

**ADDITIONAL
PUBLIC TESTIMONY
SUBMITTED FOR
NOVEMBER 20, 2024
CITY COUNCIL HEARING
Land Use Appeal # 24-1
Nedonna Wave Planned Unit
Development - Phase 2**

(Received as of 3:00 pm on 11/20/2024)

From: Jordanna Hertz <[REDACTED]>
Sent: Tuesday, November 19, 2024 3:42 PM
To: Melissa Thompson
Subject: RE: Save Our Nedonna Wetlands! #Appeal-24-1

Dear Planning Commissioners,

I am a homeowner in Tillamook County and a Rockaway neighbor who lives on Neahkahnie Mountain. I am writing to urge you to **oppose** the construction of homes in a sensitive wetland area that is vital to the wellbeing of people and the local ecosystem and **support** the appeal of the planned subdivision. The Nedonna Marsh is an intact remnant of the original native coast. Within this wild area is a native saltwater marsh, spruce/willow wetlands, and a dune area with many native plants. Coyotes, river otters, beavers, deer, and other wildlife call this area home. Migratory birds use it to rest and refuel. Two streams, Jetty Creek and McMillan Creek, flow through this estuary and into the Nehalem River. The marsh is currently under threat. It is privately owned and part of it is in immediate danger of being developed. If this happens, Oregon will lose this special place forever.

In July 2024, the Rockaway Beach Planning Commission approved the Nedonna Wave Development, which would allow for a new housing subdivision within the Nedonna Marsh. In response to this approval, the Oregon Shores Conservation Coalition has submitted an appeal to the Rockaway Beach City Council. Oregon Shores is being represented by the Crag Law Center. Here are some reasons for supporting the appeal:

- The aquifer at Nedonna Beach is part of a groundwater system that supplies fresh water to the City of Rockaway Beach. It is vital for the community's water supply, and its management is key to ensuring a reliable and safe source of water for residents. Development could lead to pollution and over extraction of wells needed for the City's water system.
- These wells are particularly susceptible to adverse effects from nearby septic systems of varying ages and conditions, as well as surface activities such as fertilizing and pesticide application for yard maintenance. Moreover, their proximity to the ocean has resulted in noticeable saltwater intrusion as indicated by elevated sodium levels in water samples from the wells. Any further development is likely to intensify these negative impacts.
- Much of the proposed development is now in the City's Special Area Wetlands Zone (SA), the purpose of which is to "conserve significant freshwater wetlands and the shoreland and aquatic environment of Rockaway Beach's lakes."
- The would-be developer is trying to utilize the original approval for the project that is 16 years old. Both State and local laws have provisions that prohibit such an old approval from being revived without further review based on current conditions. In those 16 years, the City has grown and changed, applicable regulations have evolved, and wetlands have shifted position. The City Council must deny this application, because the 16-year-old approval is no longer valid.
- The issues with the outdated approval are demonstrated by the fact that much of this proposed PUD is now in a protected wetland zone that does not allow any residential development. Clearly, the City Council would be violating its own standards for protecting sensitive wetlands if it approves this development.

- At risk are wetlands and McMillan Creek, which flows past the area to be developed. They both provide habitat for a range of wildlife including river otters, coyotes, beavers, deer, and many species of birds.
- There are also risks to the community. Emergency evacuation via the one road outlet for the area is currently questionable as to effectiveness and safety. Adding more homes to the area would be highly irresponsible.
- The City has not done enough to mitigate the risk this development poses to its tsunami evacuation plan. To protect its residents, the City's code requires developments, such as this one, to have improvements made to evacuation routes, including adding capacity by creating new routes. The developer of this PUD will not be required to make any improvements to the evacuation routes, but will instead only have to conduct a "traffic study." That "traffic study" does nothing to improve the community's safety, and after it is conducted the City will no longer have any ability to require *actual* improvements from the developer based on the findings of the study.
- The area is already at risk of flooding and adding more impervious surfaces would make this worse. For comparison, the ongoing filling and development in the Rockaway Beach area near Washington Street has resulted in significant flooding issues. The neighborhood in Nedonna Beach relies on the flood mitigation properties of the wetlands which must be preserved and not filled or developed as was done in the Washington Street area.
- This neighborhood faces several significant fire hazards, such as inadequately maintained fire pits, beach fires positioned too close to driftwood, highly-combustible dune grass, the large wooded area south of the jetty, and the use of illegal fireworks on the Fourth of July. In the event of a major fire, the only access/egress point—only one way into or out of the area—would severely hinder evacuation efforts. Adding more dense housing in this area would be highly irresponsible.
- This is about developers making money at the expense of residents, who are already concerned about water and wetlands.
- Everyone should have to play by the rules. The residents of the area have purchased or built their homes in good faith compliance with the land use laws and the City's plan. This developer should not be allowed to evade those regulations, including those protecting wetlands and the rule setting an expiration date for PUD approvals.
- Effective December 1, 2024, regulations for development in the Special Flood Hazard Area (commonly known as the "floodplain") will be changing. These changes are mandated by FEMA for jurisdictions that participate in the National Flood Insurance Program (NFIP).

Please consider the future of this beautiful place and the legacy we leave to our kids and grandkids: save the wetlands!

Sincerely,
Jordanna Hertz

From: Seth Thompson <[REDACTED]>
Sent: Tuesday, November 19, 2024 4:10 PM
To: Melissa Thompson; charlesforrockawaybeachmayor@gmail.com; pennycheek@live.com; tmartine13719@gmail.com; kristineforrockaway@gmail.com; marymcginniscitycouncil@gmail.com; alesiafrankenrbcitycouncil@gmail.com
Subject: Appeal #24-1
Importance: High

What are the developers afraid of? If they had not tried to rely on an outdated and legally void ancient approval and submitted their proposal to the normal approval process, the Council would not have had to invest time and energy dealing with an issue that may expose the city to legal liability. If their plans are compatible with modern standards, then they should be approved. If their plans are not up to modern standards, then they need to be revised. Seems to me to be no different than trying to remodel my house and arguing that since I've owned it since 1985 the building code in force then should govern my contractor now.

What are the developers afraid of? The truth about how damaging to the environment the outdated proposal is? The truth about the risk to my friends and neighbors that no additional exit/entrance from Nedonna poses? The fact that the lack of additional access adds several minutes to the response time in a medical emergency when for heart attacks and strokes, every minute literally matters? That a thorough review would reveal just how vulnerable this development would be to flooding or fire? The fact that the bulk of the benefits of the development flow to rich Portlanders and the bulk of the costs are borne by the citizens and taxpayers of Rockaway Beach?

I am very much against the development but maybe a thorough review of the proposal in light of 2024 standards will prove me wrong. I am not afraid of that thorough and careful examination of plans for the development, why are the developers?

Seth Thompson
[REDACTED] David Avenue
Nedonna Beach

From: Suzanne C. Thompson <[REDACTED]>
Sent: Tuesday, November 19, 2024 4:24 PM
To: Melissa Thompson; charlesforrockawaybeachmayor@gmail.com; pennycheek@live.com; tmartine13719@gmail.com; kristineforrockaway@gmail.com; marymcginniscitycouncil@gmail.com; alesiafrankenrbcitycouncil@gmail.com
Subject: #Appeal-24-1

Re: #Appeal-24-1

It is unfortunate that the planning department approved a project in the Nedonna Beach area that will allow development in and close to a wetlands and riverine area. I oppose the approval of this project for several reasons.

One, the original 2008 approval of this development is 16 years old and has expired. Much has changed in those years, including climate change that has led to rising sea levels that threaten our water supply and increased fire danger. Further development will increase these risks.

Two, development with houses built so close to McMillan Creek will endanger salmon, native trout, and beaver habitat. This is a Special Area Wetlands Zone that needs protection, not more development.

Three, increased development is dangerous for the people who live or rent in the Nedonna Area. There is only one road in or out of the Nedonna Beach area and that could be overwhelmed if a tsunami or fire occurred. Building additional housing in an area with only one evacuation exit in the event of a tsunami or fire is reckless.

For public safety and to protect our drinking water and natural environment, I urge the city council to support the appeal and deny the Nedonna Wave development.

Suzanne Thompson, [REDACTED] David Ave, Rockaway Beach, OR
[REDACTED]

From: Matt Caldwell <[REDACTED]>
Sent: Tuesday, November 19, 2024 5:44 PM
To: Melissa Thompson
Subject: #Appeal-24-1 - Public Comments

Hello,
I am a homeowner at 26700 Beach Drive in Nedonna.

I oppose the development and am concerned about the fragile wetlands.

I did extensive research on future flood projections before buying my house in 2020. I worked with a hydro groundwater consultant, mainly to be sure my home won't be flooded with rising sea water.

While it was determined that my home would be fine, the consultant directed my attention to the wetlands on the North and East of Nedonna. He said that these wetlands were the key to long term climate change mitigation. He explained how the wetlands act as a sponge and when flooding or sea level rise contributes huge sums of water, it's these areas that can preserve the higher ground.

This can be seen when simulations are run using federal groundwater simulators.

It would be foolish to chop these up and limit the wetlands further. Instead we should be exploring ways to expand the capacity of these wetlands.

I AM AGAINST THE DEVELOPMENT and frankly wonder how it got approved when it was 16 years old and out of the approval process?

Thanks for your time.

Matthew Caldwell
[REDACTED] Beach Drive
Rockaway Beach, OR

[REDACTED]

Susan Norris
[REDACTED] Beach Dr
Rockaway Beach, OR 97136
Nov. 18, 2024
[REDACTED]
[REDACTED]

Melissa Thompson
City Recorder
cityrecorder@corb.us

Re: #Appeal-24-1

Please accept the following as comments associated with Appeal 24-1.

Previously, I had posted a question regarding the roped off area within the Nedonna Wave project area. I don't believe that my questions were ever addressed or responded to, so I am asking again here with examples and specifics.

The original 2008 Nedonna Wave application included the following under Final Order: Exhibit B:

**RBZO Section 3.080, 3.130-3.132; 4.150: SA Zone; Wetland Notification Overlay Zone;
Riparian Vegetation**

1. The property owner shall provide a design for and shall install a suitable visual barrier, such as a split rail fence, and wetland identification signage along all upland boundaries of all wetland areas preserved as open space where the open space boundary lies adjacent to a public street right-of-way.
2. Each property owner shall install a suitable visual barrier, such as a split rail fence, and wetland identification signage along all upland boundaries of all wetland areas preserved as open space where the open space boundary lies adjacent to a private property line.

Image 1 shows the proposed Sign that was submitted with the 2006 Nedonna Wave application and which satisfied the RBZO requirement. A larger full-color sign of this was placed at two locations in the project site, as depicted in Image 2 of this document. Although, I do not know exactly when these signs were placed or by whom, I know that they have been around for at least 10 years as I frequently walk by them.

Because of the verbiage on this sign, we the people of Nedonna, have been led to believe that the area within the roped boundary was cooperatively reserved for wetlands. It wasn't until we were notified of the Nedonna Wave phase 2 project, that we learned differently.

Question: So, what is going on here? Why were we led to believe that this wetland area was not protected after all? Is it common practice to reserve part of a wetland area only to later take it back and develop it? Would they be able to take more of the wetland in the future and develop that too?

On **Image 2**, the project or SITE is represented in the lower right-hand corner of the image. The red-line represents a 2-3 inch rope that was used as the barrier/delineation between public right-of-way or private

property line and that of any wetland area. Note that there is a small red loop on the red line. I have walked this area many times; the rope is clearly visible as depicted in image 2.

Please note a small loop on the rope in image 2. This area of the site appears to have already been filled. It is the only portion of the site that borders Kittiwake, that is level with the road and can easily be walked into from Kittiwake. It is higher in elevation than the wetland area adjacent and around it. In addition, PSI's Geotechnical Evaluation and Geologic Hazard Report dated February 20, 2006 and addressed to Anna Song, states in the second paragraph that the subject property has some geologic hazards, including but not limited to **"the presence of undocumented fill"**.

In addition, the wetland boundary including water, extended to the edge of Kittiwake at the end of June, 2024 this month. Water is apparently running under Song St. and entering houses at Song and Kittiwake from the floor. A lot of barriers and planning can be done to try to divert water, but in the end, it is going to win. Wetlands and trees are our largest natural resources that absorb carbon, you know, that stuff that is a product of burning fossil fuels and is filling up our air and atmosphere and causing polar ice to melt, seas to rise and warm, and storms to increase in magnitude. Why aren't we flat out preserving them and not allowing any building on wetland period? Once we build on them, they are gone....well, unless mother nature takes them back.

Question: Is this undocumented fill the same as what I perceive to be a filled area and which is also proposed for the development of Nedonna Wave's lots 17, 18 and 19? If so, the developer needs to provide proof that permission was given and all permits were obtained to fill this area as it is clearly wetlands. If this information is not available or cannot be obtained, I propose that the fill be removed and that the area be restored to wetland as it previously was.

Image 2 continued. The two lime green shapes within the Project/Site area approximately represent where the required signage was located. Up until about 2 years ago, these signs were very readable; however, between then and now, they have faded or the actual sign has been peeled off the platform, leaving only the post and a bare platform. As for delineation, the only land that was delineated or roped off from the wetland, was that associated with lots 17, 18 and 19. I did not bush-wack through the briars though.

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

Image 2: Nedonna Wave Plat Map with Sign Placement and Rope Position

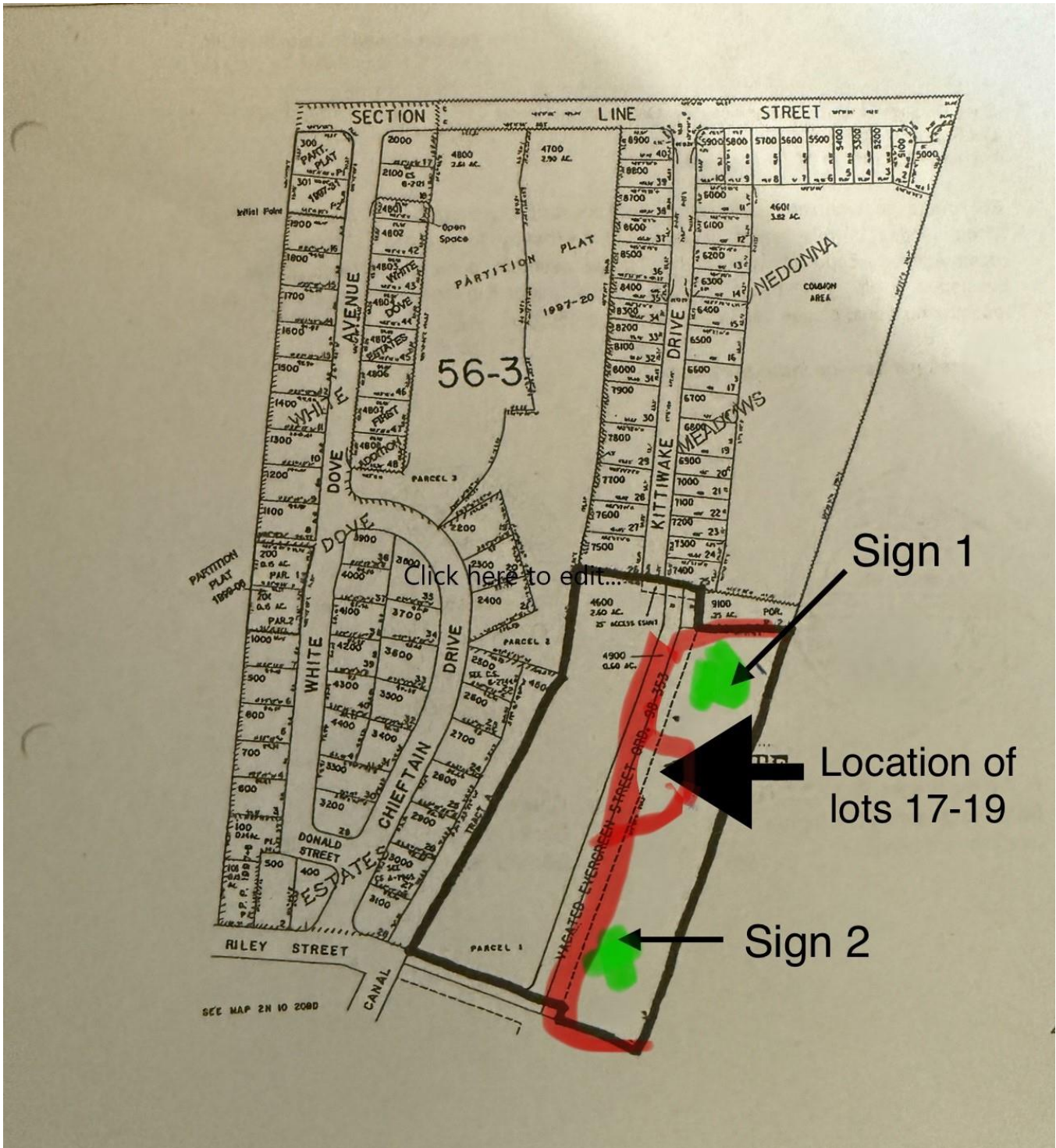


Image 3. Remains of Signs 1 and 2.



Sign 1



Sign 2

From: Xfinity Mobile <[REDACTED]>
Sent: Wednesday, November 20, 2024 7:36 AM
To: Melissa Thompson
Subject: RE: #Appeal-24-1

Regarding Nedonna Wave Planned Unit Development - PUD-24; #Appeal-24-1

From: Kate Sterry [REDACTED] Alton Street Portland, OR 97213
[REDACTED]net

November 19, 2024

City Recorder Melissa Thompson
Planning Department
P.O. Box 5
Rockaway Beach, OR 97136

To members of the Rockaway Beach Planning Commission:
I am writing in support of the appeal being made by North Coast Communities for Watershed Protection against the approval granted the Nedonna Wave Development, creating a new subdivision within the Nedonna Marsh. As a frequent visitor to Nedonna Beach I have enjoyed the variety of wildlife and natural beauty of the marsh.

As a concerned citizen there are many other reasons I support this appeal. I feel we must do all we can to protect our groundwater systems. The Nedonna Marsh is a unique wetland. Additionally, it is important to the community's water supply. Finally, new development would be too much strain on already stretched emergency systems, whether for flooding or fire.

Rather than allow a developer to use a sixteen year old approval which is no longer valid, it would be wise for the Planning Commission to consider doing something like the town of Silverton, where the Oregon Garden was built to protect the watershed and wildlife, showcase Oregon horticulture, and draw tourists to the area.

Kate Sterry

On 11/19/2024 8:51 AM PST Melissa Thompson <cityrecorder@corb.us> wrote:

Kate,

I was unable to open the attachment. You are welcome to type your comments into the body of the email.



Melissa Thompson, CMC

City Recorder

City of Rockaway Beach

p: 503-374-1752 | Direct: 503-374-0459

a: 276 S Hwy 101 | PO Box 5 | Rockaway Beach, OR 97136

w: www.corb.us | e: cityrecorder@corb.us

PUBLIC RECORDS LAW DISCLOSURE: Emails are generally public records and therefore subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. Emails can be sent inadvertently to unintended recipients and contain confidential or privileged information. If you are not the intended recipient (or authorized to receive for the recipient), please advise by return email and delete immediately without reading or forwarding to others.

From: Xfinity Mobile <[REDACTED]>
Sent: Tuesday, November 19, 2024 7:43 AM
To: Melissa Thompson <cityrecorder@corb.us>
Subject: #Appeal-24-1

Attached please find a letter for the hearing tomorrow. Can you let me know if there are any problems opening it?

Thanks very much,

Kate Sterry

From: Jeff J <[REDACTED]>
Sent: Wednesday, November 20, 2024 9:39 AM
To: Melissa Thompson; charlesforrockawaybeachmayor@gmail.com; pennycheek@live.com; marmcginniscitycouncil@gmail.com; tmartine13719@gmail.com; KristineforRockaway@gmail.com; alesiafrankenrbcitycouncil@gmail.com; rockawaycitizen.water@gmail.com; [REDACTED] Jeff J
Subject: #Appeal-24-1

Appeal-24-1 AGAINST the proposed Nedonna Wave Planned Unit Development.

We moved to the Oregon coast from California in June of 2022 We were able to find a small cottage needing to be refurbished, which we did do the improvements.

Our love of Oregon began with our many camping trips to the Oregon coast. After almost three years, we have seen many clear cuts in Netarts, Tillmook and other surrounding areas.

These clear cuts are not replaced by native plants, it impacts wildlife habitats, creates flooding issues and most of all destroys our drinking water.

Nedonna marsh is one of many areas to preserve for the health of all that live here!
Developers do not care about our resources or land.

Please consider against the proposal for the sake of wildlife, residents and visitors.

Jeff Johns [REDACTED] Fir Ave, Tillamook, OR 97141, [REDACTED]
Bonita Lane [REDACTED] Fir Ave, Tillamook, OR 97141, [REDACTED]

From: Carolyn Kinsley <[REDACTED]>
Sent: Wednesday, November 20, 2024 11:54 AM
To: Melissa Thompson
Subject: File #Appeal-24-1 regarding Nedonna Marsh

To Rockaway City Council:

I wish to add my voice to opposition to development of the Nedonna Marsh. The summary of arguments against it are convincing on every point. It caught my eye because we in Neahkahnie bought out a proposed development east of Highway 101 that threatened the springs that provide our drinking water. As a consequence, our water bills are very high. The proposed development in the Nedonna Marsh may be rejected without having to buy out the developer. Alas we have to be ever vigilant.

Carolyn Kinsley
[REDACTED] Beulah Reed Road
Neahkahnie
Nehalem, OR 97131
[REDACTED]



Image Credit: Friends of Nedonna Marsh, Facebook

"Every species is a masterpiece, exquisitely adapted to the particular environment in which it has survived. Who are we to destroy or even diminish biodiversity?" E.O. Wilson, Biologist

Albert LePage, [REDACTED] Cleveland Street, Eugene, OR 97405

November 19th, 2024

Rockaway Beach City Council

276 Hwy 101
Rockaway Beach, Oregon

Council Members:

I am writing to respectfully express my support for the appeal against the proposed Nedonna Wave Planned Unit Development (PUD-24) and to urge you to deny this application. My focus here is relative to environmental concerns, and consistent with past testimony I have submitted, as follows:

1. The implications of this development extend far beyond simple land use; they **pose an apparent threat to the integrity of the Nedonna Marsh**, a vital ecological area that is home to diverse wildlife and essential water resources. Research indicates that wetlands like Nedonna Marsh are crucial for maintaining biodiversity and providing ecosystem services, including water filtration and flood mitigation (Mitsch & Gosselink, 2015)[1].

2. **The Nedonna Marsh is an intact remnant of Oregon's original coastal ecosystem**, characterized by its native saltwater marsh, spruce/willow wetlands, and dune areas. This habitat supports numerous species, including coyotes, river otters, and migratory birds that rely on this area for rest and nourishment. The marsh also plays a crucial role in maintaining the health of Jetty Creek and McMillan Creek, which flow into the Nehalem River. Development in this sensitive area would impact these ecosystems and the wildlife they sustain. Studies show that habitat loss due to development can lead to declines in local wildlife populations (Fischer & Lindenmayer, 2007)[2]



River Otters / Image Credit: Dmitry Azovtsev

3. The Rockaway Beach Planning Commission's **approval of this development disregards** both **current environmental regulations** and the community's well-being. Much of the proposed site is now designated as part of the city's own Special Area Wetlands Zone (SA), which aims to conserve significant freshwater wetlands. Further, the outdated 2008 approval that the developer seeks to revive does not reflect the current environmental or regulatory landscape. Since then, significant changes have occurred in both local regulations and environmental conditions that necessitate a comprehensive review before any development could even potentially proceed. Therefore, approving residential development in this zone would not only appear to violate city regulations but also undermine past conservation efforts. Past assessments highlight that many wetlands designated for protection have been compromised by outdated development approvals (Zedler & Kercher, 2005)[3].

- In conclusion, **I urge you to stand with your community and protect the Nedonna Marsh.**
- This area is not just land; it is a special place close to home that provides a critical habitat supporting the diversity of local wildlife and a vital resource for residents, especially in terms of protecting the water supply.
- Please uphold your commitment to environmental stewardship by denying the Nedonna Wave PUD-24 application.

With Respect and Gratitude,



Albert J. LePage, M. Ed. Science, B.S. Biology
Member, Society for Conservation Biology

References:

1. Mitsch, W.J., & Gosselink, J.G. (2015). *Wetlands*. John Wiley & Sons.
2. Fischer, J., & Lindenmayer, D.B. (2007). *Landscape Modification and Habitat Fragmentation: A Synthesis*. *Global Ecology and Biogeography*, 16(3), 265-280.
3. Zedler, J.B., & Kercher, S. (2005). *Wetland Resources: Status, Trends, Ecosystem Services, and Restorability*. *Annual Review of Environment and Resources*, 30(1), 39-74.



Brown Pelican, Visitor to the Oregon Coast / Image Credit: Michael Lazott

From: April Clark <[REDACTED]>
Sent: Wednesday, November 20, 2024 1:07 PM
To: Melissa Thompson
Subject: Re: Public comment: My appeal against proposed Nedonna Wave Planned Unit Development PUD-24.

I meant to also include this information in my email, for the record:

#Appeal-24-1

Sincerely:

April Clark

[REDACTED] North Street, Nehalem OR 97131
[REDACTED]

On Wed, Nov 20, 2024 at 1:04 PM April Clark <aprilclarkyoga@gmail.com> wrote:

Dear City Recorder Melissa Thompson,

I am local to the area and would like to officially place this public comment on the proposed Nedonna Wave Planned Unit Development PUD-24. I think the planned development should be appealed and should not go through. Here are some of the reasons why:

- The aquifer at Nedonna Beach is part of a groundwater system that supplies fresh water to the City of Rockaway Beach. It is vital for the community's water supply, and its management is key to ensuring a reliable and safe source of water for residents. Development could lead to pollution and over extraction of wells needed for the City's water system.
- These wells are particularly susceptible to adverse effects from nearby septic systems of varying ages and conditions, as well as surface activities such as fertilizing and pesticide application for yard maintenance. Moreover, their proximity to the ocean has resulted in noticeable saltwater intrusion as indicated by elevated sodium levels in water samples from the wells. Any further development is likely to intensify these negative impacts.
- Much of the proposed development is now in the City's Special Area Wetlands Zone (SA), the purpose of which is to "conserve significant freshwater wetlands and the shoreland and aquatic environment of Rockaway Beach's lakes."
- The would-be developer is trying to utilize the original approval for the project that is 16 years old. Both State and local laws have provisions that prohibit such an old approval from being revived without further review based on current conditions. In those 16 years, the City has grown and changed, applicable regulations have evolved, and wetlands have shifted position. The City Council must deny this application, because the 16-year-old approval is no longer valid.

- The issues with the outdated approval are demonstrated by the fact that much of this proposed PUD is now in a protected wetland zone that does not allow any residential development. Clearly, the City Council would be violating its own standards for protecting sensitive wetlands if it approves this development.
- At risk are wetlands and McMillan Creek, which flows past the area to be developed. They both provide habitat for a range of wildlife including river otters, coyotes, beavers, deer, and many species of birds. Also impacted will be Salmonids habitat. As reported by a neighbor, "In the spring the pond (fed by McMillan) behind my house is home to thousands of small Salmon. Adding turbidity to the upstream water will have a negative impact on that habitat." Riparian zones serve similar functions in the estuarine and nearshore environment. Optimal freshwater habitat for salmonids includes clean, cool, well-oxygenated water flowing.
- There are also risks to the community. Emergency evacuation via the one road outlet for the area is currently questionable as to effectiveness and safety. Adding more homes to the area would be highly irresponsible.
- The City has not done enough to mitigate the risk this development poses to its tsunami evacuation plan. To protect its residents, the City's code requires developments, such as this one, to have improvements made to evacuation routes, including adding capacity by creating new routes. The developer of this PUD will not be required to make any improvements to the evacuation routes, but will instead only have to conduct a "traffic study." That "traffic study" does nothing to improve the community's safety, and after it is conducted the City will no longer have any ability to require *actual* improvements from the developer based on the findings of the study.
- The area is already at risk of flooding and adding more impervious surfaces would make this worse. For comparison, the ongoing filling and development in the Rockaway Beach area near Washington Street has resulted in significant flooding issues. The neighborhood in Nedonna Beach relies on the flood mitigation properties of the wetlands which must be preserved and not filled or developed as was done in the Washington Street area.
- This neighborhood faces several significant fire hazards, such as inadequately maintained fire pits, beach fires positioned too close to driftwood, highly-combustible dune grass, the large wooded area south of the jetty, and the use of illegal fireworks on the Fourth of July. In the event of a major fire, the only access/egress point—only one way into or out of the area—would severely hinder evacuation efforts. Adding more dense housing in this area would be highly irresponsible.
- This is about developers making money at the expense of residents, who are already concerned about water and wetlands.
- Everyone should have to play by the rules. The residents of the area have purchased or built their homes in good faith compliance with the land use laws and the City's plan. This developer should not be allowed to evade those

regulations, including those protecting wetlands and the rule setting an expiration date for PUD approvals.

- Effective December 1, 2024, regulations for development in the Special Flood Hazard Area (commonly known as the “floodplain”) will be changing. These changes are mandated by FEMA for jurisdictions that participate in the National Flood Insurance Program (NFIP). **With thanks, April Clark**

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From: City Hall
Sent: Wednesday, November 20, 2024 3:00 PM
To: Melissa Thompson
Subject: FW: Please stop the Nedonna Wave Development

From: Amanda Newton <[REDACTED]>
Sent: Wednesday, November 20, 2024 2:32 PM
To: City Hall <cityhall@corb.us>
Subject: Fwd: Please stop the Nedonna Wave Development

Per Mayor McNeilly, sending my letter to this city hall email address will make my letter part of the public record, supporting the appeal against the Nedonna Wave Development.

Thanks.
Amanda Newton

Begin forwarded message:

From: Charles McNeilly <charlesforrockawaybeachmayor@gmail.com>
Date: November 20, 2024 at 8:19:49 AM PST
To: Amanda Newton <[REDACTED]>
Subject: Re: Please stop the Nedonna Wave Development

Hi Amanda,

Thanks for taking an interest in this Appeal.

For “quasi-judicial” land use hearings, the decision-making body reviews evidence before it against applicable criteria to determine whether an application can be approved. Prior to holding a quasi-judicial land use hearing, the decision-making body must “screen” itself from any potential conflicts, bias, or lack of impartiality.

As such, I am not at liberty to read your material.

I encourage you to attend the Special Council Meeting and share your perspective; or send your input to cityhall@corb.us. In both cases it is made part of the public record.

Charles McNeilly
Mayor
City of Rockaway Beach
small town, big beach
503-641-8437
charlesforrockawaybeachmayor@gmail.com

On Nov 19, 2024, at 6:17 PM, Amanda Newton <[REDACTED]> wrote:

Hello City Council.

Please stop the Nedonna Wave Development. There are so many ways this development breaks laws, codes, and irreversibly harms and threatens the entire community, human and otherwise.

Precious and rare native habitat and wildlife:

I am a homeowner in Nedonna Beach. I live on White Dove Avenue on the pond. I witness countless types of wildlife relying on the stream and wetland system that will be destroyed by the Nedonna Wave Development. I have many pictures and videos of river otter, bald eagles (and their babies), blue heron, white egret, beaver, muskrat, deer, minnows of salmon and steelhead fish, salamanders (newts), kingfisher birds, in fact TONS of bird types, and many many types of rare waterfowl - they ALL relying on McMillan Creek, Nedonna Marsh, the pond at White Dove AND, maybe most crucially, the wetlands on Kittiwake. That strip of wetlands ties this entire ecosystem together with the water that flows through it. If that patch of wetlands is destroyed, it will disconnect the entire system of water for that entire ecosystem. This is just to name the effect on wildlife. As a city council member, what is your justification for this being a positive choice for the environment of your community? There isn't a justification. Your choice is out of GREED.

Human lives at risk:

Let's talk about human lives at risk. The actual lives of Rockaway residents, the people who elected you to represent them, are being put at risk by your choice to approve this development. Nedonna Beach is a high risk Tsunami zone AND a high risk flood zone. There is only one road in and out of the entire neighborhood of over 350 houses. This already breaks the code for the state Fire Marshall guidelines for emergency planning. Adding more houses with no additional ingress and egress is just negligent. This is a huge human safety issue that needs not be ignored! Why put us *your voters* at further risk than we already are by adding 20+ more houses? GREED.

Shoddy procedure:

This developer's permit was issued 16+ years ago. This breaks the state of Oregon code for taking action on an issued development permit. They expire after 10 years. Why is this developer being granted an exception to a state law? Furthermore, why and how does little Rockaway Beach city think they can grant an override of permit law over the higher realm of the state of Oregon? GREED.

DO THE RIGHT THING:

Please do the right thing and STOP the Nedonna Beach Wave Development. No one in Nedonna wants this. Please stand by the community members who elected you. Do not allow this development to irreversibly destroy extremely rare habitat and wildlife. We can never get it back. And to boot, there's barely any native wetlands left along our gorgeous shoreline. Please do not align yourself with destroying wildlife and the land they need to exist. Do not align yourself with the destruction of the Oregon Coast ecosystem. Please do not put us at further risk of flooding. Please do not raise our already extremely high risk of being stranded and stuck in the event of a tsunami.

What will be your legacy as a city council member? What will the youth of this community think about your decision when they are living the result of your choices? Have you explained it to them? Maybe you should. They will be the ones to bear the long term burden of these short-sighted greedy decisions.

Will your children, grandchildren, family members, friends, neighbors, and peers be proud of what you did as a city council member in the choice to save or destroy this land? How about the indigenous peoples who are the real owners of all of our lands? Have you explained your choice to them? You took this office to do the right thing by the community. Please do that now by stopping the Nedonna Wave Development.

With faith in each of you,
Amanda Newton

From: City Hall
Sent: Wednesday, November 20, 2024 3:01 PM
To: Melissa Thompson
Subject: FW: wise land use

From: John Morris <[REDACTED]>
Sent: Wednesday, November 20, 2024 10:31 AM
To: City Hall <cityhall@corb.us>
Subject: wise land use

To whom it may concern,

I write as a local resident to encourage you to rethink planned development in the Nedonna Beach region. Wetlands are essential components of a healthy ecosystem. They contribute to quality of life for humans and other species, whether terrestrial or aquatic. The chain of wetlands and marshy areas that once provided benefits for the entire West Coast have been depleted and degraded. It's past time to rethink short term solutions and preserve what healthy, functioning environment remains.

Others with better qualifications will address detailed considerations of run-off control, groundwater, threatened and endangered species and all the other factors that responsible land use planners take into account. Please listen to them and plan for a sustainable community for all residents, neighbors and descendants.

Thank you,

John Morris
Nehalem