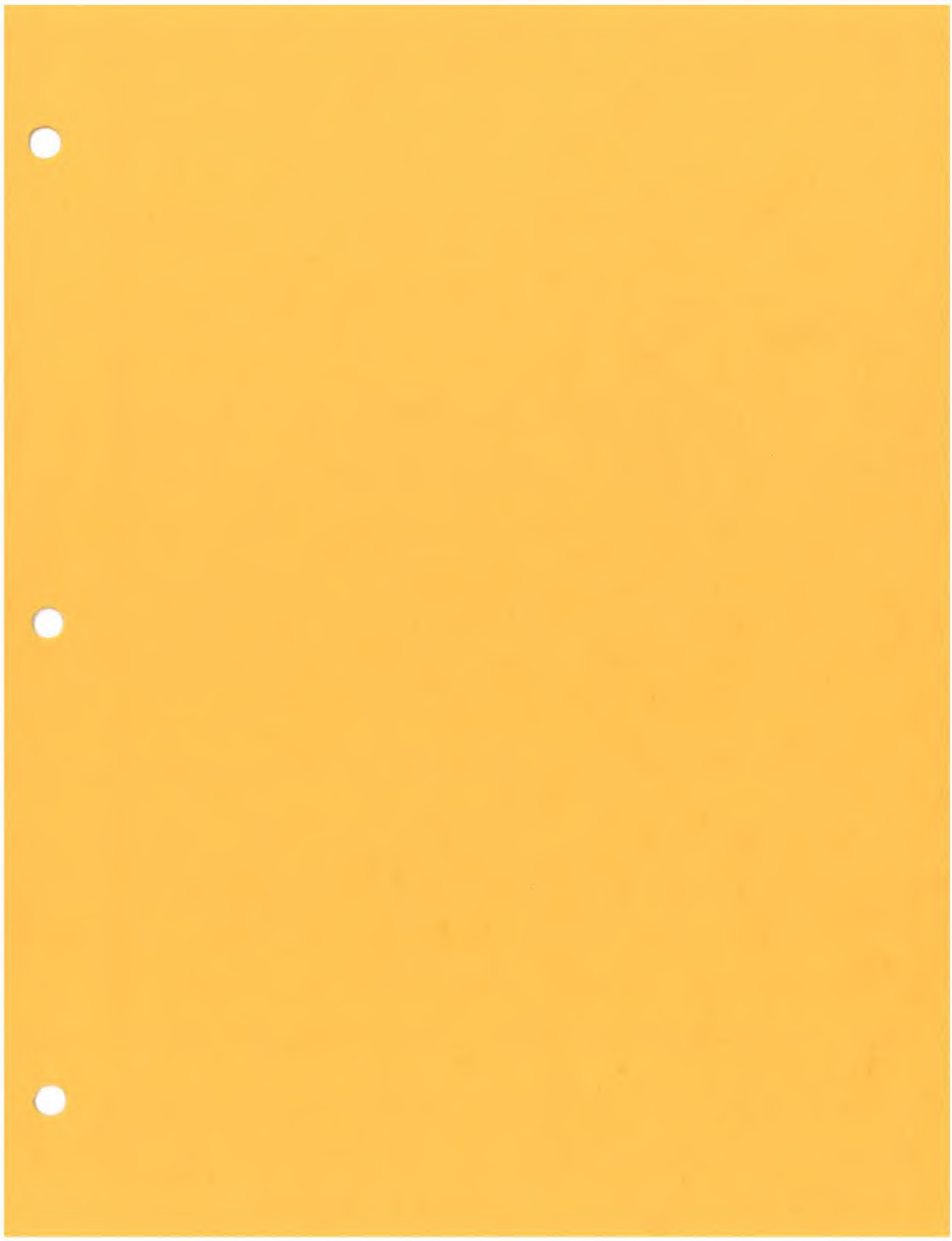


Figure 17c Cross sections EE' and FF'



Department of State Lands  
1645 NE Forbes Road, Suite 112  
Bend, Oregon 97701  
☎ 541-388-6112

Permit No.: 36702-RF  
Permit Type: Removal/Fill  
Waterway: Wetlands  
County: Tillamook  
Expiration Date: October 17, 2007  
Corps No.: NA

**NEDONNA DEVELOPMENT, LLC / ANNA SONG**

IS AUTHORIZED IN ACCORDANCE WITH PERMIT 196.800 TO 196.990 TO PERFORM THE OPERATIONS DESCRIBED IN THE ATTACHED COPY OF THE APPLICATION, SUBJECT TO THE SPECIAL CONDITIONS LISTED ON ATTACHMENT A AND TO THE FOLLOWING GENERAL CONDITIONS:

**Work Site**

1. This permit does not authorize trespass on the lands of others. The permit holder shall obtain all necessary access permits or rights-of-way before entering lands owned by another.
2. This permit does not authorize any work that is not in compliance with local zoning or other local, state, or federal regulation pertaining to the operations authorized by this permit. The permit holder is responsible for obtaining the necessary approvals and permits before proceeding under this permit.
3. All work done under this permit must comply with Oregon Administrative Rules, Chapter 340; Standards of Quality for Public Waters of Oregon. Specific water quality provisions for this project are set forth on Attachment A.
4. Violations of the terms and conditions of this permit are subject to administrative and/or legal action which may result in revocation of the permit or damages. The permit holder is responsible for the activities of all contractors or other operators involved in work done at the site or under this permit.
5. A copy of the permit shall be available at the work site whenever operations authorized by the permit are being conducted.
6. Employees of the Department of State Lands, and all duly authorized representatives of the Director shall be permitted access to the project area at all reasonable times for the purpose of inspecting work performed under this permit.
7. Any permit holder who objects to the conditions of this permit may request a hearing from the Director, in writing, within twenty-one (21) calendar days of the date this permit was issued.
8. In issuing this permit, the Department of State Lands makes no representation regarding the quality or adequacy of the permitted project design, materials, construction, or maintenance, except to approve the project's design and materials, as set forth in the permit application, as satisfying the resource protection, scenic, safety, recreation, and public access requirements of ORS Chapters 196, 390 and related administrative rules.
9. Permittee shall defend and hold harmless the State of Oregon, and its officers, agents, and employees from any claim, suit, or action for property damage or personal injury or death arising out of the design, material, construction, or maintenance of the permitted improvements.

**NOTICE:** If removal is from state-owned submerged and submersible land, the applicant must comply with leasing and royalty provisions of ORS 274.530. If the project involves creation of new lands by filling on state-owned submerged or submersible lands, you must comply with ORS 274.905 - 274.940. This permit does not relieve the permittee of an obligation to secure appropriate leases from the Department of State Lands, to conduct activities on state-owned submerged or submersible lands. Failure to comply with these requirements may result in civil or criminal liability. For more information about these requirements, please contact the Department of State Lands, 541-388-6112.

Eric D. Metz, E Region Manager  
Wetlands & Waterways Conservation Div  
Oregon Department of State Lands

*Assisted Director*  
*Kim M...*  
Authorized Signature

October 17, 2006  
Date Issued



**ATTACHMENT A****Special Conditions for Removal/Fill**

**PLEASE READ AND BECOME FAMILIAR WITH CONDITIONS OF YOUR PERMIT.** This project may be site inspected by the Department of State Lands as part of our monitoring program. The Department has the right to stop or modify the project at any time if you are not in compliance with these conditions. A copy of this permit shall be available at the work site whenever authorized operations are being conducted.

1. This permit authorizes the placement of up to 1,066 cubic yards of sand and removal of up to 265 cubic yards of sand in T 02N, R 10W, Section 20AB, Tax Lot 4600, 4900 and 9000 in wetlands, Tillamook County, as outlined in the attached permit application, map and drawings, dated September 12, 2006.
2. This permit also authorizes removal and fill activities necessary to complete the required compensatory mitigation.
3. **TURBIDITY/EROSION CONTROLS.** The authorized work shall not cause turbidity of affected waters to exceed 10% over natural background turbidity 100 feet downstream of the fill point. For projects proposed in areas with no discernible gradient break (gradient of 2% or less), monitoring shall take place at 4 hour intervals and the turbidity standard may be exceeded for a maximum of one monitoring interval per 24 hour work period provided all practicable control measures have been implemented. This turbidity standard exceedance interval applies only to coastal lowlands and floodplains, valley bottoms and other low-lying and/or relatively flat land.
4. For projects in all other areas, the turbidity standard can be exceeded for a maximum of 2 hours (limited duration) provided all practicable erosion control measures have been implemented. These projects may also be subject to additional reporting requirements.
5. Turbidity shall be monitored during active in-water work periods. Monitoring points shall be at an undisturbed site (representative background) 100 feet upstream from the turbidity causing activity (i.e., fill or discharge point), 100 feet downstream from the fill point, and at the point of fill. A turbidimeter is recommended, however, visual gauging is acceptable. Turbidity that is visible over background is considered an exceedance of the standard.
6. The following erosion control measures (and others as appropriate) shall be observed:
  - a. Filter bags, sediment fences, sediment traps or catch basins, leave strips or berms, or other measures shall be used sufficient to prevent movement of soil from uplands into waterways or wetlands.
  - b. To prevent erosion, use of compost berms, impervious materials or other equally effective methods, shall be used to protect soil stockpiled during rain events or when the stockpile site is not moved or reshaped for more than 48 hours.
  - c. Erosion control measures shall be inspected and maintained daily, or more frequently as necessary, to ensure their continued effectiveness and shall remain in place until all exposed soil is stabilized.
  - d. Unless part of the authorized permanent fill, all construction access points through, and staging areas in, riparian or wetland areas shall use removable pads or mats to prevent soil

compaction. However, in some wetland areas under dry summer conditions, this requirement may be waived upon approval by DSL. At project completion, disturbed areas with soil exposed by construction activities shall be stabilized by mulching and native vegetative plantings/seeding. Sterile grass may be used instead of native vegetation for temporary sediment control. If soils are to remain exposed more than seven days after completion of the permitted work, they shall be covered with erosion control pads, mats or similar erosion control devices until vegetative stabilization is installed.

- e. Where vegetative erosion control is being done on cut slopes steeper than 1H:2V, a tackified seed mulch shall be used so the seed does not wash away before germination and rooting.
  - f. Dredged or other excavated material shall be placed on upland areas having stable slopes and shall be prevented from eroding back into waterways or wetlands.
7. Erosion control measures shall be maintained as necessary to ensure their continued effectiveness, until soils become stabilized. All erosion control structures shall be removed when project is complete and soils are stabilized and vegetated.
8. HAZARDOUS, TOXIC AND WASTE MATERIALS. Petroleum products, chemicals, fresh cement sandblasted material and chipped paint or other deleterious waste materials shall not be allowed to enter waters of the state. No wood treated with leachable preservatives shall be placed in the waterway. Machinery refueling is to occur off-site or in a confined designated area to prevent spillage into waters of the state. Project-related spills into water of the state or onto land with a potential to enter waters of the state shall be reported to the Oregon Emergency Response System (OERS) at 1-800-452-0311.
9. All exposed soils shall be stabilized during and after construction in order to prevent erosion and sedimentation.

**The following conditions apply to the actions described in the Mitigation Plan, dated September 12, 2006.**

10. On-site compensatory mitigation for the loss of 0.332 acres of palustrine forested flats wetland, shall consist of creation of 0.509 acres of wetland to palustrine forested flats wetland, as shown in Figure 4.
11. Removal or control of invasive, non-native plant species shall be done by hand.
12. Shrubs and trees shall be physically protected from herbivory and other damage with heavy gauge wire mesh or other appropriate material.
13. The mitigation area shall be planted with species listed in Table 5.
14. The mitigation areas shall be surrounded by a fence. The barrier shall be installed immediately following grading and planting of the mitigation area.
15. The Department retains the authority to extend the mitigation-monitoring period and require corrective action in the event the success criteria are not accomplished for two consecutive years within the monitoring period.



Attachment A  
36702-RF  
Page 5 of 5

25. There shall be no more than 20% cover of non-native species. (Reed canary grass, purple loostrife, blackberry, wild rye).
26. At least 0.509 acres of created wetlands shall meet the hydrology criteria specified in the 1987 U.S. Army Corps of Engineers Wetland Delineation Manual.
27. At least 0.509 acres of created wetlands shall meet the vegetation criteria specified in the 1987 U.S. Army of Engineers Wetland Delineation Manual.
28. At least 0.509 acres of created wetlands shall meet the soils criteria specified in the 1987 U.S. Army Corps of Engineers Wetland Delineation Manual.

#### Contingencies

29. If any archaeological resources and/or artifacts are uncovered during excavation, all construction activity shall immediately cease. The State Historic Preservation Office shall be contacted (phone: 503-986-0669).
30. There shall be no impacts to waters of the state until the Department of Environmental Quality has approved the storm water management plan. A copy of the concurrence shall be forwarded the Department for the file.
31. The Department of State Lands retains the authority to temporarily halt or modify the project in case of unforeseen damage to natural resources.
32. Issuance of this permit is contingent upon acquisition of the required local approvals from the City of Rockaway Beach.
33. The permittee is responsible for carrying-out the terms and conditions of this permit unless the permit is transferred to another party as approved by the Department.
34. The permit holder shall notify the Department in writing of any operating conditions imposed by other required permits that would be inconsistent with the approved plan of operation. The Department will review these requirements and, if appropriate to ensure compliance with state regulations, require modification of the approved work plan and/or revise the conditions of this permit.

Issued: October 17, 2006



Department of State Lands  
1645 NE Forbes Road, Suite 112  
Bend, Oregon 97701  
541-388-6112

Permit No.: 36702-RF Renewal  
Permit Type: Removal/Fill  
Waterway: Wetlands  
County: Tillamook  
Expiration Date: October 17, 2008  
Corps No.: NA


**OPERATORS**  
NEDONNA DEVELOPMENT LLC/ ANNA SONG

**COPY**  
IS AUTHORIZED IN ACCORDANCE WITH ORS 196.800 TO 196.990 TO PERFORM THE OPERATIONS DESCRIBED IN THE ATTACHED COPY OF THE APPLICATION, SUBJECT TO THE SPECIAL CONDITIONS LISTED ON ATTACHMENT A AND TO THE FOLLOWING GENERAL CONDITIONS:

1. This permit does not authorize trespass on the lands of others. The permit holder shall obtain all necessary access permits or rights-of-way before entering lands owned by another.
2. This permit does not authorize any work that is not in compliance with local zoning or other local, state, or federal regulation pertaining to the operations authorized by this permit. The permit holder is responsible for obtaining the necessary approvals and permits before proceeding under this permit.
3. All work done under this permit must comply with Oregon Administrative Rules, Chapter 340; Standards of Quality for Public Waters of Oregon. Specific water quality provisions for this project are set forth on Attachment A.
4. Violations of the terms and conditions of this permit are subject to administrative and/or legal action which may result in revocation of the permit or damages. The permit holder is responsible for the activities of all contractors or other operators involved in work done at the site or under this permit.
5. A copy of the permit shall be available at the work site whenever operations authorized by the permit are being conducted.
6. Employees of the Department of State Lands and all duly authorized representatives of the Director shall be permitted access to the project area at all reasonable times for the purpose of inspecting work performed under this permit.
7. Any permit holder who objects to the conditions of this permit may request a hearing from the Director, in writing, within twenty-one (21) calendar days of the date this permit was issued.
8. In issuing this permit, the Department of State Lands makes no representation regarding the quality or adequacy of the permitted project design, materials, construction, or maintenance, except to approve the project's design and materials, as set forth in the permit application, as satisfying the resource protection, scenic, safety, recreation, and public access requirements of ORS Chapters 196, 390 and related administrative rules.
9. Permittee shall defend and hold harmless the State of Oregon, and its officers, agents, and employees from any claim, suit, or action for property damage or personal injury or death arising out of the design, material, construction, or maintenance of the permitted improvements.

**NOTICE:** If removal is from state-owned submerged and submersible land, the applicant must comply with leasing and royalty provisions of ORS 274.530. If the project involves creation of new lands by filling on state-owned submerged or submersible lands, you must comply with ORS 274.905 - 274.940. This permit does not relieve the permittee of an obligation to secure appropriate leases from the Department of State Lands, to conduct activities on state-owned submerged or submersible lands. Failure to comply with these requirements may result in civil or criminal liability. For more information about these requirements, please contact the Department of State Lands, 541-388-6112.

Eric D. Metz, E Region Manager  
Wetlands & Waterways Conservation Div  
Oregon Department of State Lands

  
Authorized Signature

August 6, 2007  
Date Issued





# Oregon

Theodore R. Kulongoski, Governor

Department of State Lands  
775 Summer Street NE, Suite 100  
Salem, OR 97301-1279  
(503) 378-3805  
FAX (503) 378-4844  
www.oregonstatelands.us.

August 1, 2006

State Land Board

Anna Song  
3120 NW Bauer Woods Drive  
Portland, Oregon 97229

Theodore R. Kulongoski  
Governor

Bill Bradbury  
Secretary of State

Re: Wetland Delineation Report for Nedonna Development LLC, Tillamook County;  
T2N R10W Sec. 20AB, Tax Lot 4600, 4900, and 9000; WD #06-0246; App. #36702  
Randall Edwards  
State Treasurer

Dear Ms. Song:

The Department of State Lands has reviewed the wetland delineation report prepared by Rorick Environmental Services for the site referenced above. Based on the information presented in the report, my site visit on July 20, 2006, and additional information submitted upon request, we concur with the wetland and waterway boundaries as mapped in revised Figure 4 of the report. Within the study area, eight wetlands and a segment of McMillan Creek were identified, totaling 2.0 acres. These wetlands and the creek are subject to the permit requirements of the state Removal-Fill Law. A state permit is required for fill or excavation of 50 cubic yards or more in a wetland area or below the ordinary high water line of a waterway (the 2 year recurrence interval flood elevation, if OHWL cannot be determined).

This concurrence is for purposes of the state Removal-Fill Law only. Federal or local permit requirements may apply as well. This concurrence is based on information provided to the agency. The jurisdictional determination is valid for five years from the date of this letter, unless new information necessitates a revision. Circumstances under which the Department may change a determination and procedures for renewal of an expired determination are found in OAR 141-090-0045 (available on our web site or upon request). The applicant, landowner, or agent may submit a request for reconsideration of this determination in writing within 60 calendar days of the date of this letter.

Thank you for having the site evaluated. Please phone me at extension 232 if you have any questions.

Sincerely,

  
Peter Ryan, PWS  
Wetland Specialist

Approved by   
Janet C. Morlan, PWS  
Wetlands Program Manager

cc: Nancy Rorick, Rorick Environmental Services  
City of Rockaway Planning Department (Maps enclosed for updating LWI)  
Kathryn Harris, Corps of Engineers  
Jim Grimes, DSL





**DEPARTMENT OF THE ARMY**  
PORTLAND DISTRICT, CORPS OF ENGINEERS  
POST OFFICE BOX 2946  
PORTLAND, OREGON 97208-2946

April 17, 2007

REPLY TO  
ATTENTION OF:

Operations Division  
Regulatory Branch  
Corps No.: 200600395

Ms. Anna Song  
Nedonna Development, LLC  
3120 NW Bauer Woods Drive  
Portland, Oregon 97229

Dear Ms. Song:

Enclosed are two unsigned copies of your requested permit.

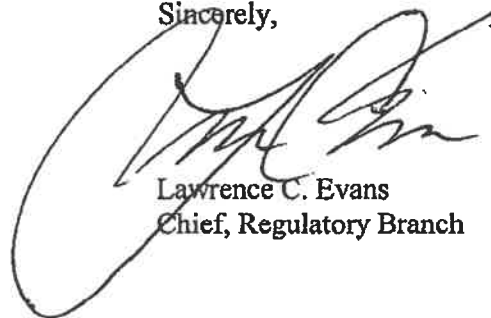
In order to make this permit valid, please read the conditions of the permit carefully, complete both copies including signature, printed name and title, and return both copies to the Regulatory Branch, Permits Section, at the letterhead address along with a check in the amount of \$100, payable to Finance and Accounting Officer, USAED, Portland. Your copy of the fully executed permit will then be returned to you.

You are cautioned, however, not to begin work under the terms of this permit until you receive the fully executed document, as such action would be in violation of Federal law.

Recent changes in the U.S. Army Corps of Engineers regulations have established a process through which you may object to certain terms and conditions of the enclosed permit, and ask that the permit be modified accordingly. Please see the enclosed Notification of Administrative Appeal Options and Process and Request for Appeal for further information about that process.

If you have any questions regarding our evaluation process, please contact Mr. Mike Turaski at the letterhead address or telephone (503) 808-4381.

Sincerely,



Lawrence C. Evans  
Chief, Regulatory Branch

Enclosures





**US Army Corps  
Of Engineers (Portland District)**

# Joint Permit Application Form

DATE STAMP



AGENCIES WILL ASSIGN NUMBERS

Corps Action ID Number \_\_\_\_\_

Oregon Department of State Lands No \_\_\_\_\_

**SEND ONE SIGNED COPY OF YOUR APPLICATION TO EACH AGENCY**

District Engineer  
ATTN: CENWP-OD-GP  
PO Box 2946  
Portland, OR 97208-2946  
503-808-4373

**AND**

*West of the Cascades:*  
State of Oregon  
Department of State Lands  
PO Box 4395, Unit 18  
Portland, OR 97208-4395  
503-378-3805

**OR**

*East of the Cascades:*  
State of Oregon  
Department of State Lands  
1645 NE Forbes Road, Suite 112  
Bend, Oregon 97701  
541-388-6112

(1) Applicant Name and Address	Anna Song, Nedonna Development LLC 3120 NW Bauer Woods Drive Portland, OR 97229	Business Phone # 503-645-7765 Home Phone# FAX # E-mail:
Authorized Agent Name and Address (Signature required in Block 9) <input checked="" type="checkbox"/> Consultant <input type="checkbox"/> Contractor	Nancy Rorick Rorick Environmental Services 37552 SE Rachael Drive Sandy, OR 97055	Business Phone # 503-668-8660 Home Phone# FAX # 1-866-249-8833 E-mail: nrorick@verizon.net
Property Owner Name and Address (If different than applicant) <sup>1</sup>	<i>same as applicant</i>	Business Phone # Home Phone# FAX # E-mail:

(2) **PROJECT LOCATION**

Street, Road or other descriptive location		Legal Description ( <i>attach tax lot map</i> <sup>*</sup> )			
Nedonna Beach area of Rockaway Beach, E of McMillan Creek, N of Riley St., and W of Hwy 101		Quartet/Quarter NW ¼ of NE ¼	Section 20	Township 2N	Range 10W
In or Near (City or Town) Rockaway Beach	County Tillamook	Tax Map # 2N 10 20AB		Tax Lot # <sup>2</sup> 4600, 4900 and 9000	
Wetland/Waterway Name (pick one) Wetland	River Mile (if known) n/a	Latitude 45° 38' 59.58" N		Longitude 123° 55' 59.30" W	
Do you consent to allow Corps or Dept. of State Lands staff to enter into the above-described property? <sup>*</sup>					<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

(3) **PROPOSED PROJECT INFORMATION**

Type:  Fill  Excavation (removal)  In-Water Structure  Maintain/Repair an Existing Structure

Brief Description: Proposal to fill 0.332 acres of jurisdictional wetland to construction a 28-lot subdivision

**Fill**

Riprap  Rock  Gravel  Sand  Silt  Clay  Organics  Other:

Wetlands	Total Fill (cy)	1,066	Permanent (cy)	1,066	Temporary (cy)	0
	Impact Area in Acres	0.332 acres	Dimensions (feet)	L'	W'	H'
Waters below OHW	Total Fill (cy)	0	Permanent (cy)	0	Temporary (cy)	0
	Impact Area in Acres		Dimensions (feet)	L'	W'	H'

**Removal**

Riprap  Rock  Gravel  Sand  Silt  Clay  Organics  Other:

Wetlands	Total Fill (cy)	265	Permanent (cy)	265	Temporary (cy)	0
	Impact Area in Acres	0.332	Dimensions (feet)	L'	W'	H'
Waters below OHW	Total Fill (cy)	0	Permanent (cy)	0	Temporary (cy)	0
	Impact Area in Acres		Dimensions (feet)	L'	W'	H'

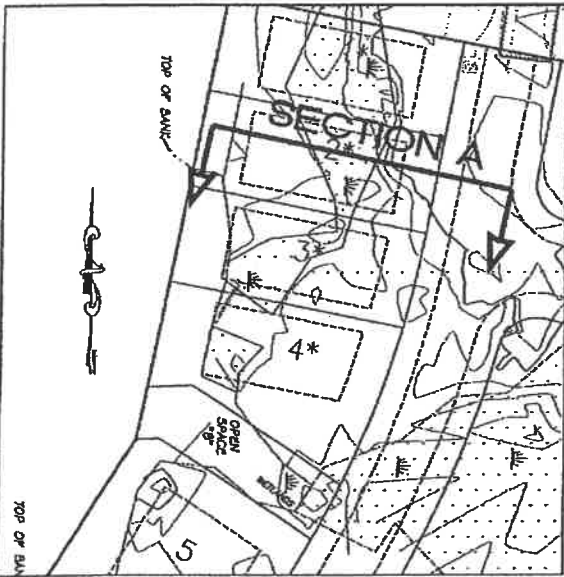
Is the disposal area upland?  Yes  No      Impervious surface created?  <1 acre?  >1 acre?

<sup>1</sup> If applicant is not the property owner, permission to conduct the work must be attached.  
<sup>2</sup> Attach a copy of all tax maps with the project area highlighted.  
<sup>\*</sup> *Italicized areas are not required by the Corps for a complete application, but may be necessary prior to final permit decision by the Corps.*

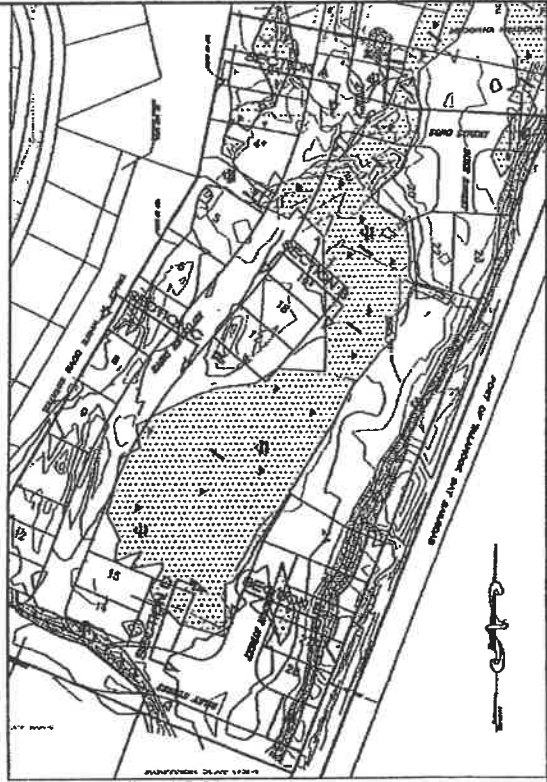
Plan	Required for this project?	Reason
Section A - Work Area Isolation Plan	No	No work is proposed in a waterway where migratory fish are present. No work is proposed in McMillan Creek
Section B - Fish Passage Plan	No	No work is proposed in a waterway where fish are present.
Section C - Sediment and Erosion Control Plan	Yes	<i>Attached</i>
Section D - Stormwater Management Plan	Yes	<i>Attached</i>
Section E - Site Restoration (for temporary disturbance) Plan	No	There are no proposed temporary impacts; all of the impacts are permanent.
Section F - Compensatory Wetland Mitigation Plan	Yes	<i>Attached</i>
Section G - Compensatory Mitigation Plan	No	There are no proposed impacts to waterways or riparian areas.
Section H - Special Areas of Concern	No	The site does not meet the criterion for Mature Forest (5 trees per acres with a DBH greater than 32 inches) defined in <i>Criteria of ORNHIC Review of Projects Under SPGP, Oregon Natural Heritage Information Center, Oregon State University, May 4, 2005.</i>

\* *Intelized areas are not required by the Corps for a complete application, but may be necessary prior to final permit decision by the Corps.*

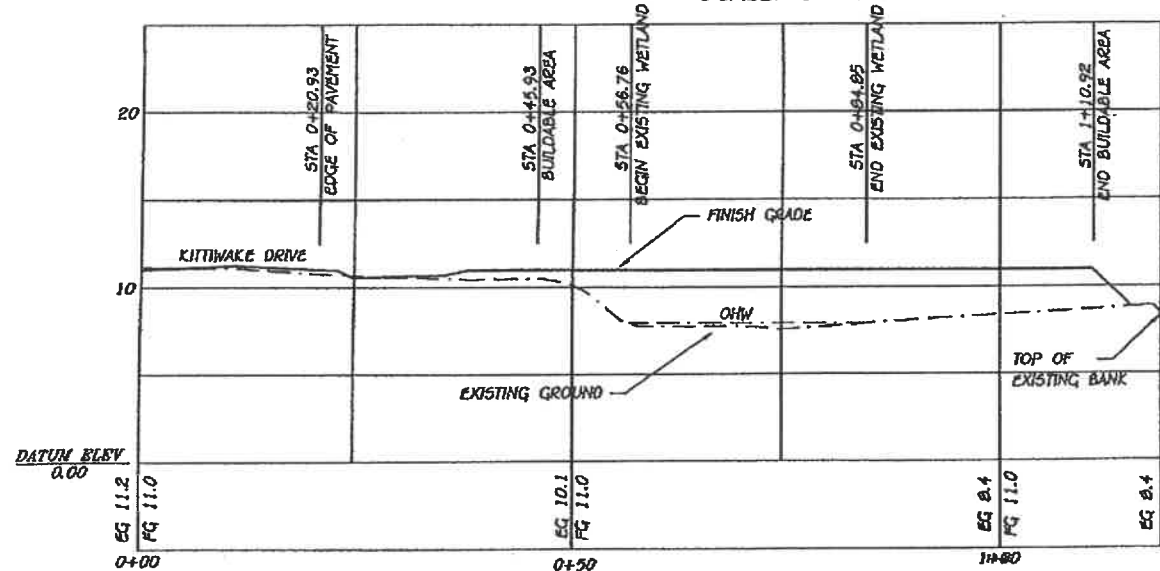




SCALE: 1"=70'



SCALE: 1"=200'



SCALE: 1"=20' H, 1"=5'V CROSS SECTION AA

DRAWING: M050264-02-01

NEDONNA WAVE PUD  
 WETLAND CROSS SECTIONS  
 ROCKAWAY BEACH, OREGON



- SURVEYING
- CIVIL ENGINEERING
- PLANNING
- WATER RIGHTS
- WETLAND CONSULTING

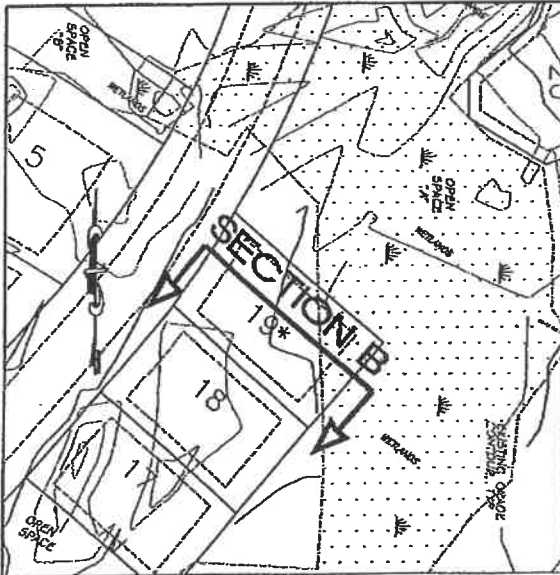
**CLATSOP COUNTY**  
 4253-A HWY 101 N.  
 GEARHART, OR 97138  
 FAX: (503) 738-7455

**PACIFIC COUNTY**  
 1715-B N. PACIFIC AVE.  
 LONG BEACH, WA 98631  
 (360) 642-4454  
 FAX: (360) 642-4054

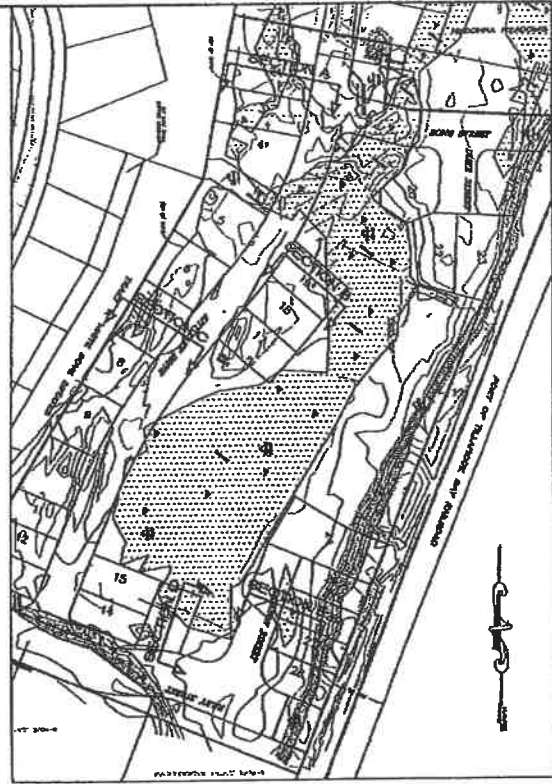
**TILLAMOOK COUNTY**  
 160 LANEDA AVE  
 MANZANITA, OR 97130  
 (503) 368-5394  
 FAX: (503) 368-5847

WWW.HLB-OTAK.COM

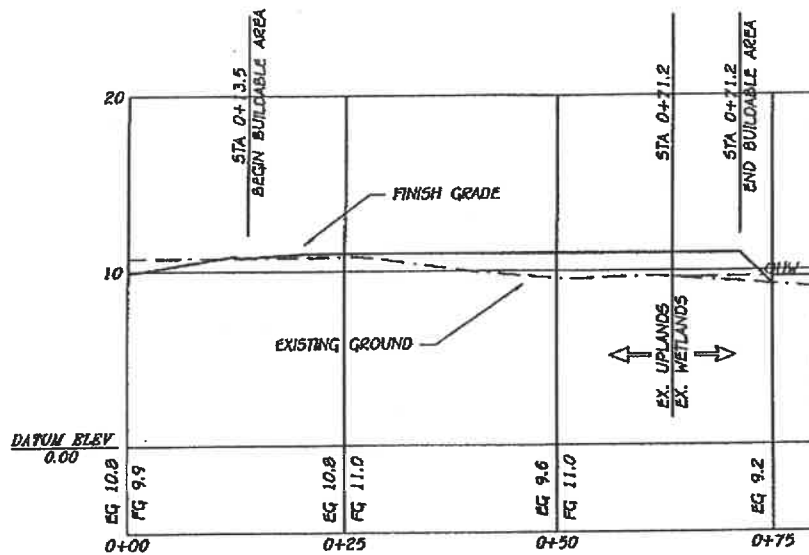
Revised Figure 13a Cross Section AA showing proposed fill



SCALE: 1"=70'



SCALE: 1"=200'



SCALE: 1"=20' H, 1"=5' V CROSS SECTION BB

DRAWING: M050264-02-01

NEDONNA WAVE PUD  
WETLAND CROSS SECTIONS  
ROCKAWAY BEACH, OREGON



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**GLATSOP COUNTY**  
4253-A HWY 101 N.  
GEARHART, OR 97130

FAX: (503) 730-7455

**PACIFIC COUNTY**  
1715-B N. PACIFIC AVE.  
LONG BEACH, WA 98631  
(360) 642-4454  
FAX: (360) 642-4054

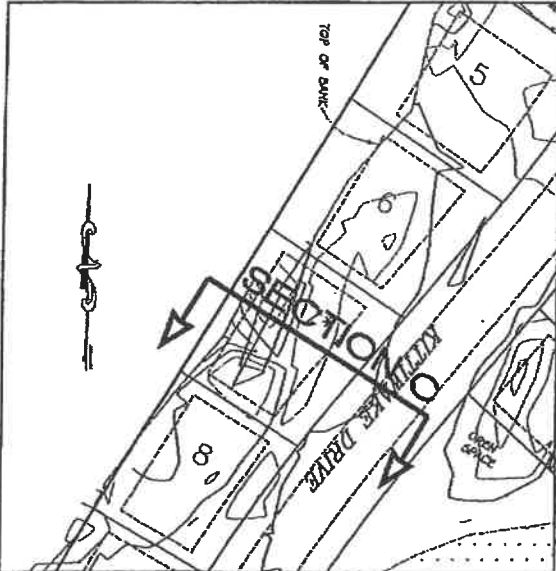
**TILLAMOOK COUNTY**

160 LANEDA AVE.  
MANZANETA, OR 97130  
(503) 360-5394

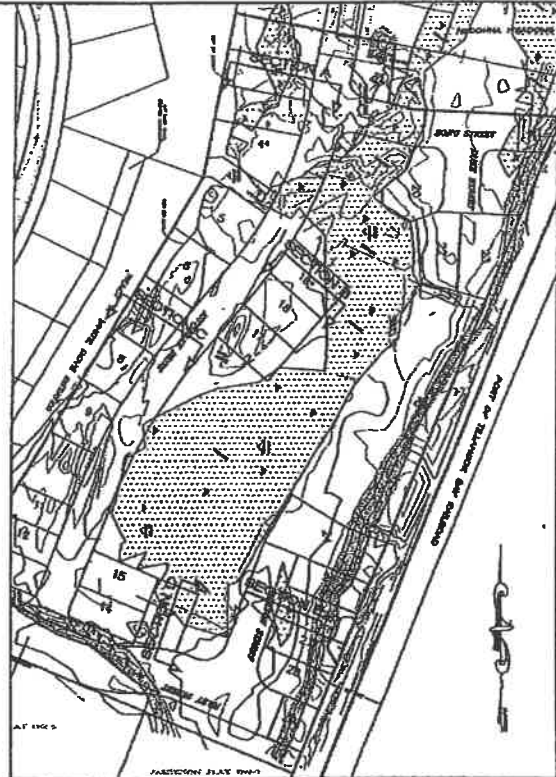
FAX: (503) 360-5047

WWW.HLB-OTAK.COM

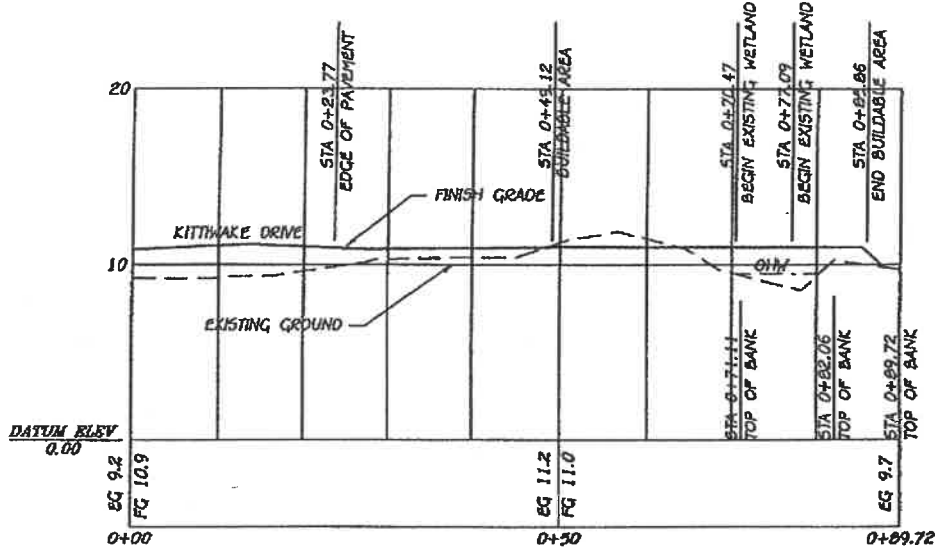
Revised Figure 13b Cross Section BB showing proposed fill



SCALE: 1"=70'



SCALE: 1"=200'



SCALE: 1"=20' H, 1"=5'V CROSS SECTION CC

DRAWING: M050264-02-01

NEDONNA WAVE PUD  
WETLAND CROSS SECTIONS  
ROCKAWAY BEACH, OREGON



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- PLANNING
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- WETLAND CONSULTING

**CLATSOP COUNTY**  
4253-A HWY 101 N.  
GEARHART, OR 97130

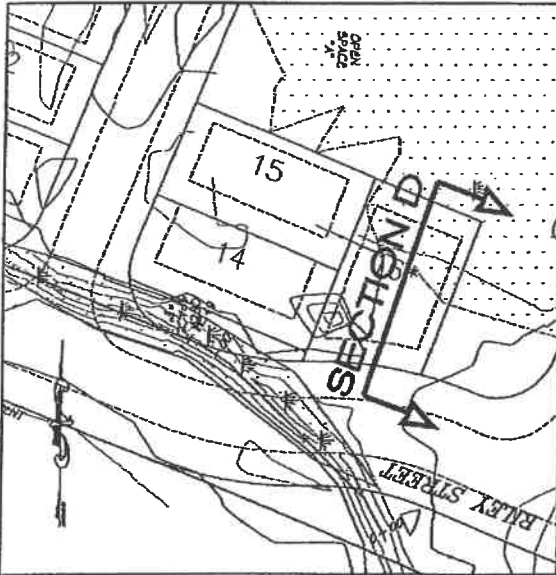
FAX: (503) 738-7455

**PACIFIC COUNTY**  
1715-B N. PACIFIC AVE.  
LONG BEACH, WA 98631  
(360) 642-4454  
FAX: (360) 642-4054

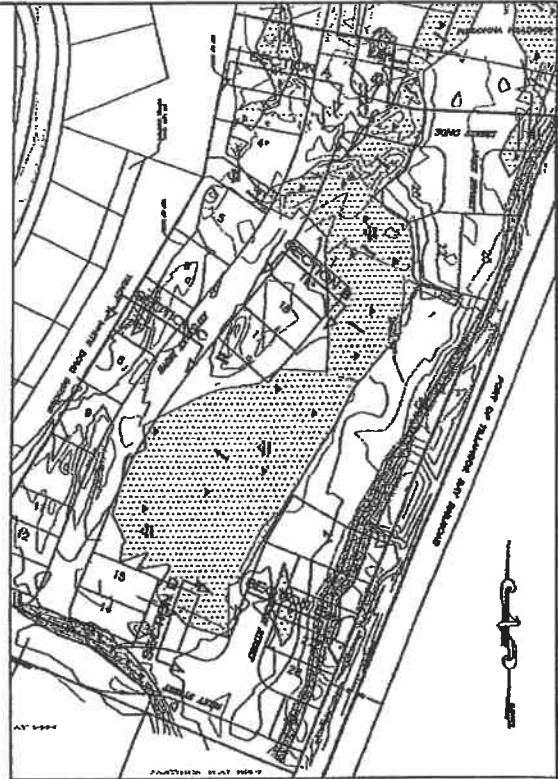
**TILLAMOOK COUNTY**  
160 LANEDA AVE  
MANZANITA, OR 97130  
(503) 368-5394  
FAX: (503) 368-5847

WWW.HLB-OTAK.COM

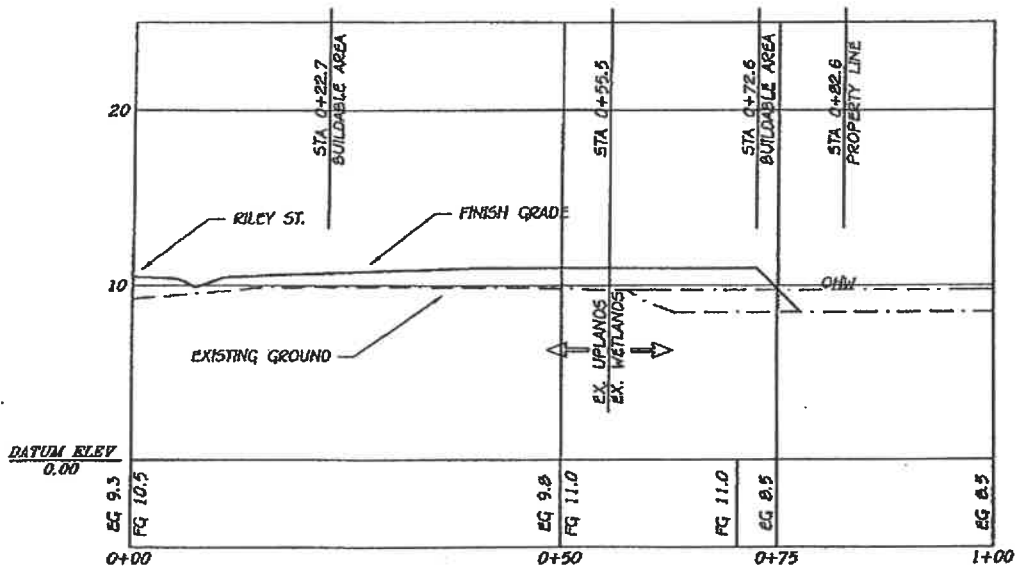
Revised Figure 13c Cross section CC showing proposed fill



SCALE: 1"=70'



SCALE: 1"=200'



SCALE: 1"=20' H, 1"=5' V CROSS SECTION DD DRAWING: M050264-02-01

NEDONNA WAVE PUD  
WETLAND CROSS SECTIONS  
ROCKAWAY BEACH, OREGON



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- CIVIL ENGINEERING
- PLANNING
- WATER RIGHTS
- WETLAND CONSULTING

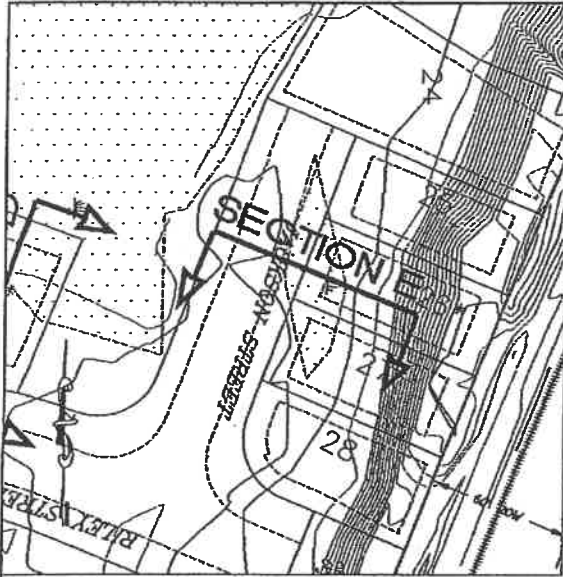
**CLATSOP COUNTY**  
4253-A HWY 101 N.  
GEARHART, OR 97138  
(503) 738-3425  
FAX: (503) 738-7455

**PACIFIC COUNTY**  
1715-B N. PACIFIC AVE.  
LONG BEACH, WA 98631  
(360) 642-4454  
FAX: (360) 642-4054

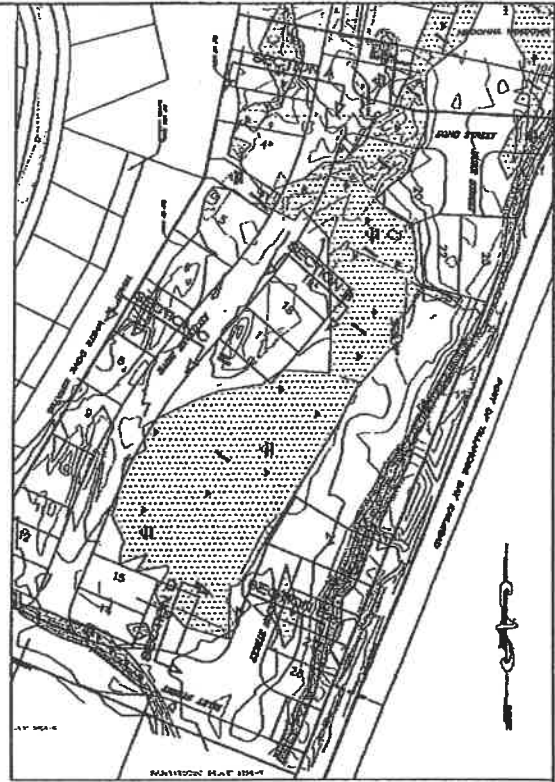
**TILLAMOOK COUNTY**  
160 LANEDA AVE.  
MANZANITA, OR 97130  
(503) 368-5394  
FAX: (503) 368-5847

WWW.HLB-OTAK.COM

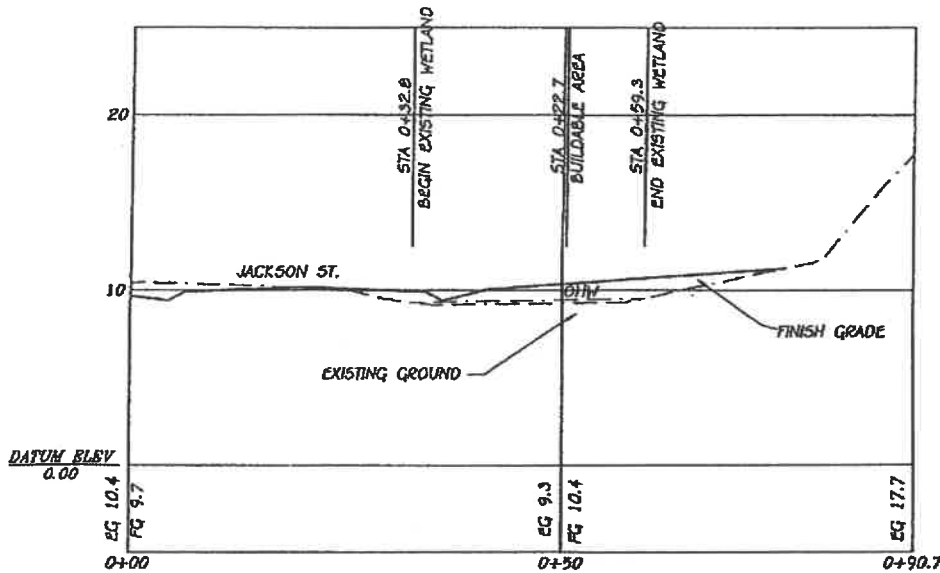
Revised Figure 13d Cross section DD showing proposed fill



SCALE: 1"=70'



SCALE: 1"=200'



SCALE: 1"=20' H, 1"=5' V CROSS SECTION EE

DRAWING: M050264-02-01

NEDONNA WAVE PUD  
WETLAND CROSS SECTIONS  
ROCKAWAY BEACH, OREGON



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**TILLAMOOK COUNTY**

160 LANEDA AVE  
MANZANITA, OR 97130  
(503) 368-5394  
FAX: (503) 368-5847

WWW.HLB-OTAK.COM

Revised Figure 13e Cross section EE showing proposed fill

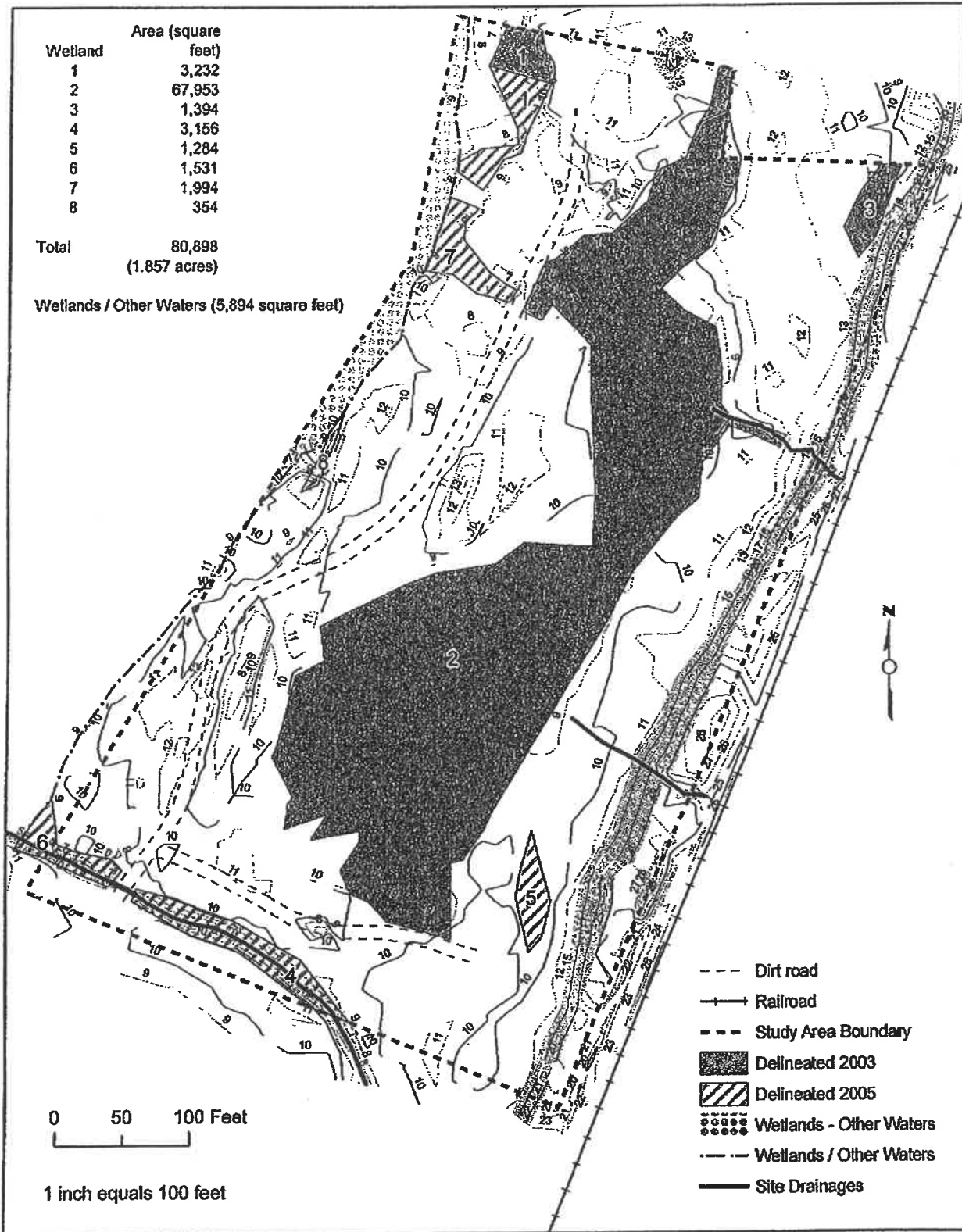


Figure 5 Wetlands map (revised 7-26-06).



Function	Score	Comment	Post-Construction
Water Storage and Delay	0.8	The score for this site is high due to the site's large storage volume.	There is no anticipated change in the post construction score of this function.
Sediment Stabilization and Phosphorus Retention	0.6	Score is low due to sandy substrate and lack of mature soils.	No anticipated change.
Nitrogen Removal	0.5	Score is reduced by lack of burning and the relatively recent recontouring due to sediment deposition.	No anticipated change.
Primary production	0.8	Score is high due to abundant vegetation growth.	The score is not expected to change. The vegetation planted in the wetland mitigation areas will quickly fill in due to the favorable growing climate on the coast.
Invertebrate Habitat Support	0.9	Score is high due to favorable hydrologic regime, water quality and diverse vegetation.	The score is not expected to change. Hydrologic regime, water quality and vegetation diversity will not be affected by the project.
Amphibian and Turtle Habitat	0.9	Score is high due to hydrologic regime, woody debris, and adjacent land cover.	The adjacent land cover will change due to construction of home sites.
Breeding Waterbird Support	0.7	Site has permanent water but lacks "many acres of permanent or nearly permanent water." Site is visited frequently by people walking their dogs.	Score may lower due to increased human visitation.
Wintering and Migratory Waterbird Support	0.6	The score is low due the predominance of a single water depth and somewhat frequent human visitation.	Score may lower due to increased human visitation.
Songbird Habitat Support	0.9	Score is high due to year-round surface water and surrounding forest.	Score may lower due to increased human visitation and some vegetation clearing.
Support of Characteristic Vegetation	0.8	Score is depressed due to presence of <i>Rubus discolor</i> .	Score may lower due to increased human visitation and anticipated changes in surrounding land cover.

### Resource Plan Requirements

- Describe the water quality conditions of the site and the expected effect of the project on these conditions.

The water quality on the site is excellent. The water sources for the site wetlands are a high water table, discharge from hillside seeps and springs east of the project, and direct precipitation. The site is within a wide-spread sand deposit. The unconfined aquifer in the sand is a secondary water source for the City of Rockaway Beach. The project is not expected to affect water quality. All of the proposed houses in the development will be on the City's sewer system.

- Describe the reasonably expected adverse effects of the development of this project and how the effects will be mitigated.\*

Adverse impacts on wildlife related functions can reasonably be expected due to increased human visitation and clearing. These are being addressed in part through the wetland mitigation plan which will enlarge the existing wetland. The wetland mitigation plan is attached in Section F.

\* Italicized areas are not required by the Corps for a complete application, but may be necessary prior to final permit decision by the Corps.

The Nedonna Beach area is located south of Nehalem River Jetty on sand deposited by long shore currents subsequent to construction of the jetty. Except for the east edge, the property is nearly level. The wetlands occur in depressions in the sand that intersect the locally high water table. The 1939 aerial photograph shows that the entire Nedonna Beach areas is bare ground littered with large logs washed in by storm surges. Later aerial photographs show forested areas developing on the site after 1960.

There are two Hydrogeomorphic (HGM) classes of wetland on the site: 0.162 acres of Riverine Flow Through (RFT) and 1.696 acres of Slope / Flats (SF). The RFT wetlands are all associated with McMillan Creek except for wetland 4 which is connected with a ditch that drains a large wetland south of the project site (figure 11). The remaining 1.71 acres are classified as SF wetlands because the primary water source is a high water table that intersects depressions in the land surface. Other water sources include inflow from the hills east of the site and direct inflow.

There are palustrine emergent (0.030 acres), palustrine forested (1.755 acres), and palustrine scrub shrub (0.073 acres) wetlands within the project area (figure 12). The palustrine emergent wetland is a small area that appears to have been created by recent soil disturbance.

The dominant vegetation in the herb layer consists of *Lysichiton americanum* OBL, *Oenanthe sarmentosa* OBL, and *Carex obtusifolia* OBL. The dominant vegetation in the shrub layer is *Sambucus racemosa* FACU, *Rubus spectabilis* FAC, *Salix hookerana* FACW-, and *Salix lasiandra* FACW+. The dominant tree species on the site are *Alnus rubra* FAC and *Picea sitchensis* FAC.

Water features within 500 feet of the site include McMillan Creek, wetlands, seeps and springs (figure 2). McMillan Creek flows north along the west boundary of the project area. The water-level elevation in McMillan Creek appears to be tidally influenced. Immediately east of the site are steep hillsides that contain seeps and springs. The wetlands on the site are part of a large wetland complex that extends both north and south of the project site.

#### *Functional Assessment*

The consultants assessed the Functional Capacity of the site wetlands using the Judgmental Method developed by Paul Adamus and Dana Field in 2001. The proposed wetland mitigation is an expansion of the site's existing wetlands. Therefore, the wetland mitigation is expected to have the same functional capacity as the existing wetlands. Gains or losses in functional capacity would affect both the existing and mitigated wetlands. Therefore, a separate functional assessment was not prepared for the mitigated wetlands. Post-construction refers to the time after the construction of the subdivision and the wetland mitigation site.

The factors most affecting the functional scores are the poorly developed sandy soils, human visitation and the potential for introduced weedy species to spread. The scores for phosphorous retention and nitrogen removal are lower than would be found in a similar wetland with well developed soils. The site is currently used by neighbors as a dog-walking area. Human usage will increase after construction which will affect functions related to wildlife habitat. There are also some invasive species, on the site: blackberry, Scot's broom and reed canary grass. These will be reduced by site maintenance. There is, however, an increased potential for non-natives to spread into the wetland and buffer areas.

Construction of the wetland mitigation areas will affect the following functions.

- There will be a minimal increase in water storage and delay. Due to the site's position near the ocean and highly permeable sandy soils it contributes little to water storage and delay.
- Increase in the area of wetland related habitat. This positive increase may be offset by increased human activity in the area surrounding the wetlands.
- Increased human activity raises the potential for non-native species to invade the site wetlands.

\* Italicized areas are not required by the Corps for a complete application, but may be necessary prior to final permit decision by the Corps.

(5)

**PROJECT IMPACTS AND ALTERNATIVES**

Describe alternative sites and project designs that were considered to avoid impacts to the waterway or wetland. *(Include alternative design(s) with less impact and reasons why the alternative(s) were not chosen. \*)* Describe what measures you will use (before and after construction) to minimize impacts to the waterway or wetland.

In preparing the alternatives analysis, RES compared the project site to three alternative properties that were on the market at the time (figure 6). All four sites are located within the UGB and the City Limits of Rockaway Beach, and they are zoned R3 (high density urban residential). The property listings were provided by David Jones of Pete Anderson Realty in Rockaway Beach.

**Table 1** Alternatives analysis summary.

	Tax Map	Tax Lot	Size (acres)	Aerial Photograph	Local Wetland Inventory
1. Project site	2N 10 20AB	4600, 4900 and 9000	6.05	Forested, surrounding land use is a mixture of forested areas, railroad, and residential area.	Palustrine forested seasonally flooded wetlands.
2. Lake Lytle Estates	2N 10	5201	30	Forested, residential on north side, undeveloped land east and south, and Lake Lytle to the west.	Palustrine forested seasonally flooded wetland.
3. North Third Street – West of Juniper	2N 10 32 C A	106 and 202	5.63	Partially forested, the aerial photograph shows a wide swath of cleared land on the property.	Wetland - palustrine forested, scrub shrub, and palustrine emergent.
4. North Third Street – East of Juniper	2N 10 32 DB	1300	2.30	Forested.	Palustrine forested seasonally flooded wetland.

Development of the alternative sites would not result in less environmental impact than development of the project site. Figures 7 and 8 from the Local Wetland Inventory map show that alternative properties all contain substantial wetlands. Therefore, none of the alternative properties could be developed without some wetland impact.

#### *Minimization and avoidance*

On March 6, 2006 Ryan Collinworth of HLB and Associates, Anna Song, David Jones of Pete Anderson Realty, and Nancy Rorick met with Kathryn Harris of the U.S. Army Corps of Engineers to review the original layout (Figure 9). Based on the conversation with Ms. Harris, Mr. Collinworth redesigned the lot layout and reduced lot size in order to reduce the wetland impact from 0.355 acres to 0.332 acres (figure 10). Ms. Harris had asked for a 25-foot-wide vegetated buffer, but this reduced the area available for wetland mitigation to the point that it no longer met the DSL's wetland creation ratio of 1.5:1. The balance would have been made up using the state's payment-to-provide program. However, the applicant decided against this option because it would have rendered the project ineligible for the recently enacted State Programmatic General Permit (SPGP).

The DSL completeness review requests that the applicant discuss options for avoiding wetlands on lots 1-7. Please note that the plan does not show any wetland impacts on lots 5 and 6. Reducing the number of lots would result in the projects exclusion from the expedited PUD process as explained in the *purpose and need section* of the permit. . The lots cannot be moved to the east to avoid the wetlands because Kittiwake Drive cannot be moved without impacting the large wetland to the east. The wetlands located on lots 1, 2 and 3 cannot be avoided because they are located in the center of the lots and shifting the location of these lots would not reduce the wetland impact.

Impact area is:  Ocean     Estuary     River     Lake     Stream     Freshwater Wetland

Describe the existing physical and biological characteristics of the wetland/waterway site by area and type of resource (Use separate sheets and photos, if necessary).

There are 1.87 acres of freshwater jurisdictional wetland located with the Nedonna Development property (figure 5). There are no navigational, fishing, or recreational uses of the site wetlands.

\* *Italicized areas are not required by the Corps for a complete application, but may be necessary prior to final permit decision by the Corps.*

*flowing water. (See the Section A of the Resource Plan Guidance Document.)*

There are no fisheries issues associated with this project because there will be no work in McMillan Creek or any other waterways.

**Project Drawings:**

State the number of project drawing sheets included with this application:

A complete application must include a location map, site plan, cross-section drawings and recent aerial photo as follows and as applicable to the project:

1. Project location map.
2. Tax map.
3. Topographic map.
4. Aerial Photograph
5. Wetland delineation map
6. Alternative property locations
7. Local Wetland Inventory map for alternative properties
8. Local Wetland Inventory map for alternative properties
9. Original alternative
10. Site plan and proposed alternative
11. HGM classification of existing wetlands, impacted wetlands and created wetlands.
12. Cowardin classification of existing wetlands, impacted wetlands and created wetlands.
- 13a - 13e. Cross sections and proposed contours of fill areas.
14. Storm drainage areas
- 15a - 15c. Cross sections of stream crossings
16. Wetland mitigation grading plan
- 17a - 17c. Wetland mitigation cross sections

Will any construction debris, runoff, etc., enter a wetland or waterway?  Yes  No  
If yes, describe the type of discharge and show the discharge location on the site plan.

Estimated Project Start Date: August 2006 .

Estimated Project Completion Date: January 2007

According to David Jones of Pete Anderson Realty in Oregon the demand for housing in Rockaway Beach on the west side of Highway 101 is very high and all available houses have been sold. The housing demand is driven by the desire for retirement properties and second homes. Also such properties are no longer available in Manzanita and Cannon Beach. The property tax income derived from the development of the PUD will be significant.

**Project Description:** Include the following information:

Nedonna Development LLC is proposing to develop a 28-lot Planned Unit Development in the Nedonna Beach area of Rockaway Beach (figures 1 and 2). The project site covers 6.05 acres and includes tax lots 4600, 4900 and 9000 on tax map 2N 10 20 AB (figure 3). The project's legal location is NW ¼ of the NE ¼ of Section 20 in Township 2 North, Range 10 W. The proposed CWM site is located on the same property as the proposed development. Figure 4 is an aerial photograph of the project site.

Green Point Consulting delineated wetlands on this property in 1998 as part of a much larger project (WD 98-0109). In 2003, Rorick Environmental Services (RES) completed an update of Brophy's 1998 delineation on the property immediately north of the Nedonna Development property for Douglas Leading (WD 04-0008). As part of this work, RES delineated the large wetland on the Nedonna Development property. The update for this delineation was approved by Janet Morlan from the Department of State Lands (DSL) on September 7, 2004.

In December 2005, RES returned to the property and delineated the wetlands not done in 2003 (figure 5). A letter prepared by RES and submitted to DSL describes the wetland delineation update. There is 1.857 acres of jurisdictional wetland located within the ND property. This delineation was verified by DSL on August 1, 2006.

The proposed impacts are to wetlands. There are no proposed impacts to waterways. The only waterway within the project area is McMillan Creek, and there is no work planned in McMillan Creek. The DSL agreed with the wetland determination that all other features on the site were wetlands.

There are three drainages on the project site (figure 5). Two that flow onto the site from the hills to the east and a ditch that flows along the north edge of the entrance road (Riley). The northern creek that flows from the hill east of the slope discharges into the large wetland that covers the site. The south creek that enters the site dissipates in the sand at the base of the hill slope. Neither of these two creeks will be disturbed by the project. The wetland associated with ditch along Riley is 15 to 20 feet wide and has a vegetated bottom. The side slopes of the ditch are covered with Himalayan blackberry (*Rubus discolor* FACU). A portion of this ditch will be culverted to upgrade Riley Street. Riley Street is currently a dirt road and must be widened in order to meet City code.

*Volumes and acreages of all fill and removal activities in waterway or wetland separately*

The applicant is proposing to fill 0.332 acres of jurisdictional wetland. The total fill volume for the wetland is 1,066 cubic yards and the total removal volume is 265 cubic yards. Excluding the wetland mitigation site, the volume totals for the entire project are 1,416 cubic yards of fill and 241 cubic yards of removal.

*Permanent and temporary impacts*

The permanent impacts are 0.332 acres of filled wetlands. There are no temporary impacts anticipated.

*Types of materials (e.g., gravel, silt, clay, etc.)*

The fill material will be sand.

*How the project will be accomplished (i.e., describe construction methods)*

The project will employ bulldozers and other equipment typically used in developing residential subdivisions.

*For work in waterways where fish are likely to be present, complete and attach a plan to isolate the work area from the*

\* *Italicized areas are not required by the Corps for a complete application, but may be necessary prior to final permit decision by the Corps.*

Are you aware of any state or federal Endangered Species on the project site?  Yes  No If yes, please explain in the project description (in block 4)

Are you aware of any Cultural/Historic Resources on the project site?  Yes  No

Is the project site within a national Wild & Scenic River?  Yes  No

Is the project site within a state Scenic Waterway?  Yes  No

**(4) PROPOSED PROJECT PURPOSE & DESCRIPTION**

**Project Purpose and Need:**

*Provide a description of the public, social or economic benefits of the project along with any supporting formal actions of a public body (e.g. city council, special district board), as appropriate.\**

Nedonna Development LLC is proposing to construct a 28-lot Planned Unit Development (PUD). The proposed project is consistent with local planning goals and the City of Rockaway's Comprehensive plan.

1. The project is located within the City of Rockaway's Urban Growth Boundary and in an area that is zone R-1 residential.
2. The project is a PUD which allows for clustering. "Cluster development shall be encouraged, especially in areas of steep slopes, or wetlands as a means of minimizing the potential adverse impacts of development..." (P. 9, Rockaway Beach Comprehensive Plan).

Clustering is the grouping of smaller lots to provide open space and avoid natural features located within the development. The PUD's design flexibility and open space requirements enable developers to design lot layouts with less environmental impact than regular subdivisions due to allowances for clustering, flexible lot sizes and open space requirements. The City of Rockaway's Zoning Ordinance requires that 50% of the development be set aside as open space in PUDs. Seventy-five percent of the open space must be common or shared space, and twenty five percent can be utilized privately. In a regular subdivision, there are no requirements to set aside open space.

The 28 lots are necessary to meet the 80% density required by state law (ORS 197.360) for an expedited PUD. Density calculations prepared by HLB and Associates show that the calculated net density is 82.38%. If the number of lots is dropped to 27, the density would drop to 79% and the project would no longer be an expedited PUD. The result of this is that the lot size will increase to a minimum of 5,000 square feet (City of Rockaway Beach Zoning requirements for R1), there would be no open space requirements, and the entire project would need to be resubmitted to the City of Rockaway Beach for approval.

**Total Area and Density Information (source HLB and Associates, Inc.)**

A	Total gross area	271,281
B	Total ROW area	59,848
C	Existing wetlands	79,145
D	Created wetlands	22,182
E	Total net developable area (A-(C+D))	169,954
F	Minimum allowed lot size in parent zone	5,000
G	Number of lots allowed in parent zone (E/F)	34
H	Number of lots proposed	28
I	Calculated net density (H/G)	82.38%

The DSL completeness review requests that the applicant provide demonstrate the need to fill wetlands in order to create lots. It is necessary to fill the wetlands on these lots in order to meet the density requirement of 28 lots for the PUD. These lots were minimize in area to as low as 3,800 square feet to avoid wetlands. The buildable areas were also designed to reduce wetland impacts. The portions of the wetland located within the lots, but outside of the buildable areas, are shown as filled due to direction received from DSL. The agency requested that all wetland within smaller lots be mitigated for regardless of whether it is located within the building footprint due to "reasonably expected adverse impacts."

*Housing Demand*

\* *Italicized areas are not required by the Corps for a complete application, but may be necessary prior to final permit decision by the Corps.*

(6)

ADDITIONAL INFORMATION

Adjoining Property Owners and Their Address and Phone Numbers (if more than 5, attach printed labels\*)

Kenneth R Jr & Gullan K Bragg 16460 Chehalem Way Hillsboro, OR 97123	Russell and Emily House 26525 Chieftan Drive Rockaway Beach, OR 97136
Elisa Weger 4361 Tahama Lane Turlock, CA 95382	Patricia A. Heard-Hopson 4722 NE Simpson Portland, OR 97218
Thomas S Huegel 18181 SW Shady Meadows Ct. Beaverton, OR 97007	Cynthia Etheridge Karen Jean Carpenter 2817 Brixton Avenue Gresham, OR 97080
Jack Phillip Lemmon 10175 SW Aalsea Ct. Tualaton, OR 97062	Meredith and Brad Baker 3218 SE 62 <sup>nd</sup> Avenue Portland, OR 97206
Steven & Lydia Anderson 16745 NW Joscelyn Beaverton, OR 97006	William Werner 26330 SW 45 <sup>th</sup> Drive Wilsonville, OR 97070
Barry & Greta Karimi 13483 Fielding Road Lake Oswego, OR 97034	Steve Hursey Nedonna Meadows LLC 333 S. State Street, Suite V256 Lake Oswego, 97034

Has the proposed activity or any related activity received the attention of the Corps of Engineers or the Department of State Lands in the past, e.g., wetland delineation, violation, permit, lease request, etc.?  Yes  No

If yes, what identification number(s) were assigned by the respective agencies:  
Corps # 2006 00395 State of Oregon # 36702-RF

Has a wetland delineation been completed for this site?

Yes  No

WD# 06-0246  
App.# 36702

If yes, by whom\*: Rorick Environmental Services

Has the wetland delineation been approved by DSL or the COE?

Yes  No (see note)

Note: This site was originally delineated in 1998 by Green Point Consulting (WD98-0109). A portion of the site was updated by Rorick Environmental Services in 2003 (WD04-0008). The remainder of the site was updated in 2005 and a letter describing the updates has just been submitted to the DSL.

\* Italicized areas are not required by the Corps for a complete application, but may be necessary prior to final permit decision by the Corps.





Ryan

FROM : CITY/ROCKAWAY BEACH

FAX NO. : 5033558221

May, 30 2007 11:45AM P2

**EXCAVATION & FILLING DEVELOPMENT PERMIT**

**CITY OF ROCKAWAY BEACH**

Please submit \$50.00 with the completed application. Additional charges, based on cubic yards of fill or removal will be assessed at the time the permit is issued.

APPLICATION #: 07-05  
DATE RECEIVED: 5/31/07  
RECEIPT #: 47574

APPLICANT NAME: ANNA SONG PHONE: (503) 645-7765

ADDRESS: 3120 NW BAYER WOODS DR. CITY: PORTLAND STATE: OR ZIP: 97229  
\*\*\*\*\*

**1. LEGAL DESCRIPTION OF PROPERTY WHERE DEVELOPMENT IS TO OCCUR**

Map: ZN Tax Lot: 10W Block: ZOAB Lot(s): 4600, 4900 & 9000

**2. PROJECT DESCRIPTION:**

a. Type of project, check all that apply.

- Fill  Removal
- Wetlands  Uplands

If removal, specify the type of removal:

- dredging  excavation
- gravel removal  sand removal
- other: \_\_\_\_\_

b. Impact of this project, check all that apply.

- watercourse relocation  wetlands relocation
- bank protection (river/creek) **WETLANDS**
- riprap  revetment  bulkhead  groin
- other: \_\_\_\_\_

dike construction (check all structures that apply)

- building  dock  piling  piers
- other: \_\_\_\_\_

c. Estimated volume of material in cubic yards: 1,066 WETLANDS FILL

d. Type of material to be used: NATIVE

e. Project/Plan description and purpose. Project/Plan must be submitted in written form with drawings included. Please provide as complete a description as possible.

f. Engineering certification. All applications for development to be located within a floodway must be accompanied by a statement from a registered professional engineer certifying that the proposed structure will not result in any increase in flood levels during the occurrence of the base flood discharge.

**3. PROJECT DRAWINGS**

a. Map: (All of the following should be shown.)

1. Property boundaries.
2. Location of the proposed development and its physical dimensions. If removal is proposed, indicate where the removed material will be placed.
3. Location of any waterbodies, watercourses and wetlands (marshes, bogs, swamps) in the vicinity of the proposed development.
4. Location of the shoreline. If the proposed development is within or adjacent to a tidal water body, show the approximate location of mean higher high water and mean lower low water.
5. Location of trees and shrubs in the vicinity of the proposed development.

b. Typical cross section: (Show all of the following.)

1. Physical dimensions of the proposed development.
2. Slope of embankments. (This is especially important for riprap and other revetments.)
3. Placement of the different materials involved in the proposed development.
4. If the proposed development is within or adjacent to a tidal water body, show the approximate location of mean higher high water and mean lower low water.

**4. FAILURE BY APPLICANT TO MEET ANY OR ALL CONDITIONS OF A PERMIT MAY RESULT IN REVOCATION OF SAID PERMIT AND ENFORCEMENT ACTION. ONLY COMPLETED APPLICATIONS WILL BE REVIEWED. ADDITIONAL INFORMATION SUCH AS AN ENGINEERING REPORT MAY BE REQUIRED.**

I certify that the information contained in this application, to the best of my knowledge, is complete and accurate. I further certify that I possess the authority to undertake the activities described herein. I will obtain necessary U.S. Army Corps of Engineers, Oregon Division of State Lands and Oregon Department of Transportation permits before I do any of the activities described herein. I will also obtain all other necessary planning, building, sanitation and road access permits.

*Colin A. Perry*  
Signature of Applicant

6/4/07  
Date

**FOR PLANNING DEPARTMENT USE ONLY**

Plan Review Fee	<u>50.00</u>
Permit Fee	<u>160.00</u>
Other Fees	<u>          </u>
Total Fees	<u>210.00</u>

Site Visit Date: 6/5/2007

The activities described in this application are:

- Approved
- Approved with conditions.(See below)
- Denied

Site Visit Evaluation:

- Fill  Removal
- Wetlands  Uplands

ACTIVITIES FOR COMPENSATORY MITIGATION

Removal Type:

- Dredging  Excavation
- Gravel Removal  Sand Removal

DSL PERMIT # RF - 36702  
WD # WD 06 - 0246  
COE PERMIT # 200600395

Other: \_\_\_\_\_

Observed Impact of Project:

- watercourse relocation  wetlands relocation
- bank protection (river/creek)
- riprap  revetment  bulkhead  groin
- other: \_\_\_\_\_
- dike construction
- building  dock  piling  piers
- other: \_\_\_\_\_

Observed volume of material in cubic yards: \_\_\_\_\_

Type of material used: \_\_\_\_\_

Final Remarks: Comply with Oregon Department of State Lands, US Army Corps of Engineers, AUTHORIZATIONS  
SUBMIT COPIES OF ALL REPORTS AND CERTIFICATIONS  
TO THE CITY OF ROCKAWAY BEACH

Sabrina Morberg  
City Planner

June 5, 2007  
Date

**IF THE INTENTION OF PLACING FILL IS TO PLACE A STRUCTURE ON THE PROPERTY IN THE FUTURE, PLEASE NOTE COMPACTION STUDIES MAY BE REQUIRED. FOR ADDITIONAL INFORMATION REGARDING COMPACTION STUDY REQUIREMENTS, CONTACT TILLAMOOK COUNTY BUILDING DEPARTMENT AT (503) 842-3407.**





# Oregon

Theodore R. Kulongoski, Governor

Department of Environmental Quality  
Northwest Region Portland Office  
2020 SW 4<sup>th</sup> Avenue, Suite 400  
Portland, OR 97201-4987  
(503) 229-5263  
FAX (503) 229-6945  
TTY (503) 229-5471

July 18, 2007

ANNA SONG  
NEDONNA DEVELOPMENT, LLC  
3120 NW BAUER WOODS DR  
PORTLAND OR 97229

Re: Construction Storm Water Control Permit  
ORR10B-419  
File No. 117105  
County: Tillamook  
Site: Nedonna Wave PUD

Dear Ms. Song:

The Oregon Department of Environmental Quality (DEQ) has received your application and application fees for registration for coverage under the National Pollutant Discharge Elimination System (NPDES) Construction Storm Water Discharge Permit 1200-C. The purpose of the Construction Storm Water Discharge Permit is to prevent violations of the State Water Quality Standards and minimize adverse impacts to the environment. This statewide Permit term is five years, beginning December 28, 2005 and expiring November 30, 2010, regardless of when you apply for registration within the 5 year time period.

DEQ is approving your registration of the requested Permit. Please be aware that in addition to the application fees that you have already submitted you will be assessed an annual fee for each additional year of construction activity as long as this permit is in effect.

For phased developments, an erosion control plan for any phases not submitted with your original application must be submitted to this regional DEQ office (Attention: Storm Water) 30 days prior to commencement of construction activities. The plan(s) will be reviewed, and if acceptable, you will be notified of approval by e-mail if your email address is on file with DEQ.

### Permit Provisions

Please review your 1200-C Permit copy carefully. In general the Permit:

- prohibits visible or measurable quantities of sediments from leaving the construction site,
- requires erosion control measures be inspected by the permittee – see the Permit for specific activity timelines,
- requires daily visual monitoring when runoff is occurring,
- requires that records of these inspections be kept on site, and
- requires all erosion control measures remain in place through the duration of construction.

If the construction site is 5 acres or greater *and* Permit registration occurs:

- after May 31, 2006, a 14-day public review period is required after DEQ review and approval of the Erosion and Sediment Control Plan (ESCP) but prior to DEQ approving the Permit registration, and
- after September 30, 2006, one of two options must be met for storm water discharges to streams impaired for turbidity or sediment:
  - weekly storm water runoff sampling for turbidity when runoff is occurring, *or*
  - additional best management practices must be added.



DEQ-001

### Legal Owner Responsibilities

If during project development legal responsibility shifts from the present permittee (you) to another party, this permit must be transferred to the new responsible party. There is a \$60 filing fee associated with permit transfer, as well as a one page application that must be submitted to DEQ.

Also, it is the responsibility of the owner of the property to properly maintain petroleum separator/trap devices if they are in use at your site.

### Construction Storm Water Discharge Permit Termination Process

Be sure to submit the Permit Termination Request Form (*Notice of Termination Form*) to this regional DEQ office when your construction activity is completed. If a Termination Form is not received, you **will be billed** the annual fee for each additional year this permit remains in effect.

Construction Storm Water Discharge Permit coverage may be terminated when the following conditions are met:

- the permittee has constructed and completed all of the buildings;
  - the site is stabilized, i.e. landscaped with vegetation growing, and no exposed soil is present,
  - with no further grading or soil disturbances occurring, and
  - temporary erosion and/or sediment controls have been removed and properly disposed, *or*
- the permittee is selling individual home lots of less than one acre;
  - the utilities, roads, and initial grading are complete, and
  - temporary seeding has occurred, vegetation is growing and no exposed soil is present, and
  - temporary erosion and/or sediment controls have been removed and properly disposed.

In conclusion, this 1200-C Permit does not authorize excavation or fill in state waterways, including wetlands, and does not replace the requirement for receiving authorization to do this type of work under Section 404 of the Clean Water Act.

Please check the DEQ website at <http://www.deq.state.or.us/wq/wqpermit/stormwaterhome.htm> for forms or information. If you have any questions about this 1200-C Permit, please contact me by phone at (503) 229-5580.

Sincerely,



James Nusrala, PE  
DEQ NWR Storm Water Engineer  
2020 SW 4<sup>th</sup> Avenue, Suite 400  
Portland, OR 97201

Enclosure  
cc: File



**Appendix F**  
Geotechnical Evaluation and  
Geologic Hazard Report

Ms. Anna Song  
3120 Northwest Bauer Woods Drive  
Portland, Oregon 97229

Subject: Geotechnical Evaluation and Geologic Hazard Report  
Proposed 30 Lot Subdivision  
Tax Lot 4600, 4900, and 9000 (T2N R10W 20AB)  
Nedonna Beach, City of Rockaway, Tillamook County, Oregon  
PSI Report No.: 704-65012-1

Dear Ms. Song:


Professional Service Industries, Inc. (PSI) is pleased to submit our Geotechnical Evaluation and Geologic Hazard Report for the above-referenced project. Written authorization was provided by you signing and returning our Proposal Number 704-06-P002 on January 16, 2006. This report has been prepared for your information, in general accordance with Tillamook County Code Section 4.070 and the City of Rockaway Beach requirements for geologic hazard areas.


It is our professional opinion that the subject property has some geologic hazards associated with slope stability, as well as flooding, high groundwater, the presence of undocumented fill, and seismic ground shaking and the associated effects. Despite these concerns, it is our opinion that the proposed development is generally feasible with proper fill emplacement, engineering design for retaining walls, foundations, and site drainage.

This report has been forwarded to Jason Morgan, P.E., with HLB & Associates, Inc., for their use in civil engineering design for this project. Please refer to the attached report for a detailed discussion of our findings and recommendations.

If we can provide additional assistance, or observation and testing services during construction, please do not hesitate to contact Warren Krager at (503) 978-4727.

Sincerely,  
**Professional Service Industries, Inc.**

  
R. Warren Krager, R.G., C.E.:G.  
Senior Engineering Geologist  
RWK:rwk

  
Charles R. Lane, P.E.  
Senior Geotechnical Engineer

Attachments: Geologic Hazard Reconnaissance Report  
Figure 1 – Site Location Plan  
Figure 2 – Test Pit Location Map  
Figure 3 – Topographic Map  
Figure 4 – Geologic Map  
Figure 5 –Tsunami Inundation Map  
Test Pit Logs, Laboratory Results, Soil Classification, and General Notes  
Site Reconnaissance Photo Log

C: Addressee; 1 copy  
Mr. Jason Morgan, HLB & Associates, Inc.; 2 copies

Song Geologic Hazard Reconnaissance/ Geotechnical Report  
PSI Report No.: 704-65012-1  
February 20, 2006

Page 1

## **Introduction**

Prior to new residential construction, a Geologic Hazard Report must be completed in general accordance with Tillamook County Code Section 4.070 and the City of Rockaway Beach. This report presents a Geologic Hazard Evaluation for the proposed residential subdivision. We have also completed a preliminary Geotechnical Evaluation of this property to provide engineering recommendations for site preparation, grading, foundation and retaining wall design. In order to accomplish this study, Warren Krager, R.G., C.E.G., and Geologic Associate Tima Carlson, of PSI visited the subject property with Jason Morgan, P.E. of HLB & Associates, Inc., on January 18, and January 27, 2006. While on and in the vicinity of the property we observed slopes, vegetation, surface drainage, exposed and shallow subsurface soils, groundwater depths, and general topography of the surrounding areas.

Previous reports, maps, site photos and other information that pertain to the scope of this study include the following items:

- Geologic Hazard Reconnaissance Report, Proposed Single Family Residences, Tax Lot 4800 (T2N R10W 20AB), Nedonna Beach, City of Rockaway, Tillamook County, Oregon, dated December 10, 2005, prepared by Professional Service Industries, Inc.
- Geologic Hazard Report and Preliminary Geotechnical Landslide Evaluation, Proposed Residence and Shop, Tax Lot 2400 and 2501, Map 2N, 10, 20AC, Rockaway Beach, Oregon, dated May 31, 2005, prepared by Professional Service Industries, Inc.
- Preliminary Geologic Hazard Report, Tax Lot 2400 and 2501, Section 20AC T2N., R10W, Nedonna Beach, Tillamook County, Oregon, by Horning Geosciences, February 25, 1997.
- Engineering Geologic Hazard Report for Subdivision Development of Tax Lot 04601, Map 2N, 10W, 20AB, Tax Lots 00513 and 00515, Map 2N, 10W, 20, Rockaway Beach, Tillamook County, Oregon (Nedonna Meadows Subdivision), dated November 19, 2004, prepared by HLB & Associates, Inc.
- Preliminary Beach and Dune Hazard Report for Nedonna Meadows Subdivision, Tax Lot: 4601, Section: 20AB, Township: 2N, Range: 10W W.M., Tax Lots: 513, 515, Section: 20, Township: 2N, Range: 10W W.M., dated October 11, 2004, prepared by Environmental Management Systems.

Song Geologic Hazard Reconnaissance/ Geotechnical Report  
PSI Report No.: 704-65012-1  
February 20, 2006

Page 2

- Geologic Map of the Tillamook Highlands Northwest Oregon Coast Range Nehalem 15 Minute Quadrangle, United States Geologic Survey (U.S.G.S.) Open File Report 94-21, 1994.
- "Environmental Geology of the Coastal Region of Tillamook and Clatsop Counties, Oregon", Oregon Department of Geology and Mineral Industries, Bulletin 74, 1972.
- U.S.G.S. 7.5 Minute Topographic Map of Nehalem Quadrangle, Provisional Edition, 1985.
- Soil Survey of Tillamook Area, Oregon, United States Department of Agriculture, Soil Conservation Service, issued August 1964.
- Aerial photograph of the Nedonna Beach and vicinity, dated July 30, 2000 courtesy of TerraServer-usa.com website.
- Tsunami Hazard Map of Nehalem Quadrangle, Tillamook County, Oregon, Oregon Department of Geology and Mineral Industries, Open File Report O-95-17.

Our scope of work was conducted in accordance with PSI Proposal No. 704-06-P002, dated January 4, 2006. We received your written authorization to proceed on January 16, 2006.

Our reconnaissance and geotechnical evaluation included a limited subsurface investigation using a small sized track-mounted hydraulic excavator to explore shallow soil conditions. Due to the limited excavation depths we did not explore deeper soil, rock, and groundwater conditions. There is some risk of changing or unanticipated soil conditions associated with this type of limited investigation. Our conclusions and recommendations are based on our visual observations of the site, our shallow test pits, our literature review, and our familiarity with general geological conditions in the area. Further subsurface explorations, i.e. borings, to better explore the subsurface conditions and reduce your risk can be provided at additional cost.

### **Proposed Construction**

It is our understanding that the proposed development will include up to 30 residential lots, paved streets, and underground utilities. At this time, it is our understanding that either a Planned Unit Development (29 Lots) or a conventional single family subdivision (30 lots) is proposed. Final street and lot layout has not been established, however, it is expected that Kittiwake Drive will be extended to the south through the proposed

Song Geologic Hazard Reconnaissance/ Geotechnical Report  
PSI Report No.: 704-65012-1  
February 20, 2006

Page 3

development. Currently, the proposed lot layout entails development along the north, west, and south borders of the property, and open space within the central eastern portion for wetlands. An extension of Kittiwake Drive is proposed along the west property line, which will travel in a southwesterly direction towards Riley Street. Several dead end roads will branch off Kittiwake Drive in the north and south portion of the property to provide access to single family residences.

### Site Description

The property is located south of Nedonna Meadows and east of White Dove Estates in Rockaway Beach, Oregon as shown on the Site Location Plan, Figure 1, attached at the back of this report. The property is located approximately 1/3 mile south of the mouth of the Nehalem River. The property is identified as Tillamook County Tax Lots 4600, 4900, and 9000, Map 2N, 10W Section 20AB. The property is roughly rectangular in plan and has approximately 415 feet of frontage along the Riley Street alignment and is approximately 760 feet long on the east property line. The lot is bounded on the north by developed residential properties, on the east by the Port of Tillamook Bay Railroad, on the south by the Riley Street alignment, a drainage canal, and an undeveloped parcel of land, and on the west by a canal with a flowing creek and developed residential properties. Native soil on the project site, as mapped by the U.S. Department of Agriculture, is classified as Netarts fine sandy loam, which consists of deep, excessively drained soils that form on older, stabilized dunes near the coast. A large portion of the eastern property exhibited shallow surface water, including areas delineated as wetlands along the north central margins of the property. The wetland delineations are visible in the Test Pit Location Plan shown in Figure 2 (attached).

### Topography

Based on the U.S.G.S. 7.5 Minute Topographic Quadrangle Map of Nehalem, Oregon, Figure 3, attached, and property-specific topographic survey information provided by HLB & Associates, we estimate that the majority of the site lies within an elevation range of between approximately 8 and 11 feet above mean sea level. The site is relatively level with several depressions in the central wetland areas. However, the eastern boundary of the site is located near the crest of a steep slope at elevations in range of about 25 to 28 feet above mean sea level. Slope gradients along the eastern site boundary range from about 45 to 69 percent. This slope appears to be marginally stable with abundant seepage from intermittent creeks or springs flowing in several areas. We recommend global slope stability analyses be conducted for homes with retaining walls that will be situated cut into the slope near the eastern site boundary.

### **Vegetation**

The property is currently lightly developed, stabilized dune land. An access road has been cut through the property, almost in line with the proposed roads. Vegetation includes Shore Pine, Sitka Spruce, Red Cedar, Willow, hydrophilic vegetative species in wetland areas, blackberry brambles, and assorted dune grasses. A number of large trees are fallen over on the property, believed to be caused from recent high winds. We would classify the vegetation as typical of a stabilized dune field.

### **Site Geology**

A geologic map of the area is included on Figure 4 at the back of this report. The property is located on a large complex of northwest-southeast-trending transverse dunes. This beach and dune deposit is considered Pleistocene to Holocene in age and has formed since the sea level has generally stabilized after the last ice age. The deposit is expected to be several tens of feet in thickness. The dunes in the immediate vicinity of the property are stabilized due to the influence of anchoring vegetation. The Nedonna Beach beachfront and, consequently, the associated dune complex are currently stabilized due to the influence of the Nehalem Bay south jetty. The bedrock underlying the beach and dune deposits is thought to be Miocene age intrusive volcanic rock of the Columbia River basalt group and Eocene age marine sedimentary rock of the Nestucca Formation (Wells, et al. 1994). A relatively large Quaternary landslide is located east of Highway 101 and extends to eastern margin of the site. It is likely that eroded remnants of landslide debris underlie or are interbedded with the Quaternary beach and dune deposits at this site. We noted some possible evidence of landslide debris during our test pit exploration.

### **Subsurface Exploration**

The purpose of this preliminary subsurface exploration and geotechnical engineering analysis was to evaluate the soil profile components, determine the engineering characteristics of the materials encountered, and to provide geotechnical design criteria to engineers and architects for the subject development.

In order to evaluate soil conditions at the site, eight backhoe test pits (TP-1 through TP-8) were excavated using a CAT rubber tracked hydraulic excavator with a 2 foot wide bucket. Test pit locations are shown on the attached Test Pit Location Plan, which is Figure 2 in the Appendix. Logs of the test pits are also attached in the Appendix.

Select soil samples were obtained in the field as determined by the PSI representative and returned to our laboratory for further evaluation to aid in classification of the materials, and to help assess their characteristics. The laboratory evaluation consisted of visual and textural examinations in general accordance with ASTM D2487-00, moisture content tests, an Atterberg Limit test, and gradation tests. Results of the tests

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are shown on the attached test pit logs, and Laboratory Test Result Summary which are located in the Appendix.

We observed the following soil conditions during our subsurface exploration:

**Organic Topsoil** - Observed in test pits TP-1 through TP-5 in the eastern portion of the property, we encountered a dark brown sandy silt layer rich in organics (roots) ranging in thickness of three to twelve inches.

**Sandy Silt with Cobble**- Underlying the topsoil in TP-1 through TP-3, we observed red-brown, loose, unconsolidated sandy silt with cobble layer ranging in thickness from 4 to 5.5 feet. A trace to abundant organic matter (wood debris) was encountered during our exploration. This layer is believed to be remnants of an ancient landslide mapped to the east of the property. We conducted laboratory tests on this layer which consisted of moisture content tests, an Atterberg Limit test, and a gradation test. The sandy silt sample that was tested (ML) had a moisture content of 29 to 33 percent, with a liquid limit of 49, a plastic limit of 34, and a plasticity index of 15. This layer had a fines content of 52 percent.

**Fill**- Observed only in test pits TP-6 through TP-8, we encountered a 12 inch layer of sandy silt with crushed rock fill used in areas of the existing roadway that generally traverses the site from north to south.

**Silty Sand**- Only observed in TP-1, we encountered a 12 inch layer of mottled tan-orange silty sand that was observed at a depth of 5 feet.

**Poorly Graded Sand**- Underlying the sandy silt with cobble layer, we observed moist, gray, coarse grained sand to the maximum depths of our test pits. This layer contained significant amounts of wood debris, believed to be storm tossed logs and/or landslide debris mentioned earlier. We conducted laboratory tests on this layer which consisted of moisture content tests, and gradation tests. The poorly graded sand sample that was tested (SP) had a moisture content of 9 to 19 percent, with trace to no fines (0 to 1 percent passing #200 sieve).

**Groundwater** - Groundwater was observed at depths ranging from 3 to 8 feet below ground surface in the explorations performed on January 27, 2006 in test pits TP-1, and TP-4 through TP-6. Weather could have possibly been a factor as heavy rains had occurred earlier in the week. A nearby well log at an adjoining property did encounter groundwater (reference attached Well Log ID # Tillamook 273) at a depth of 6 feet. This same well log was drilled to a depth of 65 feet below ground surface in which a mudstone layer was encountered at a depth of 57 feet. Another well log (reference attached Well Log ID # Tillamook 50613) further upslope to the west encountered a gray



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claystone/mudstone at a depth of 130 feet below ground surface. The bedding orientation of this layer is documented as having a northeasterly to southwesterly trending plane that dips northwest at approximately 15 degrees.

The soil profile described above is generalized to highlight the major subsurface stratification features and material characteristics. The test pits logs included in the Appendix should be reviewed for specific information at individual test locations. These records include soil descriptions, stratifications, locations of the samples, and laboratory test data. The stratifications shown on the exploration logs represent the conditions only at the actual test pit locations. Variations may occur and should be expected between test locations. The stratifications represent the approximate boundary between subsurface materials and the actual transition may be gradual. Water level information obtained during field operations is also shown on these exploration logs. The samples that were not altered by laboratory testing will be retained for 60 days from the date of this report and then they will be discarded.

PSI has conducted geotechnical investigations in the mapped landslide unit located to the east of the site and in Quaternary beach deposits to the south of the subject property. The exploration in the landslide area encountered relatively plastic silty to clayey soils while the soil test borings in the beach to the south encountered poorly graded medium dense to very dense sands with subordinate silt and clay lenses. There is the possibility of occasional drift wood and storm surface tossed logs as well as manmade fills in the dune subsurface.

### **Geologic Hazards**

Potential geologic hazards and/or geotechnical considerations associated with development at the project site include flooding from tsunami inundation and storm surges, loose sand, minor wind erosion and deposition of sand, potential for buried organics, and earthquake induced damage such as tsunami inundation, liquefaction and lateral spread, and sea level rise of several feet due to dropping of the North American Plate during a Cascadia Subduction Zone earthquake, as well as the effects of ground shaking. Along the steeper slopes near the eastern property boundary, static and seismic slope instability is also considered a geologic hazard for this property.

### **Buried Organics**

Based on our limited observations of the geomorphology of the area and subsurface materials, and knowledge of the local coastal processes, we estimate that subsurface materials consist of several tens of feet of dune and intertidal marine sands, interbedded with occasional buried logs or possible organic soil horizons and landslide debris. Limited anecdotal information suggests that intentionally buried logs and stumps may also be present on the property. Concentrations of buried stumps were not encountered during our subsurface exploration. However, it should be expected that buried logs and

stumps may be encountered in roadway and foundation excavations. Should any such organic material be encountered during construction activities, they should be completely removed and replaced with properly placed engineered fill. The possibility exists that unknown organic matter could still underlie foundations and floor slabs. Eventual decomposition of the organic matter could lead to foundation settlement or loss of subgrade support for slabs on grade. Continuous spread foundations should be designed to span localized areas of settlement or subsidence. Use of isolated footings is not recommended.

### Seismicity

Oregon's position at the western margin of the North American Plate and its position relative to the Pacific and Juan de Fuca plates have had a major impact on the geologic development of the state. The interaction of the three plates has created a complex set of stress regimes that influence the tectonic activity of the state. The western part of Oregon is heavily impacted by the influence of the active subduction zone formed by the Juan de Fuca Oceanic Plate converging upon and subducting beneath the North American Continental Plate off the Oregon coastline.

The Cascadia Subduction Zone, located approximately 100 kilometers off of the Oregon and Washington coasts, is a potential source of earthquakes large enough to cause significant ground shaking at the subject site. Research over the last several years has shown that this offshore fault zone has repeatedly produced large earthquakes, on average, every 300 to 700 years. It is generally understood that the last great CSZ earthquake occurred about 300 years ago, in 1700AD. Although researchers do not agree on the likely magnitude, it is widely believed that an earthquake moment magnitude ( $M_w$ ) of 8.5 to 9.5 is possible. The duration of strong ground shaking is estimated to be greater than 1 minute, with minor shaking lasting on the order of several minutes.

Additionally, earthquakes resulting from movement in upper plate local faults is considered a possibility. Crustal earthquakes are relatively shallow, occurring within 10 to 20 kilometers of the surface. Oregon has experienced at least two significant crustal earthquakes in the past decade—the Scotts Mills (Mt. Angel) earthquake ( $M_w$  5.6) on March 25, 1993 and the Klamath Falls earthquake ( $M_w$  5.9) on September 20, 1993. Based on limited data available in Oregon, it would be reasonable to assume a  $M_w$  6.0 to 6.5 crustal earthquake may occur in Oregon every 500 years (recurrence rate of 10% in 50 years). There are no mapped active crustal faults in the immediate vicinity of the property. Seismic design should be conducted in accordance with the methods outlined in the 2003 International Residential Code.

### Seismic Hazards

Local site hazards associated with seismic activity include strong ground shaking, and earthquake and liquefaction induced subsidence, lateral spread, or foundation settlement. The risk of tsunami inundation of this property is considered high due to site elevations well below the 30 foot elevation established by the Oregon Department of Geology and Mineral Industries as the elevation below which the risk of tsunami inundation is considered to be high. Figure 5 exhibits the tsunami inundation levels for the subject and surrounding properties.

Soil liquefaction occurs when saturated deposits of loose, cohesionless, fine-grained soils, generally sands and sand-silt mixtures, are subjected to strong earthquake shaking. If these loose sand deposits are saturated and cannot drain rapidly, there will be an increase in pore water pressure. With increasing oscillation, the pore water pressure can increase to the value of the overburden pressure. The shear strength of a cohesionless soil is directly proportional to the effective stress, which is equal to the difference between the overburden pressure and the pore water pressure. Therefore, when the pore water pressure increases to the value of the overburden pressure, the shear strength of the soil reduces to zero, and the soil deposits turn to a liquefied state. Possible effects of soil liquefaction may include foundation settlement or cracking, pavement settlement or buckling, or lateral spreading toward a free face such as descending slope, excavation or water body.

Seismic soil liquefaction is highly dependent on the depth of groundwater, and grain size and density of soil. Depth to groundwater is expected to be less than five feet below ground surface in the area of the site, with some variation due to (a) proximity to surface waters and (b) seasonal variations in precipitation. Additionally, the observed soils at the property are, in our opinion, highly susceptible to liquefaction, particularly under saturated conditions. However, it is our opinion that this site has no greater risk of regional earthquake hazards than many previously developed properties in the area. Liquefaction risk is difficult to quantify based on a limited shallow subsurface investigation. If detailed liquefaction analyses is desired it will be necessary to conduct deeper soil borings to characterize the depth, relative density, and grain size of the soil deposits.

### Flood Hazards and Shallow Groundwater

In addition to flood inundation by tsunami, the high water table and abundant surface water on and near the subject property indicate that the property is subject to localized flooding, particularly during the winter and spring months of high rainfall. As depth to groundwater is expected to be less than five feet below ground surface in the area of the site, with some variation due to (a) proximity to surface waters and (b) seasonal variations in precipitation localized flooding is considered likely over the design lifetime of the homes.

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The risk of such flooding or tsunami inundation in our opinion represents the most likely geologic hazard to the property.

## Geotechnical Design Recommendations

### Site Preparation

We recommend that the proposed building lots be graded with engineered fill to elevate the building pads to provide positive surface drainage away from the home site crawl spaces. Any areas that are to receive structural fill should be stripped of topsoil, organic debris, non-engineered fills, or other soft or wet soils. The structural fill subgrade should be observed by a representative of the geotechnical engineer to verify proper stripping and removal of organics and any soft or wet soils. The fill subgrade should be proof-rolled under a loaded dump truck or similar heavy rubber-tired construction equipment under the ~~observation of a representative of the geotechnical engineer.~~

Structural fill material may consist of a well graded soil and/or soil gravel mixture that can be moisture conditioned and compacted as described below. We recommend that structural fill for this project should consist of well-graded granular soil with not more than 10 percent passing the number 200 sieve. Pit run sand and gravel or crushed quarry rock would likely provide an acceptable grade of imported fill. ~~We should be contacted to approve the material prior to delivery to the site.~~

All required structural fill materials should be moisture conditioned within 2 percent of optimum moisture content and compacted by mechanical means to a minimum of 95 percent of the materials maximum dry density as determined in accordance with ASTM D1557 (Modified Proctor). If water must be added, it should be uniformly applied and thoroughly mixed into the soil by disking or scarifying. Fill materials should be placed in layers that, when compacted, do not exceed about 8 inches. Compacted engineered fill should be ~~tested by a representative of the geotechnical engineer.~~

The structural fill should extend horizontally at least five feet beyond the outside edge of foundations before sloping downward. We recommend that permanent fill slopes be constructed at a grade no steeper than 2H:1V. Fill slopes should be overbuilt and then cut back to 2H:1V. The surfaces of slopes should be protected from erosion by seeding, sodding, or other acceptable means.

We recommend that PSI be contacted to review final grading and foundation designs for each lot to check that our recommendations have been properly interpreted. We also recommend that ~~general site grading and footing subgrades should be observed by a representative of the Geotechnical Engineer to verify the subgrade soils and footing elevations are similar to those anticipated.~~ These observations should be conducted prior to placing forms or concrete for footings.

### Drainage

Adequate subsurface drainage systems should be designed and installed around home sites. Low point crawl space drains should be installed to drain by gravity to approved discharge points. All roof, yard, and other upland surface water should be directed to approved discharge points down slope of the home or earth retaining walls. Under no circumstances should storm water be led into a subsurface drain system (such as foundation drains). Specifically designed retaining walls and subsurface drainage systems should be used for any homes built into the steep slope near the eastern margin of the property. Surface and subsurface drain discharge should be routed to drain by gravity to an approved outlet such as the canal that lies to the south or west sides of the property. HLB should be contacted to provide additional design and routing recommendations for surface and subsurface drainage. PSI geotechnical representatives should be contacted at the time of construction to observe and document drainage installation per our recommendations.

### Foundation Design

Foundations for homes and retaining walls may obtain support from firm, non-organic native poorly graded sand or newly installed structural fill. Foundations bearing on firm native sand soil may be designed for an allowable soil bearing capacity of 2,000 pounds per square foot. Foundations underlain by a minimum of three feet of engineered fill installed as described above may be designed for an allowable bearing capacity of 2,500 pounds per square foot. As discussed above, the outside edge of the footings should be a minimum of 5 feet from the edge of the fill pad slope face. Continuous wall and isolated column footings should be at least 18 and 24 inches in width, respectively. Wall footings exposed to weather should extend to a minimum depth of 18 inches beneath the lowest adjacent exterior grade to provide frost protection. Interior footings and exterior footings not exposed to weather can be located at nominal depths compatible with architectural and structural considerations. We estimate that foundations designed and constructed in accordance with the above recommendations will experience total settlements generally less than 1-inch with differential settlement between adjacent columns generally less than 1/2-inch.

### Retaining Wall Design

Structurally engineered retaining walls should be designed for any excavations into the steep slope along the eastern margin of the property. The following values may be used in the design of retaining walls. Lateral earth pressures on walls which are not restrained at the top, such as retaining wall, etc., may be calculated on the basis of an equivalent fluid pressure of 35 pounds per cubic foot (pcf) for level backfill and 60 pcf for backfill sloping less than 2 horizontal to 1 vertical. Walls that are restrained from yielding at the top may be calculated on the basis of an equivalent fluid pressure of 55 pcf for level backfill and 90 pcf for backfill sloping less than 2 horizontal to 1 vertical. Lateral

loads may be resisted by passive pressures acting against footings and by frictional resistance between foundation elements and supporting soils. An equivalent fluid density of 250 pcf and a friction factor of 0.3 may be used for design for foundations bearing on and resisted by native soil or engineered fill. The recommended equivalent fluid pressures include a factor of safety of 1.5, which is appropriate due to the amount of movement required to develop full passive resistance.

All backfill for retaining walls, foundation walls, etc., should consist of select granular material (crushed rock or sandy gravel). We anticipate that on-site sand material will be suitable for this purpose. The recommended equivalent fluid pressures do not include the influence of adjacent surcharge loads other than pressures for a 2 horizontal to 1 vertical or flatter back slope. The actual pressure on the walls will vary according to material types and backfill materials used and how the backfill is compacted.

#### Pavement Recommendations

The thickness recommendations presented below are considered typical and minimum for the assumed parameters. We understand that budgetary considerations sometimes warrant thinner pavement sections than those presented. However, the client, and the project principals should be aware that thinner pavement sections might result in increased maintenance costs and lower than anticipated pavement life.

The pavement subgrade should be prepared as discussed in the site preparation section of this report. We have estimated the subgrade soils will be prepared to a CBR of at least 5. Making this assumption, it is possible to use a locally typical "standard" pavement section consisting of the following:

Table 4 – Pavement Recommendations

Pavement Materials	Thickness Recommendations (inches)	
	Car Parking	Drive Lanes/Truck Routes
Asphalt Surface Course	2.5	4
Crushed Stone Base	6	8

Rigid concrete pavement consisting of 7 inches of concrete underlain by 4 inches of granular sub-base is recommended where trash dumpsters or semi-trailers are to be parked on the pavement or where a considerable load is transferred from relatively small steel wheels. This should provide better distribution of surface loads to the subgrade without causing deformation of the surface. Pavement may be placed after the subgrade has been properly compacted, fine-graded and proof-rolled. The work should be done in accordance with Oregon Department of Transportation guidelines.

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Water should not be allowed to pond behind curbs and saturate the base materials. If the base material consists of granular fill, it should extend through the slope to allow any water entering the base stone a path to exit. The project ~~Geotechnical engineer or~~ designer should accomplish a ~~site specific pavement design~~ when actual traffic and loading information is available.

#### Slope Stability Considerations

The steep slope along the eastern margin of the property is the toe of an ancient landslide. While the Port of Tillamook Bay Railroad track built across the toe of the ancient landslide appears to have remained relatively stable, we caution that ancient landslides could be reactivated by excavations or construction disturbance. In general, we recommend that any permanent cuts into the toe of the steep slope be structurally retained with specifically designed retaining walls. Where possible we recommend filling at the base of the slope to raise building pad elevations above the shallow groundwater and provide positive homesite drainage. Filling at the base of the slope will partially buttress the toe of the ancient landslide thereby improving overall slope stability. Once final design grades have been determined for the lots and roadways along the eastern margin of the property, we recommend that we be contacted to ~~review global slope stability of the toe of the ancient landslide~~. In addition, ~~global stability analyses~~ should be conducted for any daylight basement or retaining foundations for homes cut into the slope.

#### **Development Suitability Summary**

It is our opinion that by implementing the grading, drainage, foundation and retaining wall design recommendations, and other geotechnical design and construction recommendations described in this report, the property can be developed for residential purposes as intended, subject to limitations and conditions described in this report. Upon developing a conceptual design that includes a proposed grading plan and preliminary foundation and retaining wall systems we recommend that we be contacted to review the grading plan and foundation/retaining wall designs and slope stability concerns to check that our design recommendations have been properly implemented.

At the time of construction, it is highly recommended that the appropriate professionals be contacted to verify that their design and construction recommendations have been properly interpreted and implemented. We do recommend slope stability analyses be conducted on each property to be developed along the eastern boundary.

#### **Limitations**

Services performed by the Engineering Geologist and Geotechnical Engineer for this project have been conducted with that level of care and skill ordinarily exercised by



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members of the profession currently practicing in this area under similar budget and time restraints. No warranty, expressed or implied, is made.

The scope of work for this engineering geology reconnaissance report did not include geotechnical exploration and design, environmental assessments or evaluations regarding the presence or absence of wetlands or hazardous substances in the soil, surface water, or groundwater at this site.

PSI's currently authorized scope of work did not include investigation to detect the presence of moisture, mold or other biological contaminants in or around the structure, or any service that was designed or intended to prevent or lower the risk of the occurrence of the amplification of the same. The client must acknowledge that mold is ubiquitous to the environment with mold amplification occurring when building materials are impacted by moisture. The client must further acknowledge that site conditions are outside of PSI's control, and that mold amplification will likely occur, or continue to occur, in the presence of moisture. As such, PSI cannot and shall not be held responsible for the occurrence or recurrence of mold amplification.

This report may be used only by the Client and for the purposes stated, within a reasonable time from its issuance. Land use, site conditions (both on- and off-site), or other factors may change over time and could materially affect our findings. Therefore, this report should not be relied upon after 24 months from its issue. PSI should be notified if the project is delayed by more than 24 months from the date of this report so that a review of site conditions can be made, and recommendations revised if appropriate.

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PSI offers geotechnical engineering and construction monitoring services that are recommended in this report. We would be happy to provide a proposal for a recommended scope of work and a budget estimate once the project details are developed. If you have any questions regarding our interpretations and recommendations, please call Warren Krager at (503) 978-4727.

**Professional Service Industries, Inc.**

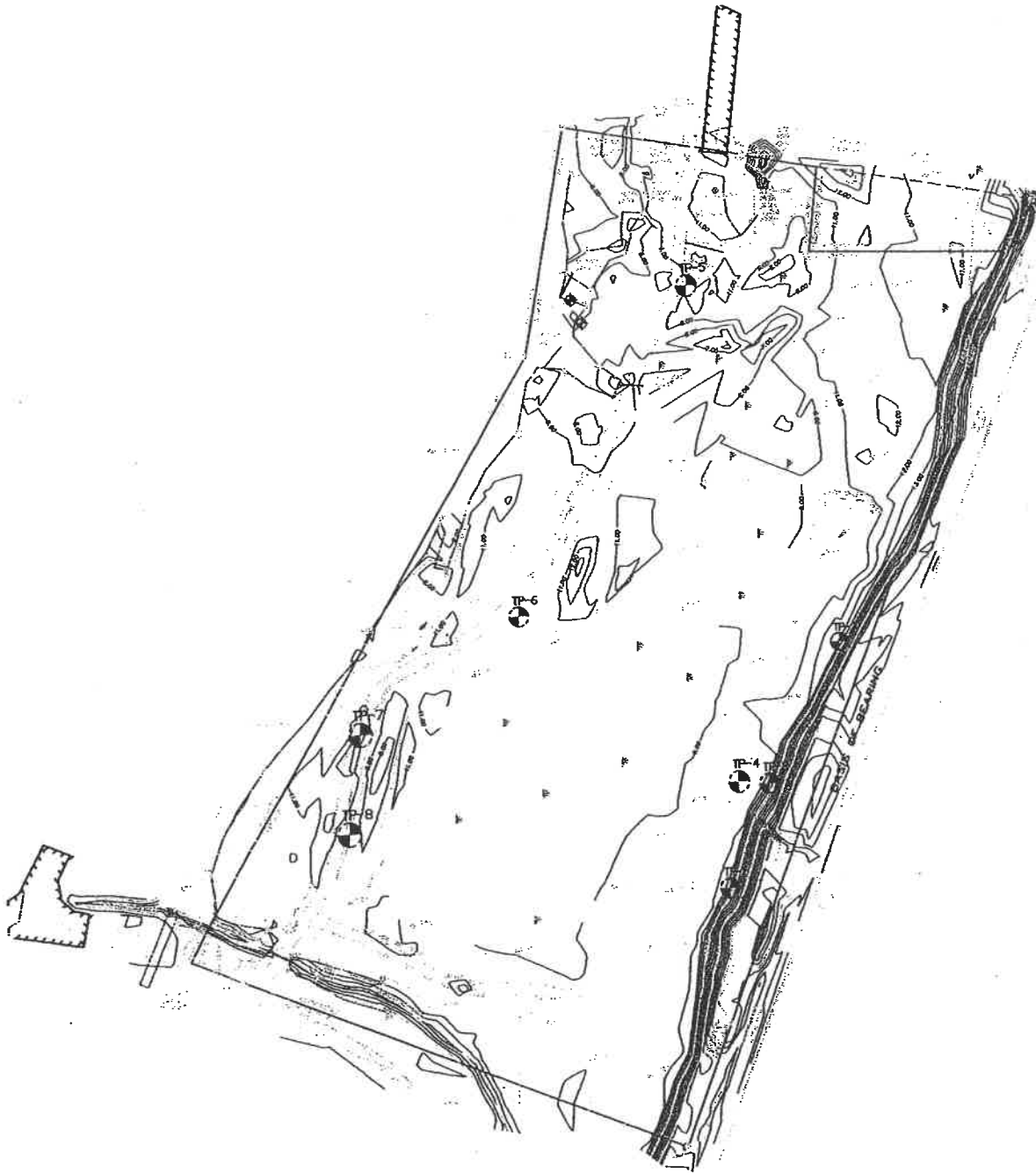


R. Warren Krager, R.G., C.E.G.  
Senior Engineering Geologist  
Geotechnical Services



Charles R. Lane, P.E.  
Senior Geotechnical Engineer  
Geotechnical Services

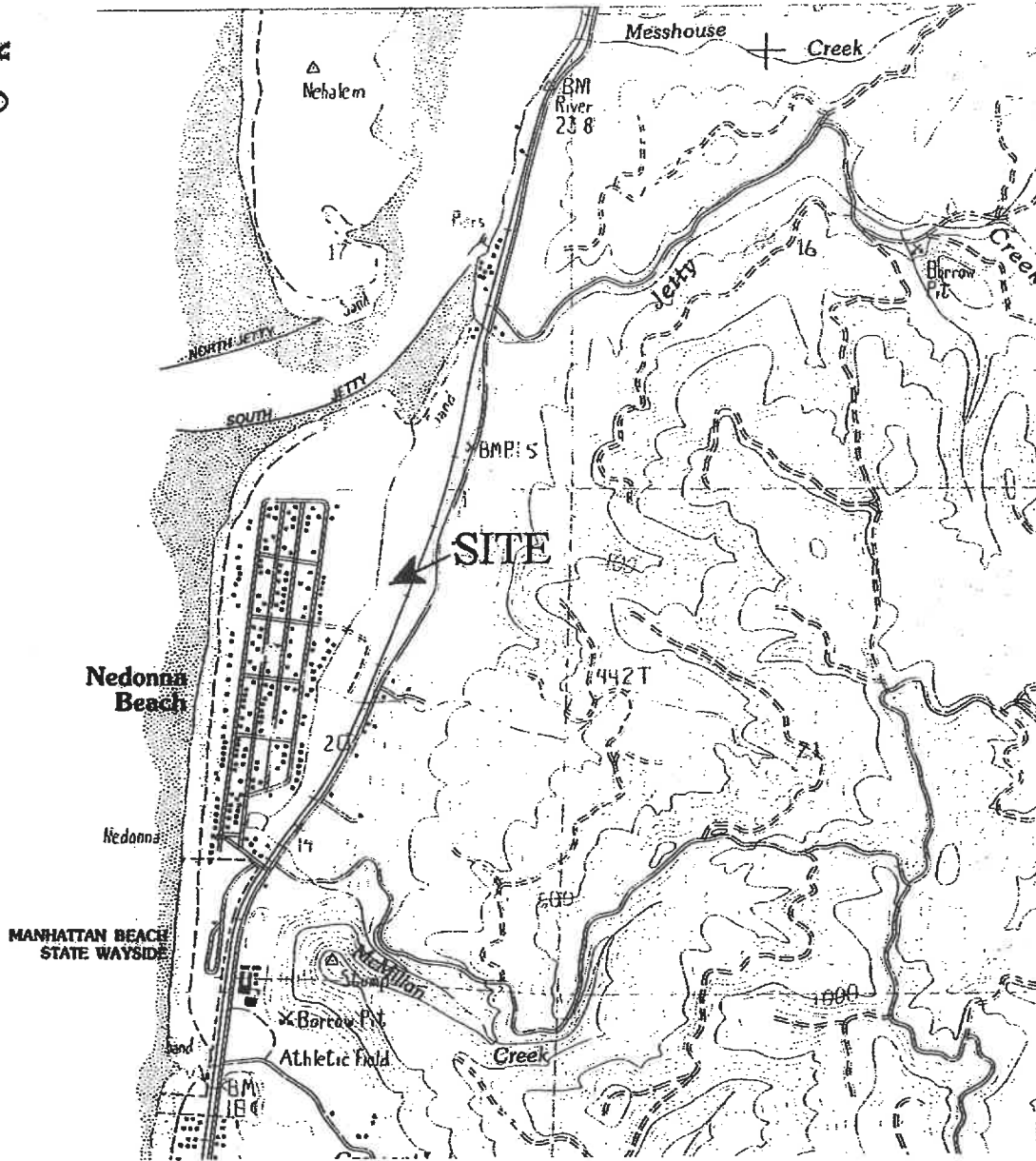




SOURCE: HLB & Associates, 2006  
 SCALE: 1 INCH = 120'

	<p>DRAWING TITLE:          TEST PIT LOCATION PLAN</p>	<p>DATE: 2/6/2006</p>	<p>FIGURE NUMBER: 2</p>
<p>PSI, Inc.          6032 N. Cutter Circle, Suite 480          Portland, Oregon 97217          (503) 289-1778</p>	<p>PROJECT:          PROPOSED 30 LOT SUBDIVISION          TAX LOTS 4600, 4900, AND 9000 (2N 10W 20AB)          NEDONNA BEACH, TILLAMOOK COUNTY, OREGON</p>	<p>DRAWN BY: JCS</p>	<p>PSI REPORT NUMBER:          704-65012-1</p>

O R



SOURCE: USGS, 1985  
 SCALE: 1 INCH = 2000 FEET

**PSI** Information  
 To Build On  
 Engineering • Consulting • Testing

DRAWING TITLE:  
 TOPOGRAPHIC MAP

DATE: 2/2/2006

FIGURE NUMBER: 3

PSI, Inc.  
 6032 N. Cutter Circle, Suite 480  
 Portland, Oregon 97217  
 (503) 289-1778

PROJECT:  
 PROPOSED 30 LOT SUBDIVISION, TAX LOTS 4800, 4900,  
 AND 9000 (2N 10W 20AB) NEDONNA BEACH,  
 ROCKAWAY, TILLAMOOK COUNTY, OREGON

DRAWN BY: JCS

PSI REPORT NUMBER:  
 704-65012-1



SOURCE: USGS, 1994  
 SCALE: 1 INCH = 1 MILE  
 UNIT: QB = BEACH DUNE DEPOSIT (HOLOCENE)  
 QLS = LANDSLIDE DEPOSIT (HOLOCENE TO PLEISTOCENE)

**PSI** Information  
 To Build On  
 Engineering • Consulting • Testing

DRAWING TITLE:  
 GEOLOGIC MAP

DATE: 2/2/2006

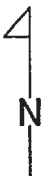
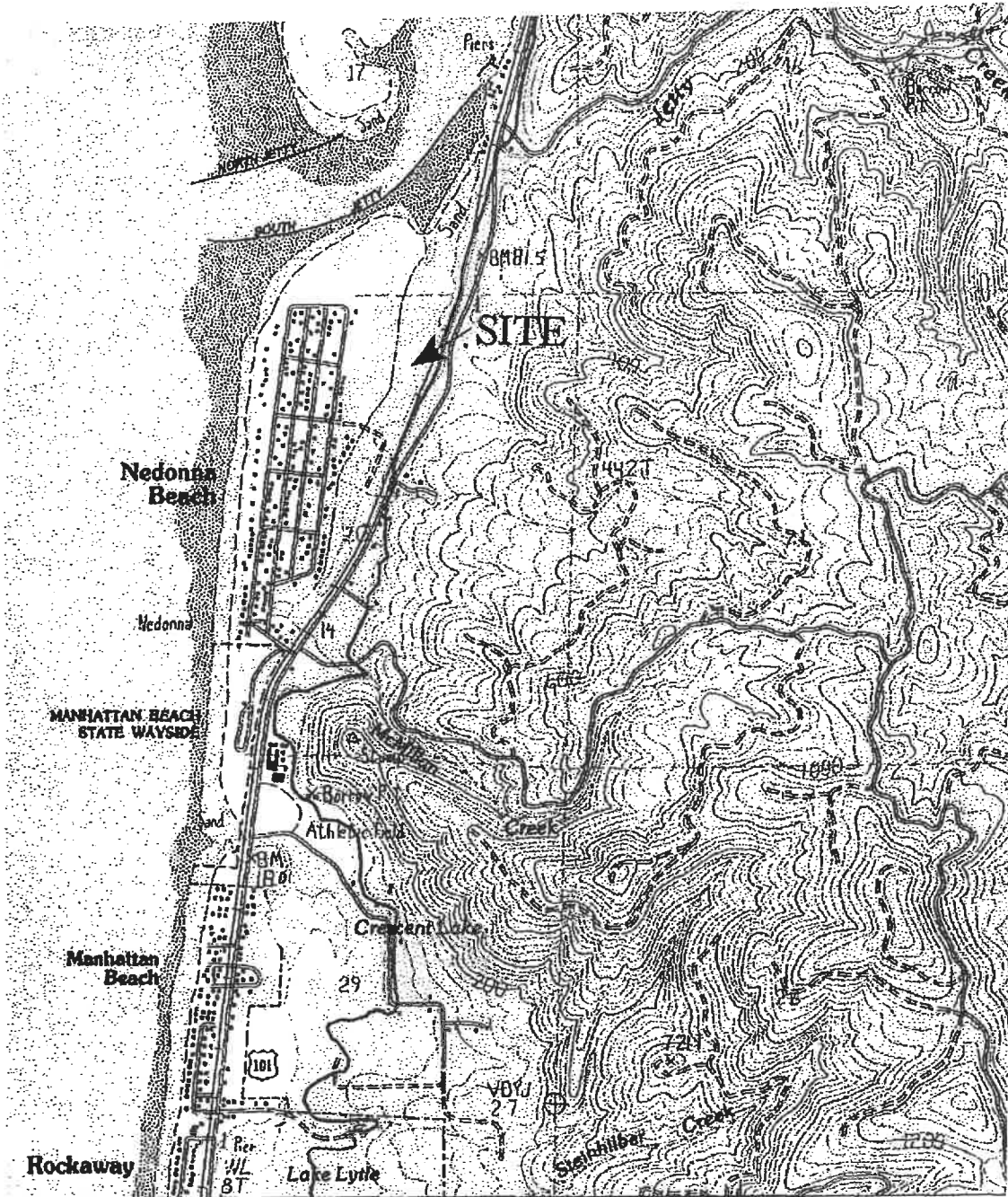
FIGURE NUMBER: 4

PSI, Inc.  
 6032 N. Cutter Circle, Suite 480  
 Portland, Oregon 97217  
 (503) 289-1778

PROJECT:  
 PROPOSED 30 LOT SUBDIVISION, TAX LOTS 4600, 4900,  
 AND 9000 (2N 10W 20AB) NEDONNA BEACH,  
 ROCKAWAY, TILLAMOOK COUNTY, OREGON

DRAWN BY: JCS

PSI REPORT NUMBER:  
 704-65012-1



SCALE: 1" = 2000'

SOURCE: TSUNAMI HAZARD MAP, O-95-17, DOGAMI, 1995

	<p>DRAWING TITLE: TSUNAMI INUNDATION MAP</p>	<p>DATE: 2/2/2006</p>	<p>FIGURE NUMBER: 5</p>
<p>PSI, Inc. 6032 N. Cutter Circle, Suite 480 Portland, Oregon 97217 (503) 289-1778</p>	<p>PROJECT: GEOLOGIC HAZARD REPORT PROPOSED 30 LOT SUBDIVISION, TAX LOTS 4600, 4900, AND 9000 (2N 10W 20AB), NEDONNA BEACH, ROCKAWAY, TILLAMOOK COUNTY, OREGON</p>	<p>DRAWN BY: TAC</p>	<p>PSI REPORT NUMBER: 704-65012-1</p>



# LOG OF TEST PIT NO. TP-1

**CLIENT:** Nedonna Beach Development, LLC  
**PROJECT:** 30 Lot Subdivision  
**LOCATION:** TL 4600, 4900, and 9000 (2N 10 20AB), Nedonna Beach, OR  
**PSI PROJECT NUMBER:** 704-65012-1  
**SURF. ELEV.:**

**DATE OF EXPLORATION:** 1/27/2006  
**EQUIPMENT:** CAT rubber tracked hydraulic excavator  
**LOGGED BY:** T. Carlson w/2' wide 4 toothed bucket  
**TEST PIT LOCATION:** See Test Pit Location Plan

DEPTH, FT.	SAMPLES	SOIL DESCRIPTION	SYMBOL	U.S.C.S. CLASS	Moisture Content (%)	Liquid Limit (%)	Plastic Limit (%)	Plasticity Index (%)	Passing 200 Sieve	POCKET PEN (tsf)
-1		TOPSOIL- dark brown sandy silt, 12 inch root zone								
-2		SANDY SILT W/COBBLES- red-brown, loose, unconsolidated, moist, organics (wood), plastic		ML						
-3	GRAB 1				33	49	34		52	
-4										
-5		SILTY SAND- mottled tan-orange, moist								
-6		POORLY GRADED SAND- gray, coarse grained, moist to wet, organics (wood debris)		SP						
-7	GRAB 2				19				0	
-8	GRAB 3									
-9		Test pit terminated at 8 feet below existing site grade. Test pit loosely backfilled with excavation spoils upon completion. Heaving observed near surface.								
-10		Groundwater was observed at 8 feet below ground surface.								
-11		Stratification lines/depths shown are approximate. Actual soil conditions encountered during construction may vary from those described above.								
-12										
-13										
-14										
-15										
-16										
-17										
-18										
-19										
-20										

TP PTLD 70412.GPJ PSI CORP.GDT 2/20/06



6032 North Cutter Circle, Suite 480  
 Portland, Oregon 97217-0126  
 (800) 783-6985

# LOG OF TEST PIT NO. TP-2

**CLIENT:** Nedonna Beach Development, LLC  
**PROJECT:** 30 Lot Subdivision  
**LOCATION:** TL 4600, 4900, and 9000 (2N 10 20AB), Nedonna Beach, OR  
**PSI PROJECT NUMBER:** 704-65012-1  
**SURF. ELEV.:**

**DATE OF EXPLORATION:** 1/27/2006  
**EQUIPMENT:** CAT rubber tracked hydraulic excavator  
**LOGGED BY:** T. Carlson w/2' wide 4 toothed bucket  
**TEST PIT LOCATION:** See Test Pit Location Plan

DEPTH, FT.	SAMPLES	SOIL DESCRIPTION	SYMBOL	U.S.C.S. CLASS	Moisture Content (%)	Liquid Limit (%)	Plastic Limit (%)	Plasticity Index (%)	Passing 200 Sieve	POCKET PEN (tsf)
-1		TOPSOIL- dark brown sandy silt, 6 inch root zone								
-2		SANDY SILT W/COBBLES AND BOULDERS- brown, moist, sandstone fragments								
-3										
-4	GRAB 1				33					
-5										
-6	GRAB 2									
-7		POORLY GRADED SAND- gray, coarse grained, moist, organics (wood debris)								
-8										
-9		Test pit terminated at 8 feet below existing site grade. Test pit loosely backfilled with excavation spoils upon completion.								
-10										
-11		Groundwater was not observed during site exploration.								
-12		Stratification lines/depths shown are approximate. Actual soil conditions encountered during construction may vary from those described above.								
-13										
-14										
-15										
-16										
-17										
-18										
-19										
-20										

TP PTLD 3012.GPJ PSI CORP.GDT 2/20/06



6032 North Cutter Circle, Suite 480  
 Portland, Oregon 97217-0126  
 (800) 783-6985

# LOG OF TEST PIT NO. TP-3

CLIENT: Nedonna Beach Development, LLC  
 PROJECT: 30 Lot Subdivision  
 LOCATION: TL 4600, 4900, and 9000 (2N 10 20AB), Nedonna Beach, OR  
 PSI PROJECT NUMBER: 704-65012-1  
 SURF. ELEV.:

DATE OF EXPLORATION: 1/27/2006  
 EQUIPMENT: CAT rubber tracked hydraulic excavator  
 LOGGED BY: T. Carlson w/2' wide 4 toothed bucket  
 TEST PIT LOCATION: See Test Pit Location Plan

DEPTH, FT.	SAMPLES	SOIL DESCRIPTION	SYMBOL	U.S.C.S. CLASS	Moisture Content (%)	Liquid Limit (%)	Plastic Limit (%)	Plasticity Index (%)	Passing 200 Sieve	POCKET PEN (tsf)
1		<b>TOPSOIL-</b> dark brown sandy silt, 6 inch root zone								
2		<b>SANDY SILT W/COBBLES AND BOULDERS-</b> brown, moist, sandstone fragments								
4	GRAB 1				29					
5		<b>POORLY GRADED SAND-</b> gray, course grained, moist, organics (wood debris)								
6	GRAB 2				9				1	
8	GRAB 3				14					
9		Test pit terminated at 8 feet below existing site grade. Test pit loosely backfilled with excavation spoils upon completion.								
10		Groundwater was not observed during site exploration.								
11		Stratification lines/depths shown are approximate. Actual soil conditions encountered during construction may vary from those described above.								
12										
13										
14										
15										
16										
17										
18										
19										
20										

TP\_PTLD 5012.GPJ PSI CORP.GDT 2/20/06



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# LOG OF TEST PIT NO. TP-4

CLIENT: Nedonna Beach Development, LLC  
 PROJECT: 30 Lot Subdivision  
 LOCATION: TL 4600, 4900, and 9000 (2N 10 20AB), Nedonna Beach, OR  
 PSI PROJECT NUMBER: 704-65012-1  
 SURF. ELEV.:

DATE OF EXPLORATION: 1/27/2006  
 EQUIPMENT: CAT rubber tracked hydraulic excavator  
 LOGGED BY: T. Carlson w/2' wide 4 toothed bucket  
 TEST PIT LOCATION: See Test Pit Location Plan

DEPTH, FT.	SAMPLES	SOIL DESCRIPTION	SYMBOL	U.S.C.S. CLASS	Moisture Content (%)	Liquid Limit (%)	Plastic Limit (%)	Plasticity Index (%)	Passing 200 Sieve	POCKET PEN (tsf)
-1		<b>TOPSOIL-</b> dark brown sandy silt, 3 inch root zone								
-2		<b>POORLY GRADED SAND-</b> mottled tan-gray, coarse grained, moist to wet, organics (wood debris)								
-3	GRAB 1									
-4										
-5										
-6	GRAB 2									
-7										
-8		Test pit terminated at 7 feet below existing site grade. Test pit loosely backfilled with excavation spoils upon completion.								
-9										
-10		Groundwater was observed at 6 feet below ground surface during site exploration.								
-11		Stratification lines/depths shown are approximate. Actual soil conditions encountered during construction may vary from those described above.								
-12										
-13										
-14										
-15										
-16										
-17										
-18										
-19										
-20										

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# LOG OF TEST PIT NO. TP-5

CLIENT: Nedonna Beach Development, LLC  
 PROJECT: 30 Lot Subdivision  
 LOCATION: TL 4600, 4900, and 9000 (2N 10 20AB), Nedonna Beach, OR  
 PSI PROJECT NUMBER: 704-65012-1  
 SURF. ELEV.:

DATE OF EXPLORATION: 1/27/2006  
 EQUIPMENT: CAT rubber tracked hydraulic excavator  
 LOGGED BY: T. Carlson w/2' wide 4 toothed bucket  
 TEST PIT LOCATION: See Test Pit Location Plan

DEPTH, FT.	SAMPLES	SOIL DESCRIPTION	SYMBOL	U.S.C.S. CLASS	Moisture Content (%)	Liquid Limit (%)	Plastic Limit (%)	Plasticity Index (%)	Passing 200 Sieve	POCKET PEN (tsf)
1	GRAB 1	TOPSOIL- dark brown sandy silt, 4 inch root zone								
3	GRAB 2	POORLY GRADED SAND- mottled tan-gray, coarse grained, moist to wet, organics (wood debris)			25					
3					18					
8		Test pit terminated at 7 feet below existing site grade. Test pit loosely backfilled with excavation spoils upon completion.  Groundwater was observed at 3 feet below ground surface during site exploration.  Stratification lines/depths shown are approximate. Actual soil conditions encountered during construction may vary from those described above.								

TP PTL 65012.GPJ PSI CORP.GDT 2/20/06



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# LOG OF TEST PIT NO. TP-6

**CLIENT:** Nedonna Beach Development, LLC  
**PROJECT:** 30 Lot Subdivision  
**LOCATION:** TL 4600, 4900, and 9000 (2N 10 20AB), Nedonna Beach, OR  
**PSI PROJECT NUMBER:** 704-65012-1  
**SURF. ELEV.:**

**DATE OF EXPLORATION:** 1/27/2006  
**EQUIPMENT:** CAT rubber tracked hydraulic excavator  
**LOGGED BY:** T. Carlson w/2' wide 4 toothed bucket  
**TEST PIT LOCATION:** See Test Pit Location Plan

DEPTH, FT.	SAMPLES	SOIL DESCRIPTION	SYMBOL	U.S.C.S. CLASS	Moisture Content (%)	Liquid Limit (%)	Plastic Limit (%)	Plasticity Index (%)	Passing 200 Sieve	POCKET PEN (tsf)
-1	GRAB 1	FILL- sandy silt with crushed rock, moist, some organics (wood)								
-2		POORLY GRADED SAND- mottled tan-brown, coarse grained, moist to wet, organics (wood debris)								
-4	GRAB 2									
-7	GRAB 3									
-8		Test pit terminated at 7 feet below existing site grade. Test pit loosely backfilled with excavation spoils upon completion.								
-10		Groundwater seeps were observed at 4 feet below ground surface during site exploration.								
-11		Stratification lines/depths shown are approximate. Actual soil conditions encountered during construction may vary from those described above.								
-12										
-13										
-14										
-15										
-16										
-17										
-18										
-19										
-20										

TP PIT 65012.GPJ PSI CORP.GDT 2/20/06



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 Portland, Oregon 97217-0126  
 (800) 783-6985



# LOG OF TEST PIT NO. TP-7

CLIENT: Nedonna Beach Development, LLC  
 PROJECT: 30 Lot Subdivision  
 LOCATION: TL 4600, 4900, and 9000 (2N 10 20AB), Nedonna Beach, OR  
 PSI PROJECT NUMBER: 704-65012-1  
 SURF. ELEV.:

DATE OF EXPLORATION: 1/27/2006  
 EQUIPMENT: CAT rubber tracked hydraulic excavator  
 LOGGED BY: T. Carlson w/2' wide 4 toothed bucket  
 TEST PIT LOCATION: See Test Pit Location Plan

DEPTH, FT.	SAMPLES	SOIL DESCRIPTION	SYMBOL	U.S.C.S. CLASS	Moisture Content (%)	Liquid Limit (%)	Plastic Limit (%)	Plasticity Index (%)	Passing 200 Sieve	POCKET PEN (tsf)
1		<b>FILL</b> - sandy silt with crushed rock, moist, some organics (wood)								
2		<b>POORLY GRADED SAND</b> - mottled tan-brown, medium grained, moist, organics (wood debris)								
3	GRAB 1				6					
4										
5	GRAB 2									
6										
7										
8		Test pit terminated at 7 feet below existing site grade. Test pit loosely backfilled with excavation spoils upon completion.								
9		Groundwater was not observed during site exploration.								
10		Stratification lines/depths shown are approximate. Actual soil conditions encountered during construction may vary from those described above.								
11										
12										
13										
14										
15										
16										
17										
18										
19										
20										

TP PTL 35012.GPJ PSI CORP.GDT 2/20/06



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# LOG OF TEST PIT NO. TP-8

CLIENT: Nedonna Beach Development, LLC  
 PROJECT: 30 Lot Subdivision  
 LOCATION: TL 4600, 4900, and 9000 (2N 10 20AB), Nedonna Beach, OR  
 PSI PROJECT NUMBER: 704-65012-1  
 SURF. ELEV.:

DATE OF EXPLORATION: 1/27/2006  
 EQUIPMENT: CAT rubber tracked hydraulic excavator  
 LOGGED BY: T. Carlson<sup>w/2'</sup> wide 4 toothed bucket  
 TEST PIT LOCATION: See Test Pit Location Plan

DEPTH, FT.	SAMPLES	SOIL DESCRIPTION	SYMBOL	U.S.C.S. CLASS	Moisture Content (%)	Liquid Limit (%)	Plastic Limit (%)	Plasticity Index (%)	Passing 200 Sieve	POCKET PEN (tsf)
1	GRAB 1	FILL- sandy silt with crushed rock, moist, some organics (wood)			9					
1-3		POORLY GRADED SAND- mottled tan-brown, course grained, moist, some organics (wood debris)								
3	GRAB 2									
7		Test pit terminated at 7 feet below existing site grade. Test pit loosely backfilled with excavation spoils upon completion.								
8		Groundwater was not observed during site exploration.								
11		Stratification lines/depths shown are approximate. Actual soil conditions encountered during construction may vary from those described above.								

TP\_PTI 65012.GPJ PSI CORP.GDT 2/20/06



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# SOIL CLASSIFICATION CHART

MAJOR DIVISIONS			SYMBOLS		TYPICAL DESCRIPTIONS
			GRAPH	LETTER	
<b>COARSE GRAINED SOILS</b>  MORE THAN 50% OF MATERIAL IS LARGER THAN NO. 200 SIEVE SIZE	<b>GRAVEL AND GRAVELLY SOILS</b>  MORE THAN 50% OF COARSE FRACTION RETAINED ON NO. 4 SIEVE	<b>CLEAN GRAVELS</b>  (LITTLE OR NO FINES)		<b>GW</b>	WELL-GRADED GRAVELS, GRAVEL - SAND MIXTURES, LITTLE OR NO FINES
		<b>GRAVELS WITH FINES</b>  APPRECIABLE AMOUNT OF FINES)		<b>GP</b>	POORLY-GRADED GRAVELS, GRAVEL - SAND MIXTURES, LITTLE OR NO FINES
		<b>GRAVELS WITH FINES</b>  APPRECIABLE AMOUNT OF FINES)		<b>GM</b>	SILTY GRAVELS, GRAVEL - SAND - SILT MIXTURES
	<b>SAND AND SANDY SOILS</b>  MORE THAN 50% OF COARSE FRACTION PASSING ON NO. 4 SIEVE	<b>CLEAN SANDS</b>  (LITTLE OR NO FINES)		<b>SW</b>	WELL-GRADED SANDS, GRAVELLY SANDS, LITTLE OR NO FINES
				<b>SP</b>	POORLY-GRADED SANDS, GRAVELLY SAND, LITTLE OR NO FINES
		<b>SANDS WITH FINES</b>  APPRECIABLE AMOUNT OF FINES)		<b>SM</b>	SILTY SANDS, SAND - SILT MIXTURES
				<b>SC</b>	CLAYEY SANDS, SAND - CLAY MIXTURES
				<b>ML</b>	INORGANIC SILTS AND VERY FINE SANDS, ROCK FLOUR, SILTY OR CLAYEY FINE SANDS OR CLAYEY SILTS WITH SLIGHT PLASTICITY
	<b>FINE GRAINED SOILS</b>  MORE THAN 50% OF MATERIAL IS SMALLER THAN NO. 200 SIEVE SIZE	<b>SILTS AND CLAYS</b>  LIQUID LIMIT LESS THAN 50		<b>CL</b>	INORGANIC CLAYS OF LOW TO MEDIUM PLASTICITY, GRAVELLY CLAYS, SANDY CLAYS, SILTY CLAYS, LEAN CLAYS
				<b>OL</b>	ORGANIC SILTS AND ORGANIC SILTY CLAYS OF LOW PLASTICITY
			<b>MH</b>	INORGANIC SILTS, MICACEOUS OR DIATOMACEOUS FINE SAND OR SILTY SOILS	
<b>SILTS AND CLAYS</b>  LIQUID LIMIT GREATER THAN 50			<b>CH</b>	INORGANIC CLAYS OF HIGH PLASTICITY	
			<b>OH</b>	ORGANIC CLAYS OF MEDIUM TO HIGH PLASTICITY, ORGANIC SILTS	
				FILL SOILS, CONTAINING VARYING AMOUNTS OF DEBRIS, NON-ENGINEERED FILL	

NOTE: DUAL SYMBOLS ARE USED TO INDICATE BORDERLINE SOIL CLASSIFICATIONS

## General Notes

### SAMPLE IDENTIFICATION

The Unified Soil Classification System is used to identify the soil unless otherwise noted.

### SOIL PROPERTY SYMBOLS

- N: Standard "N" penetration: Blows per foot of a 140 pound hammer falling 30 inches on a 2-inch O.D. split-spoon.  
 Qu: Unconfined Compressive Strength, TSF.  
 Qp: Penetrometer value, unconfined compressive strength, TSF.  
 Mc: Water Content, %.  
 LL: Liquid Limit, %.  
 PI: Plasticity Index, %.  
 $\delta d$ : Natural Dry Density, PCF.  
 ▼ Apparent Groundwater Level at time noted after completion of boring.

### DRILLING AND SAMPLING SYMBOLS

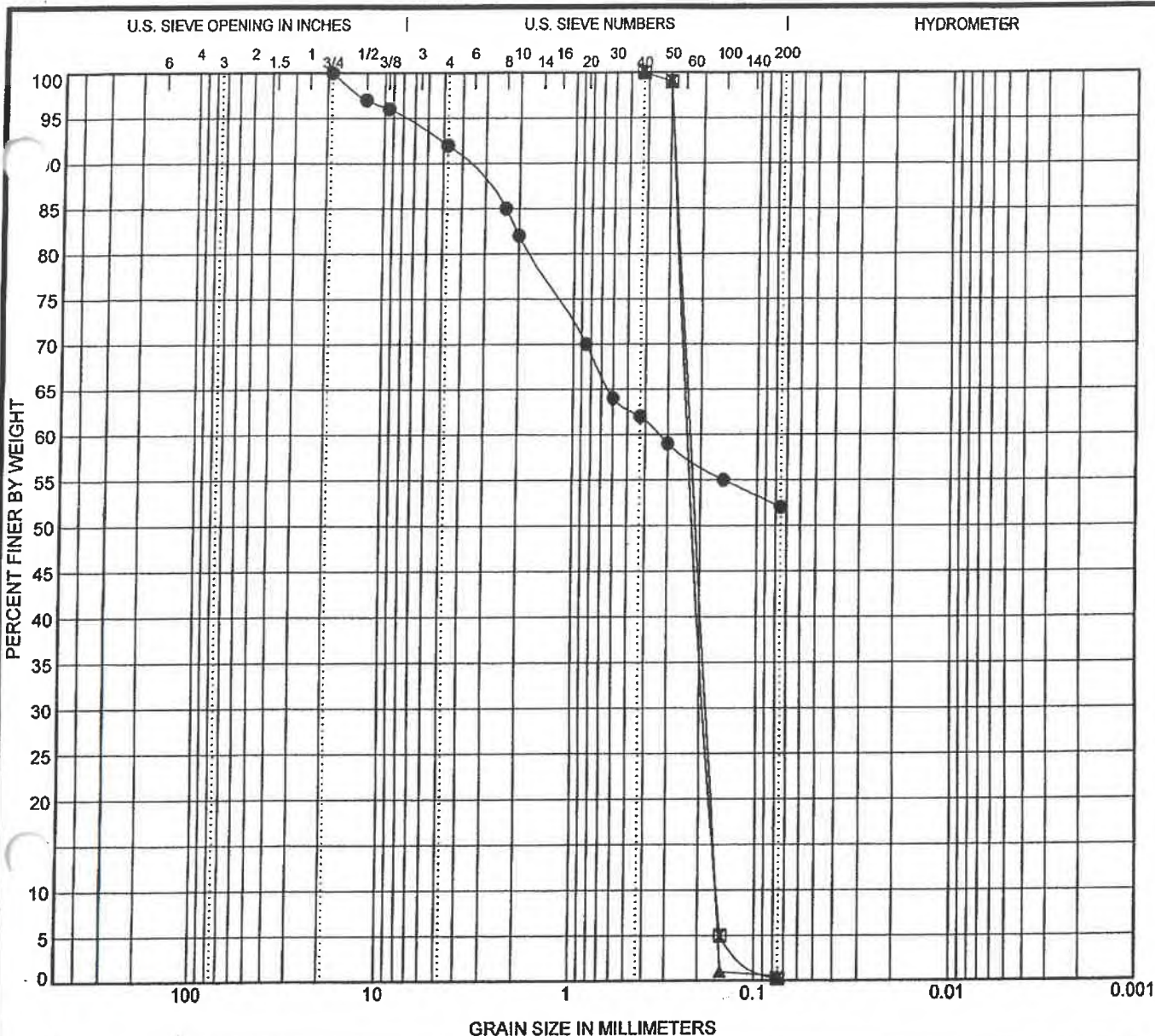
- SS: Split-Spoon – 1 3/8" I.D., 2" O.D., except where noted  
 ST: Shelby Tube – 3" O.D., except where noted  
 AU: Auger Sample  
 DB: Diamond Bit  
 CB: Carbide Bit  
 WS: Washed Sample

TERM (NON-COHESIVE SOILS)	STANDARD PENETRATION RESISTANCE (SAFETY HAMMER)	STANDARD PENETRATION RESISTANCE (AUTOMATIC HAMMER)
Very Loose	0-4	0-3
Loose	4-10	3-7
Medium	10-30	7-20
Dense	30-50	20-33
Very Dense	Over 50	Over 33

TERM (COHESIVE SOILS)	Qu – (TSF)
Very Soft	0-0.25
Soft	0.25-0.50
Firm (Medium)	0.50-1.00
Stiff	1.00-2.00
Very Stiff	2.00-4.00
Hard	4.00 +

### PARTICLE SIZE

Boulders	8 in. +	Coarse Sand	5mm-0.6mm	Silt	0.074mm-0.005mm
Cobbles	8 in.-3 in.	Medium Sand	0.6mm-0.2mm	Clay	-0.005mm
Gravel	3 in.-5mm	Fine Sand	0.2mm-0.074mm		



COBBLES	GRAVEL		SAND			SILT OR CLAY
	coarse	fine	coarse	medium	fine	

Specimen Identification	Classification	LL	PL	PI	Cc	Cu
● TP-1 at 3.0'	SANDY SILT (ML)	49	34	15		
☒ TP-1 at 7.0'	POORLY GRADED SAND (SP)				0.93	1.45
▲ TP-3 at 6.0'	POORLY GRADED SAND (SP)				0.93	1.42

Specimen Identification	D100	D60	D30	D10	%Gravel	%Sand	%Silt	%Clay
● TP-1 at 3.0'	19	0.337			8.0	40.0	52.0	
☒ TP-1 at 7.0'	0.425	0.225	0.18	0.156	0.0	99.8	0.2	
▲ TP-3 at 6.0'	0.425	0.228	0.184	0.16	0.0	99.5	0.5	



**Engineering Consulting Testing**  
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 Phone (503) 289-1778 Fax (503) 289-1918

**GRAIN SIZE DISTRIBUTION (ASTM D422-63)**

Client: Nedonna Beach Development, LLC  
 Project Name: 30 Lot Subdivision  
 Project Location: TL 4600, 4900, and 9000 (2N 10 20AB), Nedonna  
 Report Number: 704-65012-1







Photo 1: View from end of Kittiwake Drive looking south towards subject property.



Photo 2: Example of vegetation cover in north portion of property.





Photo 3: Example of standing water on subject property.



Photo 4: Looking south-southwest on existing roadway easement of subject property.





Photo 5: Looking east towards slope along east portion of subject property.



Photo 6: View of some deflated areas on subject property.



# HLB & Associates

I N C O R P O R A T E D

Surveying ♦ Civil Engineering ♦ Planning

May 3, 2006

Anna Song  
3120 NW Bauer Woods Drive  
Portland, OR 97229

**RE: *Engineering Geologic Hazard Report for Planned Unit Development of Tax Lots 4600, 4900 and 9000, Map 2N 10W 20AB, Parcels 1 and 3 of Partition Plat 1997-57, including vacated portions of Evergreen Street, City of Rockaway Beach, Tillamook County, Oregon (Nedonna Wave Planned Unit Development)***

Dear Ms. Song:

At your request, we have completed our engineering portion of the site investigation of the subject property using available maps and previous reports of nearby properties completed by our firm. This investigation also included a site inspection of the subject property by Jason R. Morgan, PE, and Warren Krager, Engineering Geologist of PSI, Inc. Representatives of PSI have investigated and addressed the geologic conditions of the site. HLB & Associates, Inc. has then developed the engineering recommendations related to construction on the site. The two reports combined constitute the required Geologic Hazards investigation required by the City of Rockaway Beach. This engineering portion of the report is prepared for your use in the construction of a subdivision on the property. The standards set forth herein should be incorporated into the development plans for that project.

This report is prepared for your use in developing the site into a twenty-eight lot planned unit development. *(See Figures 1-1 & 1-2)* This report is intended to address the overall adequacy of the site for residential development and the construction of the required infrastructure (i.e. roads, utilities, etc.). A site development plan is included as a part of this report. The standards set forth herein shall be incorporated into the final site development plans.

This report also includes individual, site specific recommendations for each home site which are to be incorporated during development of the individual lots. As required by the City of Rockaway Beach, we have addressed the requirements for development on the individual lots as well as the infrastructure. For the sake of brevity, we have grouped lots together that will have identical requirements for development for the listed standard.

## ***SITE CONDITIONS***

The site and its geologic conditions are generally as described by the report that has been prepared by PSI. Representatives of PSI have investigated the geologic hazards on the site and reported those hazards

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Manzanita, OR 97130  
(503) 368-5394 ♦ Fax (503) 368-5847

**Gearhart Office**  
4253 - A Highway 101 North  
Seaside, OR 97138  
(503) 738-3425 ♦ Fax (503) 738-7455



to you in their report. (PSI's 14-page report, dated February 20, 2006, is attached for your use.) The proposed roads and lots are located on the eastern portion of a nearly flat sand dune plain that extend from the foredunes at Manhattan Beach to the Port of Tillamook Bay Railroad property.

Nearly the entire area to be developed is virtually flat, with the elevation varying from 7 feet to 12 feet above sea level. The exception to the flat area is the steep slope near the eastern property line rising to the elevation of the railroad tracks. The steep slope rises as much as 16 feet, with slopes as steep as 60 percent. The toe of the slope extends as much as 45 feet into the subject property at a location about 150 feet to the North of the southeast property corner.

An existing gravel road runs through the property from North to South and is typically passable with a vehicle. At the time of our site visits, barricades had been placed at each end of the road to prevent trespassing vehicles. Additionally, water was flowing over the existing gravel road at a location about 200 feet from the northern property line. A second gravel road runs to the East, across the property, near the southern property line and is accessed from the main North-South gravel road.

A report on the wetlands prepared by Rorick Environmental Services discusses the vegetation and soil types on the property in detail. Vegetation on the property includes shore pine, sitka spruce, blackberry, and various species of undergrowth. McMillen Creek flows northward along the western boundary of the property in Tract 'A' of White Dove Estates and is labeled as Canal on the development plans.

A large central area of the property has been delineated as wetlands, as shown on the site maps. Water flows through the property and crosses the existing gravel road at two locations. One crossing is near the southern property line and the other crossing is located about 200 feet from the northern property line. The northern crossing is fed by a large wetland that extends from this property into the property to the North. The wetlands are fed in multiple locations from the railroad located to the East.

The site is in a 110 miles per hour basic wind gust speed zone, setback from the ocean winds (Exposure 'C' as per the 2003 State of Oregon Residential Specialty Code (ORSC)), therefore, the building must be designed to withstand the minimum required lateral wind gust loads. In general, one- and two-story wood frame construction designed to withstand 110 miles per hour Exposure 'C' wind loading also will withstand even severe earthquake loads. The site is slightly greater than one-quarter mile to the East of the Pacific Ocean.

### ***SITE PLANS***

The current plan is to develop the properties into twenty-eight residential lots. Kittiwake Drive will extend into the property from the North to connect with Riley Street which will be extended into the property from the West. Dead-end roads will extended to the East across the property near the north and south ends of the site with each road terminating in a fish tail turnaround that provides access to additional lots. The layout of the road and underground utilities is as shown in the attached development plans.

Water and sewer services are each to be connected to the City of Rockaway Beach utilities and will be located in the right-of-way on each road. The pipes and appurtenances for each utility will be installed as part of this project.

#### ***FINDINGS AND HAZARDS ANALYSIS***

The primary relevant geologic hazards on this site relate to: 1) tsunami hazard; 2) high groundwater level; 3) liquefaction; 4) potential slope instability at canal; 5) potential slope instability at railroad tracks; 6) sand deflation, and; 7) regional seismicity.

Mitigation of these hazards is discussed in the development standards addressed herein and in the detailed recommendations set forth in the report prepared by PSI.

According to local FEMA maps, the property is located in the A5 flood zone with a base flood elevation of 12 feet. An 'A' zone designation indicates an area of 100-year flood. The source of flooding in this zone is McMillan Creek. The minimum elevation for the lowest structural member of floor slabs in this area is therefore 13 feet. To the West of the property lies an AO zone with expected flooding of 1 foot during the 100-year flood. The corresponding V zone, to the West, is V13 with an elevation of 22 feet. All elevations are based on the National Geodetic Vertical Datum (NGVD 1929).

Per Section 3.108 of the Rockaway Beach Zoning Ordinance, the property lies within the Dune Hazards Zone. The requirements of the ordinance are in the report prepared by PSI or included herein.

The North Oregon Coast is defined by the 2005 ORSC as lying within a D<sub>2</sub> Seismic Design Category. As such, structures built in this area must, at a minimum, comply with the structural requirements for the D<sub>2</sub> Design Category. Strong seismic acceleration can be expected to result in liquefaction of weak saturated sediments, such as are found on this property, allowing for abrupt settlement of foundations. Also, such severe acceleration will likely result in widespread landsliding and no slope, however gentle, can be considered immune from failure during these conditions.

#### ***INFRASTRUCTURE MANDATORY DEVELOPMENT STANDARDS***

In addition to the required standards of the City of Rockaway Beach Land Use Ordinance, the following site specific standards shall also be required:

***A. Development Density*** - This property should be developed for uses consistent with current zoning (outright or conditional uses). All development should take place in conformance with all other requirements of the City of Rockaway Beach Land Use Ordinance or approved variances, as applicable.

The property is zoned by the City as R-1 – Single Family/Residential.

***B. Utility Infrastructure and Road Location*** - No setbacks were specified by PSI in their report for the construction of the roads and utilities. Access to the subdivision should take place from Riley Street to the West or Kittiwake Drive to the North.

Per City ordinance 4.150, all utility improvements shall be located at least 15 feet from the ordinary high water line of McMillan Creek; the Canal is shown on the site plan to the West of the property.

The locations of the roads shown on the subdivision plan are acceptable. Using much of the alignment of the existing roadway will reduce construction costs for construction of the roadway and utilities.

**C. Land Grading Practices** - All excavations for road and utility construction should be done during reasonably dry weather (while it is not actually raining); however, the sand should be moist but not excessively wet. All excavated material should be disposed of by hauling off the site or placing it as an engineered fill. Do not dispose of excess sand in any wetland area without prior approval.

Clean native sand that is removed from the roadway areas is acceptable to be used as fill elsewhere on the project. Any organic soil should be removed from the site or stored for later use in landscaping. Vegetative debris should be removed from the site for disposal.

Where clean sand is being used for structural fill, either for buildings or driving surfaces, the sand should be placed as an engineered fill. All vegetation, organic soil and buried organic material should be removed from the area to be filled. The site should be leveled and thoroughly compacted with a vibratory roller. The sand fill may then be placed in level lifts and compacted. Each lift of sand should not exceed 12 inches when loose and should be thoroughly moistened during compaction. A light rain will not provide sufficient moisture for obtaining compaction. If the ground is saturated, the fill activities should be postponed or pit-run rock should be used to a level at least 1 foot above the water table.

After construction, planting vegetation in disturbed areas will help protect the ground surface from sand deflation.

The filling of wetlands should be done only where shown on the drawing and approved by all applicable agencies and jurisdictions. When filling wetlands, all vegetation and organic soils shall be removed prior to placing a fill. All material placed to support the roadways should be placed as an engineered fill.

**D. Vegetation Removal and Revegetation** - Natural vegetation should remain on all areas of the property not required for construction of the roadways and utilities. All areas disturbed by construction should be revegetated in order to reduce the potential for erosion. The recommended revegetation program, from the USDA SCS Interagency Seeding Guide, for sites such as this is as follows:

Seed disturbed areas with the following grass mixture:

<i>Annual or perennial</i>	<i>Application rate, pounds of seed per acre</i>
Hybrid Rye	3
Tall Fescue	18
Creeping Red Fescue	8
Bentgrass	1
Big Trefoil	4

Use a 16-20-0 fertilizer to speed the establishment of the cover material. To further contribute to the stability of the disturbed areas, jute matting, straw cover, or other stabilization product such as SoilGuard® should be placed over the soil to help protect against erosion, before the seeds are allowed to germinate. In addition, planting shrubs and trees, such as salal, red elderberry, barberry, Beach Pine, Escallonia, Cistus, Ceanothus, etc., will further contribute to the long term stability of the site.

Removal of vegetation in wetlands should only be done when directed. Creation of new wetland areas should be done in the areas shown on the drawings and under the direction of the project wetland consultant.

**E. Foundations** - The individual house foundations should consist of a continuous reinforced concrete perimeter system, using reinforced concrete foundation walls where required. See below for the detailed recommendations for individual sites.

**F. Roadway Location and Design** - The road should be constructed such that the roadbed is entirely on cut material or overexcavated and recompacted native sand fill material. All organic soils and vegetative debris should be removed from the roadbed, regardless of depth. Access to the subdivision should be from the end of Kittiwake Drive or Riley Street.

City standards should be used for constructing all roadways. All fills for roadways or utilities should be placed as a structural fill, described in Section C, above.

Culverts should be installed under the roadway where necessary to allow water to pass unimpeded. All culverts should be sized by a professional engineer and meet all requirements of the City and other applicable jurisdictions. The existing culvert under the gravel road located 200 feet from the north property line was undersized. The sizing of culverts should include the determination on whether existing culverts on the site should be replaced.

**G. Stormwater Management, Runoff and Drainage** - All roadway drainage should be collected with ditches and generally allowed to infiltrate directly into the sand. Any run-off from the roadside ditches should be routed to an adjacent wetland area or into the channel on the west side of the property. The complete drainage system, including culverts under roadways should be installed during roadway construction and maintained throughout the construction of the project.



During construction, all wetlands should be protected from intrusion of personnel, equipment, or materials. Do not stockpile any excavated material or any imported material within 10 feet of a delineated wetland.

**H. Foundation Drains** – Considering the topography of the area and the limited amount of vertical relief on any one lot, foundation drains will generally not be required for this development. See further information in the individual lot requirements, below.

**I. Utility Construction** – We recommend that utility construction be done in the late summer months, when the water table is lowest. This is particularly important for deep-set utilities such as sanitary sewer manholes and pump station wet wells.

All utilities in the right-of-way should be backfilled per the requirements of the City of Rockaway Beach standards. Current standards require that all pipe bedding and backfill consist of pea gravel or ¾-inch minus crushed rock.

#### **INDIVIDUAL LOT DEVELOPMENT STANDARDS**

In addition to the required standards of the City of Rockaway Beach Land Use Ordinance, the following site specific standards shall also be required for the development of each individual lot:

#### **J. Development Density**

##### **FOR ALL LOTS**

All properties should be developed for uses consistent with current zoning (outright or conditional uses). All development should take place in conformance with all other requirements of the City of Rockaway Beach Land Use Ordinance or approved variances, as applicable.

#### **K. Structure Foundation and Road Location**

##### **FOR ALL LOTS**

The houses should be located in compliance with all City setback standards. The foundation design and depth should be designed in accordance with Development Standard "N" noted below.

##### **FOR LOTS 1 through 4, 7, 16, 19, 21, 26 and 27**

Lots 1, 2, 3, 4, 7, 16, 19, 21, 26 and 27 contain jurisdictional wetlands. No building permit will be issued for these lots until either the appropriate Division of State Lands and U.S. Army Corps of Engineers permits are acquired or a site plan design is submitted to and approved by the City that does not alter or disturb (i.e. that builds over) the wetlands consistent with City of Rockaway Beach Standards for construction in wetland areas; Section 3.080 (4) (a) through (m).

##### **FOR LOTS 1 through 13**

Setbacks should be maintained from the Canal, as required by the City. Access should be from Kittiwake Drive.

Per City ordinance 4.150, all structures shall be located at least 15 feet from the ordinary high water line of McMillen Creek, the Canal located immediately to the West of the property.

**FOR LOTS 14, 15 and 17 through 19**

No additional setbacks are required for these lots. Access should be from the extension of Kittiwake Drive.

**FOR LOT 16**

No additional setbacks are required for this lot. Access should be from the extension of Riley Street.

**FOR LOT 20**

No additional setbacks are required for this lot. Access should be from Song Street or Duke Street.

**FOR LOT 21**

No construction should take place on the slope without further analyses by a geotechnical engineer. The slope was identified by PSI as the toe of an ancient landslide. Access should be from Song Street or Duke Street.

**FOR LOT 22**

No additional setbacks are required for this lot. Access should be from Duke Street.

**FOR LOT 23**

No construction should take place on the slope without further analyses by a geotechnical engineer. The slope was identified by PSI as the toe of an ancient landslide. Access should be from Duke Street.

**FOR LOTS 24 through 27**

No construction should take place on the slope without further analyses by a geotechnical engineer. The slope was identified by PSI as the toe of an ancient landslide. Access should be from Jackson Street.

**FOR LOT 28**

No construction should take place on the slope without further analyses by a geotechnical engineer. The slope was identified by PSI as the toe of an ancient landslide. Access should be from Riley Street or Jackson Street.

***L. Land Grading Practices***

**FOR ALL LOTS**

Excavation and compaction for driveway and house foundation construction should be done during reasonably dry weather (while it is not actually raining), however, the sand should be moist but not excessively wet (fully saturated).

After construction of the house on this property is complete, the area immediately around the foundation should be protected from sand deflation. It is our recommendation that a minimum 6-inch thick layer of 3/4"-minus crushed rock is the most cost-effective method for dealing with the sand deflation problem. Concrete walks or driveways constructed up against the foundation will provide similar protection. A sand stabilization method should be employed in all areas around the foundation, such as concrete walks,

asphalt driveways or crushed rock surfacing. Any concrete structures, such as walks or driveways, should be similarly protected by an edging of crushed rock. Similarly, planting vegetation near the structure will also help protect from sand deflation.

**FOR LOTS 1 through 20 and 22**

Excavated material may be disposed of by hauling off the site or regrading into a prepared area elsewhere on the property. If regraded on the lot, the area to be filled should be cleared of all vegetation and organic topsoil prior to placing the fill material.

**FOR LOTS 21 and 23 through 28**

The use of pit-run rock fill is recommended to help buttress the toe of the slope. The pit-run should be placed as an engineered fill on a prepared site. All areas to be filled should be prepared by removal of vegetation, organic topsoil and any buried organic debris. The prepared area should be inspected by an engineer or geologist prior to the placement of any fill.

The pit-run should be placed in level lifts that do not exceed 12 inches in thickness when loose. Each lift should be thoroughly compacted by a vibratory roller.

Prior to any disturbance to the slope beyond the placement of a structural fill, a global stability analysis should be performed by a geotechnical engineer.

***M. Vegetation Removal and Revegetation***

**FOR ALL LOTS**

It is important that bare surfaces be promptly vegetated to avoid erosion from wind and rain. All areas disturbed by construction should be promptly revegetated in order to reduce the potential for erosion. The recommended revegetation program, from the USDA SCS Interagency Seeding Guide, for slopes such as this is as follows:

Seed disturbed areas with the following grass mixture:

<i>Annual or perennial</i>	<i>Application rate, pounds of seed per acre</i>
Hybrid Rye	3
Tall Fescue	18
Creeping Red Fescue	8
Bentgrass	1
Big Trefoil	4

Use a 16-20-0 fertilizer to speed the establishment of the cover material. To further contribute to the stability of the disturbed areas, jute matting, straw cover, or other stabilization product such as SoilGuard® should be placed over the soil to help protect against erosion, before the seeds are allowed to germinate. In addition, planting shrubs and trees, such as salal, red elderberry, barberry, Beach Pine, Escallonia, Cistus, Ceanothus, etc., will further contribute to the long term stability of the site.

Creation of new wetland areas should be done in the areas shown on the drawings and under the direction of the project wetland consultant.

**FOR LOTS 1 through 4, 7, 16, 19, 21, 26 and 27**

Removal of vegetation in wetlands should only be done when directed. No filling shall be done without the appropriate permits.

***N. Foundations***

**FOR ALL LOTS**

The foundation should be a continuous reinforced concrete perimeter system. If a crawl space is planned beneath a wood first floor, use a continuous, reinforced concrete strip footings running between perimeter foundation walls in order to allow for continuity of the reinforced concrete footings. Isolated footings should not be used within the perimeter foundation walls. Interior footings should be integral with the continuous perimeter footings. The first floor joists should then be supported either with conventional posts and beams or pressure treated pony walls on continuous strip footings tied together with the continuous perimeter footings.

The construction of a concrete slab on grade is acceptable only on a prepared pad. The area to support the slab should be thoroughly compacted as described below and covered with at least 2 inches of crushed rock.

The bottom of all footings and pads should be excavated to below any organic material and previously placed fill material. There is a high potential for buried topsoil or isolated pockets of organic material that extend deeper into the bearing material than in other locations. All organic debris and topsoil should be removed from the building footprint, regardless of depth. All foundations and fills should be construction on firm clean sand.

Given the presence of loose and compressible sand on the lot, we recommend that the entire footprint of the proposed home be recompact. Re-compaction should be done at the bottom of all foundation footings, regardless of depth, and incorporate the entire building footprint, including any piers for decks. The degree of compaction sought is 95 percent of optimum density. Use a vibratory roller to obtain adequate compaction on the site. Water will need to be added during compaction to increase the moisture content of the sand to obtain adequate compaction; a light rain will not be sufficient.

After excavation and compaction of the sand is completed, spread a thin layer (approximately 2 inches thick) of crushed rock over the footing areas. Compact the crushed rock with mechanical means, such as a vibratory roller or vibratory plate compactor.

During winter periods, the water table is expected to be about 24 inches below the existing ground. If necessary, use pit-run rock instead of sand to provide support under the foundation.

If the exposed sand is saturated at the time of construction due to a high water table, adequate compaction will not be obtainable. In this situation, we recommend that the sand be over-excavated and a layer of

imported rock be placed on the sand. Pit-run rock is recommended to provide adequate foundation support under saturated conditions.

If there is uncertainty regarding the compaction of the sand, contact our office or an equivalent engineering professional before constructing the footings.

The 2005 ORSC requires that footings for a home be a minimum of 12 inches below finished grade. We recommend that all footings on this site be a minimum of 18 inches below finished grade.

Soil bearing pressures at the bottom of all footings should not exceed 1500 pounds per square foot at a depth of 1-1/2 feet below final grade after compaction efforts are completed. All footings should have a minimum width of 18 inches. Do not use isolated piers to support portions of the house.

**FOR LOTS 21, 23 THROUGH 28**

The foundation should be a continuous reinforced concrete perimeter system, using reinforced concrete foundation wall where required.

Any retaining walls should be designed according to the following criteria:

Allowable Soil Bearing Pressure, psf (after compaction is completed)	1,500
Lateral Soil Bearing Pressure on Unrestrained retaining walls with level backfill, pcf/ft of depth, equivalent fluid weight (Active pressure excluding surcharge effects)	35
Lateral Soil Bearing Pressure on Restrained retaining walls with level backfill, pcf/ft of depth, equivalent fluid weight (Active pressure excluding surcharge effects)	55
Lateral Soil Bearing Pressure (Passive), pcf/ft of depth	250
Friction Angle, degrees	33
Maximum unit weight, pcf, for native sand backfill	120
Coefficient of Friction	0.35

Further geotechnical investigations of the slope may result in updated design parameters.

All retaining walls should also be designed to account for any surcharge loads or sloping backfill conditions. Native material is acceptable for backfill behind retaining walls.

***O. Driveway Location and Design***

**FOR ALL LOTS**

All driveway improvements should be constructed such that the roadbed is entirely on over-excavated and recompacted material. Minimum driveway width is 12 feet. Access should be from the adjacent roadway at the front of the property; any location along the front of the lot is acceptable. Driveway design

standards should include the use of a minimum of 8 inches of pit-run base rock and 3 inches of 3/4"-0" crushed rock surfacing. Asphalt surfacing is highly recommended.

In each driveway, a swale should be created at the ditchline to allow water to pass. The swale should be constructed per City standards. (See Figure I-3)

***P. Stormwater Management, Runoff and Drainage***

**FOR ALL LOTS**

All roof drainage should be collected with eave gutters and downspouts and piped to discharge into the roadside ditch to infiltrate into the sand. Surface drainage should be prevented from accumulating by grading the property to have positive drainage away from the building and off the site. The complete roof drainage system, including roof gutters and downspouts should be installed immediately after the roof sheathing to protect the ground from erosion during construction.

The sand in the area is very dry during the summertime and has been observed to move when disturbed. During construction activities, disturbed sand on the site should be protected from movement by wind by covering with a thin layer of crushed rock or by using fabric fencing. Excavated material should not be stockpiled on the site overnight. Sediment runoff is expected to be negligible due to infiltration and negligible slopes.

**FOR LOTS 1 THROUGH 13**

As an acceptable alternative for these lots, collected stormwater may be piped to discharge into the canal at the rear of the property.

**FOR LOTS 13 THROUGH 24**

As an acceptable alternative for these lots, collected stormwater may be piped to discharge into the wetlands adjacent to the property.

***Q. Foundation Drains***

**ALL LOTS**

Considering the topography of the site and the adjacent areas, hydrostatic pressure on the foundation walls is not expected to be a problem. Therefore, foundation drains are not required on this site.

We note that groundwater is expected to be rise within 24 inches of the existing ground during the wet months. Foundation drains, however, will not relieve any issues that arise from this situation, since those drains would not have positive drainage.

**FOR LOTS 24 through 28**

Foundations drains should be installed on the uphill side of any retaining wall or foundation wall set to retain the slope that descends from the East.



**R. Utility Connections**

**FOR ALL LOTS**

Buried utilities, such as sewage, water and gas pipes, should have flexible connections to the structure to accommodate the large movements and settlements that can occur due to liquefaction of the underlying soils.

**SUMMARY FINDINGS AND CONCLUSIONS**

1. A residential structure can be built upon these lots if built in accordance with these recommendations and standards without unreasonable risk other than that of long term frequency seismic events (300 to 600 years).
2. A residential structure built upon these lots in accordance with these recommendations and standards will not cause appreciable environmental damage or danger to the property of others.

**LIMITATION**

The engineering portion of this report is based on a site inspection of the subject property and vicinity and a review of the site topography. The engineering conclusions and recommendations in this engineering portion of the report are based upon the geologic conclusions presented in the geologic report prepared by PSI. The engineering conclusions and recommendations presented herein are believed to represent the site and are offered as professional opinions derived according to current standards of professional practice for a report of this nature, and no warranty is expressed or implied. This report has been prepared for the timely use of the above addressee and parties to the pending development of the subject property, and does not extend to the activities of unidentified future owners or occupants of the property for which the writer bears no responsibility.

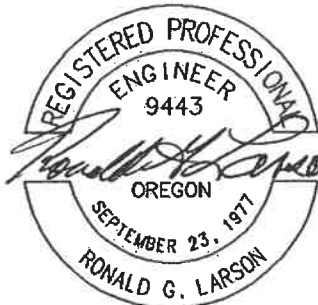
Should you have any questions regarding our investigation and this report, please contact our office.

Very truly yours,


**HLB & Associates, Inc.**



Ronald G. Larson, PE, PLS  
Principal Engineer



RENEWAL DATE: DECEMBER 31, 2006



Jason R. Morgan, PE  
Professional Engineer

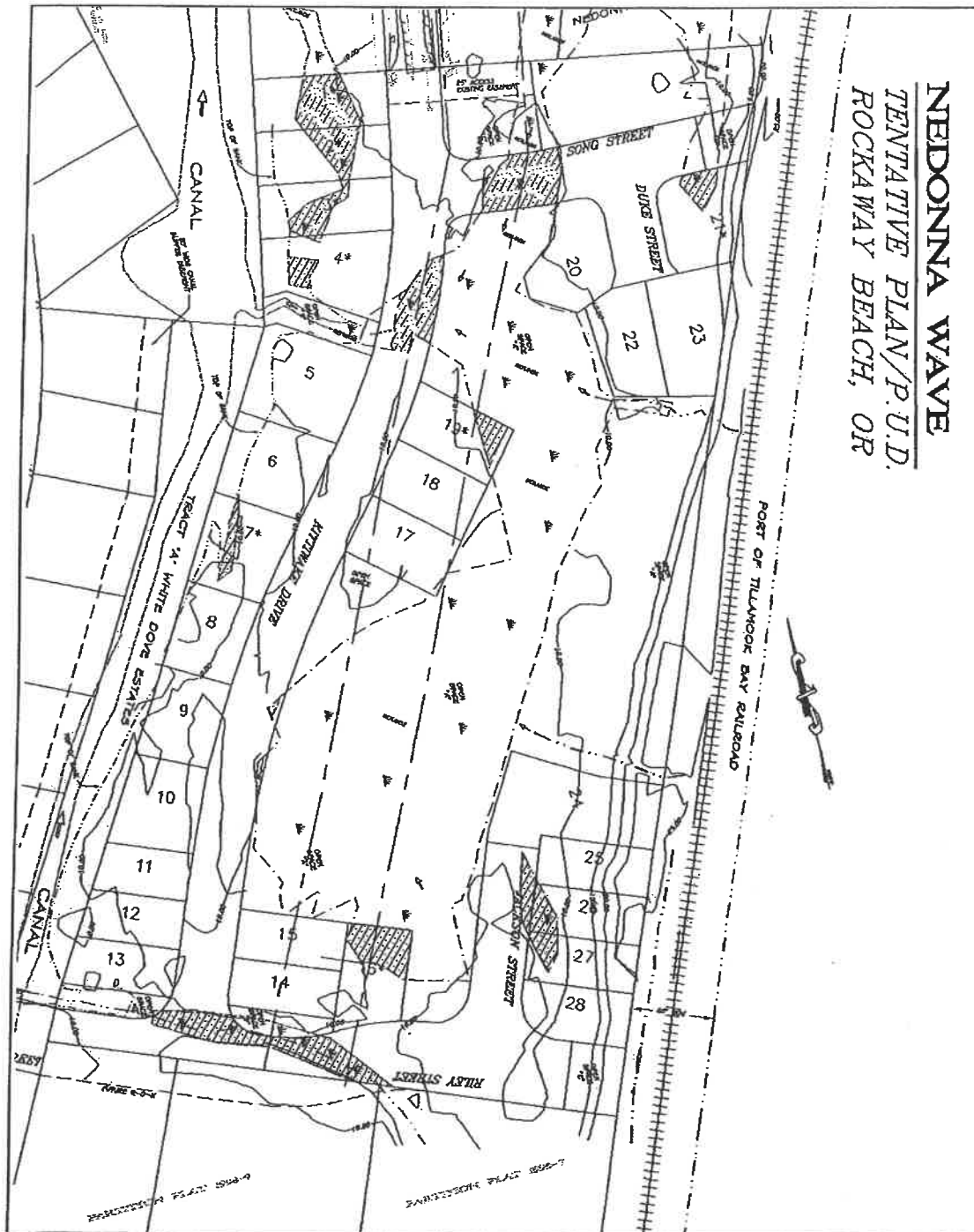
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cc: PSI, Inc.  
Project File

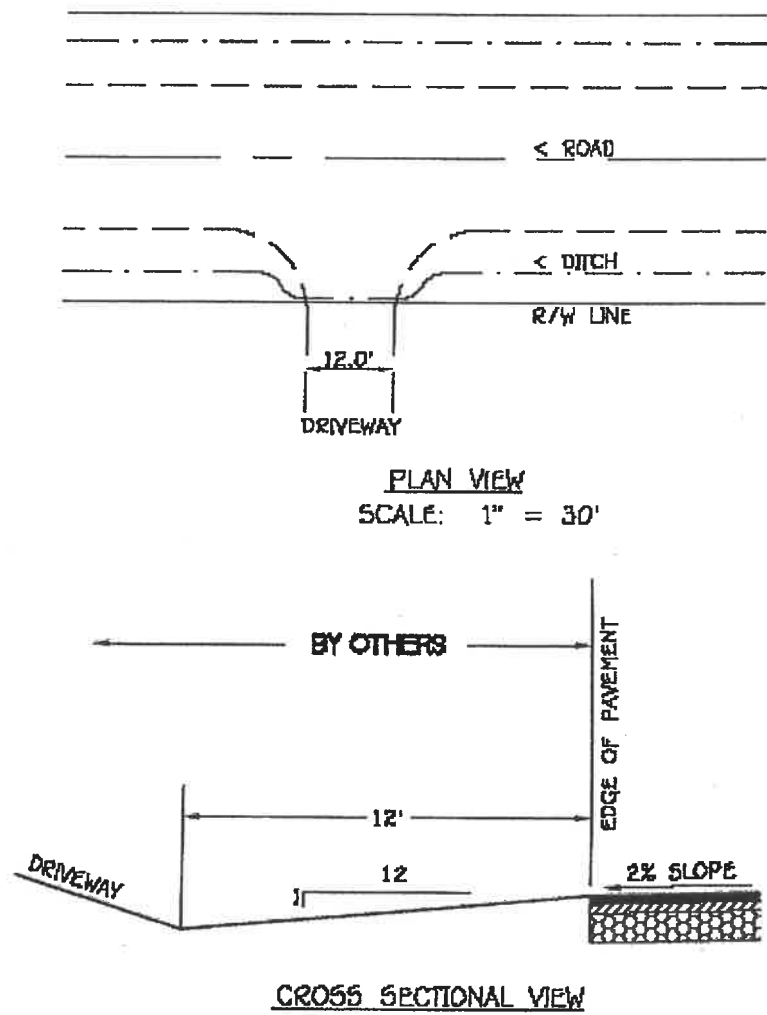
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**NEDONNA WAVE**  
**TENTATIVE PLAN/P.U.D.**  
**ROCKAWAY BEACH, OR**

**Figure 1-2**



PLAN VIEW  
SCALE: 1" = 30'

CROSS SECTIONAL VIEW

① DRIVEWAY GRADING DETAIL  
③ 1" = 5'

TO BE CONSTRUCTED BY INDIVIDUAL  
PROPERTY OWNERS IN THE FUTURE

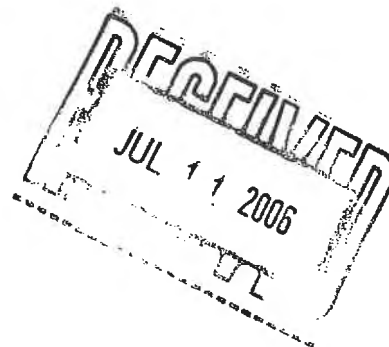
Figure 1-3



June 26, 2006

Ms. Anna Song  
3120 Northwest Bauer Woods Drive  
Portland, Oregon 97229

Subject: Response to City of Rockaway Beach  
Proposed 30 Lot Subdivision  
Tax Lot 4600, 4900, and 9000 (T2N R10W 20AB)  
Nedonna Beach, City of Rockaway, Tillamook County, Oregon  
PSI Report No.: 704-65012-2



Dear Ms. Song,

We understand the City of Rockaway Beach has reviewed the preliminary plans and the supporting materials for the Nedonna Beach 30 Lot Subdivision. It has come to our attention the city has requested a response from PSI for the following:

- 1) The report from PSI identified an ancient landslide, but does not discuss the recent and current slides just above the project. Excavation at the toe of the slide may trigger another landslide. The excavation for some of the lots is at the toe of the railroad tracks and must be addressed in the report.

**RESPONSE:**

As discussed in our February 20, 2006 report (see PSI Report No.: 704-65012-1), the site is relatively level with several depressions in the central wetland areas. However, the eastern boundary of the site is located near the crest of a steep slope at elevations in range of about 25 to 28 feet above mean sea level. Slope gradients along the eastern site boundary range from about 45 to 69 percent. This slope appears to be marginally stable with abundant seepage from intermittent creeks or springs flowing in several areas. The steep slope along the eastern margin of the property is located at the toe of an ancient landslide, according to the Geologic Map of the Tillamook Highlands (Wells, et al. 1994). We are unaware of recent or active landslides within the immediate area. However, we have observed in the field approximately 1/2 mile north of the property along Highway 101 some indications of undercutting (road repairs) along the bay.


While the Port of Tillamook Bay Railroad track built across the toe of the ancient landslide appears to have remained relatively stable (more than 50 years), we caution that ancient landslides could be reactivated by excavations or construction disturbance. In general, we recommend that any permanent cuts into the toe of the steep slope be structurally retained with specifically designed retaining walls. Where possible, we recommend filling at the base of the slope to raise building pad elevations above the shallow groundwater and provide positive homesite drainage. Filling at the base of the

PSI Report No.: 704-65012-2  
June 26, 2006

slope will partially buttress the toe of the ancient landslide thereby improving overall slope stability. Once final design grades have been determined for the lots and roadways along the eastern margin of the property, we recommend that we be contacted to review global slope stability for the toe of the ancient landslide. In addition, global stability analyses should be conducted for any daylight basement or retaining foundations for homes cut into the slope.

If you have any questions regarding our interpretations and recommendations, please call Tima Carlson at 503-978-4709.

**Professional Service Industries, Inc.**



Tima Carlson  
Geologic Associate

Dan Uldall, R.G., C.E.G.  
Senior Engineering Geologist

Charles R. Lane, P.E.  
Senior Geotechnical Engineer

CC: Mike Henry, City of Rockaway Beach  
Ryan Collinsworth, HLB & Associates



## **Appendix G**

Riley Street Access Agreement (attached)

**RECIPROCAL EASEMENT AGREEMENT  
FOR ROADWAY EXTENDING RILEY STREET**

DATE: October 6, 2006

**PARTIES:**

NEDONNA DEVELOPMENT, LLC, an Oregon limited liability company ("Nedonna"), as owner and in possession of Parcel A, a proposed 28 lot residential subdivision to be known as the Nedonna Wave Subdivision, constituting of approximately 6.23 acres more particularly described in Exhibit "A," attached hereto and incorporated herein by this reference; and

WESTERN UNITED LIFE INSURANCE COMPANY, a Washington corporation in receivership for purposes of rehabilitation ("Western"), as owner and in possession of Parcel B, an approximate 6.25 acre parcel of undeveloped land, as more particularly described in Exhibit "B," attached hereto and incorporated herein by this reference.

**RECITALS:**

Whereas, the City of Rockaway Beach, Oregon ("City"), as a condition to the development approval of Parcel A as a subdivision, has required that Nedonna grant an easement of approximately the Southernmost 25 feet, but increasing to the Southernmost 50 feet (on the East end), of Parcel A, as and for a portion (more than one half) of the right of way of a proposed extension of an existing public street called Riley Street; and the City has further indicated it will similarly condition the development of Parcel B with a requirement that Western or its successor grant a similar easement of the Northernmost 25 feet of Parcel B, as and for the other portion (less than one half) of the right of way of the proposed extension of Riley Street (such two easements to constitute a public roadway at some future date ("Roadway"), the exact configuration of the affected easement strips constituting the Roadway being set forth below.

Whereas, in response to the above development requirements of the City, the parties to this agreement intend to create permanent, mutual, reciprocal easements and a mutual right-of-way for use as the Roadway extending Riley Street. Such easements shall be appurtenant to and shall benefit both Parcels A and B described in Exhibits "A" and "B," as well as the general public.

NOW, THEREFORE, the parties therefore agree as follows.

**SECTION 1. GRANT OF EASEMENTS; ESTABLISHMENT OF RIGHT-OF-WAY**

1.1 The parties hereby grant and convey to each other permanent, mutual, reciprocal rights-of-way on, over, across, and along the real property described in Exhibits "A-1" and "B-1," attached hereto and incorporated herein by this reference. Such easements shall form a continuous right-of-way as described in Exhibits "A-1" and "B-1." Nedonna hereby specifically grants to Western such easement rights respecting the property described in Exhibit "A-1," which shall be appurtenant to and benefit Parcel B. Western reciprocally grants to Nedonna such easement rights respecting the property described in Exhibit "B-1," which shall be appurtenant to and benefit Parcel A. Any such individual rights and obligations shall be extinguished at such time as the Roadway is dedicated to and accepted by the City as public right-of-way.

1.2 Such easements and right-of-way shall be used for vehicular and pedestrian ingress and egress to Parcels A and B and across the same, as purposed by the parties to this agreement. Neither party nor their respective successors, assigns, lessees, mortgagees, invitees, guests, customers, agents and employees shall have the right to park, load or unload any vehicle in the Roadway, other than under emergency conditions or as authorized by the City. Use of the Roadway shall be on a regular, continuous, non-exclusive, non-priority basis, benefiting the parties, their successors, assigns, lessees, mortgagees, invitees, guests, customers, agents and employees, as well as the general public. However, neither party's rights hereunder shall lapse in the event of that party's failure to use the Roadway on a continuous basis.

## SECTION 2. CONSTRUCTION OF ROADWAY

The Roadway formed by the easements granted under this agreement shall be improved into a public roadway in accordance with the following standards and procedures:

2.1 Nedonna will promptly apply for all requisite permits to construct the Roadway and as soon as the City has approved the final plans and specifications for the Roadway, Nedonna shall enter into a contract with a contractor licensed by the Oregon Construction Contractors Board for the grading, construction, and gravelling of the Roadway with an all-weather asphalt surface of a width conforming with City road standards with adequate storm drainage adjacent to such Roadway. The Roadway may also be designed and used for underground utilities, including sanitary sewer, water mains, storm drainage, telephone, power and cable TV. The plans and specifications for such work shall be prepared by a professional engineer licensed in the state of Oregon, in particular HLB & Associates, Inc., P.O. Box 219, 160 Laneda Avenue, Manzanita, OR 97130. The plans for such improvements shall be jointly approved by the parties to this agreement and by the City, the approval of the parties to be not unreasonably withheld or conditioned and promptly given.

2.2 The contractor for such work shall be selected by Nedonna. The construction contract with such contractor shall be in writing, conform to APWA (American Public Works Assn.) standards, and in particular shall require completion of the work with reasonable promptness and to all City road construction standards and specifications.

2.3 Nedonna shall supervise and pay for all such work on behalf of the parties and shall be responsible for accepting all such work in accordance with the approved plans and specifications and applicable governmental requirements. Any decision made in this regard by Nedonna shall

bind the parties. At such times that the contractor is entitled to payment for work, Nedonna shall pay for all grading, construction and gravel and for all-weather asphalt on its (the Parcel A) portion of the Roadway, with Western to pay for any paving of its (Parcel B) portion, if Western has requested paving. Nedonna shall also extend to the southerly edge of Parcel B any utilities including, but limited to: sewer, water, electrical, gas, phone, cable television or any other underground utilities serving or to serve Western's land such that future development of Western's land will not require the disturbance of the paved or graveled surfaces. If either party fails to pay its allocated share of the costs by the due date of the contractor's payment, the other party shall be entitled to advance such share and obtain reimbursement from the nonpaying party. If such reimbursement is not paid within ten (10) days after the advancement of funds, the paying party shall have the immediate right to bring an action pursuant to ORS 105.180.

### **SECTION 3. MAINTENANCE AND REPAIR; TAXES AND INSURANCE**

3.1 As the Roadway is expected to be accepted by the City as a dedicated public street, the obligation to repair and maintain the Roadway will fall on the City.

3.2 Each party shall pay when due any real property taxes, assessments or other charges against the land to which each party holds fee title and which is part of the roadway. There shall be no right of contribution from the other party for such items.

3.3 Nedonna shall, upon execution of the construction contract described in Paragraph 2.1, provide evidence to Western that public liability insurance with minimum combined limits of not less than Five Hundred Thousand Dollars (\$500,000) is in force at all times relating to all activities, conditions, operations and usages on or about the Roadway. Nedonna hereby agrees to indemnify, defend with mutually satisfactory counsel and hold harmless Western from any liability arising out of the usage of that portion of the Roadway owned in fee title by Western.

### **SECTION 4. ENGINEERING, SURVEY COSTS**

All costs of the initial engineering, surveying and other professional or consultant's fees associated with the construction of the Roadway shall be borne by Nedonna, together with any subsequent engineering, surveying, etc. fees, whether incident to maintenance, repair or reconstruction of the Roadway made necessary as a result of the subsequent development of Nedonna's land. All contracts for such items shall be entered into by Nedonna and Nedonna shall be solely responsible for payment of the fees charged in connection with such work or services.

### **SECTION 5. ADDITIONAL EASEMENTS**

5.1 Upon request of either party or the City, the other party shall grant to the requesting party (or its designee) such reasonable, additional permanent, appurtenant easements (of approximately eight feet in width) under or along the Roadway as are necessary for installing, repairing or maintaining water, gas, sewer, storm drainage, electrical or telephone lines and facilities servicing all or a portion of the property benefited by this agreement. In no event shall any such easement extend beyond the boundary of the easement areas described in Exhibits "A-1" and "B-1." The cost of all such installation, repair and maintenance shall be borne by the

party requesting the grant of such easement (or its designee), unless the grantor of such easement shall also use such easement for similar purposes. If the grantor of the easements so uses the lines or facilities installed within such easement, the parties shall jointly share such costs 50/50.

5.2 No installation, repair or maintenance of any such utility line or facility shall curtail or unreasonably impede use of the Roadway for vehicular and pedestrian ingress and egress.

## **SECTION 6. DEDICATION**

If, as anticipated, and when the City requires the parties to dedicate the Roadway for public use, or if one of the parties so request such a dedication, then each party shall promptly execute and deliver to such jurisdiction deeds conveying their respective portions of the Roadway for such purposes.

## **SECTION 7. BREACH OF OBLIGATIONS**

In the event either party shall fail to perform its obligations under this agreement, the other party shall be entitled to require such performance by suit for specific performance or, where appropriate, through injunctive relief pursuant to ORS 105.180. Such remedies shall be in addition to any other remedies afforded under Oregon law and those rights of cure and reimbursement specifically granted under this agreement.

## **SECTION 8. ATTORNEY FEES**

In the event of any litigation or arbitration arising under this agreement, the prevailing party shall recover from the losing party the prevailing party's reasonable attorney fees at arbitration hearing, trial or on appeal as adjudged by the arbitrator, trial or appellate court.

## **SECTION 9. EFFECT OF THE AGREEMENT**

The easements granted hereunder shall run with the land as to all property burdened and benefited by such easements, including any division or partition of such property. The rights, covenants and obligations contained in this agreement shall bind, burden and benefit each party's successors and assigns, lessees, mortgagees (or beneficiaries under a deed of trust).

IN WITNESS WHEREOF, the parties have executed this agreement on the date first above written,

NEDONNA DEVELOPMENT, LLC

By: [Signature]  
Kahm N. ("Anna") Song, Manager

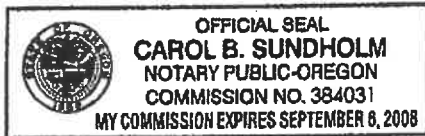
WESTERN UNITED LIFE INSURANCE COMPANY

By: [Signature]  
Wayne C. Metcalf, III  
Chief Deputy Receiver

///  
///  
///

STATE OF OREGON )  
County of Multnomah ) ss.

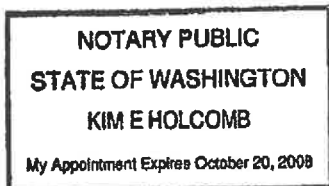
The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of October, 2006 by Kahm N. ("Anna") Song of Nedonna Development, LLC, an Oregon limited liability company, on behalf of the company.



Carol B. Sundholm  
Notary Public for Oregon  
My commission expires: 9/6/08

STATE OF WASHINGTON )  
County of Spokane ) ss.

The foregoing instrument was acknowledged before me this 28<sup>th</sup> day of September, 2006 by Wayne C. Metcalf, III of Western United Life Insurance Company, a Washington corporation, on behalf of the corporation.



Kim E. Holcomb  
Notary Public for Oregon Washington  
My commission expires: 10/20/08

**Appendix H**  
Proposed Wetlands Sign



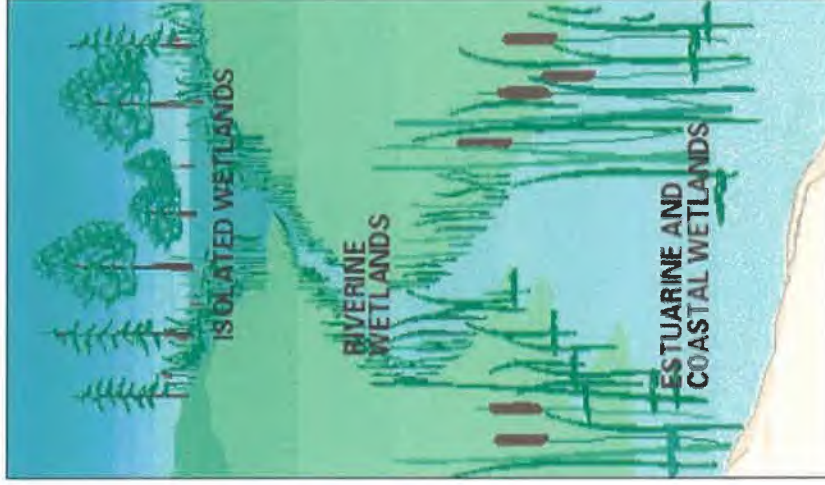
### Protected Wetland Area

In cooperation between the homeowners association, the local government, and state and federal agencies, these common open space areas have been set aside for protection to conserve wildlife habitat and provide flood control.

All activities involving alteration in a wetland or aquatic area may require local, state or federal permits.

The City of Rockaway Beach (SA Zone) Special Wetland Area Ordinance describes the low intensity uses permitted.

Thank you for protecting this sensitive environment.



### CHARACTERISTICS AND FUNCTIONS OF WETLANDS

#### Isolated Wetlands

- 1. Waterfowl feeding and nesting habitat
- 2. Habitat for both upland and wetland species of wildlife
- 3. Floodwater retention area
- 4. Sediment and nutrient retention area
- 5. Area of special scenic beauty

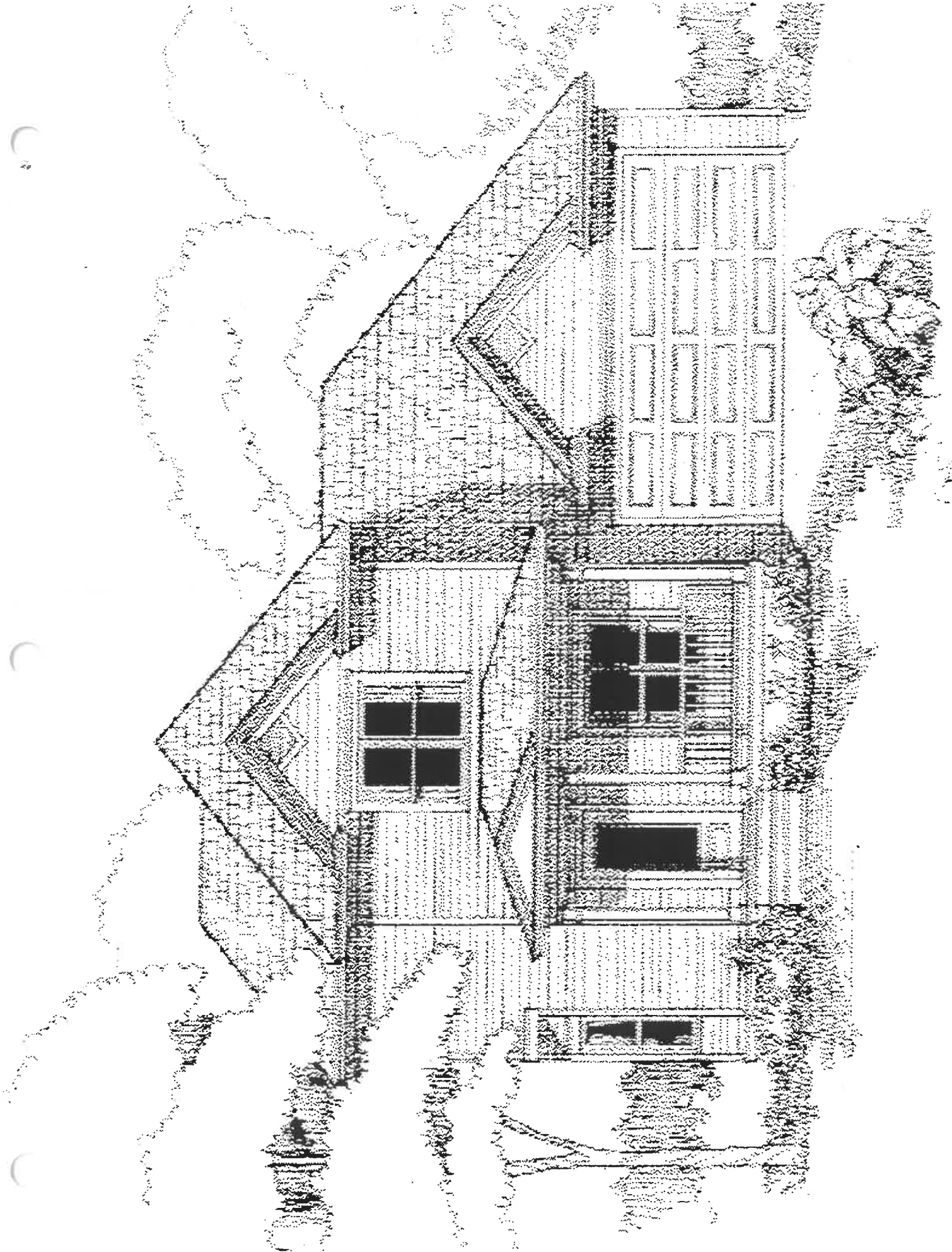
#### Riverine Wetlands

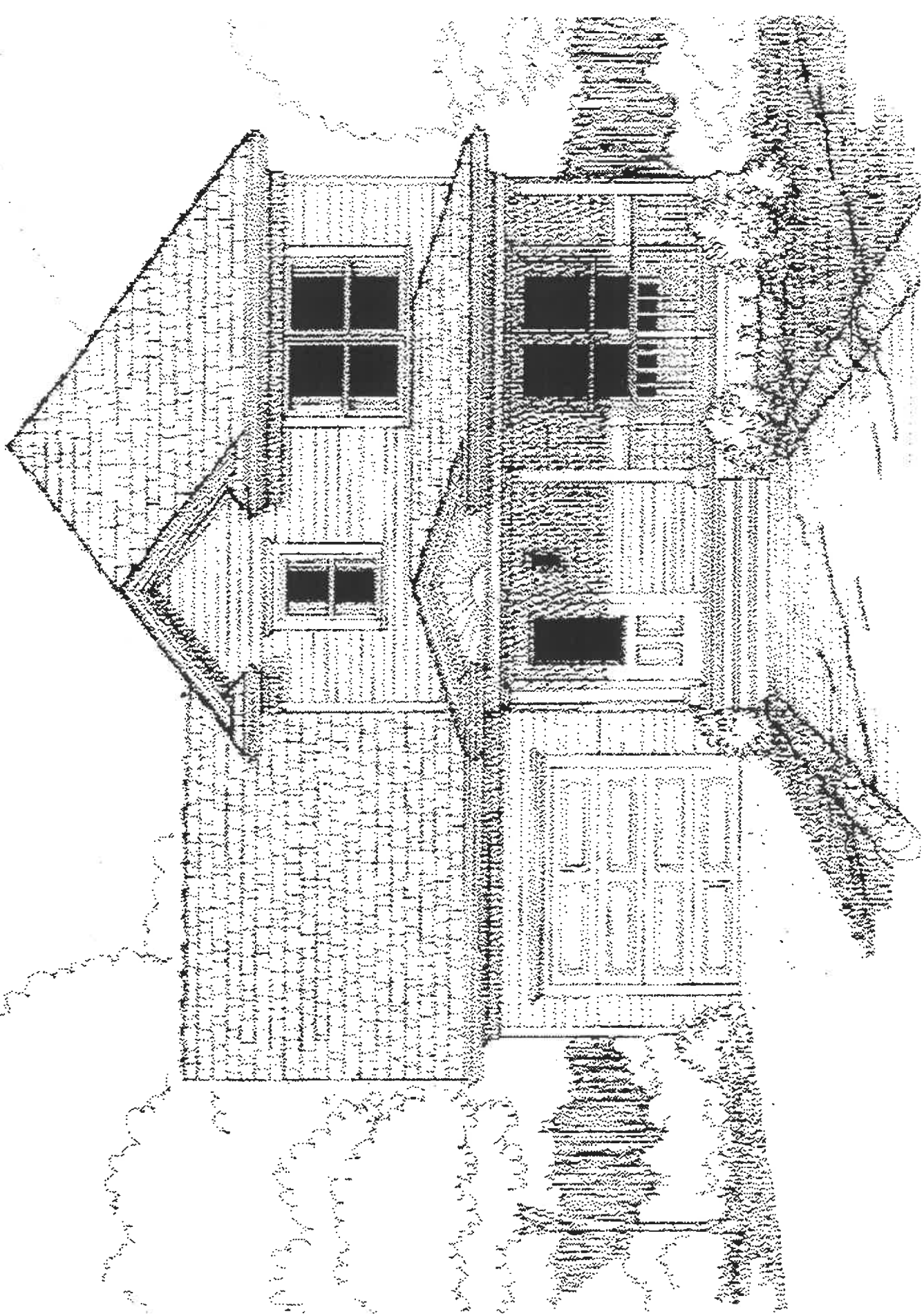
- 1. See "isolated wetlands" above
- 2. Sediment control, stabilization of river banks
- 3. Flood conveyance area

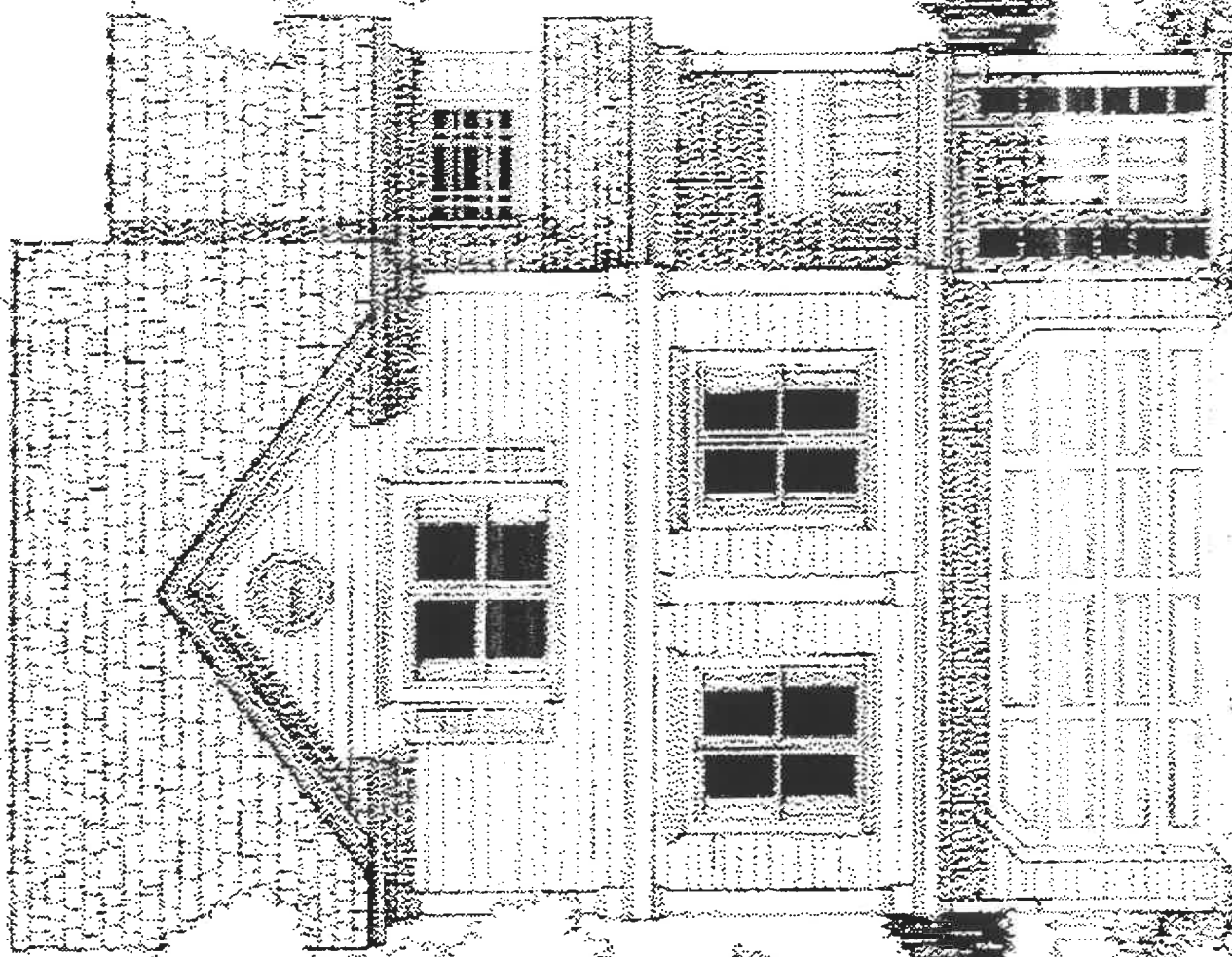
#### Estuarine and Coastal Wetlands

- 1. See "isolated wetlands" above
- 2. Fish and shellfish habitat and spawning areas
- 3. Nutrient source for marine fisheries
- 4. Protection from erosion and storm surges

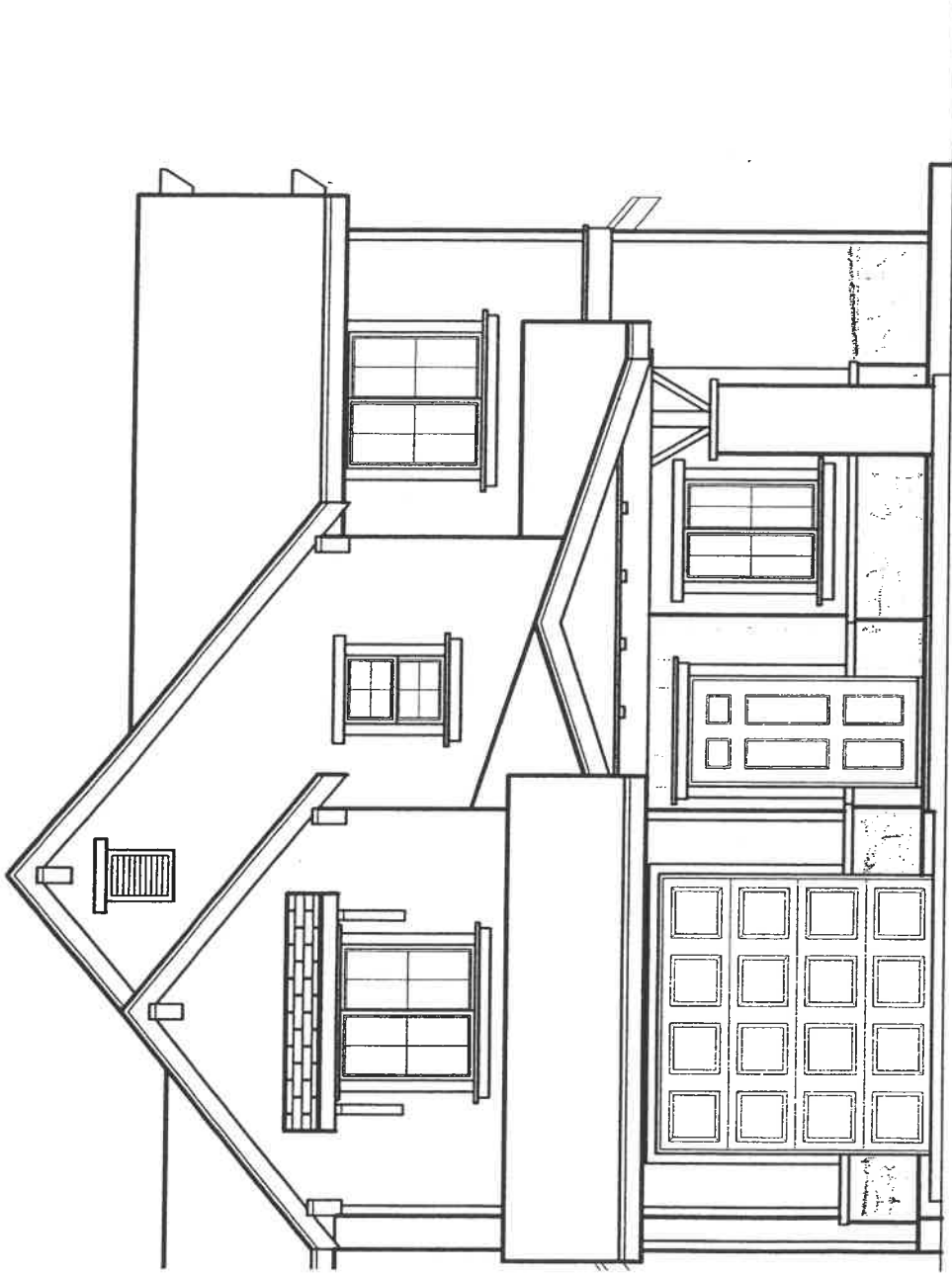
**Appendix I**  
Building Elevations











**FRONT ELEVATION - PLAN 3**

SCALE : 1/4" = 1'-0"

**Appendix J**  
Subdivision Name Reservation



Tillamook County

RECEIVED  
NOV 06 2007

BY: *JSB*

Surveyor  
201 Laurel Avenue  
Tillamook OR 97141  
503-842-3423  
1-800-488-8280  
[www.co.tillamook.or.us](http://www.co.tillamook.or.us)

*Land of Cheese, Trees and Ocean Breeze*

November 5, 2007

HLB Otak, Inc.  
Ron Larson  
PO Box 219  
Manzanita, OR 97130

RE: Subdivision Name Approval for "Nedonna Wave"

Dear Mr. Larson,

I hereby certify the name "Nedonna Wave" for your client's project.

This name will be held for your client's use for 1 year from the date of this notice. If not used by that date, I will release the name from your client's exclusive use. Of course, your client may re-request the name and it would be held for another year.

Respectfully,

*Danny R. McNutt*

Danny R. McNutt  
County Surveyor