



# City of Rockaway Beach

## Regular City Council Meeting Agenda

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**Date:** Wednesday, December 11, 2024  
**Time:** 6:00 P.M.  
**Location:** Rockaway Beach City Hall, 276 Hwy 101 - Civic Facility

**Watch live stream here:** [corb.us/live-stream](https://corb.us/live-stream)

**View meeting later here:** <https://ianescottvideoproductions.com>

**Join here to attend remotely:**

<https://us06web.zoom.us/j/84950026492?pwd=mmfbausHKydtb87Aas6O63JJKC9BQK.1>

Meeting ID: 849 5002 6492

Passcode: 452969

Dial by your location

253 215 8782 US (Tacoma)

**How to Provide Public Comment (Citizen Input):**

- Written Comments may be submitted electronically by sending an email no later than 48 hours prior to the meeting to [CityHall@Corb.us](mailto:CityHall@Corb.us)
  - In Person – sign-up sheet and instructions will be located on the table outside of the meeting room.
  - Virtually on Zoom – use the “raise hand” feature when the Mayor announces it is time to do so.
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**1. CALL TO ORDER – Charles McNeilly, Mayor**

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

Mayor: Charles McNeilly

Councilors: Penny Cheek, Mary McGinnis, Tom Martine, Kristine Hayes, Alesia Franken

**4. CONSENT AGENDA**

- a. Approval of November 13, 2024 Regular Meeting Minutes
- b. Approval of November 13, 2024 Workshop Minutes
- c. Approval of November 20, 2024 Special Meeting Minutes
- d. Review of Financial Reports
- e. Review of OLCC Annual Renewals for Favorable Recommendations
- f. Approval to Move Regular January Meeting from January 8th to January 15, 2025

**5. OLD BUSINESS**

- a. **Deliberation & Decision on Land Use Appeal # 24-1, Nedonna Wave Planned Unit Development - Phase 2**

## **6. PRESENTATIONS, GUESTS & ANNOUNCEMENTS**

- a. Presentation - EV Charging Stations at Anchor Street Parking Lot - Charlie Botsford, EV Charging Solutions**
- b. Presentation - Action Plan on Great Shakeout – Todd Hesse, Fire Chief**

## **7. STAFF REPORTS**

- a. Fire Department**
- b. Sheriff's Office**
- c. Public Works**
- d. City Manager**

## **8. PUBLIC HEARING**

- a. Ordinance 2024-06: An Ordinance Amending City of Rockaway Beach Zoning Ordinance 143 Section 4.050 Sign Requirements**

## **9. CITIZEN INPUT ON NON-AGENDA ITEMS**

## **10. NEW BUSINESS**

- a. First & Second Reading of 2024-06: An Ordinance Amending City of Rockaway Beach Zoning Ordinance 143 Section 4.050 Sign Requirements**
- b. Consideration to Adopt 2024-06: An Ordinance Amending City of Rockaway Beach Zoning Ordinance 143 Section 4.050 Sign Requirements**
- c. Consideration of Resolution 2024-47 Adopting Public Meetings Law Grievance Policy**
- d. Consideration of Resolution 2024-48 Approving 2025-2026 Community Grant Program Materials for Small and Large Community Grants**
- e. Consideration of Resolution 2024-49 Authorizing the City Manager to Execute Safe Drinking Water Revolving Loan Fund Grant Contract for Forest Management Planning & Appraisal for the Jetty Creek Watershed**
- f. Consideration of Resolution 2024-50 Approving Updated Memorandum of Understanding (MOU) Among Participants of the Jetty Creek Working Group**

## **RECESS INTO EXECUTIVE SESSION**

### **EXECUTIVE SESSION Pursuant to ORS 192.660 (2)(i) to Review and Evaluate the Employment-Related Performance of the City Manager**

Rockaway Beach City Hall is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to the City Recorder Melissa Thompson at [cityrecorder@corb.us](mailto:cityrecorder@corb.us) or 503-374-1752.

## **RECONVENE REGULAR SESSION**

- g. Consideration of Resolution 2024-51 Approving City Manager Performance Evaluation Annual Summary**
- h. Consideration of Resolution 2024-52 Authorizing Amendments to the Base Rate Compensation for the City Manager**

### **11. ITEMS REMOVED FROM CONSENT AGENDA**

### **12. COUNCIL CONCERNS**

### **13. MAYOR'S REPORT**

### **14. ADJOURNMENT**

# City of Rockaway Beach

## Regular City Council Meeting Minutes



**Date:** Wednesday, November 13, 2024  
**Location:** Rockaway Beach City Hall, 276 Hwy 101 - Civic Facility

### 1. CALL TO ORDER

Mayor McNeilly called the meeting to order at 6:00 p.m.

McNeilly made a statement regarding department, requesting that all people respect those in attendance and the opinions of those with whom they may disagree prior, during and after City business meetings.

### 2. PLEDGE OF ALLEGIANCE

### 3. ROLL CALL

Start time: [06:02:21 PM \(00:01:56\)](#)

**Council Members Present:** Mayor Charles McNeilly; Councilors Penny Cheek, Mary McGinnis, Tom Martine, Kristine Hayes, and Alesia Franken

**Staff Present:** Luke Shepard, City Manager; and Melissa Thompson, City Recorder; Dan Emerson, Public Works Superintendent; Todd Hesse, Fire Chief; Geoff Grace, Fire Captain; and Kevin Grogan, Sheriff's Deputy

### 4. CONSENT AGENDA

Start time: [06:02:49 PM \(00:02:24\)](#)

- a. Approval of Amended September 11, 2024 Regular Meeting Minutes
- b. Approval of October 9, 2024 Regular Meeting Minutes
- c. Approval of October 9, 2024 Workshop Minutes
- d. Review of Financial Reports

Martine made a **motion**, seconded by Cheek, to approve the consent agenda.

The **motion carried** by the following vote:

Aye: 5 (Cheek, McGinnis, Martine, Hayes, Franken)

Nay: 0

### 5. PRESENTATIONS, GUESTS & ANNOUNCEMENTS

**a. Presentation – Strategic Plan Final Report – Sara Singer Wilson, SSW Consulting**

Start time: [06:04:27 PM \(00:04:02\)](#)

Wilson gave a presentation providing a summary of the strategic planning process, and the resulting 2025-2029 Strategic Plan document. Wilson explained that the next steps after plan adoption would be the City Council prioritization of actions for implementation based on available resources and capacity, and then the City will integrate actions into the budget development process.

Shepard stated it was a pleasure working with the SSW Consulting team. McGinnis praised the involvement of City staff and comprehensive community engagement. McNeilly commented that the plan reflected issues expressed by citizens.

**b. Presentation - Salmonberry Trail – Mike Rose, Alta Planning and Design**

Start time: [06:24:12 PM \(00:23:48\)](#)

Rose presented slides showing an overview of the Salmonberry Trail project, public outreach, pathway alignment, costs, and next steps.

McGinnis noted that the property was owned by the Port of Tillamook Bay and was leased by the Salmonberry Trail Foundation. McGinnis, Cheek and Hayes suggested that development of the north end of the trail should be prioritized to provide safety for students walking to school. Hayes inquired about specific materials and drainage. Rose addressed questions from Hayes, indicating that most of the trail surface would be asphalt but the Chamber pavers could likely remain, although pavers posed maintenance challenges. Rose stated hydraulic and geotechnical studies would address drainage. McGinnis noted that the Salmonberry Trail Intergovernmental Agency (STIA) would be making most decisions about design elements. In response to Martine’s inquiry about time frame, Rose estimated that once construction began, it could possibly be completed within one year. Shepard clarified it would not begin this year.

**c. Presentation – Environmental Protection Agency (EPA) and Oregon Watershed Enhancement Board (OWEB) Grants – Daniel Wear, Sustainable NW**

Start time: [06:47:17 PM \(00:46:52\)](#)

Wear shared a presentation providing an explanation of the Environmental Protection Agency (EPA) and Oregon Watershed Enhancement Board (OWEB) Grant opportunities. Wear answered clarifying questions. Wear noted that the Council received a final version of the proposed Statutory Partnership Agreement that afternoon. Shepard noted that the City Attorney reviewed and approved the agreement. Hayes said it was unfortunate that the revised agreement was not received earlier.

## **6. STAFF REPORTS**

### **a. Fire Department**

Start time: [07:03:19 PM \(01:02:54\)](#)

Hesse presented his staff report on the activities and operations of the Rockaway Beach Fire Rescue department for the month of October 2024. Hesse added that there was a tornado on Monday. Hesse noted that findings from that event would prompt changes in policy. Hesse was grateful that no one was hurt. Hesse commented on hose testing. Hesse shared a color chip for the new ladder truck. Captain Grace shared the department's new heart rate monitor. Hesse confirmed for McGinnis that the Emergency Management meeting would be posted on the website calendar.

**b. Sheriff's Office**

Start time: [07:15:09 PM \(01:14:44\)](#)

Grogan summarized the Sheriff's Office report for October 2024. Grogan added that a local woman sought for an arrest warrant was located, and confirmed that ALICE training would include the middle school and high school.

**c. Public Works**

Start time: [07:17:12 PM \(01:16:47\)](#)

Emerson presented his report on recent activities and operations within the Public Works department. Emerson noted that he would report on the tornado at next month's Council meeting. Martine and Hayes commended the work at the Wayside. McNeilly acknowledged Public Work's response cleaning up after the tornado.

McNeilly called for a recess at 7:23 p.m. McNeilly called the meeting back to order at 7:27 p.m.

**d. City Manager**

Start time: [07:28:19 PM \(01:23:10\)](#)

Shepard shared a presentation providing background information on the action items on the agenda. Shepard also provided updates on upcoming public meeting dates and events.

In reference to the proposed Statutory Partnership Agreement to seek funding for increasing water storage capacity, Martine commented that it would be great to have a 3 million gallon reservoir available for water.

**7. PUBLIC HEARING – None Scheduled**

**8. CITIZEN INPUT ON NON-AGENDA ITEMS**

Start time: [07:36:33 PM \(01:31:24\)](#)

Debby Hunn expressed concerns for those suffering damage from the tornado. Hunn thanked Finance Director Marni Johnston for contacting her regarding her concerns about financial issues.

Patti Swain, Rockaway Beach Business Association, spoke about the tree lighting event on December 29, 2024, and encouraged all to attend.

Nancy Albro, representing Neah-Kah-Nie Coast Arts & Music Cultural Foundation (NCAM), announced upcoming events, including an Italian dinner and auctions, and encouraged all to attend. Albro said proceeds would go toward building a sound studio for Neah-Kah-Nie High School.

Debbie Weissenfluh, an election campaign volunteer, spoke praising candidates Franken, Cheek, Martine, McGinnis, McNeilly, and Kiley Konruff. Weissenfluh commented on the sense of belonging and purpose generated from the campaign, and encouraged community involvement in working with the Council.

## 9. OLD BUSINESS – None Scheduled

## 10. NEW BUSINESS

### a. Consideration of Resolution 2024-42 Adopting the 2025-2029 Strategic Plan

Start time: [07:46:46 PM \(01:41:37\)](#)

McNeilly explained that this resolution adopts the final 2025-2029 Strategic Plan.

McNeilly invited public comment. No audience members wished to comment.

Franken made a **motion**, seconded by Cheek, to approve Resolution 2024-42 Adopting the 2025-2029 Strategic Plan.

McGinnis commented that she was excited to start. Franken noted it was a pleasure to work with SSW Consulting, and appreciated the citizen input and community alignment on topics.

The **motion carried** by the following vote:

Aye: 5 (Cheek, McGinnis, Martine, Hayes, Franken)

Nay: 0

### b. Consideration of FEMA Biological Opinion Pre-Implementation Compliance Measures (PICM)

Start time: [07:49:06 PM \(01:43:57\)](#)

McNeilly explained that the City Council must select a pre-implementation compliance measure (PICM) in order to comply with the FEMA Biological Opinion (BiOp).

McNeilly invited public comment. No audience members wished to comment.

McGinnis made a **motion**, seconded by Martine, to initiate an amendment to the Rockaway Beach Zoning Ordinance and direct staff to move forward with the adoption of a tailored version of the updated 2024 FEMA Model Ordinance.

McGinnis encourage the public to review the Council Workshop to hear their discussion on the matter.

The **motion carried** by the following vote:

Aye: 5 (Cheek, McGinnis, Martine, Hayes, Franken)

Nay: 0

**c. Consideration of Resolution 2024-43 Authorizing a Loan from the Safe Drinking Water Revolving Loan Fund by Entering into a Financing Contract with the Oregon Infrastructure Finance Authority**

Start time: [07:51:15 PM \(01:46:06\)](#)

McNeilly explained that this resolution authorizes financing for the Nedonna Beach Water System Improvements.

McNeilly invited public comment. No audience members wished to comment.

Martine made a **motion**, seconded by Cheek, to approve Resolution 2024-43.

McGinnis noted that part of the loan was forgivable.

The **motion carried** by the following vote:

Aye: 5 (Cheek, McGinnis, Martine, Hayes, Franken)

Nay: 0

**d. Consideration of Resolution 2024-44 Authorizing Execution of a Statutory Partnership Agreement with Sustainable Northwest**

Start time: [07:53:09 PM \(01:48:00\)](#)

McNeilly explained this resolution approves an agreement with Sustainable Northwest for the purpose of applying for and completing the EPA's Community Change Grant, which is a potential source of funding for ensuring long-term water security.

McNeilly invited public comment. No audience members wished to comment.



Cheek made a **motion**, seconded by Martine, to approve Resolution 2024-44.

The **motion carried** by the following vote:

Aye: 5 (Cheek, McGinnis, Martine, Hayes, Franken)

Nay: 0

**e. Consideration of Resolution 2024-45 Authorizing Application for Oregon Watershed Enhancement Board Grant to Support the Lower Jetty Creek Acquisition**

Start time: [07:55:01 PM \(01:49:53\)](#)

McNeilly explained that this resolution demonstrates support and authorizes staff to submit a grant application to OWEB for funding land acquisition around the Jetty Creek Watershed.

McNeilly invited public comment.

Debby Hunn, resident, commented that some financial issues may affect prior financial statements and expressed concerns that it could be a problem in the future.

McGinnis made a **motion**, seconded by Martine, to approve Resolution 2024-45 Authorizing Application for Oregon Watershed Enhancement Board Grant to Support the Lower Jetty Creek Acquisition.

The **motion carried** by the following vote:

Aye: 5 (Cheek, McGinnis, Martine, Hayes, Franken)

Nay: 0

**f. Consideration of Resolution 2024-46 Recommending Granting of Liquor License Approval for Green Coast Market**

Start time: [07:57:53 PM \(01:52:44\)](#)

McNeilly explained that this resolution is to consider recommending that OLCC grant a liquor license application from Green Coast Market for off-premises liquor sales.

McNeilly invited public comment. No audience members wished to speak.

Martine made a **motion**, seconded by Cheek, to approve Resolution 2024-46.

McGinnis noted that it was nice to see a business growing in Rockaway. McNeilly added looked forward to shopping there.

The **motion carried** by the following vote:

Aye: 5 (Cheek, McGinnis, Martine, Hayes, Franken)

Nay: 0

## **11. ITEMS REMOVED FROM CONSENT AGENDA – None removed**

## **12. COUNCIL CONCERNS**

Start time: [07:59:58 PM \(01:54:49\)](#)

Cheek commented that she was happy with the election results. She thanked Debbie and Mike Weissenfluh for their work on the election.

Franken thanked Captain Grace for the Red Cross Ready meeting and encouraged the public to download the Red Cross emergency app. Franken encouraged all to attend the next Sourcewater Protection Plan Development Advisory Committee (SPPDAC) meeting on November 20th. Franken expressed gratitude to City staff, and looked forward to implementing the Strategic Plan. Franken thanked Chief Hesse for the response to the tornado. She thanked citizens for their help with the Strategic Plan. Franken looked forward to the tree lighting ceremony.

Martine thanked the public for voting, and said that the Council worked well together.

McGinnis thanked the public for voting in the election and was honored to be re-elected. McGinnis reported on meetings and events attended by the Mayor and Councilors. McGinnis thanked the public for their support and expressed excitement for the next four years.

## **13. MAYOR'S REPORT**

Start time: [08:05:06 PM \(01:59:58\)](#)

McNeilly appreciated the response to the tornado. He thanked residents for helping their neighbors. McNeilly stated he appreciated all of the election candidates who ran, and congratulated those who earned the voter's trust. McNeilly shared slides, providing an update on a "No Outlet" sign posted on South Easy Street in response to citizen's concerns. McNeilly announced that the Coffee with Mayor and Manager meetings would resume on Thursday, November 21, 2024. McNeilly requested that Councilors not attend, so that the session could focus on community member's concerns, not elected officials. McNeilly thanked voters for their confidence and expressed excitement to work with the new Council on various issues.

**14. ADJOURNMENT**

Start time: [08:08:51 PM \(02:03:43\)](#)

Martinez made a **motion**, seconded by Franken, to adjourn the meeting at 8:08 p.m.

The **motion carried** by the following vote:

Aye: 5 (Cheek, McGinnis, Martine, Hayes, Franken)

Nay: 0

MINUTES APPROVED THE  
11<sup>TH</sup> DAY OF DECEMBER 2024

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Charles McNeilly, Mayor

ATTEST

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Melissa Thompson, City Recorder

DRAFT

# City of Rockaway Beach

## City Council Workshop Minutes



**Date:** Wednesday, November 13, 2024

**Location:** Rockaway Beach City Hall, 276 HWY 101 – 2<sup>nd</sup> Floor Conference Room

### 1. CALL TO ORDER

Mayor McNeilly called the meeting to order at 4:30 p.m.

### 2. ROLL CALL

**Council Members Present:** Mayor Charles McNeilly; Councilors Penny Cheek, Mary McGinnis, Tom Martine, Kristine Hayes, and Alesia Franken

**Staff Present:** Luke Shepard, City Manager; Melissa Thompson, City Recorder; and Mary Johnson, City Planner

### 3. COUNCIL BRIEFING/DISCUSSION

#### a. Review of FEMA BiOp Pre-Implementation Compliance Measures (PICM)

Start time: [04:31:55 PM \(00:01:22\)](#)

Shepard explained that the City must select one of three FEMA Biological Opinion (BiOp) Pre-Implementation Compliance Measures (PICM) mandated by FEMA and referred the Council to the written staff report. Shepard stated that if the Council followed the staff recommendation to adopt the model ordinance, there would be no moratorium and the earliest that land use rule changes would be implemented was April or March 2025. Shepard further explained that the City would follow the normal process to adopt changes to the land use ordinance. Shepard provided background and summarized the options presented in the staff report. Johnson and Shepard answered clarifying questions for the Council. There was brief discussion regarding private flood insurance. After further discussion, there was consensus to consider the staff report recommendation to adopt the 2024 FEMA-issued model ordinance.

#### b. Review of Ordinance 2024-06: An Ordinance Amending City of Rockaway Beach Zoning Ordinance 143 Section 4.050 Sign Requirements

Start time: [04:50:45 PM \(00:20:11\)](#)

Johnson provided background information on the proposed amendments to the sign requirements. Shepard explained the intent was to make limited changes in order to allow installation of a City reader board sign. McNeilly shared that it was a community-driven idea to provide another means of communication. Johnson and Shepard answered clarifying questions. Shepard noted that Public Works Superintendent Emerson would present more

information about the City's proposed reader board sign at the next Planning Commission meeting. Franken noted a correction on page 2 of the draft ordinance. There was consensus to consider the ordinance at the next regular meeting.

**c. Review of Grievance Process Policy Related to Public Meetings Law**

Start time: [05:02:00 PM \(00:31:27\)](#)

Shepard explained that state law provided that public meetings law grievances would now be submitted to the public body before they are submitted to the Oregon Government Ethics Commission (OGEC) and the grievance process policy was based on the state law. McGinnis noted that OGEC determines any penalties. Hayes suggested a form be used for grievance submissions. Shepard stated the policy would come before the Council for consideration in December or January.

**d. Community Grant Program Update**

Start time: [05:09:02 PM \(00:38:28\)](#)

Shepard stated that she had asked the Planning Commission to revisit the eligibility requirements for the Small Community Grant program related to community entities. Shepard reported that the Planning Commission discussed it at their October meeting and voted unanimously to keep the program as is and to allow non-formalized community entities to be eligible to apply for grants and receive funding from the city. Shepard noted that cities with similar programs don't require a contract or agreement for small grants and recommended that language be removed in order to expedite the award process. Shepard estimated that the program could be adopted and rolled out in January or February.

**e. Discussion Regarding Moving January 8<sup>th</sup> Regular Council Meeting to January 15<sup>th</sup>**

Start time: [05:15:17 PM \(00:44:43\)](#)

Shepard recommended that the regular January meetings be moved to January 15<sup>th</sup> due to the timing of holidays. There was no objection to the change.

**f. Additional Discussion**

Start time: [05:16:49 PM \(00:46:16\)](#)

Franken questioned the replacement clause in the Statutory Partnership Agreement with Sustainable Northwest (Resolution 2024-44 Exhibit A) included in the regular meeting agenda packet. Shepard explained that much of the agreement language came directly from the EPA grant. Brief discussion ensued.

Shepard clarified for McGinnis "off-premises sales" related to an OLCC Liquor License recommendation request included in the regular meeting agenda packet.

McNeilly commented on Destination UX, a fraudulent company that purported to manage short-term rentals and made false promises to obtain short-term rental licenses. He suggested that when the Council reviews the short-term rental (STR) ordinance next year, the Council might want to consider some rules about who can do property management in the community to try to keep that from happening.

McNeilly noted that the Council received public testimony advocating for a STR cap exemption for STRs that are compliant with the Americans with Disabilities Act (ADA) and asked if the Council was interested in having Planning Commission work on that issue now. It was suggested the Planning Commission review what other cities do and what kinds of legal certifications are available for ADA-compliant vacation rental homes. There was consensus to have the Planning Commission start reviewing the issue.

#### 4. ADJOURNMENT

Start time: [05:32:09 PM \(01:01:35\)](#)

Martine made a **motion**, seconded by Franken, to adjourn the meeting at 5:32 p.m.

The **motion carried** by the following vote:

Aye: 5 (Cheek, McGinnis, Martine, Hayes, Franken)

Nay: 0

MINUTES APPROVED THE  
11<sup>TH</sup> DAY OF DECEMBER 2024

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Charles McNeilly, Mayor

ATTEST

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Melissa Thompson, City Recorder

# City of Rockaway Beach

## Special City Council Meeting Minutes



**Date:** Wednesday, November 20, 2024  
**Location:** Rockaway Beach City Hall, 276 Hwy 101 - Civic Facility

### 1. CALL TO ORDER

Mayor McNeilly called the meeting to order at 6:00 p.m.

McNeilly made a statement regarding department, requesting that all people respect those in attendance and the opinions of those with whom they may disagree prior, during and after City business meetings.

### 2. PLEDGE OF ALLEGIANCE

### 3. ROLL CALL

Start time: [06:02:22 PM \(00:02:03\)](#)

[Mayor - Charles McNeilly: Present](#)

[Position #3 - Kristine Hayes: Absent](#)

[Position #4 - Alesia Franken: Present](#)

[Position #1 - Mary McGinnis: Present](#)

[Position #5 - Penelope Cheek: Present](#)

[Position #2 - Tom Martine: Present](#)

**Council Members Present:** Mayor Charles McNeilly; Councilors Penny Cheek, Mary McGinnis, Tom Martine, and Alesia Franken

**Council Member Absent:** Kristine Hayes

**Staff Present:** Luke Shepard, City Manager; Melissa Thompson, City Recorder; Mary Johnson, City Planner; and Armand Resto-Spotts, Legal Counsel, Local Government Law Group

### 4. CONSENT AGENDA – None scheduled

### 5. PRESENTATIONS, GUESTS & ANNOUNCEMENTS – None scheduled

### 6. STAFF REPORTS – None scheduled

### 7. PUBLIC HEARING

#### a. Land Use Appeal # 24-1, Nedonna Wave Planned Unit Development - Phase 2

Start time: [06:02:45 PM \(00:02:26\)](#)

McNeilly announced the location of the public testimony sign-up sheet.

### **Opening of Public Hearing & Instructions**

At 6:02 p.m., McNeilly opened the public hearing on Land Use Appeal #24-1, Nedonna Wave Planned Unit Development - Phase 2.

McNeilly read opening statements, public hearing disclosure statements and procedures, and testifying instructions. McNeilly explained that the Council will review the record on appeal, as well as the testimony and evidence potentially received, if within the scope of review, and will make a final decision on the appeal. McNeilly noted that in accordance with Rockaway Beach Zoning Development Code 11.070, the City Council previously determined that review of this appeal will be on the record, except additional evidence may be presented and reviewed on issues that City Council has determined are necessary for proper resolution of this appeal. McNeilly stated that specifically, additional evidence may be presented that relates to the particular issues and substantive criteria that were raised within the appeal.

### **Conflicts of Interest/Bias/Ex-Parte Contacts**

McNeilly explained that since the Council was present at the July 17th, August 14th and September 11th City Council meetings where public comments were expressed about this underlying proposal and appeal, staff have included the meeting minutes in the record for the purpose of disclosing ex-parte contacts on behalf of the full Council. McNeilly invited any additional disclosures from the Council.

McGinnis declared that she was very familiar with the subject property because she lived in Nedonna Beach for about 3 years and as a result of living there she often walked and drove by the property. McGinnis further declared that for years she helped maintain the tsunami route and was very familiar with it, and that she had acquaintances in Nedonna Beach with whom she discussed development in Nedonna Beach in the past. Resto-Spotts suggested McGinnis clarify whether she could render an impartial decision. McGinnis stated that she would be impartial.

Martine declared that he had past interest in purchasing property in Nedonna but didn't due to his wife's concerns regarding there being only one tsunami evacuation route. Martine stated that he would be impartial.

McNeilly declared that he opened an email from the North Coast Communities for Watershed Protection (NCCWP) and found that the content took a position on Appeal 24-1. McNeilly stated that he did not read all of the content and had not opened subsequent emails from NCCWP. McNeilly declared that he received emails from community members taking a position on Appeal 24-1 and did not read those emails, but directed the sender to testify at the meeting, or to send their comments directly to City Hall. McNeilly declared that all of the above-mentioned emails were deleted. McNeilly stated that he did not believe the ex-parte contacts would affect or impair his ability to review the appeal and record. McNeilly stated that he was able to act as a



fair and impartial decision maker, and could make a decision based on the facts, the record and the criteria applicable to the matter.

Franken declared membership in NCCWP and received emails, but didn't open any of them or any other emails that were sent with the subject matter. Franken stated that she can be impartial.

McGinnis added that she was also on the NCCWP mailing list. McGinnis stated that she did not open or read emails that included the appeal subject matter.

There were no challenges from the audience due to conflicts of interest, ex-parte contacts or bias.

### **Required Statements**

McNeilly read required statements in accordance with state law.

### **Staff Report**

Johnson presented the staff report and gave a slide presentation providing background information, issues raised in the appeal, and staff findings for each issue. Staff recommended denial of the appeal on all grounds. (Copies of the staff report and slide presentation are attached to and made a part of these minutes as Exhibit A & B.)

### **Applicant Presentation**

Dean Alterman, counsel representing the applicant Anna Song and her company, Nedonna Development LLC, commented that the applicant agreed with the staff report and asked that the Council deny the appeal. Alterman explained that regarding the 10-year rule that is one of the grounds of the appeal, there is no point at which the applicant is saying that they don't want the City to apply today's code. Alterman stated that the land use decision issued in 2008 is still valid today because within one year the applicant built the 1st phase of that planned unit development (PUD). Alterman said that the appellant had cited no statute that says that a land use decision approving a PUD expires if construction has already started.

### **Appellant Presentation**

Alexandria Dolezal, attorney with Crag Law Center representing the appellant, Oregon Shores Conservation Coalition, gave a slide presentation, including background information and grounds for the appeal, and addressing each issue raised in the appeal. Dolezal referred to Exhibits 1-10 that the appellant submitted to the Council. Dolezal explained that Oregon Shores believes that the original approval from 2008 has lapsed, and the developer must resubmit the application for reconsideration under ORS 92.040, especially in light of the 2 additional lots that are being approved. Dolezal stated that the Planning Commission failed to find that the proposal is consistent with the Rockaway Beach Zoning Ordinance in regard to special area wetlands, evacuation measures and riparian setbacks, and these need to be reviewed at this phase now, because in the future the staff review and approval of construction going forward is a ministerial process, without opportunity for a public hearing. Dolezal stated that the City Council should

deny the current application. (Copies of the appellant's submitted exhibits and slide presentation are attached to and made a part of these minutes as Exhibit C & D.)

Franken inquired if a new wetland delineation was required as a condition of approval before development proceeds. Johnson confirmed that it was a condition, and added that she spoke with the Department of State Lands, and the applicant has been working with them on a new wetland study, which she believed was complete and in conformance with the original approval.

Franken inquired about meeting requirements regarding fire apparatus access. Johnson explained that there are alternatives allowed by the state fire code, such as fire suppression measures. Johnson stated that the City required that the state Fire Marshal sign off on the plans.

McGinnis inquired whether the 15-foot setback for McMillan Creek had been clearly delineated. Johnson explained that the maps provided by the applicant appear to show the building footprint outside of the riparian zone and building within the setback would not be permitted. Johnson stated that it would be reviewed at the time of building application submission, and the applicant would be required to submit a survey showing the high-water mark and setback from McMillan Creek.

Martine commented on new FEMA requirements. Johnson explained that FEMA's requirements only impact the Special Flood Hazard Overlay area and none of these developable areas were within the Special Flood Hazard Overlay.

McGinnis inquired about how the City interpreted the 10 year time limit. Resto-Spotts explained that he interpreted it effectively as a vested rights statute. So, for any subsequent construction that occurs on an approved subdivision property only the laws in place at the time of application apply, and that applies for 10 years. He explained that the property owner, if they come in for subsequent development, can choose to apply the laws that were in place at the time of application, or they can choose to apply the laws that are in place at that time. McNeilly noted, and staff confirmed, that the City has applied the laws in place today.

McGinnis inquired about the expiration question. Resto-Spotts stated that the improvement question to him was a factual evidentiary question, and that the Council needs to decide on what the 2008 approval did or did not require, and whether that affects expiration of the PUD. Resto-Spotts explained that ORS 92.040 is not an expiration statute, so it does not terminate or expire the PUD approval from 2008.

Franken inquired about references to the one-year improvement timeline in the 2008 approval, and questioned what takes precedence, the 2008 decision or the lack of deadline in the code. Resto-Spotts stated that it was an interpretive question. Resto-Spotts explained that based on the code, if the applicant had not submitted a phase one within one year, then the PUD would have been terminated, but otherwise it does not expire. He explained that the applicable conditions of approval apply to the property they apply to the development, and if Council is interpreting those to mean that the PUD is expired because something was not met, then that

that that could be how you decide. Resto-Spotts further explained that otherwise there's not a conflict with code, necessarily. Code did not specify whether it expired or not.

Cheek questioned why it took 16 years for development, noting that the applicant could address the question when they spoke.

McGinnis inquired about the term “reasonable amount of time” in the code, and staff confirmed that it was not defined in the code. Resto-Spotts encouraged the Council to employ reasonable interpretation given the language before them and the applicable law at hand.

McGinnis inquired about definitions or descriptions of improvements. Staff and the appellant noted that Exhibit D to the Findings of Fact from July 29, 2008 included descriptions of the improvements in Phase 2.

In response to a question from McGinnis, Johnson explained the process for reviewing building applications for vacant lots that have wetlands, which includes submission to the Department of State Lands (DSL). Johnson further explained that wetland determination was a condition of approval for the applicant, and that DSL advised they had already completed the wetland work. Per the DSL delineation the development has no building lots in wetlands. Johnson said there are wetlands that are set aside in this development that are open space areas that are reserved for wetlands, which are still under the special area wetlands designation. Johnson explained there's no permit application to build in those areas, and they are reserved as open space. Franken requested to see the wetland delineation maps. The appellant commented on the date of map, stating that it was too old to be given much weight.

McGinnis commented on tsunami evacuation route, suggesting that it seemed that the Planning Commission expected them to be upgraded. Johnson referred the Council to additional materials submitted by the applicant dated November 20, 2024 for the Council's consideration regarding the requirements of the tsunami hazard overlay zone.

McNeilly asked the appellant if they were aware of any case law related to where the courts have weighed in on what is a “reasonable amount of time”. Dolezal stated that she had not looked into that, but she could. Eric Wriston, co-counsel for the appellant, stated that reasonable amount of time lends credence to a timeline for development one year from approval unless the timeline is specifically amended for one year from tentative plan approval for all improvements.

McGinnis commented her understanding from previous testimony was that the final plat or the final Development Plan had to be approved within one year of the preliminary plan. Dolezal stated the improvements had to be completed within one year of the preliminary plan, and construction was halted before the improvements were completed.

### **Public Testimony in Favor of Appeal**

Start time: [07:22:45 PM \(01:22:26\)](#)

Nancy Webster testified that the development is illegal. Webster stated she saw manholes but not significant utilities, and express concerns about open utility holes. Webster stated that plants in the wetland were mowed down, and expressed concerns about increased flooding in wetlands, and risks to salmon.

Delta Holderness expressed concerns that over 10 years had passed, stating that the developer should be held to current standards and should submit a new application. Holderness expressed concerns about increased traffic, water safety, fire and tsunami evacuation, and flooding. She commented that the pump station was not completed and that streets are now wetlands. Holderness requested information as to why new FEMA regulations did not apply in the area.

Gary Corbin testified that the original application expired 6 years ago, 10 years after the original approval. Corbin stated that the case law does not establish precedent to give exception to that 10 year rule. Corbin expressed concerns that Jackson Street is a wetland. Corbin stated that Federal law prohibits disturbing the 3 pairs of nesting eagles that reside in the wetlands.

Jeff Yandle commented that it was 16 years since it was approved, and it reflects poorly on city staff. Yandle stated that Kittiwake Street was on the FEMA map, and it is wetlands. He expressed concern that approving the project was risky.

Arianna Staruch concurred with previous statements. Staruch expressed concerns about when the wetland assessment was completed, commenting that the wetland had changed, and McMillan Creek had expanded, and flooding risk would increase.

Valerie Campbell commented that it was clearly an expired approval, clearly wetlands area, and that McMillan Creek has expanded. Campbell expressed interested in seeing the wetlands overlay.

Janet Tashima stated she had reviewed county and national wetlands maps, and the area is a wetland. Tashima commented that fill doesn't change it from being a wetland. She referred the Council to her submitted written testimony, asking them to review the maps she provided.

Lyndsey Matteson stated that Nedonna Beach lies on top of an aquifer, and that aquifer provides the backup water system for the city of Rockway Beach. Matteson expressed concerns that the aquifer is very susceptible to pollution and saltwater intrusion, and the development could pollute the aquifer and would tax the water system.

**Public Testimony Neutral**

None

**Public Testimony in Opposition to Appeal**

None

**Staff Response / Clarification**

Johnson confirmed for Franken that the Final Order included Condition "S", that the applicant shall submit evidence of approval from the State fire marshal for all fire hydrant locations, street width and applicable fire code requirements.

Johnson stated that she could read all of the conditions if the Council desired, and that a copy was included in the final order in the packet.

McNeilly called a recess at 7:45 pm. McNeilly called the hearing back to order at 7:53 p.m.

Johnson referred the Council to their packet review the conditions that the Planning Commission imposed with their approval. Johnson read aloud a portion, and the Council reviewed themselves the remainder of the conditions imposed by the Planning Commission in the final order. Johnson displayed the conditions on the

Cheek inquired about the timeline for the approval. Johnson explained that with the Planning Commission's approval, the applicant has one year to move forward with the application, or they would need to come back and request a time extension, and which time, if that were granted, they would have another year to either come forward with the final plat or request another extension. Johnson stated that unless there were a substantive change in their development plans, or if the City had substantive changes in the development code that would make a difference to the application, there would be no standing for the Planning Commission to reverse their opinion based on the code. McGinnis inquired if there was a definition for substantive changes. Johnson confirmed there wasn't a definition for substantive change.

Franken inquired who checks or verifies that the conditions are met. Johnson explained that the City would ensure that the conditions were met at that time of final plat approval, the City Council would approve the final plat.

McNeilly commented that the Council's task was to make a decision on the appeal based on the 5 issues raised in the appeal, and that staff had spoken to which conditions addressed each of those issues.

Johnson addressed a Councilor request to review the wetland delineation map. Johnson explained that she consulted with legal counsel during the recess. Since the Council was reviewing the matter on the record and that map wasn't provided to the Planning Commission, it was not part of the record and would not be provided to the Council. Johnson explained that the Council was looking at this matter with what's presented before them, and what the Planning Commission considered and what was approved by them. Franken expressed concern that there was only a verbal approval from DSL. Johnson explained that DSL sends a letter to the city to communicate whether or not the mapped area matches what the proposed development plans are, or, if additional permitting is necessary.

Johnson and Shepard clarified for Cheek that the timeline to meet all conditions was upon final plat approval. Shepard further explained that this hearing is not about approving the final plat. When the applicant comes for final plat approval, all of these conditions will have to be met. The applicant would be given one year to do so, and they can request an additional extension every year.

Councilors requested clarification regarding the timeline for determining wetland areas. Johnson reiterated that the code says in section 5, the zone boundary determination, that at such a time a development is proposed in the vicinity of an area designated special area wetlands, the city may require a site investigation to determine the exact location of the zone boundary. The investigation shall be performed by qualified agent, such as a biologist from the US Army Corps of Engineers or Department of State Lands. Johnson explained that the city did require this as a condition of approval in the Planning Commission decision. Johnson further explained that if the biologist showed that these lots are not developable, it would be considered a significant change to the tentative approval, and the applicant would have to submit a new plan to the planning commission then, unless they could modify it in such a way that it was not a significant change.

Cheek inquired whether new floodplain laws would affect the application. Johnson explained that the new floodplain laws are not relevant to appeal criteria and were outside the scope of this application.

Resto-Spotts confirmed for McGinnis and Cheek that the City Council can modify the Planning Commission's conditions in their decision. There was brief discussion regarding the City's 120-day window to make a decision and indication that the applicant had provided the City with an extension to November 20<sup>th</sup>.

Resto-Spotts clarified the 10-year rule for McGinnis. Resto-Spotts stated he didn't believe there was any disagreement in what ORS 92.040 states. Resto-Spotts said it is a vesting rights statute. It is not a statute of limitations. ORS 92.040 does not say after 10 years your approval is expired. All it says is, if you come in for subsequent development, you have to apply the standards that are in place at that point, and the case law and the legislative history bears that up. Resto-Spotts further explained that the question of whether the 2008 approval expired is a separate, distinct question from whether ORS 92.040 applies. Resto-Spotts stated that the Council should look at the 2008 approval and the language that's in that decision, and look to the City code. What does the code say about expirations? He stated the Council would look to those things, you would not look to ORS 92.040. ORS 92.040 is just saying how long that application can apply under the laws at the time.

Resto-Spotts reiterated one of Johnson's comments early in her original presentation that to the extent that Council wants an expiration of a PUD approval under code, that would require a code amendment. Resto-Spotts read code Section 10.060: Within one year after concept approval or modified approval of a preliminary development plan, the applicant shall file a final plan for the entire development or, when submission in stages has been authorized, for the first unit of the PUD, with the Planning Commission. The final plan shall conform in all respects

with the approved preliminary development plan. Resto-Spotts stated there was no additional language to how you treat subsequent phases, there was only a 1-year requirement to submit the first phase.

Johnson confirmed for McNeilly that the phrase “the plan can be completed within a reasonable period of time” appeared in code section 10.050.

Johnson confirmed for McGinnis that if there is approval to build in a wetland, removal and fill permits are issued by DSL.

Cheek inquired about applicant sewer force main improvements. Johnson explained that the applicant agreed to pay for their proportional share of the improvement, and the applicant would bear the cost of the additional homes that they are creating and adding on to that system.

Johnson confirmed for McGinnis that the applicant withdrew the request to vacate the east end of Riley Street during the Planning Commission hearing.

Cheek inquired about the applicant’s request for sub-phases. Johnson confirmed that the Planning Commission denied that request and it was not part of the appeal.

#### **Applicant Final Rebuttal**

Start time: [08:32:03 PM \(02:22:03\)](#)

Alterman stated that a source of confusion was first, how many applications there had been, and second, what the decision before the Council was, and the difference between the PUD process and the plat process. Alterman stated in 2008 there were two applications, both approved with conditions. The first was an application to approve the Planned Unit Development (PUD) plan for the entire property. The second application process, at essentially the same time, was a subdivision application for phase one of that overall project. Alterman said the city approved both the overall plan and the subdivision. Alterman stated that two different time standards applied to those applications. For the PUD, the applicant is required to build at least part of the PUD within one year. For the subdivision, the applicant was required to build the improvements in the subdivision and file a final plat within one year from the day the applicant got approval for the tentative plat. Alterman explained that when you're applying for a PUD, you get a preliminary approval, and then you get a final approval. He stated every time you see the word preliminary, it's referring to a PUD application. Alterman stated that for a subdivision application, you get a tentative approval and a final approval. He said whenever you see the word tentative, it's referring to a subdivision, or to a phase of a PUD, not to the entire PUD. Alterman explained the reason that it's a 2-stage process is that nobody would ever build all the improvements that go with the subdivision unless the City had approved in principle, given the tentative approval, to the subdivision in the first place. He said, on the other hand, the City doesn't want to have a final subdivision unless the developer has, in fact, built all the improvements that were called for in the plan. That's why it's 2 stages.

Alterman stated that the two applications that are here today were an application to modify the conditions of approval, to modify the design of the PUD by splitting a couple of lots into slightly smaller lots. Alterman said the PUD approval was still valid, and neither state law or the City code caused them to expire. Alterman said whether that's good policy is a question that isn't before the Council tonight, it was simply what the law and the code is right now for the PUD approval.

Alterman stated that the other question before the Council was a request to approve a tentative plat for the subdivision of Phase 2. Alterman explained that is where the conditions come in. Those are conditions that all relate to the applicant building the improvements that the Phase 2 subdivision calls for. He explained that when the applicant show that you have built the streets and the public improvements, and sewer pump station, and put up the monuments and completed the other subdivisions requirements, that is when the City would give the final approval, and from that point the applicant would have legal lots.

Alterman said the appellant's position on everything expiring in one year simply doesn't make sense because nobody would apply to do a 2-phase or 3-phase or 4-phase or 5-phase PUD or subdivision if they had to build it all in one year. There would simply be no point to having phasing if you nevertheless had to build it all at once.

Alterman addressed opponents' testimony that there didn't appear to be any improvements in Phase 2. He explained that the condition required that all the utilities be underground, so there isn't much visible on the surface at all. He noted that a fire hydrant indicates that the water main has been installed, water meters are installed on the Kittiwake side, and Jack Riley Street East is rough-graded in. Alterman stated that the improvements are in, basically, except for the streets, and that the condition had been met.

Alterman addressed opponent arguments that the applicant was seeking to apply 2008 standards. Alterman stated the Planner's Staff Report included all of the standards that applied, and all of those standards were in the current code, and the applicant is not asking for a variance from that.

Alterman addressed questions regarding special area wetlands, noting that delineations are submitted to staff and applicants must show that they are building outside the wetland or have permission from DSL to do whatever it is they want to do in the with the wetland. Alterman stated that the applicant obtained permission from DSL in 2008 or 2009 to fill parts of the wetland area and to mitigate that fill by creating other wetland areas all within the zone. He explained that that couldn't have been done if the entire area was a special area wetland in the City code, and the whole point of the process was to determine which areas were wetland, and the areas where lots were going to be built.

Alterman address questions regarding case law, stating that neither case was inconsistent with the applicant's argument. Alterman explained that both related to the application of old code or



existing code, and the applicant is not trying to apply old code. The applicant is asking for approval under the current code.

Alterman explained that with regard to the wetlands delineation that had been done, it has been submitted to the State. Alterman said he did not believe that the applicant was allowed to introduce it into the record at this time, but that it was covered by the condition of approval that says the applicant must submit the plan. Alterman stated the applicant must show we have a building site on each lot that is suitable for a house, or we'll have to come back in for a modification, or simply drop that lot if there is one out of the picture.

Franken inquired whether the list of improvements were completed within one year of the tentative plan. Alterman confirmed that all improvements for Phase 1 were completed within one year of the tentative plan, which was the requirement for the Phase 1 subdivision. He added that most improvements for Phase 2 were also completed, other than paving the street and other than the Sewer Pump station, which doesn't have a purpose until there are houses in Phase 2 that have the sewer. McGinnis inquired whether sewer lines were installed. Alterman stated he believed that the vaults indicated that there were lines running to it, but wasn't certain.

Cheek inquired about 16 years since the original approval. Alterman noted that there was a recession in 2009.

McGinnis inquired about the wetlands delineation process and special area wetlands overlay zone. Alterman explained that unlike other zones, the special area wetland area designation is not something that you approve as a zone change. When a development proposal is submitted, and if it looks like there are wetlands on the property or in the area, the city then requires the applicant to have a qualified expert prepare a wetlands delineation, as the applicant has done. Alterman explained that was why some of the brush was removed, so the expert could go look and prepare the wetlands delineation. The delineation is then submitted to DSL. After DSL review, the delineated area effectively becomes the special wetlands area. It's determined property by property as the situation arises.

Alterman concluded that the applicant had met the criteria and she asked that the Council deny the appeal and grant the application, and approve the Planning Commission's decision.

Alterman stated that the applicant had just consented to extend the City's decision deadline to December 12<sup>th</sup>.

### **Close of Hearing**

There being no further testimony, McNeilly closed the public hearing for Appeal No. 24-1 at 8:49 p.m.

### **Applicant's Right to Final Written Arguments**

McNeilly explained that unless waived by the Applicant, the City shall allow the Applicant at least seven days to submit final written arguments, but no new evidence, facts, documents, dates, or testimony to support their application.

The applicant waived the right to submit additional written argument.

McNeilly stated that since the applicant had waived the right to submit additional written arguments, at this point Council may only deliberate and discuss amongst itself, and no other parties or members of the public may participate.

McGinnis expressed appreciation to staff, and to those who presented and testified. She noted that the Council had to decide just on the 5 issues that were raised by the appellant and decide those issues with as little interpretation, and as best as we can, as it aligns with state law and city codes. McGinnis commented on the volume of information and suggested meeting at a later time for the deliberation and decision. Cheek concurred that it was a lot of information to make an immediate decision. McGinnis noted that

Cheek made a **motion**, seconded by Martine, to set deliberations on Appeal 24-41 to 6:00 p.m., December 11, 2024 at Rockaway Beach City Hall.

McGinnis commented that this is an enormous decision, involving people's homes, people's lives, and people's business, and we want to make sure we're making the best-informed decision that we can. McGinnis stated that it required some time to process all that was heard tonight. McGinnis stated it was her understanding that there would be no new testimony within this period.

The **motion carried** by the following vote:

Aye: 4 (Cheek, McGinnis, Martine, Franken)

Nay: 0

**8. CITIZEN INPUT ON NON-AGENDA ITEMS** – None Scheduled

**9. OLD BUSINESS** – None Scheduled

**10. NEW BUSINESS** – None Scheduled

**11. ITEMS REMOVED FROM CONSENT AGENDA** – None Scheduled

**12. COUNCIL CONCERNS** – None Scheduled

**13. MAYOR'S REPORT** - None Scheduled

**14. ADJOURNMENT**

Franken made a **motion**, seconded by McGinnis, to adjourn the meeting at 8:55 p.m.

The **motion carried** by the following vote:

Aye: 4 (Cheek, McGinnis, Martine, Franken)

Nay: 0

MINUTES APPROVED THE  
11<sup>TH</sup> DAY OF DECEMBER 2024

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Charles McNeilly, Mayor

ATTEST

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Melissa Thompson, City Recorder

DRAFT



**CITY OF ROCKAWAY BEACH  
PLANNING COMMISSION ACTION**

**STAFF REPORT**

Case File #Land Use Appeal-24-1  
Hearing Date: October 9, 2024

**APPLICANT:** Nedonna Development LLC  
**AGENT FOR APPLICANT:** Dean N. Alterman

**APPELLANT:** Oregon Shores Conservation Coalition  
**AGENT FOR APPELLANT:** Eric Wriston, Crag Law Center

**REQUEST:** On August 14, 2024, the City of Rockaway Beach received an appeal of the Planning Commission’s decision on Planned Unit Development Application 24-1 – Nedonna Wave Phase 2, filed by Appellant, Oregon Shores Conservation Coalition. The appeal is based on the following issues:

1. The original 2008 approval of the plan for this development has expired.
  2. ORS 92.040 requires the Applicant to resubmit its initial application for this development.
  3. RBZO 3.080 prohibits residential development in a Special Area Wetlands Zones.
  4. RBZO 3.142 requires the Applicant develop evacuation measures and improvements.
  5. RBZO 4.150 requires the City to enforce its riparian setback for McMillan Creek, preapproval.
- A. REPORT OF FACTS:** On August 11, 2024, per RBZO 11.070, the City Council determined at a non-public hearing, the scope of review for the appeal. The City Council determined the scope of review would be limited to the presentation of additional evidence regarding the issues and criteria raised in the appeal.

**B. EVALUATION OF THE REQUEST**

The appeal is based on the following issues:

**ISSUE NO. 1: The original 2008 approval of the plan for this development has expired.**

The following substantive criteria apply to this issue. To facilitate review, staff comments are in *italicized font*.

**Section 10.050. Procedure - Preliminary Development Plan.**

1. The applicant shall submit four copies of the preliminary development plan to the Planning Commission prior to formal application for rezoning. Applications shall be accompanied by a fee prescribed in Section 11.050 of this ordinance. This plan and any written statements shall contain at least the following information:
  - i. A schedule, if it is proposed that the final development plan will be executed in stages.



*The Appellant notes that in the original 2008 approval, the Applicant did not provide a schedule as required when seeking to develop a PUD in phases. Regardless, the City did approve the application in 2008, in two phases.*

2. The Planning Commission shall consider the preliminary development plan at a public meeting, at which time they shall determine whether the proposal conforms to City ordinances. In addition, in considering the plan, the Planning Commission shall seek to determine that:
  - i. The plan can be completed within a reasonable period of time.

*The City's development code should provide clear and objective standards. Without a timeframe specifically set by the RBZO or by the Planning Commission in their 2008 approval, no clear and objective timeframe was set for when the 2008 approval was required to be completed.*

**ISSUE NO. 2: ORS 92.040 requires the Applicant to resubmit its initial application for this development.**

The following substantive criteria apply to this issue. To facilitate review, staff comments are in *italicized font*.

**ORS 92.040. Application for approval of subdivision or partition.**

1. Before a plat of any subdivision or partition subject to review under ORS 92.044 (Adoption of standards and procedures governing approval of plats and plans) may be made and recorded, the person proposing the subdivision or partition or authorized agent or representative of the person shall make an application in writing to the county or city having jurisdiction under ORS 92.042 (Governing body having jurisdiction to approve plans, maps or plats) for approval of the proposed subdivision or partition in accordance with procedures established by the applicable ordinance or regulation adopted under ORS 92.044 (Adoption of standards and procedures governing approval of plats and plans). Each such application shall be accompanied by a tentative plan showing the general design of the proposed subdivision or partition. No plat for any proposed subdivision or partition may be considered for approval by a city or county until the tentative plan for the proposed subdivision or partition has been approved by the city or county. Approval of the tentative plan shall not constitute final acceptance of the plat of the proposed subdivision or partition for recording. However, approval by a city or county of such tentative plan shall be binding upon the city or county for the purposes of the preparation of the subdivision or partition plat, and the city or county may require only such changes in the subdivision or partition plat as are necessary for compliance with the terms of its approval of the tentative plan for the proposed subdivision or partition.
2. After September 9, 1995, when a local government makes a decision on a land use application for a subdivision inside an urban growth boundary, only those local government laws implemented under an acknowledged comprehensive plan that are in effect at the time of application shall govern subsequent construction on the property unless the applicant elects otherwise.



3. A local government may establish a time period during which decisions on land use applications under subsection (2) of this section apply. However, in no event shall the time period exceed 10 years, whether or not a time period is established by the local government. [Amended by 1955 c.756 §7; 1973 c.696 §7; 1983 c.826 §8; 1989 c.772 §5; 1995 c.812 §9; 2005 c.22 §71]

*While City Staff initially agreed with the Appellant's interpretation of this ORS, after speaking with the Applicant and the City's legal counsel, Staff reversed its opinion, based on the arguments presented by the Applicant and the applicable case law.*

*The Applicant argued that ORS 92.040(3) does not make land use decisions expire; rather, it states that a City can allow an Applicant whose application was approved to choose between the old rules and the new rules for up to 10 years after the application is approved.*

*This interpretation was supported by the ruling in Claus v. City of Sherwood (LUBA No. 2022-080, filed on March 9, 2023) and in Athletic Club of Bend, Inc. v. City of Bend, 239 Or App 89 (2010).*

### **ISSUE NO. 3: RBZO 3.080 prohibits residential development in a Special Area Wetlands Zones.**

The following substantive criteria apply to this issue. To facilitate review, staff comments are in *italicized font*.

Rockaway Beach Zoning Ordinance Section 3.080, Special Wetlands Area (SA). In the SA zone the following regulations shall apply:

4. Standards. In the SA zone, the following standards shall apply:
- a. All activities involving construction or alteration in wetlands or aquatic areas shall be reviewed by the Oregon Division of State Lands and the US Army Corps of Engineers to determine permit applicability.

*The Application has been provided to DSL for review. The DSL response is included with the record, outlining additional reporting and permitting necessary for this Application.*

*The Planning Commission conditioned its approval, requiring the Applicant to submit evidence that all necessary permits and approvals from the U.S. Army Corps of Engineers and Oregon Department of States Lands have been obtained for impacts to wetlands, in accordance with the approved plan.*

5. Zone Boundary Determination. At such time that a development is proposed in the vicinity of an area designated Special Area Wetlands, the City may require a site investigation to determine the exact location of the zone boundary. The site investigation shall be performed by a qualified agent such as a biologist from the U.S. Army Corps of Engineers or the Division of State Lands.



*The Application has been provided to DSL for review. The DSL response is included in the record, outlining the requirement for an updated site investigation to be conducted by a qualified agent to determine the exact location of the zone boundary.*

*The Planning Commission conditioned its approval, requiring the Applicant to complete a wetland delineation to be reviewed and approved by the Department of State Lands to determine if there is a change in the wetland boundaries and if a wetland removal-fill permit is required. This delineation shall be sufficiently sized to include both Phases 2 and 3. The approval from the Department of States Lands must be current (no more than 2 years old).*

**ISSUE NO. 4: RBZO 3.142 requires the Applicant develop evacuation measures and improvements.**

The following substantive criteria apply to this issue. To facilitate review, staff comments are in *italicized font*.

Rockaway Beach Zoning Ordinance Section 3.140 (6), Tsunami Hazard Overlay Zone (TH). In the TH zone the following regulations shall apply:

6. Evacuation Route Improvement Requirements. Except single family dwellings on existing lots and parcels, all new development, substantial improvements and land divisions in the Tsunami Hazard Overlay Zone shall incorporate evacuation measures and improvements, including necessary vegetation management, which are consistent with and conform to the adopted Tsunami Evacuation Facilities Improvement Plan. Such measures may include:
  - a. On-site improvements: (i) Improvements necessary to ensure adequate pedestrian access from the development site to evacuation routes designated in the Evacuation Route Plan in all weather and lighting conditions. (ii) Frontage improvements to designated evacuation routes that are located on or contiguous to the proposed development site, where such improvements are identified in the Tsunami Evacuation Facilities Improvement Plan. Such improvements shall be proportional to the evacuation needs created by the proposed development.

*The Application does not address on-site evacuation route improvements.*

*The Planning Commission conditioned its approval, requiring the Applicant to submit evidence that tsunami evacuation routes are sufficient to meet the proportional evacuation needs created by the proposed development*

- b. Off-site improvements: Improvements to portions of designated evacuation routes that are needed to serve, but are not contiguous to, the proposed development site, where such improvements are identified in the Tsunami Evacuation Facilities Improvement Plan. Such improvements shall be proportional to the evacuation needs created by the proposed development.



*The Application does not address off-site evacuation route improvements.*

- c. Evacuation route signage consistent with the standards set forth in the Tsunami Evacuation Facilities Improvement Plan. Such signage shall be adequate to provide necessary evacuation information consistent with the proposed use of the site.

*The Application does not address tsunami evacuation route signage.*

- d. Evacuation route improvements and measures required by this subsection may include the following: (i) Improved streets and/or all-weather surface paths of sufficient width and grade to ensure pedestrian access to designated evacuation routes in all lighting conditions; (ii) Improved streets and paths shall provide and maintain horizontal clearances sufficient to prevent the obstruction of such paths from downed trees and structure failures likely to occur during a Cascadia earthquake; and (iii) Such other improvements and measures identified in the Evacuation Route Plan.

*The Application does not provide for evacuation route improvements.*

**ISSUE NO. 5: RBZO 4.150 requires the City to enforce its riparian setback for McMillan Creek, preapproval.**

The following substantive criteria apply to this issue. To facilitate review, staff comments are in *italicized font*.

Section 4.150. Riparian Vegetation. Riparian vegetation adjacent to the lakes and streams in Rockaway Beach shall be protected in accordance with the following provisions:

1. The following areas of riparian vegetation are defined:
  - a. Fifteen feet on either side of McMillan, Steinhilber, Finney, Rock, Heitmiller, Saltair, and Spring Creeks and any other known stream bed.

*No development is proposed within 15 feet of McMillan Creek, as reflected in the maps provided by the Applicant.*

*The Planning Commission conditioned its approval as follows: The development shall avoid entering City designated riparian setback of 15' for McMillan Creek. If site constrains will not allow for this, the Applicant coordinate with Oregon Department of Fish and Wildlife to develop a plan to mitigate for these impacts and shall provide evidence of approval. Any development within these areas which could result in a loss of fish and wildlife habitat would require that the impact be mitigated consist with current habitat mitigation standards.*

*This condition is consistent with RBZO 4.150 (5), which states: The City may approve the removal of riparian vegetation when vegetation removal and a plan to re-vegetate the*





*riparian area has been reviewed and approved by the Oregon department of Fish and Wildlife.*

## **CONCLUSION**

The City Council should carefully consider the request, including all oral and written testimony on record and presented at the public hearing, as they pertain to the criteria on which the appeal was filed. After considering testimony as it relates to these applicable criteria, the City Council will need to make a decision on the request.

The City Council may affirm, reverse, or modify in whole or in part, the Planning Commission's decision on the Nedonna Wave Planned Unit Development application, #PUD-24-1.

If the City Council affirms the decision of the Planning Commission, the City Council shall provide a statement that generally reflects the facts and rationale relied upon to reach the decision. The motion should also direct staff to prepare findings, conclusions, and a final order to implement the decision.

If the City Council modifies or renders a decision that reverses the decision of the Planning Commission, the City Council shall provide a statement that generally reflects the facts and rationale relied upon to reach the decision. The motion should also direct staff to prepare findings, conclusions, and a final order to implement the decision.

If the City Council elects to remand the matter back to the Planning Commission for further consideration as it deems necessary, it shall include a statement explaining the error found to have materially affected the outcome of the original decision and the action necessary to rectify such.

Notice of the City Council decision shall be provided to all parties to the hearing within five working days of the date that the final order is signed. The decision may be appealed to the Land Use Board of Appeals by filing a notice of intent to appeal within 21 days.

CITY OF ROCKAWAY BEACH

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# APPEAL #24-1: NEDONNA WAVE PUD PHASE 2

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CITY COUNCIL PUBLIC HEARING

# BACKGROUND

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In 2008, the City approved Nedonna Wave's application for a phased 28-lot development with PUD overlay. In 2009, the Applicant applied for and received final approval for the first phase of the PUD, and recorded the plat of Nedonna Wave - Phase 1.

Earlier this year the City received a request from the Applicant to make modifications to the approved Phase 2 final plan. A public hearing was held before the Planning Commission to consider the request.

The Planning Commission approved the Applicant's request to (1) create two lots instead of one lot at the north end of Jackson Street and to create four lots instead of three lots at the northeast corner of Kittiwake Drive and Riley Street could be developed in accordance with the applicable standards of the Rockaway Beach Zoning Ordinance.

The Planning Commission denied Applicant's request to plat Phase 2 as two separate subphases.

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The Planning Commission's Final Order was posted and served in accordance with the Rockway Beach Zoning Ordinance.

An appeal of the Planning Commission's decision was filed by Oregon Shores Conservation Coalition based on the following issues:

1. The original 2008 approval of the plan for this development has expired.
2. ORS 92.040 requires the Applicant resubmit its initial application for this development.
3. RBZO 3.080 prohibits residential development in a Special Area Wetlands Zone.
4. RBZO 3.142 requires the Applicant develop evacuation measures and improvements.
5. RBZO 4.150 requires the City to enforce it's riparian setback for McMillan Creek, preapproval.

**FOLLOWING RECEIPT OF THE APPEAL, THE CITY COUNCIL DETERMINED THE SCOPE OF REVIEW WOULD BE LIMITED TO EVIDENCE REGARDING THE FIVE ISSUES RAISED IN THE APPEAL.**

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**ONLY ADDITIONAL EVIDENCE GIVEN REGARDING THE FIVE ISSUES RAISED IN THE APPEAL MAY BE CONSIDERED BY THE CITY COUNCIL.**

During the public hearing, testimony will be given and written comment received for the City Council's consideration. The City Councilors will need to use their discretion to determine whether the testimony they have received are regarding one of the five criteria in the appeal.

If the testimony received is outside of the scope of review, the City Councilors should not consider this testimony in their decision making.

However, if the testimony given is regarding one of the five criteria in the appeal, this additional evidence should be considered by the City Council in making their decision.

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## **ISSUE #1**

### **THE ORIGINAL 2008 APPROVAL OF THE PLAN FOR THIS DEVELOPMENT HAS EXPIRED.**

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

##### Section 10.060. Procedure - Final Approval.

1. Within one year after concept approval or modified approval of a preliminary development plan, the applicant shall file a final plan for the entire development or, when submission in stages has been authorized, for the first unit of the PUD, with the Planning Commission. The final plan shall conform in all respects with the approved preliminary development plan.

## **ISSUE #1**

### **THE ORIGINAL 2008 APPROVAL OF THE PLAN FOR THIS DEVELOPMENT HAS EXPIRED.**

#### **Staff Finding**

As required by the RBZO, the Applicant filed a final plat for Phase 1 of the two phase PUD, within 1 year of receiving concept approval from the City. The RBZO does not set any time requirement for the Applicant to file additional phases when submitting in stages.

Should the City wish to set time requirements for subsequent phases of future PUDs applications a code amendment to create the provision would be required.



## ISSUE 2

### ORS 92.040 REQUIRES THE APPLICANT RESUBMIT ITS INITIAL APPLICATION FOR THIS DEVELOPMENT.

#### ORS 92.040. Application for Approval of Subdivision or Partition

2. After September 9, 1995, when a local government makes a decision on a land use application for a subdivision inside an urban growth boundary, only those local government laws implemented under an acknowledged comprehensive plan that are in effect at the time of application shall govern subsequent construction on the property unless the applicant elects otherwise.
3. A local government may establish a time period during which decisions on land use applications under subsection (2) of this section apply. However, in no event shall the time period exceed 10 years, whether or not a time period is established by the local government.





## ISSUE 2

### ORS 92.040 REQUIRES THE APPLICANT RESUBMIT ITS INITIAL APPLICATION FOR THIS DEVELOPMENT.

#### Staff Finding

While City Staff initially agreed with the Appellant's interpretation of this ORS, which would have caused the 2008 approval to expire and require the Applicant resubmit the application in its entirety, after speaking with the Applicant and the City's legal counsel, Staff reversed its opinion, based on the arguments presented by the Applicant and the applicable case law.

The Applicant argued that ORS 92.040(3) does not make land use decisions expire; rather, it states that a City can allow an Applicant whose application was approved to choose between the old rules and the new rules for up to 10 years after the application is approved. This interpretation was supported by the ruling in *Claus v. City of Sherwood* (LUBA No. 2022-080, filed on March 9, 2023) and in *Athletic Club of Bend, Inc. v. City of Bend*, 239 Or App 89 (2010).

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## ISSUE 3

### RBZO 3.080 PROHIBITS RESIDENTIAL DEVELOPMENT IN A SPECIAL AREA WETLANDS ZONE

#### RBZO Section 3.080. Special Area Wetlands.

##### 5. Zone Boundary Determination.

At such time that a development is proposed in the vicinity of an area designated Special Area Wetlands, the City may require a site investigation to determine the exact location of the zone boundary. The site investigation shall be performed by a qualified agent such as a biologist from the U.S. Army Corps of Engineers or the Division of State Lands.

## **ISSUE 3**

### **RBZO 3.080 PROHIBITS RESIDENTIAL DEVELOPMENT IN A SPECIAL AREA WETLANDS ZONE**

#### **Staff Finding.**

The Application has been provided to DSL for review. The DSL response is included with the record, outlining additional reporting and permitting necessary for this Application.

Staff have spoken with representatives from DSL regarding this application, who confirmed that the proposed areas of development have already been mitigated during Phase 1, for Phase 2.

## **ISSUE 3**

### **RBZO 3.080 PROHIBITS RESIDENTIAL DEVELOPMENT IN A SPECIAL AREA WETLANDS ZONE**

#### **Staff Finding.**

Additionally, Staff note that, do to Section 3.080(5), the City has historically applied the SA Zone as an overlay to neighboring residential zones. There are multiple nearby properties in the Nedonna Beach neighborhood which have been developed as recently as 2021 which are located in the SA Zone, but were approved for development after a wetland delineation was completed and development approved by the Department of State Lands.



## ISSUE 4

### **RBZO 3.142 REQUIRES THE APPLICANT DEVELOP EVACUATION MEASURES AND IMPROVEMENTS.**

#### **RBZO Section 3.140 (6), Tsunami Hazard Overlay Zone (TH).**

In the TH zone the following regulations shall apply:

6. Evacuation Route Improvement Requirements. ....All new development, substantial improvements and land divisions in the TH shall incorporate evacuation measures and improvements,...

Such measures may include:

- a. On-site improvements.
- b. Off-site improvements.
- c. Evacuation route signage.
- d. Evacuation route improvements.



## **ISSUE 4**

### **RBZO 3.142 REQUIRES THE APPLICANT DEVELOP EVACUATION MEASURES AND IMPROVEMENTS.**

#### **Staff Finding.**

The Applicant has submitted supplementary material to address the on-site, evacuation route, and signage improvements that will be made, addressing the requirements of the TH zone.

As noted in the supplementary materials, no off-site improvements are proposed to the evacuation routes, as these areas are privately owned, nor are any improvements outlined in the Tsunami Evacuation Facilities Improvement Plan for this area, outside of those proposed by the Applicant.

## **ISSUE #5**

### **RBZO 4.150 REQUIRES THE CITY TO ENFORCE IT'S RIPARIAN SETBACK FOR MCMILLAN CREEK, PREAPPROVAL.**

#### **RBZO Section 4.150. Riparian Vegetation.**

Riparian vegetation adjacent to the lakes and streams in Rockaway Beach shall be protected in accordance with the following provisions:

1. The following areas of riparian vegetation are defined:
  - a. Fifteen feet on either side of McMillan...

## **ISSUE #5**

### **RBZO 4.150 REQUIRES THE CITY TO ENFORCE IT'S RIPARIAN SETBACK FOR MCMILLAN CREEK, PREAPPROVAL.**

#### **Staff Finding.**

No development is proposed within 15 feet of McMillan Creek, as reflected in the maps provided by the Applicant. The only utility crossings of McMillan Creek are existing water service lines and valves. The proposed building footprints appear to be 15' or more from McMillan Creek. This requirement will be reviewed again for conformance when zoning applications are submitted.



# STAFF RECOMMENDATION

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STAFF RECOMMEND **DENIAL OF APPEAL 24-1 ON ALL GROUNDS.**

Staff find that substantive evidence exists to uphold the Planning Commission's July 18, 2024 decision on application PUD 24-1. The Applicant has provided evidence in the application and additional materials submitted to meet the requirements of the City's ordinances, as well as State law.

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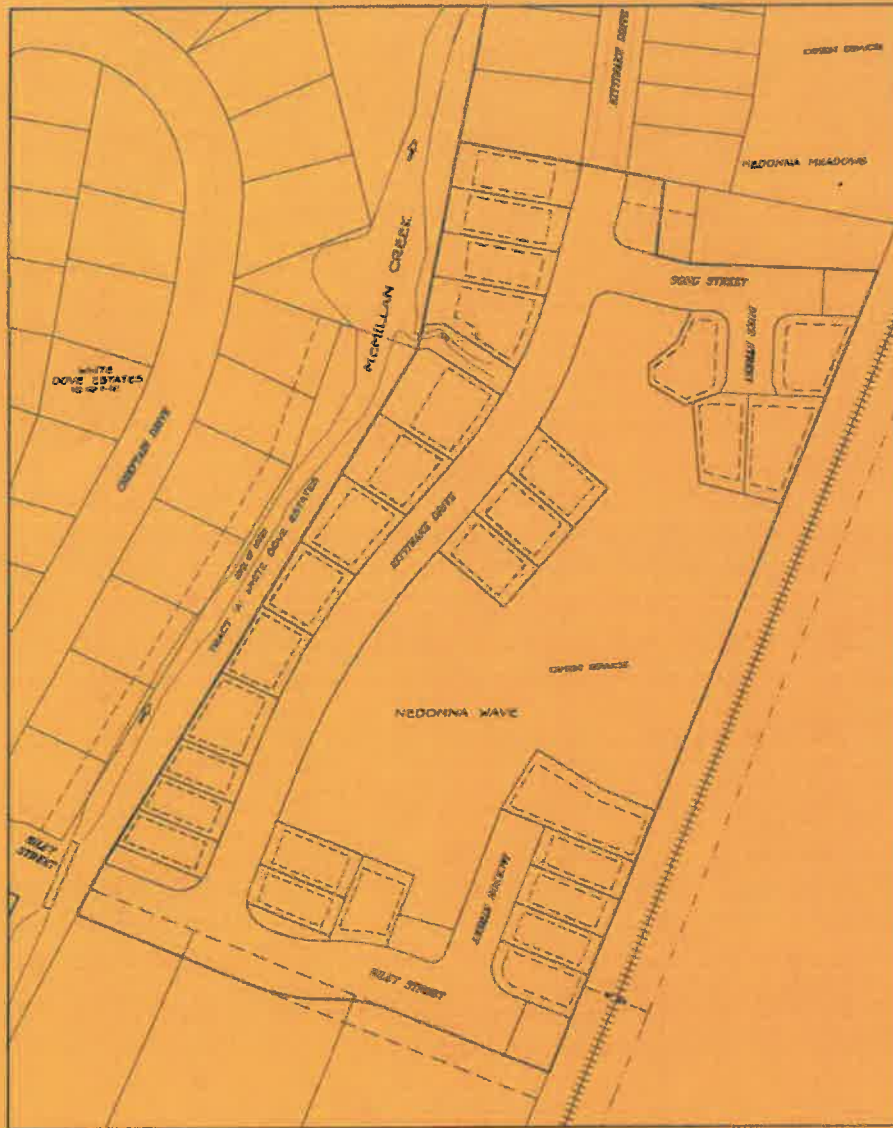
# CONCLUSION

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The City Council should carefully consider the request, including all oral and written testimony on record and presented at the public hearing, **ONLY AS THE TESTIMONY PERTAINS TO THE FIVE CRITERIA ON WHICH THE APPEAL WAS FILED**. After considering testimony as it relates to these applicable criteria, the City Council will need to make a decision on the request.

Notice of the City Council decision shall be provided to all parties to the hearing within five working days of the date that the final order is signed. The decision may be appealed to the Land Use Board of Appeals by filing a notice of intent to appeal within 21 days

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# NEDONNA WAVE

Subdivision & Planned Unit Development

Prepared for  
Nedonna Development LLC

Prepared by



November 2007



**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.

BEFORE THE CITY PLANNING COMMISSION OF ROCKAWAY BEACH, OREGON  
 Application #07-19 "NEDONNA WAVE" A Planned Unit Development Subdivision  
 Application #07-20 Variance to Building Height; #07-21 Variance to Building Height  
 Application #07-22 Variance to delete Sidewalks  
 Staff Report Date: January 22, 2008  
 Public Hearing Date: January 29, 2008

Page 1 of 33

**I. Application Information:**

Property Owner: Nedonna Development, LLC; Representative Member: "Anna" Song  
 Engineer / Surveyor: HLB Otak, Inc., Ron Larson, PE, PLS  
 Location Description: South of Kittiwake Dr., North of Riley St., West of RR, East of McMillan Canal  
 Legal Description: Parcel 1 of Partition Plat 1997-20 and Parcel 3 of Partition Plat 1997-57; a portion of vacated Evergreen Street Rockaway Beach Ordinance #98-353  
 Assessor's Plat Map: 2N 10W 20AB TL 4600, 4900, 9000  
 Property Size: 6.23 acres  
 Development Zones: R-1 Zone: 3.9 acres; SA Special Area Wetlands 2.33 acres  
 Known Hazards: FHO Zone: A5 Flood Zone; HO Zone: Slopes that exceed 25%; HO Zone: Conditionally Stable Deflation Plain; Wetland Notification Overlay Zone

**II. Description of Request:**

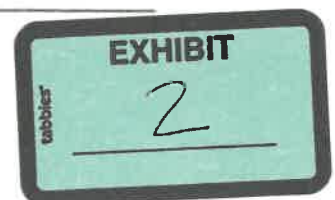
PUD #07-19: The property owner requests approval of a 28 lot planned development subdivision on a site 6.23 acre in area. R-1 Zone: 3.9 acres; SA Special Area Wetlands 2.33 acres. The area of property within the SA Zone is determined by a wetland delineation report and survey concurred with by DSL.

VAR #07-20: Concurrent variance application requests a building height of 29 feet for all lots of "Nedonna Wave" excepting lots 25-28. The criteria for a height variance in a Planned Unit Development are specified by Ordinance #143, Section 10.040 (7) Height Guidelines. Applicable criteria "allow a variance of heights where it is determined that surrounding property will not be harmed".

VAR #07-21: Concurrent variance application requests a building height of 36 feet for lots 25 – 28. The criteria for a height variance in a Planned Unit Development are specified by Ordinance #143, Section 10.040 (7) Height Guidelines. Applicable criteria "allow a variance of heights where it is determined that surrounding property will not be harmed".

VAR #07-22: Concurrent variance application requests the deletion of sidewalks from the development. The criteria from which a variance is requested are found in RBZO Article 13, Section 44 (3) Sidewalks which require sidewalks on both sides of all streets except where the Planning Commission has granted a variance. The criteria for variance to subdivision standards are specified by Ordinance #143, Article 13, Sections 47-50 Variance.

Application Date: October 9, 2007; Application computation of time: ORS 227.178  
 Day 37 of 120 days to decision and Day 75 of 245 of continuance



**BEFORE THE CITY PLANNING COMMISSION OF ROCKAWAY BEACH, OREGON**  
**Application #07-19 "NEDONNA WAVE" A Planned Unit Development Subdivision**  
**Application #07-20 Variance to Building Height; #07-21 Variance to Building Height**  
**Application #07-22 Variance to delete Sidewalks**  
**Staff Report Date: January 22, 2008**  
**Public Hearing Date: January 29, 2008**

Page 12 of 33

7. Improvements required by the Tillamook County Road Department, require the property owner to be financially responsible for paving the unpaved portion of street from Riley Street to Beach Drive, for applying dust treatments; and for road maintenance to the County Road system where necessary to an identified construction access route for the construction traffic.
8. The property owner(s) shall record and file with the City a non-remonstrance agreement to ensure that current and future property owners in the Nedonna Wave subdivision will not remonstrate against the formation of the Local Improvement District (LID) for road improvements to benefit the Nedonna Beach area. Improvements to access to the Nedonna Beach area may include:
  1. The installation of a second access to US Highway 101 suitable for use by pedestrians and vehicles which shall be subject to the approval of applicable regulatory agencies.
  2. When warranted, improvements to the existing access at Beach Street and US Highway 101 which shall be subject to the approval of the applicable regulatory agencies.
  3. When warranted, improvements to the roadways within the area described as Nedonna Beach.

**Final Plat:**

1. The developer shall complete the improvements within one year of tentative plan approval unless an extension is granted by the City to complete improvements. Final plat review shall conform to the procedures of RBZO Article 10 and Article 13.
2. The criteria of RBZO Article 13, Section 11 Procedure for Review, shall be met at the expense of the property owner.
3. The criteria of RBZO Article 13, Section 12 Form of Plat, shall be met at the expense of the property owner.
4. The criteria of RBZO Article 13, Section 13 Information on the Final Plat, shall be met at the expense of the property owner.
5. The criteria of RBZO Article 13, Section 14 Certification, shall be met at the expense of the property owner.
6. The criteria of RBZO Article 13, Section 15 Supplemental Data, shall be met at the expense of the property owner.
7. Consistent with the criteria of RBZO Article 13, Section 16, at the time of the submission of the final plat, the subdivider shall have completed all on-site and off-site improvements to serve the subdivision consistent with an approved improvement agreement.
8. The property owner shall set monuments consistent with RBZO Article 13, Section 45
9. The property owner shall design and record the final survey consistent with RBZO Article 13, Section 45
10. The name of the proposed subdivision shall receive the approval of the County Surveyor or shall be revised as required.

BEFORE THE CITY PLANNING COMMISSION OF ROCKAWAY BEACH, OREGON  
 Application #SPUD 2007-19 "NEDONNA WAVE" A Planned Unit Development Subdivision  
 Application #VAR 2007-20; Application #VAR 2007-21; Application #VAR 2007-22  
 Findings of Fact Date: February 11, 2008 Page 1 of 3

### "FINAL ORDER"

Property Owner: Nedonna Development, LLC; Representative Member: "Anna" Song  
 Engineer / Surveyor: HLB Otak, Inc., Ron Larson, PE, PLS  
 Location Description: South of Kittiwake Dr., North of Riley St., West of RR, East of McMillan Canal  
 Legal Description: Parcel 1 of Partition Plat 1997-20 and Parcel 3 of Partition Plat 1997-57; a portion of vacated Evergreen Street Rockaway Beach Ordinance #98-353  
 Assessor's Plat Map: 2N 10W 20AB TL 4600, 4900, 9000  
 Property Size: 6.23 acres  
 Development Zones: R-1 Zone: 3.9 acres; SA Special Area Wetlands 2.33 acres  
 Known Hazards: FHO Zone: A5 Flood Zone; HO Zone: Slopes that exceed 25%; HO Zone: Conditionally Stable Deflation Plain; Wetland Notification Overlay Zone

#### **I. Description of Request:**

##### **APPLICATION # SPUD 2007-19: Approval with Conditions 5-0**

The property owner requests approval of a 28 lot planned development subdivision on a site 6.23 acres in area. R-1 Zone: 3.9 acres; SA Special Area Wetlands 2.33 acres. The area of property within the SA Zone is determined by a wetland delineation report and survey concurred with by DSL.

PLANNING COMMISSION DECISION: Approval with Conditions 5 Approval-0 Denial  
 The Planning Commission held a public hearing on the request beginning on November 15, 2007 and continued with agreement by the applicant to November 27, 2007 and January 29, 2008. After receiving staff reports, receiving public testimony, and deliberating about the decision, the Planning Commission voted 5-0 in favor of application #07-19 for a decision of "approval with conditions" based on a finding of consistency of the application with applicable criteria as is required to meet the burden of proof. The property owner and applicant agreed to the conditions for the Planning Commission public hearing record. Final plans shall conform substantively to the approved tentative plan.

##### **APPLICATION # VAR 2007-20: Approval 5 - 0**

Concurrent variance application requests a building height of 29 feet for all lots of "Nedonna Wave" excepting lots 25-28. The criteria for a height variance in a Planned Unit Development are specified by Ordinance #143, Section 10.040 (7) Height Guidelines. Applicable criteria "allow a variance of heights where it is determined that surrounding property will not be harmed".

PLANNING COMMISSION DECISION: Approval with Conditions 5 Approval-0 Denial  
 The Planning Commission held a public hearing on the request beginning on November 15, 2007 and continued with agreement by the applicant to November 27, 2007 and January 29, 2008. After receiving staff reports, receiving public testimony, and deliberating about the decision, the Planning Commission voted 5-0 in favor of application #07-20 for a decision of "approval with



BEFORE THE CITY PLANNING COMMISSION OF ROCKAWAY BEACH, OREGON  
 Application #SPUD 2007-19 "NEDONNA WAVE" A Planned Unit Development Subdivision  
 Application #VAR 2007-20; Application #VAR 2007-21; Application #VAR 2007-22  
 Findings of Fact Date: February 11, 2008 Page 2 of 3

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**"FINAL ORDER"**

conditions" based on a finding of consistency of the application with applicable criteria as is required to meet the burden of proof. The property owner and applicant agreed to the conditions for the Planning Commission public hearing record. Final plans shall conform substantively to the approved tentative plan.

APPLICATION # VAR 2007-21: Approval 5 – 0

Concurrent variance application requests a building height of 36 feet for lots 25 – 28. The criteria for a height variance in a Planned Unit Development are specified by Ordinance #143, Section 10.040 (7) Height Guidelines. Applicable criteria "allow a variance of heights where it is determined that surrounding property will not be harmed".

**PLANNING COMMISSION DECISION: Approval 5 Approval-0 Denial**

The Planning Commission held a public hearing on the request beginning on November 15, 2007 and continued with agreement by the applicant to November 27, 2007 and January 29, 2008. After receiving staff reports, receiving public testimony, and deliberating about the decision, the Planning Commission voted 5-0 in favor of application #07-21 for a decision of "approval with conditions" based on a finding of consistency of the application with applicable criteria as is required to meet the burden of proof. The property owner and applicant agreed to the conditions for the Planning Commission public hearing record. Final plans shall conform substantively to the approved tentative plan.

APPLICATION # VAR 2007-22: Approval 5 – 0

Concurrent variance application requests the deletion of sidewalks from the development. The criteria from which a variance is requested are found in RBZO Article 13, Section 44 (3) Sidewalks, which requires sidewalks on both sides of all streets except where the Planning Commission has granted a variance. The criteria for a variance to subdivision standards are specified by Ordinance #143, Article 13, Sections 47-50 Variance.

**PLANNING COMMISSION DECISION: Approval with Conditions 5 Approval-0 Denial**

The Planning Commission held a public hearing on the request beginning on November 15, 2007 and continued with agreement by the applicant to November 27, 2007 and January 29, 2008. After receiving staff reports, receiving public testimony, and deliberating about the decision, the Planning Commission voted 5-0 in favor of application #07-22 for a decision of "approval with conditions" based on a finding of consistency of the application with applicable criteria as is required to meet the burden of proof. The property owner and applicant agreed to the conditions for the Planning Commission public hearing record. Final plans shall conform substantively to the approved tentative plan.

**FINDINGS OF FACT:**

The Findings of Fact relied upon by the Planning Commission for decision is attached as **Exhibit "A"**. Conditions of Approval are attached as **"Exhibit B"**.

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BEFORE THE CITY PLANNING COMMISSION OF ROCKAWAY BEACH, OREGON  
Application #SPUD 2007-19 "NEDONNA WAVE" A Planned Unit Development Subdivision  
Application #VAR 2007-20; Application #VAR 2007-21; Application #VAR 2007-22  
Findings of Fact Date: February 11, 2008 Page 3 of 3

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**"FINAL ORDER"**

**CASE RECORD:**

The complete case record including the findings of fact is available for review at City Hall by filing a request during regular business hours.

**APPEAL PERIOD:**

A decision of the Planning Commission may be appealed to the City Council by a party to the hearing by filing an appeal within 15 days of the date the final order is signed. The notice of appeal filed with the City shall contain the information outlined in the RBZO Section 11.070(3) and may only be filed concerning criteria that were addressed at the initial public hearing.



\_\_\_\_\_  
Dixie Sexton, Planning Commission Chair



\_\_\_\_\_  
Date

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BEFORE THE CITY PLANNING COMMISSION OF ROCKAWAY BEACH, OREGON  
 Application #SPUD 2007-19 "NEDONNA WAVE" A Planned Unit Development Subdivision  
 Application #VAR 2007-20; Application #VAR 2007-21; Application #VAR 2007-22  
 Findings of Fact Date: February 11, 2008 Page 7 of 34

**"EXHIBIT A: FINDINGS OF FACT"**

**APPLICATION #SPUD 2007-19: CONDITIONS OF APPROVAL**

**General Conditions of Approval:**

1. All conditions of approval shall be required at the expense of the property owner and shall be designed and installed consistent with the standards of the applicable regulatory agency.
2. All conditions of approval shall be met at the time of final plat approval and consistent with any Subdivision Improvement Agreement approved by the City Council.
3. Conditions of approval are not intended and shall not be misunderstood to violate the requirements of City Standards, Local, State, or Federal Law.
4. Local, State, and Federal Permits may be required and shall be obtained at the expense of the developer as necessary to accomplish conditions of approval.

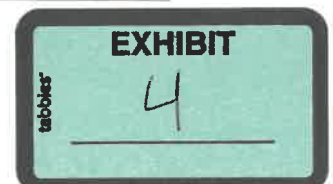
**Building Permits:**

1. With each application for building permit, an engineered stormwater drainage plan shall be prepared and installed at the expense of the property owner consistent with City Standards.
2. With each application for building permit, a suitable visual barrier, such as a split rail fence with stainless steel connectors shall be installed on the upland boundary at the expense of the property owner.
3. Each application for building permit shall be certified without disclaimer as consistent with the standards of the Flood Hazard Overlay Zone and the Hazards Overlay Zone by an appropriately qualified professional of record.
4. Pre-construction and post-construction elevation certificates shall be required at the cost of the applicant for each lot within the Flood Hazard Overlay Zone.
5. Site development plans for each lot shall be evaluated for compliance with the standards of applicable criteria. Due to the presence of wetlands, additional local, state, and / or federal permits may be required.
6. Each application for building permit shall be separately evaluated at the date of application for consistency with the standards of the applicable Fire Code and the standards shall be met at the cost of the applicant prior to construction of any dwelling units within the proposed Planned Unit Development.

**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.

Application Date: October 9, 2007; Application computation of time: ORS 227.178  
 Day 37 of 120 days to decision and Day 75 of 245 of continuance



BEFORE THE CITY PLANNING COMMISSION OF ROCKAWAY BEACH, OREGON  
 Application #SPUD 2007-19 "NEDONNA WAVE" A Planned Unit Development Subdivision  
 Application #VAR 2007-20; Application #VAR 2007-21; Application #VAR 2007-22  
 Findings of Fact Date: February 11, 2008 Page 10 of 34

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### **"EXHIBIT A: FINDINGS OF FACT"**

#### General Improvement Requirements:

1. Improvements required by RBZO Article 13, Section 44, shall be engineered and installed at the cost of the property owner consistent with applicable regulatory standards and the approval requirements of RBZO Article 13, Section 43.
2. All buried utilities shall have flexible connections to the structure to accommodate the large movements and settlements that can occur due to liquefaction of the underlying soils.
3. The responsible engineer of record shall certify without disclaimer of liability that improvements are engineered to meet the standards of the A5 Flood Zone standards.
4. Consistent with Rockaway Beach Ordinance #94-310, the property owner may be eligible for reimbursement of the apportionment of off-site improvements. Requests for reimbursement shall be submitted to the City Council.

#### Improvement Agreement:

1. Prior to site development and prior to final plat approval, the subdivider shall complete an improvement agreement consistent with RBZO Article 13, Section 16 and shall provide a bond or similar assurance for all work in the public right-of-way to ensure that if the off-site work of the agreement is not completed the city will have sufficient funds to complete the work.
2. Prior to final plat approval, all on-site improvements shall be completed as necessary to serve the project.
3. The design of sewer system improvements shall receive approval of DEQ prior to construction.
4. The design of water system improvements shall receive approval of the Oregon Health Division prior to construction.
5. The property owner shall receive and comply with the conditions of a DEQ 1200-C erosion control permit prior to site development.

#### Signage:

1. A SA Zone Wetland identification signage kiosk shall be installed at the expense of the property owner in conspicuous locations.
2. Street name signage shall be installed at the expense of the property owner no fewer than two at each intersection to City Standards.
3. "No parking" signage shall be installed within the development where required by the City to City Standards.
4. Signage identifying the development as "Nedonna Wave" may be installed at a suitable location within the subdivision subject to design review and approval of the Planning Commission.

BEFORE THE CITY PLANNING COMMISSION OF ROCKAWAY BEACH, OREGON  
 Application #SPUD 2007-19 "NEDONNA WAVE" A Planned Unit Development Subdivision  
 Application #VAR 2007-20; Application #VAR 2007-21; Application #VAR 2007-22  
 Findings of Fact Date: February 11, 2008 Page 11 of 34

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### **"EXHIBIT A: FINDINGS OF FACT"**

#### On-Site Improvements:

##### Streets:

1. Riley Street shall be platted as a 50' wide public right-of-way extension crossing McMillan Creek into Nedonna Wave and dedicated to the City.
2. Riley Street shall be designed, engineered, and constructed consistent with City Standards.
3. Kittiwake Drive, Song Street, Jackson Street and Duke Street shall be platted as 40' wide public rights-of-way and dedicated to the City.
4. Kittiwake Drive, Song Street, Jackson Street and Duke Street shall be designed, engineered and constructed consistent with City Standards.
5. The property owner shall dedicate to the City that portion of Riley Street which is on their property.
6. The property owner shall be financially responsible for applying effective dust treatments and gravel to the identified construction route and where necessary, for maintenance of and repair of the identified construction route consistent with Tillamook Road Department and City Standards.
7. The property owner(s) shall record and file with the City a non-remonstrance agreement to ensure that current and future property owners in the Nedonna Wave subdivision will not remonstrate against the formation of a Local Improvement District (LID) for road improvements that would benefit the Nedonna Beach Area. The property owner asked that the improvements subject to LID not be specifically enumerated.

##### On-site Improvements:

1. Improvements shall be installed consistent with the standards of RBZO Article 13, Section 43 Improvement Standards and Approval.
2. RBZO Article 13, Section 44 Improvement Requirements, shall be installed. Sidewalks shall comply with the decision for application #07-22 Variance to delete Sidewalks.
3. A Public Utility Easement shall be dedicated within each lot.
4. Engineered construction plans shall be prepared for on-site improvements for water, fire access, hydrants, and water supply, sewer, stormwater drainage, and streets in general conformance with the approved tentative plan and consistent with City Standards.
5. Power, cable, telephone and other utilities to serve the site shall be installed consistent with all requirements necessary for provision of services and consistent with City Standards.
6. Easements shall be provided where are they required by applicable regulatory agencies for the installation of required utilities.

##### Off-Site Improvements:

1. A regional sewer pump station and related housing including, but not limited to: 3-phase duplex station with controls, divot crane, on-site generator, telemetry, lighting and fencing shall be installed as necessary to serve the project.

BEFORE THE CITY PLANNING COMMISSION OF ROCKAWAY BEACH, OREGON  
 Application #SPUD 2007-19 "NEDONNA WAVE" A Planned Unit Development Subdivision  
 Application #VAR 2007-20; Application #VAR 2007-21; Application #VAR 2007-22  
 Findings of Fact Date: February 11, 2008 Page 12 of 34

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**"EXHIBIT A: FINDINGS OF FACT"**

2. A sewer force main from the regional pump station to White Dove pump station shall be installed as necessary to serve the project.
3. Engineer and install to City Standards the construction of the Riley Street crossing of McMillan Creek. Tie into existing street and utility improvements on Kittiwake Drive as secondary loop access into the subdivision.
4. Engineer and install to City Standards a connection into the existing water mains on Kittiwake Drive (north line of Nedonna Wave) and on the west side of McMillan Creek on Riley Street (beyond the southwest corner of Nedonna Wave) to provide a looped water system through the Nedonna Wave subdivision as necessary to serve the project..
5. Engineer and install to City Standards an extension of the existing 6" diameter White Dove sewer force main from existing discharge manhole at 23<sup>rd</sup> Avenue to a new discharge manhole at 17<sup>th</sup> Avenue as necessary to serve the project. This is required to alleviate surcharging of the 23<sup>rd</sup> Avenue manhole.
6. The project engineer shall submit utility as-built plans in electronic and written format of such quality commonly used in municipality management and consistent with City Standards.

**Final Plat:**

1. The developer shall complete the improvements within one year of tentative plan approval unless an extension is granted by the City to complete improvements. Final plat review shall conform to the procedures of RBZO Article 10 and Article 13.
2. The criteria of RBZO Article 13, Section 11 Procedure for Review, shall be met at the expense of the property owner.
3. The criteria of RBZO Article 13, Section 12 Form of Plat, shall be met at the expense of the property owner.
4. The criteria of RBZO Article 13, Section 13 Information on the Final Plat, shall be met at the expense of the property owner.
5. The criteria of RBZO Article 13, Section 14 Certification, shall be met at the expense of the property owner.
6. The criteria of RBZO Article 13, Section 15 Supplemental Data, shall be met at the expense of the property owner.
7. Consistent with the criteria of RBZO Article 13, Section 16, at the time of the submission of the final plat, the subdivider shall have completed all on-site and off-site improvements to serve the subdivision consistent with an approved improvement agreement.
8. The property owner shall set monuments consistent with RBZO Article 13, Section 45
9. The property owner shall design and record the final survey consistent with RBZO Article 13, Section 45
10. The name of the proposed subdivision shall receive the approval of the County Surveyor or shall be revised as required.

BEFORE THE CITY PLANNING COMMISSION OF ROCKAWAY BEACH, OREGON  
 Application #SPUD 2007-19 "NEDONNA WAVE" A Planned Unit Development Subdivision  
 Application #VAR 2007-20; Application #VAR 2007-21; Application #VAR 2007-22  
 Findings of Fact Date: February 11, 2008 Page 23 of 34

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**"EXHIBIT A: FINDINGS OF FACT"**

*(g) Relation of the proposed development to the surrounding area and the Comprehensive Plan:*

**Finding of Fact:**

**Criteria met**

1. The project is located within the geographic area known as and described by Rockaway Beach as "Nedonna Beach".
2. Tillamook County, the City of Rockaway Beach, and OPRD have jurisdiction over portions of Nedonna Beach.
3. Nedonna Beach is accessed by a pre-existing access at Beach Street.
4. "Nedonna Wave" does not increase the density permitted by the land use zone.
5. The Comprehensive Plan requires that new developments provide City sewer service.
6. The City Subdivision Ordinance requires two accesses into the development where a street will exceed 400 feet and serve more than 18 dwelling units.
7. Kittiwake Drive exceeds 400 feet and serves more than 18 dwelling units.
8. The adjacent development, Nedonna Meadows is required to work with the developer of Nedonna Wave to dedicate an extension and improvement of Riley Street to provide a second access to both Nedonna Wave and Nedonna Meadows.
9. The Nedonna Beach area currently includes approximately 44 permanently occupied homes, 344 single family dwellings, and 162 vacant lots (total 506 lots); the Manhattan Beach Oregon State Park Wayside that provides area for RV parking and tourist access; and the Nedonna Beach County Park.
10. Nedonna Wave proposes to divide R-1 Zone parcels suitable for land division into 28 lots.

*(h) Lot layout.*

**Finding of Fact:**

**Criteria met**

1. The lot layout is consistent with the R-1 Zone modified as is permitted within a Planned Unit Development.

*(i) A schedule if it is proposed that the final development plan will be executed in stages.*

**Finding of Fact:**

**Criteria met**

1. The applicant indicates that the development may be completed in two phases.
2. Improvements will be installed as necessary to serve the development consistent with City Standards prior to final plat approval.
3. RBZO Article 13, Section 16 Improvement Agreement, permits the phased installation of improvements where an improvement agreement is approved by the City Council.

**"EXHIBIT A: FINDINGS OF FACT"**

(2) *The Planning Commission shall consider the preliminary development plan at a public meeting at which time they shall determine whether the proposal conforms to City ordinances. In addition, in considering the plan the Planning Commission shall seek to determine that:*

(a) *There are special physical conditions or objectives of the development which the proposal will satisfy to warrant a departure from the standard ordinance requirements.*

**Finding of Fact:** **Criteria met**

1. The purpose of the Nedonna Wave Planned Unit Development Subdivision is to create lots within large parcels of R-1 Zone property and to conserve tracts of contiguous SA Zone property within open space tracts identified by a visual barrier, such as a split rail fence, and wetland identification signage.

(b) *Resulting development will not be inconsistent with the objectives of the Comprehensive Plan provisions or zoning objectives of the area.*

**Finding of Fact:** **Criteria met**

1. With conditions of approval, and consistent with findings of fact, the proposed project is consistent with the objectives of the Comprehensive Plan.

(c) *The proposed development will be substantial harmony with the surrounding area, including vegetation and topography and any important natural areas such as marshes or wildlife habitat.*

**Finding of Fact:** **Criteria met**

1. The proposed project preserves large SA Zone tracts as Open Space, identifies the standards of the SA Zone and function of wetlands with wetland identification signage, and installs a visual barrier, such as a split rail fence, on the common open space boundary.
2. This area within the FHO and HO Zones requires engineer certification of all site development plans to prevent adverse impacts to the surrounding area.
3. Approval of the lots within a subdivision does not approve building permits.
4. Each building permit will be evaluated for consistency with criteria applicable at the time of building permit application.
5. Prior to approval of the final plat, the property owner shall install a wetland identification signage kiosk in a conspicuous location and a suitable visual barrier, such as split rail fence with stainless steel connections, suitable for the geologic and geographic conditions of the site along open space boundaries which abut public rights-of-way.
6. With application for building permit, the applicant shall ensure that each lot owner shall install a suitable visual barrier such as split rail fence with stainless steel connections, suitable for the geologic and geographic conditions of the site with application for building permit.

**"EXHIBIT A: FINDINGS OF FACT"**

(d) *The plan can be completed within a reasonable amount of time.*

**Finding of Fact:** Criteria met

1. The applicant indicates that the development may be completed in two phases.
2. Improvements will be installed as necessary to serve the development consistent with City Standards prior to final plat approval.
3. RBZO Article 13, Section 16 permits the phased installation of improvements where an improvement agreement is approved by the City Council.

(f) *The streets are adequate to support the anticipated traffic and the development will not overload the streets outside the planned area.*

**Finding of Fact:** Criteria met

1. A substantial amount of public testimony, Planning Commission discussion, and testimony from coordinating regulatory agencies has been received for the record about the adequacy of streets adequacy to support the anticipated traffic to ensure that the development will not overload the streets outside the planned area.
2. In determining reasonable conditions of approval necessary to ensure consistency with this criterion, City Staff has determined that in the Nedonna Beach area 44 homes are currently registered as primary residences.
3. The City Public Works Department recommends the dedication and improvement of rights-of-way recommended as necessary to serve the development consistent with the standards of applicable criteria.
4. The County Road Department recommends conditions of approval to mitigate potential impacts of the development to the surrounding area.
  - o Riley Street shall be paved from Nedonna Avenue to Beach Drive.

(g) *Proposed utility and drainage facilities are adequate for the population densities and type of development proposed.*

**Finding of Fact:** Criteria met

1. The project site located within a Flood Hazard Overlay Zone and Hazards Overlay Zone requires that site development plans be designed and certified by an appropriately qualified licensed engineer to not adversely impact the site and surrounding property.
2. Utilities and drainage facilities shall be installed as necessary to serve the development consistent with City Standards.

(3) *The Planning Commission shall notify the applicant whether in its opinion, the foregoing provisions have been satisfied and, if not, whether they can be satisfied with further plan revision.*



**"EXHIBIT A: FINDINGS OF FACT"**

**Finding of Fact:** **Criteria met**

1. Application for final plat approval shall be made consistent with the criteria of Rockaway Beach Zoning Ordinance Article 10 Planned Unit Development.

...

**Article 11 Administrative Provisions**

**Section 11.070 Request for Review of a Decision (Appeals)**

...

- (2) *A decision of the Planning Commission may be appealed to the City Council by a party to the hearing by filing an appeal within 15 days of the date the final order is signed. The notice of appeal filed with the City shall contain the information outlined in Section 11.070 (3).*

**Article 13 Subdivision Ordinance**

...

**Subdivision Final Plat: Sections 11-17...**

- Section 11 Procedure for Review...**
- Section 12 Form of Plat...**
- Section 13 Information on Final Plat...**
- Section 14 Certification...**
- Section 15 Supplemental Data...**
- Section 16 Agreement for Improvements...**
- Section 17 Bond...**

...

**Finding of Fact:** **Criteria met**

1. Application for final plat approval shall be made consistent with the criteria of Rockaway Beach Zoning Ordinance Article 13 including Sections 11-17.

**PRINCIPLES OF ACCEPTABILITY**

**Section 32 Principles of Acceptability**

*A land division whether by a subdivision, creation of a street, or a partitioning, shall conform to any development plans, shall take into consideration any preliminary plans made in anticipation thereof, and shall conform to the design standards established by this ordinance. The City Engineer shall prepare and submit to the City Council specifications to supplement the standards of this ordinance, based on standard engineering practices, concerning streets, drainage facilities, sidewalks, sewer, and water systems.*

**Section 33 Streets**

- (1) *The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and*

BEFORE THE CITY PLANNING COMMISSION OF ROCKAWAY BEACH, OREGON  
Application #SPUD 2007-19 "NEDONNA WAVE" A Planned Unit Development Subdivision  
Application #VAR 2007-20; Application #VAR 2007-21; Application #VAR 2007-22  
Findings of Fact Date: February 11, 2008 Page 1 of 7

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**"FINAL ORDER: EXHIBIT B: CONDITIONS OF APPROVAL"**

**CONDITIONS OF APPROVAL**

**APPLICATION #SPUD 2007-19: CONDITIONS OF APPROVAL**

**General Conditions of Approval:**

1. All conditions of approval shall be required at the expense of the property owner and shall be designed and installed consistent with the standards of the applicable regulatory agency.
2. All conditions of approval shall be met at the time of final plat approval and consistent with any Subdivision Improvement Agreement approved by the City Council.
3. Conditions of approval are not intended and shall not be misunderstood to violate the requirements of City Standards, Local, State, or Federal Law.
4. Local, State, and Federal Permits may be required and shall be obtained at the expense of the developer to as necessary to accomplish conditions of approval.

**Building Permits:**

1. With each application for building permit, an engineered stormwater drainage plan shall be prepared and installed at the expense of the property owner consistent with City Standards.
2. With each application for building permit, a suitable visual barrier, such as a split rail fence with stainless steel connectors shall be installed on the upland boundary at the expense of the property owner.
3. Each application for building permit shall be certified without disclaimer as consistent with the standards of the Flood Hazard Overlay Zone and the Hazard Overlay Zone by an appropriately qualified professional of record.
4. Pre-construction and post-construction elevation certificates shall be required at the cost of the applicant for each lot within the Flood Hazard Overlay Zone.
5. Site development plans for each lot shall be evaluated for compliance with the standards of applicable criteria. Due to the presence of wetlands, additional local, state, and / or federal permits may be required.
6. Each application for building permit shall be separately evaluated at the date of application for consistency with the standards of the applicable Fire Code and the standards shall be met at the cost of the applicant prior to construction of any dwelling units within the proposed Planned Unit Development.



**"FINAL ORDER: EXHIBIT B: CONDITIONS OF APPROVAL"**

- install a suitable visual barrier such as split rail fence with stainless steel connections, suitable for the geologic and geographic conditions of the site with application for building permit.
5. The property owner shall record Oregon Department of Fish and Wildlife recommended Wetland Deed Restrictions on the Final Plat.

Coordinating Regulatory Agency Approvals:

1. The property owner shall submit all site development plans consistent with the standards of the Rockaway Beach Fire Code, Rockaway Beach Technical Specifications and Design Standards, Tillamook PUD, other Utilities (such as Embarq Telephone and Charter Communications)
2. With application for final plat approval, the property owner shall provide all necessary easements for sewer, drainage, water mains, public utility installations, and other like public purposes consistent with Article 13, Section 34.

General Improvement Requirements:

1. Improvements required by RBZO Article 13, Section 44, shall be engineered and installed at the cost of the property owner consistent with applicable regulatory standards and the approval requirements of RBZO Article 13, Section 43.
2. All buried utilities shall have flexible connections to the structure to accommodate the large movements and settlements that can occur due to liquefaction of the underlying soils.
3. The responsible engineer of record shall certify without disclaimer of liability that improvements are engineered to meet the standards of the A5 Flood Zone standards.
4. Consistent with Rockaway Beach Ordinance #94-310, the property owner may be eligible for reimbursement of the apportionment of off-site improvements. Requests for reimbursement shall be submitted to the City Council.

Improvement Agreement:

1. Prior to site development and prior to final plat approval, the subdivider shall complete an improvement agreement consistent with RBZO Article 13, Section 16 and shall provide a bond or similar assurance for all work in the public right-of-way to ensure that if the off-site work of the agreement is not completed the city will have sufficient funds to complete the work.
2. Prior to final plat approval, all on-site improvements shall be completed as necessary to serve the project.
3. The design of sewer system improvements shall receive approval of DEQ prior to construction.

BEFORE THE CITY PLANNING COMMISSION OF ROCKAWAY BEACH, OREGON  
 Application #SPUD 2007-19 "NEDONNA WAVE" A Planned Unit Development Subdivision  
 Application #VAR 2007-20; Application #VAR 2007-21; Application #VAR 2007-22  
 Findings of Fact Date: February 11, 2008 Page 5 of 7

---

**"FINAL ORDER: EXHIBIT B: CONDITIONS OF APPROVAL"**

4. The design of water system improvements shall receive approval of the Oregon Health Division prior to construction.
5. The property owner shall receive and comply with the conditions of a DEQ 1200-C erosion control permit prior to site development.

Signage:

1. Two SA Zone Wetland identification signage kiosks shall be installed at the expense of the property owner in conspicuous locations.
2. Street name signage shall be installed at the expense of the property owner no fewer than two at each intersection consistent with City Standards.
3. "No parking" signage shall be installed within the development where required by the City consistent with City Standards.
4. Signage identifying the development as "Nedonna Wave" may be installed at a suitable location within the subdivision subject to design review and approval of the Planning Commission.

On-Site Improvements:

Streets:

1. Riley Street shall be platted as a 50' wide public right-of-way extension crossing McMillan Creek into Nedonna Wave and dedicated to the City.
2. Riley Street shall be designed, engineered, and constructed consistent with City Standards.
3. Kittiwake Drive, Song Street, Jackson Street and Duke Street shall be platted as 40' wide public rights-of-way and dedicated to the City.
4. Kittiwake Drive, Song Street, Jackson Street and Duke Street shall be designed, engineered and constructed consistent with City Standards.
5. The property owner shall dedicate to the City that portion of Riley Street which is on their property.
6. The property owner shall be financially responsible for applying effective dust treatments and gravel to the identified construction route and where necessary, for maintenance of and repair of the identified construction route consistent with Tillamook County Road Department standards and City Standards.
7. The property owner(s) shall record and file with the City a non-remonstrance agreement to ensure that current and future property owners in the Nedonna Wave subdivision will not remonstrate against the formation of a Local Improvement District (LID) for road improvements that would benefit the Nedonna Beach Area. The property owner asked that the improvements subject to LID not be specifically enumerated.

On-site improvements:

BEFORE THE CITY PLANNING COMMISSION OF ROCKAWAY BEACH, OREGON  
 Application #SPUD 2007-19 "NEDONNA WAVE" A Planned Unit Development Subdivision  
 Application #VAR 2007-20; Application #VAR 2007-21; Application #VAR 2007-22  
 Findings of Fact Date: February 11, 2008 Page 6 of 7

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**"FINAL ORDER: EXHIBIT B: CONDITIONS OF APPROVAL"**

1. Improvements shall be installed consistent with the standards of RBZO Article 13, Section 43 Improvement Standards and Approval.
2. RBZO Article 13, Section 44 Improvement Requirements shall be installed. Sidewalks shall comply with the decision for application #07-22 Variance to delete Sidewalks.
3. A Public Utility Easement shall be dedicated within each lot.
4. Engineered construction plans shall be prepared for on-site improvements for water, fire access, hydrants, and water supply, sewer, stormwater drainage, and streets in general conformance with the approved tentative plan and consistent with City Standards.
5. Power, cable, telephone and other utilities to serve the site shall be installed consistent with all requirements necessary for provision of services and consistent with City Standards.
6. Easements shall be provided where they are required by applicable regulatory agencies for the installation of required utilities.

Off-Site Improvements:

1. A regional sewer pump station and related housing including, but not limited to: 3-phase duplex station with controls, divot crane, on-site generator, telemetry, lighting and fencing shall be installed as necessary to serve the project.
2. A sewer force main from the regional pump station to White Dove pump station shall be installed as necessary to serve the project.
3. Engineer and install to City Standards the construction of the Riley Street crossing of McMillan Creek. Tie into existing street and utility improvements on Kittiwake Drive as secondary loop access into the subdivision.
4. Engineer and install to City Standards a connection into the existing water mains on Kittiwake Drive (north line of Nedonna Wave) and on the west side of McMillan Creek on Riley Street (beyond the southwest corner of Nedonna Wave) to provide a looped water system through the Nedonna Wave subdivision as necessary to serve the project.
5. Engineer and install to City Standards, an extension of the existing 6" diameter White Dove sewer force main from existing discharge manhole at 23<sup>rd</sup> Avenue to a new discharge manhole at 17<sup>th</sup> Avenue as necessary to serve the project. This is required to alleviate surcharging of the 23<sup>rd</sup> Avenue manhole.
6. The project engineer shall submit utility as-built plans in electronic and written format of such quality commonly used in municipality management and consistent with City Standards.

Final Plat:

1. **The developer shall complete the improvements within one year of tentative plan approval unless an extension is granted by the City to complete improvements. Final plat review shall conform to the procedures of RBZO Article 10 and Article 13.**

BEFORE THE CITY PLANNING COMMISSION OF ROCKAWAY BEACH, OREGON  
Application #SPUD 2007-19 "NEDONNA WAVE" A Planned Unit Development Subdivision  
Application #VAR 2007-20; Application #VAR 2007-21; Application #VAR 2007-22  
Findings of Fact Date: February 11, 2008 Page 7 of 7

---

**"FINAL ORDER: EXHIBIT B: CONDITIONS OF APPROVAL"**

2. The criteria of RBZO Article 13, Section 11 Procedure for Review, shall be met at the expense of the property owner.
3. The criteria of RBZO Article 13, Section 12 Form of Plat, shall be met at the expense of the property owner.
4. The criteria of RBZO Article 13, Section 13 Information on the Final Plat, shall be met at the expense of the property owner.
5. The criteria of RBZO Article 13, Section 14 Certification, shall be met at the expense of the property owner.
6. The criteria of RBZO Article 13, Section 15 Supplemental Data, shall be met at the expense of the property owner.
7. Consistent with the criteria of RBZO Article 13, Section 16, at the time of the submission of the final plat, the subdivider shall have completed all on-site and off-site improvements to serve the subdivision consistent with an approved improvement agreement.
8. The property owner shall set monuments consistent with RBZO Article 13, Section 45
9. The property owner shall design and record the final survey consistent with RBZO Article 13, Section 45
10. The name of the proposed subdivision shall receive the approval of the County Surveyor or shall be revised as required.

BEFORE THE CITY PLANNING COMMISSION OF ROCKAWAY BEACH, OREGON  
Application #2007-19 "NEDONNA WAVE" A 28-Lot Planned Unit Development Subdivision  
Findings of Fact Date: July 28, 2008 Page 1 of 2

**"FINAL ORDER (2)"**

Property Owner: Nedonna Development, LLC; Representative Member: "Anna" Song  
Applicant: Mark Dane, Blue Sky Planning, Inc.  
Engineer / Surveyor: HLB Otak, Inc., Ron Larson, PE, PLS  
Location Description: South of Kittiwake Dr., North of Riley St., West of RR, East of McMillan Canal  
Legal Description: Parcel 1 of Partition Plat 1997-20 and Parcel 3 of Partition Plat 1997-57; a portion of vacated Evergreen Street Rockaway Beach Ordinance #98-353  
Assessor's Plat Map: 2N 10W 20AB TL 4600, 4900, 9000  
Property Size: 6.23 acres  
Development Zones: R-1 Zone: 3.9 acres; SA Special Area Wetlands 2.33 acres  
Known Hazards: FHO Zone: A5 Flood Zone; HO Zone: Slopes that exceed 25%; HO Zone: Conditionally Stable Deflation Plain; Wetland Notification Overlay Zone

**I. Description of Request:**

Exhibit C: Request for Final Plan Approval for Nedonna Wave, a 28-lot Planned Unit Development Subdivision.

PLANNING COMMISSION DECISION: Approval with Conditions 5 Approval-0 Denial  
The applicable criteria and standards against which the application was tested are contained in Exhibit C Findings of Fact. The Planning Commission held a public hearing on the request on May 27, 2008. The Planning Commission voted 6-0 in favor of Final Plan Approval for Application SPUD #07-19 with a decision of "Approval with Conditions" based on findings of fact contained in Exhibit A, Exhibit B, and Exhibit C.

Exhibit D: Request for Modification of Preliminary Plan Approval and Final Plan Approval to develop the site in two stages.

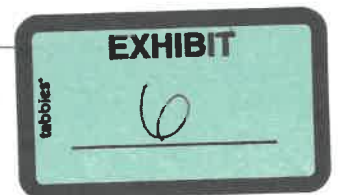
PLANNING COMMISSION DECISION: Approval with Conditions 5 Approval-0 Denial  
The applicable criteria and standards against which the application was tested are contained in Exhibit D Findings of Fact. The Planning Commission held a public hearing on the request on July 22, 2008. The Planning Commission voted 4-0 in favor of Final Plan Approval for Application SPUD #07-19 for a decision of "Approval with Conditions" based on findings of fact.

**FINDINGS OF FACT:**

Findings of Fact relied upon by the Planning Commission for decision are attached as Exhibit A, Exhibit C, and Exhibit D. Conditions of Approval are attached as "Exhibit B".

**CASE RECORD:**

The complete case record including the findings of fact is available for review at City Hall by filing a request during regular business hours.




BEFORE THE CITY PLANNING COMMISSION OF ROCKAWAY BEACH, OREGON  
Application #2007-19 "NEDONNA WAVE" A 28-Lot Planned Unit Development Subdivision  
Findings of Fact Date: July 28, 2008 Page 2 of 2

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**"FINAL ORDER (2)"**

**APPEAL PERIOD:**

A decision of the Planning Commission may be appealed to the City Council by a party to the hearing by filing an appeal within 15 days of the date the final order is signed. The notice of appeal filed with the City shall contain the information outlined in the RBZO Section 11.070(3) and may only be filed concerning criteria that were addressed at the initial public hearing.



\_\_\_\_\_  
Dixie Sexton, Planning Commission Chair

08-07-08

\_\_\_\_\_  
Date

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BEFORE THE CITY OF ROCKAWAY BEACH, OREGON PLANNING COMMISSION  
 APPLICATION #07-19 "NEDONNA WAVE" 28 Lot Planned Unit Development Subdivision  
 Findings of Fact Date: July 22, 2008  
 Public Hearing Date: May 27, 2008

Page 14 of 20

**"EXHIBIT C: Findings of Fact: Final Plan Approval"**

5. *The property owner shall receive and comply with the conditions of a DEQ 1200-C erosion control permit prior to site development.*

**Findings of Fact:**

**Improvement Agreement:**

- (1), (2) Prior to final plat approval, all on-site improvements shall be completed as necessary to serve the project unless an improvement agreement is approved by the City Council consistent with Rockaway Beach Zoning Ordinance (RBZO) Article 13, Section 16 with a bond required by (RBZO) Article 13, Section 17. The City Engineer shall indicate full compliance with criteria and the applicable conditions of approval at the time the City Engineer affixes signature to the final subdivision plat.
- (3) The City Engineer, approving engineered construction plans in writing and noting such approval on construction plans has accepted sewer system construction plans as consistent with these applicable criteria. The City Engineer shall indicate full compliance with criteria and the applicable conditions of approval at the time the City Engineer affixes signature to the final subdivision plat.
- (4) The City Engineer, approving engineered construction plans in writing and noting such approval on construction plans has accepted water system construction plans as consistent with these applicable criteria. The City Engineer shall indicate full compliance with criteria and the applicable conditions of approval at the time the City Engineer affixes signature to the final subdivision plat.
- (5) The City Engineer, approving engineered construction plans in writing and noting such approval on construction plans has accepted the DEQ 1200-C erosion control permit consistent with these applicable criteria. The City Engineer shall indicate full compliance with criteria and the applicable conditions of approval at the time the City Engineer affixes signature to the final subdivision plat.

**Conclusions:** Criteria met for final plan approval as described in findings of fact.

**Signage:**

1. *Two SA Zone Wetland identification signage kiosks shall be installed at the expense of the property owner in conspicuous locations.*
2. *Street name signage shall be installed at the expense of the property owner no fewer than two at each intersection consistent with City Standards.*
3. *"No parking" signage shall be installed within the development where required by the City consistent with City Standards.*
4. *Signage identifying the development as "Nedonna Wave" may be installed at a suitable location within the subdivision subject to design review and approval of the Planning Commission.*



**"EXHIBIT C: Findings of Fact: Final Plan Approval"**

consistent with any improvement agreement approved by the City Council.

(6) Prior to approval of the final subdivision plat, the project engineer shall submit utility as-built plans in electronic and written format of such quality commonly used in municipality management and consistent with City Standards.

(1, 2, 3, 4, 5, 6) The City Engineer shall indicate full compliance with criteria and the applicable conditions of approval at the time the City Engineer affixes signature to the final subdivision plat.

**Conclusions:** Criteria met for final plan approval as described in findings of fact.

**Final Plat:**

1. *The developer shall complete the improvements within one year of tentative plan approval unless an extension is granted by the City to complete improvements. Final plat review shall conform to the procedures of RBZO Article 10 and Article 13.*
2. *The criteria of RBZO Article 13, Section 11 Procedure for Review, shall be met at the expense of the property owner.*
3. *The criteria of RBZO Article 13, Section 12 Form of Plat, shall be met at the expense of the property owner.*
4. *The criteria of RBZO Article 13, Section 13 Information on the Final Plat, shall be met at the expense of the property owner.*
5. *The criteria of RBZO Article 13, Section 14 Certification, shall be met at the expense of the property owner.*
6. *The criteria of RBZO Article 13, Section 15 Supplemental Data, shall be met at the expense of the property owner.*
7. *Consistent with the criteria of RBZO Article 13, Section 16, at the time of the submission of the final plat, the subdivider shall have completed all on-site and off-site improvements to serve the subdivision consistent with any approved improvement agreement.*
8. *The property owner shall set monuments consistent with RBZO Article 13, Section 45*
9. *The property owner shall design and record the final survey consistent with RBZO Article 13, Section 45*
10. *The name of the proposed subdivision shall receive the approval of the County Surveyor or shall be revised as required.*

**Findings of Fact:**

**Final Plat:** Criteria required to be met prior to final subdivision plat approval.

1. *Prior to final plat approval, and within one year of preliminary plan approval on January 29, 2008 and July 22, 2008, the developer shall complete the improvements within one year of tentative plan approval unless an extension is granted by the City to complete*

**"EXHIBIT C: Findings of Fact: Final Plan Approval"**

improvements. Final subdivision plat review shall conform to the procedures of RBZO Article 10 and Article 13.

2. Prior to final subdivision plat approval, and within one year of preliminary plan approval on January 29, 2008 and July 22, 2008, the criteria of RBZO Article 13, Section 11 Procedure for Review, shall be met at the expense of the property owner.
3. Prior to final subdivision plat approval, and within one year of preliminary plan approval on January 29, 2008 and July 22, 2008, the criteria of RBZO Article 13, Section 12 Form of Plat, shall be met at the expense of the property owner.
4. Prior to final subdivision plat approval, and within one year of preliminary plan approval on January 29, 2008 and July 22, 2008, the criteria of RBZO Article 13, Section 13 Information on the Final subdivision plat, shall be met at the expense of the property owner.
5. Prior to final subdivision plat approval, and within one year of preliminary plan approval on January 29, 2008 and July 22, 2008, the criteria of RBZO Article 13, Section 14 Certification, shall be met at the expense of the property owner.
6. Prior to final subdivision plat approval, and within one year of preliminary plan approval on January 29, 2008 and July 22, 2008, the criteria of RBZO Article 13, Section 15 Supplemental Data, shall be met at the expense of the property owner.
7. Prior to final subdivision plat approval, and within one year of preliminary plan approval on January 29, 2008 and July 22, 2008, the subdivider shall have completed all on-site and off-site improvements to serve the subdivision consistent with RBZO Article 13, Section 16.
8. Prior to final subdivision plat approval, and within one year of preliminary plan approval on January 29, 2008 and July 22, 2008, the property owner shall set monuments consistent with RBZO Article 13, Section 45
9. Prior to final subdivision plat approval, and within one year of preliminary plan approval on January 29, 2008 and July 22, 2008, the property owner shall design and record the final survey consistent with RBZO Article 13, Section 45.
10. Prior to final subdivision plat approval, and within one year of preliminary plan approval on January 29, 2008 and July 22, 2008, the name of the proposed subdivision shall receive the approval of the County Surveyor or shall be revised as required.

**Conclusions: Criteria met for final plan approval as described in findings of fact.**

**Planning Commission Decision: Modification Exhibit D July 22, 2008:**

**Conditions of Approval:**

1. *Two Final Plats: Renumbered Lots 1 – 8 shall be permitted as Phase One of the Nedonna Wave Final Plat subject to the applicable conditions of preliminary development and tentative plan approval. Renumbered Lots 9 - 28 shall be permitted as Phase Two of the Nedonna Wave Final Plat subject to the applicable conditions of preliminary development and tentative plan approval.*

BEFORE THE CITY OF ROCKAWAY BEACH, OREGON PLANNING COMMISSION  
 APPLICATION #07-19 "NEDONNA WAVE" 28 Lot Planned Unit Development Subdivision  
 Findings of Fact Date: July 22, 2008  
 Public Hearing Date: May 27, 2008

Page 20 of 20

**"EXHIBIT C: Findings of Fact: Final Plan Approval"**

2. *Open Space for Phase One Site and Open Space for the Total Site Area of both phases calculated together: The application shall devote Open Space to equal 50% of Phase One and Open Space shall equal 50% of the total site area for both Phase One and Phase Two calculated together. For each Phase One and both Phase One and Phase Two calculated together, Common Open Space shall equal a minimum of 75% of the total site open space and private Open Space may be 25% of the Total Open Space where it can where it can be devoted on the final plat.*
3. *Prior to approval of the final plat, all improvements for Phase One shall be installed consistent with City Standards and Final Orders and corresponding Exhibits A, B, and C which will continue to apply in their entirety except where amended specifically in this Final Order and findings of fact, Exhibit D. Conditions which continue to apply include but are in no way limited to the recordation of deed restrictions, open space, certification of engineering, and the submittal of as-built plans in electronic and written format of such quality commonly used in municipality management and consistent with City Standards.*
4. *The Two Phase request limits the development of Phase One to eight (8) lots and Phase Two to twenty (20) lots and does for that limitation serve only to specifically postpone the installation of the remaining utilities in Riley Street east of Kittiwake, regional sewer pump station and related housings included but not limited to : 3 phase duplex station with controls, divot crane, onsite generator, telemetry, lighting and fencing; the extension of the existing 6" diameter White Dove Sewer manhole at 17<sup>th</sup> Avenue as necessary to serve the project to and to alleviate surcharging of the 23<sup>rd</sup> Avenue Manhole; and Paving remainder of Riley Street east of Kittiwake, and Jackson Street.*

**Findings of Fact:**

1. *Findings of fact for the July 22, 2008 Final Order Exhibit D to request modified preliminary and final plan approval to permit development in two stages, Phase One, an eight (8) lot phase and Phase Two, a twenty (20) lot phase are described in the findings of fact Exhibit D.*

**Conclusions:**

**Criteria met for final plan approval as described in findings of fact.**

BEFORE THE CITY OF ROCKAWAY BEACH PLANNING COMMISSION  
 APPLICATION #2007-19 Nedonna Wave A 28-Lot Planned Unit Development Subdivision  
 Findings of Fact Date: July 29, 2008  
 Date of Planning Commission Meeting: July 22, 2008 Page 2 of 10

**"EXHIBIT D: Modified Preliminary and Final Approval for a Two Phase Development"**

**III. Applicable Criteria:**

**Rockaway Beach Zoning Ordinance (RBZO)**

Article 10 Planned Unit Development

Article 11 Administrative Provisions

**IV. Staff Summary of Findings of Fact:**

Preliminary Development Plan and Tentative Plan approval for Applications #2007-19 Nedonna Wave 28-Lot Planned Unit Development Subdivision, and concurrent applications #2007-20, #2007-21, and #2007-22 are provided in Final Order and Exhibit A Findings of Fact, Exhibit B Conditions of Approval adopted for the January 29, 2008 Planning Commission decision and Final Order and Exhibit D Findings of Fact adopted for the July 22, 2008 Planning Commission decision.

Final Plan approval for Application #2007-19 the Nedonna Wave 28-Lot Planned Unit Development Subdivision are provided in Final Order and Exhibit C Findings of Fact for Final Plan approval adopted for the Planning Commission decision of May 27, 2008 and Final Order and Exhibit D Findings of Fact adopted for the July 22, 2008 Planning Commission decision.

Final Order and Exhibits A, B, C, and D Findings of Fact apply in their entirety except where specifically amended.

The applicable criteria for Application #2007-19 Modification of Tentative Plan and Final Plan Approval for a Two Phase Development for the Nedonna Wave 28-Lot Planned Unit Development Subdivision are found in *RBZO Article 10, Section 10.040 (2) Open Space, 10.050 (1) (i) a schedule, if it is proposed that the development plan will be executed in stages, and Section 10.060 (1) which requires submittal of the final plan within one year or permits submittal for the first unit when submission in stages has been authorized by the Planning Commission.*

*RBZO Article 10, Section 10.040 (2) Open Space:* Evidence provided and described in these findings of fact indicates that open space criteria can be met by the imposition of reasonable conditions of approval to require the devotion of Open Space on the final plat. As a condition of approval the application shall devote Open Space to equal 50% of Phase One and Open Space shall equal 50% of the total site area for both Phase One and Phase Two calculated together. For each Phase One and both Phase One and Phase Two calculated together, Common Open Space shall equal a minimum of 75% of the total site open space and private Open Space may be 25% of the Total Open Space where it can where it can be devoted on the final plat.

*RBZO Article 10, 10.050 (1) (i) a schedule, if it is proposed that the development plan will be executed in stages, and Section 10.060 (1)(2) which requires submittal of the final plan within one year or permits submittal for the first unit when submission in stages has been authorized by the Planning Commission.* The application for a modification to the preliminary development



BEFORE THE CITY OF ROCKAWAY BEACH PLANNING COMMISSION  
APPLICATION #2007-19 Nedonna Wave A 28-Lot Planned Unit Development Subdivision  
Findings of Fact Date: July 29, 2008  
Date of Planning Commission Meeting: July 22, 2008

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Page 3 of 10

**"EXHIBIT D: Modified Preliminary and Final Approval for a Two Phase Development"**

plan and final plan approval requests a two stage development plan that is substantively consistent with the approved preliminary development plan and final development plan and continues to meet applicable criteria as described in findings of fact. The applicant need not enumerate all improvements and conditions of approval consistent with City Standards and Final Orders and corresponding Exhibits A, B, and C, and these findings of fact Exhibit D as they continue to apply in their entirety except where amended specifically in these findings of fact and this modification does not relieve them of the responsibility imposed during these previous public hearing processes.

Staff Conclusions:

1. Evidence is submitted that the application to develop Application #2007-19 in two phases will meet applicable criteria with the imposition of reasonable conditions of approval.
2. Prior to approval of the final plat, all improvements for Phase One shall be installed consistent with City Standards and Final Orders and corresponding Exhibits A, B, C, and D which continue to apply in their entirety except where amended specifically in these findings of fact.
3. The request to develop Application #2007-19 in two stages, Phase 1 (8) lots and Phase 2 (20) lots is the only subject of this Planning Commission decision and as such said criteria are the only subject of any appeal.

A decision of the Planning Commission may be appealed to the City Council by a party to the hearing by filing an appeal within 15 days of the date the final order is signed. The notice of appeal filed with the City shall contain the information outlined in Section 11.070 (3).

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BEFORE THE CITY OF ROCKAWAY BEACH PLANNING COMMISSION  
 APPLICATION #2007-19 Nedonna Wave A 28-Lot Planned Unit Development Subdivision  
 Findings of Fact Date: July 29, 2008  
 Date of Planning Commission Meeting: July 22, 2008

Page 8 of 10

**"EXHIBIT D: Modified Preliminary and Final Approval for a Two Phase Development"**

4. Construct road ditches/swales on Duke "Street, Song Street, Kittiwake Drive and on Riley Street west of Kittiwake as per plans.
5. Construct permanent street barricade at east end of Song Street.
6. Remove temporary gate on Kittiwake at north end of Nedonna Wave subdivision.
7. Relocate temporary gate on Riley Street to new east end of pavement, approximately 30 feet east of CL-CL intersection of Riley and Kittiwake.
8. Install street signs for Duke "Street, Song Street, Kittiwake Drive and on Riley Street west of Kittiwake as per plans.

**Subdivision Final Plat**

1. Plat Phase One as eight lots (none of which will need new regional sewer pump station). Plat all streets in the entire subdivision; dedicate all streets to the public.
2. City will request separate dedication of southerly portion of Riley Street ROW by adjoining property owner in accordance with Riley Street Road Agreement. [Ron Larson emailed signed agreement to Shawn Vincent and Sabrina Pearson on 05/14/08.]

**Wetlands Signage and Visual Barrier/Fencing**

1. Install two wetlands notification signs as per Tentative Plat conditions of approval [SAI Design has requirements for the signs and for the visual barrier/fence.]
2. Install Visual Barrier/Fence adjacent to wetlands areas that adjoin the public ROW in Phase One. Tentative Plat Conditions of Approval require property owners to install visual barrier/fence where private property is adjoining wetlands.

**Power and Street Lighting**

1. Pay TPUD fee for power service to Phase One (for nine lots; power will be stubbed out to Open Space "C" at this time in anticipation of a future change to allow one lot on that Open Space.) Obtain letter of service availability from TPUD for eight lots in Phase One.
2. Install Street Lighting for Phase One, as per Sheet U1 of approved plans – minimum of two (2) street lights. One at SE corner of Duke St. and Song St. One at NE corner of Kittiwake and Song Street.

**PHASE II:**

In Phase 2, the property owner requests to plat Lots 9 - 28 and proposes to complete the improvements listed in this report for PHASE II.

1. A regional sewer pump station and related housings included but not limited to : 3 phase duplex station with controls, divot crane, onsite generator, telemetry, lighting and fencing shall be installed as necessary to serve the project.
2. A sewer force main from the regional pump station to the White Dove pump station shall be installed as necessary to serve the project.

BEFORE THE CITY OF ROCKAWAY BEACH PLANNING COMMISSION  
 APPLICATION #2007-19 Nedonna Wave A 28-Lot Planned Unit Development Subdivision  
 Findings of Fact Date: July 29, 2008  
 Date of Planning Commission Meeting: July 22, 2008

Page 9 of 10

**"EXHIBIT D: Modified Preliminary and Final Approval for a Two Phase Development"**

3. Engineer and install to City standards, and extension of the existing 6" diameter White Dove Sewer manhole at 17<sup>th</sup> Avenue as necessary to serve the project. This is required to alleviate surcharging of the 23<sup>rd</sup> Avenue Manhole.
4. The project engineer shall submit utility as-built plans in electronic and written format of such quality commonly used in municipality management and consistent with City Standards.
5. Paving remainder of Riley Street east of Kittiwake, and Jackson Street.
6. Not all conditions of approval for Phase One are enumerated in this proposed phase plan.
7. The Two Phase request limits the development of Phase One to eight (8) lots and Phase Two to twenty (20) lots and does for that limitation serve only to specifically postpone the installation of the remaining utilities in Riley Street east of Kittiwake, regional sewer pump station and related housings included but not limited to : 3 phase duplex station with controls, divot crane, onsite generator, telemetry, lighting and fencing; the extension of the existing 6" diameter White Dove Sewer manhole at 17<sup>th</sup> Avenue as necessary to serve the project to and to alleviate surcharging of the 23<sup>rd</sup> Avenue Manhole; and Paving remainder of Riley Street east of Kittiwake, and Jackson Street.

**Conclusion:**

The applicant need not enumerate all improvements and conditions of approval consistent with City Standards and Final Orders and corresponding Exhibits A, B, C, and D as they continue to apply in their entirety except where amended specifically in these findings of fact and this modification does not relieve them of the responsibility imposed during these previous public hearing processes.

**Conditions of Approval:**

1. Prior to approval of the final plat, all improvements for Phase One shall be installed consistent with City Standards and Final Orders and corresponding Exhibits A, B, C, and D which continue to apply in their entirety except where amended specifically in these findings of fact. Conditions which continue to apply include but are in no way limited to the recordation of deed restrictions, open space, certification of engineering, and the submittal of as-built plans in electronic and written format of such quality commonly used in municipality management and consistent with City Standards.
2. The Two Phase request limits the development of Phase One to eight (8) lots and Phase Two to twenty (20) lots and does for that limitation serve only to specifically postpone the installation of the remaining utilities in Riley Street east of Kittiwake, regional sewer pump station and related housings included but not limited to : 3 phase duplex station with controls, divot crane, onsite generator, telemetry, lighting and fencing; the extension of the existing 6" diameter White Dove Sewer manhole at 17<sup>th</sup> Avenue as necessary to serve the project to and to alleviate surcharging of the 23<sup>rd</sup> Avenue Manhole; and Paving remainder of Riley Street east of Kittiwake, and Jackson Street.

...



BEFORE THE CITY OF ROCKAWAY BEACH PLANNING COMMISSION  
 APPLICATION #2007-19 Nedonna Wave A 28-Lot Planned Unit Development Subdivision  
 Findings of Fact Date: July 29, 2008  
 Date of Planning Commission Meeting: July 22, 2008 Page 10 of 10

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**"EXHIBIT D: Modified Preliminary and Final Approval for a Two Phase Development"**

**Section 10.060 Procedure - Final Approval**

...

**Section 10.060 Procedure - Final Approval**

- (1) *Within one year after concept approval or modified approval of a preliminary development plan, the applicant shall file a final plan for the entire development, or when submission in stages has been approved, for the first unit of the PUD, with the Planning Commission. The final plan shall conform in all respects with the approved preliminary development plan. The final plan shall include all information included in the preliminary development plan plus any requirements set forth by the Planning Commission.*
- (2) *Upon receipt of the final development plan, the Planning Commission shall examine such plan and determine whether it conforms to all applicable criteria and standards and whether it conforms in all substantial respects to the previously approved preliminary development plan or require such changes in the proposed development or impose such conditions as are, in its judgment, necessary to insure conformity to the applicable criteria*

...

**Findings of Fact:**

1. The application provides a preliminary and final plan that is substantively consistent with the approved preliminary development plan and continues to meet applicable criteria as described in these findings of fact.
2. Final Orders and corresponding Exhibits A, B, C, and D continue to apply in their entirety except where amended specifically in these findings of fact and this modification does not relieve them of the responsibility imposed during these previous public hearing processes.

**Conclusion:** Criteria met for final plan approval as described in findings of fact.

**Section 11.070 Appeals**

...

- (2) *A decision of the Planning Commission may be appealed to the City Council by a party to the hearing by filing an appeal within 15 days of the date the final order is signed. The notice of appeal filed with the City shall contain the information outlined in Section 11.070 (3).*

**Findings of Fact:**

The request for modification reviews only the criteria applicable to the request to develop Application #2007-19 in two stages, Phase 1 (8) lots and Phase 2 (20) lots

**Conclusion:**

The request to develop Application #2007-19 in two stages, Phase 1 (8) lots and Phase 2 (20) lots is the only subject of this Planning Commission decision and as such said criteria are the only subject of any appeal.

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**BEFORE THE CITY COUNCIL OF ROCKAWAY BEACH, OREGON**

Application #2007-19 "NEDONNA WAVE" A 28-Lot Planned Unit Development Subdivision

Final Order Date: September 15, 2008

Page 1 of 2

**"FINAL ORDER (3)"**

Property Owner: Nedonna Development, LLC; Representative Member: "Anna" Song  
 Applicant: Mark Dane, Blue Sky Planning, Inc.  
 Engineer / Surveyor: HLB Otak, Inc., Ron Larson, PE, PLS  
 Location Description: South of Section Line Rd., North of Riley St., East of McMillan Canal  
 Legal Description: Parcel 1 of Partition Plat 1997-20 and Parcel 3 of Partition Plat 1997-57; a portion of vacated Evergreen Street Rockaway Beach Ordinance #98-353  
 Assessor's Plat Map: 2N 10W 20AB TL 4600, 4900, 9000  
 Property Size: 6.23 acres  
 Development Zones: R-1 Zone: 3.9 acres; SA Special Area Wetlands 2.33 acres

**APPLICATION REQUEST:**

Final Approval of Application #SPUD 07-19 Nedonna Wave, a twenty-eight (28) residential lot Planned Unit Development (PUD) Subdivision, which adds the overlay zone designation P.U.D. to the City of Rockaway Beach Zoning Map and limits site development to that consistent with Final Orders (1), (2), and (3) and Findings of Fact Exhibits A, B, C, D, and E:

**CITY COUNCIL DECISION:** Approval with Conditions 5-0 Approval

The City Council held a public hearing on August 13, 2008. City Planner Sabrina Pearson presented the findings of fact referenced herein as Exhibit E and explained that final approval of Application #SPUD 07-19 adds the overlay zone designation and limits development to that consistent with Final Orders (1), (2), and (3) and Findings of Fact Exhibits A, B, C, D, and E. A letter of correspondence from Richard and Evelyn Huston was declared by Mayor Phipps to not be applicable to the Council decision. No testimony was received in opposition or support of the application. Councilor Watts made a motion seconded by May to approve the application of P.U.D. to the zoning map for this site. The motion carried with a yes vote from Watts, May, Daugherty, McFarlane, and Swanson.

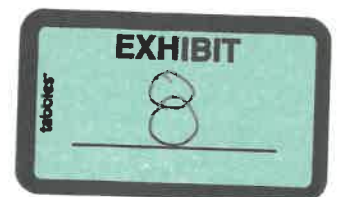
**FINDINGS OF FACT:**

The City Council relied upon Final Orders (1), (2) and (3) and Findings of Facts attached as Exhibit A, Exhibit B, Exhibit C, Exhibit D, and Exhibit E.

- Exhibit A: Preliminary Plan Approval with Conditions on January 29, 2008;
  - Exhibit B: Preliminary Plan Approval Conditions of Approval on January 29, 2008;
  - Exhibit C: Final Plan Approval on May 27, 2008, and
  - Exhibit D: Preliminary Plan and Final Plan Approval for a modification to permit the Subdivision to be developed in two stages, Phase One an eight (8) lot subdivision final plat and Phase Two a twenty (20) lot subdivision final plat.
  - Exhibit E: August 13, 2008 City Council Final Approval to add P.U.D. to the Zoning Map
- Final Order (1) Exhibits A and B  
 Final Order (2) Exhibits C and D  
 Final Order (3) Exhibit E

**CASE RECORD:**

The complete case record including the findings of fact and the official minutes of the meeting is available for review at City Hall by filing a written request during regular business hours.




BEFORE THE CITY COUNCIL OF ROCKAWAY BEACH, OREGON  
Application #2007-19 "NEDONNA WAVE" A 28-Lot Planned Unit Development Subdivision  
Final Order Date: September 15, 2008 Page 2 of 2

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**"FINAL ORDER (3)"**

**APPEAL PERIOD:**

The decision of the City Council to issue final approval for application #SPUD 07-19 to add the overlay zone designation P.U.D. may be appealed to the Land Use Board of Appeals (LUBA) by filing a notice of intent to appeal consistent with the provisions of Oregon Revised Statutes (ORS) 197.805 to ORS 197.860 within 21 days of the date the final order is signed.

  
\_\_\_\_\_  
Lisa M. Phipps, Mayor

9.18.08  
\_\_\_\_\_  
Date

BEFORE THE CITY OF ROCKAWAY BEACH, OREGON CITY COUNCIL  
 APPLICATION #07-19 "NEDONNA WAVE" 28 Lot Planned Unit Development Subdivision  
 City Planner Report Date: July 29, 2008  
 Public Hearing Date: August 13, 2008

Page 3 of 6

**IV. Summary of Findings of Fact:**

Rockaway Beach Zoning Ordinance Section 10.060 Procedure - Final Approval (3) requires that after final concept approval by the Planning Commission the PUD application is sent to the City Council for consideration for final approval.

Rockaway Beach Zoning Ordinance Section 10.070 requires that an approved PUD shall be identified on the zoning map with the letters "PUD" in addition to the abbreviated designation of the parent zone.

Rockaway Beach Zoning Ordinance Section 10.080 (1) requires that building permits in a PUD shall be issued only on the basis of the approved plan. Any changes in the approved plan shall be submitted to the Planning Commission for processing as an amendment to this ordinance.

The decisions for Application #07-19 Nedonna Wave a 28-Lot Planned Unit Development Subdivision and concurrent applications #07-20 VAR #07-20 concurrent variance to permit a building height of 29 feet for all lots of "Nedonna Wave" excepting lots 25-28, #07-21 concurrent variance to permit building height of 36 feet for lots 25 – 28, and #07-22 concurrent variance to delete sidewalks from the development are represented by Final Orders and Exhibits A, B, C, and D.

**V. Summary of Process:**

Application #2007-19 Nedonna Wave, a 28-Lot Planned Unit Development Subdivision is submitted for three public hearing processes, each with a decision from applicable decision body required to complete the Planned Unit Development application process.

- (1) **COMPLETED:** The First Public Hearing Process  
Preliminary Development Plan Approval:  
 The application completed the first public hearing process for Preliminary development plan when Approval with Conditions was granted by the Planning Commission on January 29, 2008 Exhibit A and B and with a modification on July 22, 2008 Exhibit D to the approved tentative plan and final plan at a public hearing before the Planning Commission duly noticed by publication and mailing to request modified preliminary and final plan approval to permit development in two stages, Phase One, an eight (8) lot phase and Phase Two, a twenty (20) lot phase. All approvals shall conform to the approved Preliminary Development Plan as approved by Final Orders Exhibit A, Exhibit B and Exhibit D.
- (2) **COMPLETED:** The Second Public Hearing Process  
Planning Commission Final Plan Approval:



BEFORE THE CITY OF ROCKAWAY BEACH, OREGON CITY COUNCIL  
 APPLICATION #07-19 "NEDONNA WAVE" 28 Lot Planned Unit Development Subdivision  
 City Planner Report Date: July 29, 2008  
 Public Hearing Date: August 13, 2008

Page 4 of 6

The application completed the second public hearing process for Final Plan approval when at a duly noticed public hearing on May 27, 2008, the Planning Commission issued a decision of Approval with Conditions for the request of Final Plan Approval with Exhibit C Findings of Fact which describe conformance of site development plans with the approved Preliminary Development Plan of Final Order and Findings of Fact Exhibit A and Exhibit B and when at a duly notice public hearing on July 22, 2008, the Planning Commission issued a decision of Approval with Conditions for the request for a modification to the approved preliminary plan and final plan approval to permit development in two stages, Phase One, an eight (8) lot subdivision plat and Phase Two, a twenty (20) lot subdivision plat with Exhibit D Findings of Fact which describes conformance with applicable criteria.

- (3) **CURRENT REQUEST:** The Third Public Hearing Process  
City Council Final Plan Approval: The Third Public Hearing Process  
 After Planning Commission approval, the application completes the third public hearing process by submittal to the City Council for final plan approval and to add the letters "PUD" to the Zoning Map. This PUD Zoning Map designation will identify that site development is limited to that consistent with the decision for Application #07-19 Nedonna Wave Planned Unit Development Final Orders and Exhibits A, B, C, and D.
- (4) **ADMINISTRATIVE PROCESS:** Subdivision Final Plat Approval:  
 The Subdivision Final Plat approval process is an administrative process. Subdivision Final Plat approval will be provided only after all improvements are completed consistent with adopted regulatory standards conditions of approval are met consistent with Final Orders and Exhibits A, B, C, and D.
- (5) **ADMINISTRATIVE PROCESS:** Building Permits:  
 The process for review and approval of building permits is an administrative process. Building Permits will not be issued until the Subdivision Final Plat recordation is complete and consistent with adopted regulatory standards regulating the issuance of building permits. Building permits shall be only issued consistent with the decision for Application #07-19 Nedonna Wave Planned Unit Development Final Orders and Exhibits A, B, C, and D.

BEFORE THE CITY OF ROCKAWAY BEACH, OREGON CITY COUNCIL  
APPLICATION #07-19 "NEDONNA WAVE" 28 Lot Planned Unit Development Subdivision  
City Planner Report Date: July 29, 2008  
Public Hearing Date: August 13, 2008

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Page 5 of 6

**VI. Findings of Fact:**

**(RBZO) City of Rockaway Beach Zoning Ordinance**

...

**Article 10 Planned Unit Development**

...

**Section 10.060 Procedure - Final Approval**

...

(3) *After final concept approval by the Planning Commission, the PUD application will be sent to the City Council for consideration for final approval.*

Findings of Fact:

1. At a duly noticed public hearing on May 27, 2008, the Planning Commission issued a decision of Approval with Conditions for the request of Final Plan Approval with Exhibit C Findings of Fact which describe conformance of site development plans with the approved Preliminary Development Plan of Final Order and Findings of Fact Exhibit A and Exhibit B
2. At a duly notice public hearing on July 22, 2008, the Planning Commission issued a decision of Approval with Conditions for the request for a modification to the approved preliminary plan and final plan approval to permit development in two stages, Phase One, an eight (8) lot subdivision plat and Phase Two, a twenty (20) lot subdivision plat with Exhibit D Findings of Fact which describes conformance with applicable criteria.
3. Having received approval from the Planning Commission, the application is submitted to the City Council for final approval.

Conclusions: The application to the City Council has completed the process for Final Approval.

**Section 10.070 Mapping**

*An approved PUD shall be identified on the zoning map with the letters "PUD" in addition to the abbreviated designation of the parent zone.*

Findings of Fact:

1. City Council approval is necessary to add the designation "PUD" to the Zoning Map.
2. After final approvals are provided for the project, the approved PUD shall be identified on the Zoning Map with the letters "PUD" in addition to the abbreviated designation of the Parent Zone.

Conclusions: City Council approval of the application for final approval will add the letters "PUD" to the Zoning Map.

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BEFORE THE CITY OF ROCKAWAY BEACH, OREGON CITY COUNCIL  
APPLICATION #07-19 "NEDONNA WAVE" 28 Lot Planned Unit Development Subdivision  
City Planner Report Date: July 29, 2008  
Public Hearing Date: August 13, 2008

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**Section 10.080 Adherence to Approved Plan and Modification Thereof**

*(1) Building permits in a PUD shall be issued only on the basis of the approved plan. Any changes in the approved plan shall be submitted to the Planning Commission for processing as an amendment to this ordinance.*

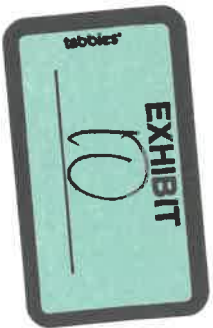
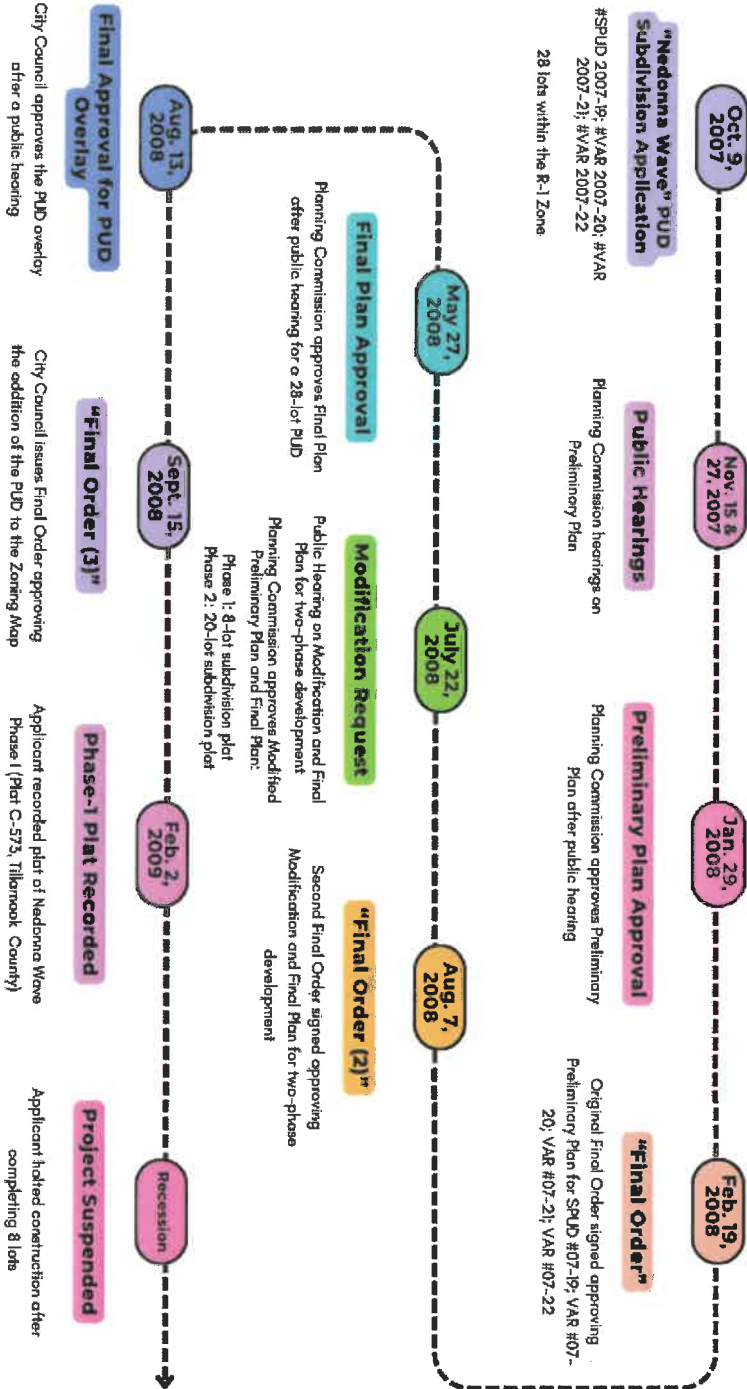
**Findings of Fact:**

1. No changes to the approved preliminary development plan are requested with this application for Final Approval.
2. Any changes in the approved plan shall be submitted to the Planning Commission for processing as an amendment to this ordinance.
3. The decisions for Application #07-19 Nedonna Wave a 28-Lot Planned Unit Development Subdivision and concurrent applications #07-20 VAR #07-20 concurrent variance to permit a building height of 29 feet for all lots of "Nedonna Wave" excepting lots 25-28, #07-21 concurrent variance to permit building height of 36 feet for lots 25 – 28, and #07-22 concurrent variance to delete sidewalks from the development are represented by Final Orders and Exhibits A, B, C, and D.

**Conclusions:** The PUD Zoning Map designation will identify that building permits shall be only issued consistent with the decision Final Orders and Exhibits A, B, C, and D for Applications #07-19, #07-20, #07-21, and #07-22 for Nedonna Wave a 28-Lot Planned Unit Development.

...

# Initial "Nedonna Wave" Timeline





# APPEAL #24-1: Nedonna Wave Planned Unit Development



# Current Application

- ▶ Developer now wants to resume & expand Phase II
- ▶ March 4, 2024
  - ▶ Application for PUD #24-1
    - ▶ Modification to approved Final Plan
    - ▶ Phase 2.1: lots east of Kittiwake Drive
    - ▶ Phase 2.2: lots west of Kittiwake Drive
    - ▶ **Two additional lots**—requested to create two lots instead of one lot at the N end of Jackson St., and four lots instead of three at the NE corner of Kittiwake Dr. and Riley St.
- ▶ June 20 and 27, 2024
  - ▶ Public Hearings
- ▶ July 18, 2024
  - ▶ Planning Commission Meeting w/ City Staff
- ▶ August 1, 2024
  - ▶ Notice of Decision
  - ▶ Findings, Conclusions, and Final Order





# Grounds for Appeal

Oregon Shores' appeal is based on five key issues:

1. **Expired Approval:** The original 2008 PUD approval has lapsed.
2. **Resubmission Required Under State Law:** ORS 92.040 requires the applicant to resubmit the initial application under current regulations.
3. **Development in Wetlands:** RBZO 3.080 prohibits residential development in Special Area Wetlands Zones.
4. **Evacuation Measures:** RBZO 3.142 requires the applicant to develop evacuation measures and improvements.
5. **Riparian Setback:** RBZO 4.150 requires the City to enforce its riparian setback for McMillan Creek before approval.

## Issue 1: Expired Approval

- ▶ The 2008 approval lapsed when the Applicant failed to complete all planned improvements within one year of tentative plan approval, as required by the conditions of approval.
  - ▶ **Phased Development:** Even though later approval allowed two phases, all initial conditions, including timing requirements, remained valid.
  - ▶ **Failure to Comply:** No extension was granted by the City beyond one year from tentative plan approval, and the developer suspended construction before completing all improvements.
    - ▶ No unique schedule was adopted for the Phase II improvements
    - ▶ The time to complete those improvements under the 2008 approval has long since passed

## Supporting Docs

▶ Nedonna Wave Project Plan (November 2007) [at Ex 1]

- ▶ “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” (p 1/3)

Property Location:  
Map: ~~ZN10 ZONE~~ 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

▶ Staff Report (January 2008) [at Ex 2]

- ▶ “The developer shall complete the improvements within one year of tentative plan approval unless an extension is granted by the City to complete improvements. Final plat review shall conform to the procedures of RBZO Article 10 and Article 13.” (p 12/33)

## 1st Final Order (28-lot PUD preliminary plan approval)

- ▶ **“Final Order”** (02/19/2008) [at Ex 3]
  - ▶ “The Findings of Fact relied upon by the Planning Commission for decision is attached as **Exhibit “A”**. Conditions of Approval are attached as **“Exhibit B”**.” (p 2/3)
- ▶ **“Exhibit A: Findings of Fact”** [at Ex 4]
  - ▶ “The developer shall complete the improvements within one year of tentative plan approval unless an extension is granted by the City to complete improvements. Final plat review shall conform to the procedures of RBZO Article 10 and Article 13.” (p 12/34)
  - ▶ Findings do not discuss timing concerns when considering whether “[t]here are special physical conditions or objectives of the development which the proposal will satisfy to warrant a departure from the standard ordinance requirements.” (p 24/34)
  - ▶ “The plan can be completed within a reasonable amount of time. Finding of Fact: Criteria met 1. The applicant indicates that the development may be completed in two phases.” (p 25/34)
- ▶ **“Exhibit B: Conditions of Approval”** [at Ex 5]
  - ▶ “The developer shall complete the improvements within one year of tentative plan approval unless an extension is granted by the City to complete improvements.” (p 6/7)



## 2nd Final Order (Two-Phase approval)

- ▶ **“Final Order (2)” (08/07/2008) [at Ex 6]**
  - ▶ “Findings of Fact relied upon by the Planning Commission for decision are attached as **Exhibit A, Exhibit C, and Exhibit D**. Conditions of Approval are attached as **“Exhibit B”**” (p 1/2)
- ▶ **“Exhibit C: Findings of Fact: Final Plan Approval” [at Ex 7A]**
  - ▶ Codifying 5/27/2008 Planning Commission decision
  - ▶ “The developer shall complete the improvements within one year of tentative plan approval unless an extension is granted by the City to complete improvements.” (p 18/20)
  - ▶ “Prior to final plat approval, and within one year of preliminary plan approval on January 29, 2008 and July 22, 2008, the developer shall complete the improvements within one year of tentative plan approval unless an extension is granted by the City to complete improvements. Final subdivision plat review shall conform to the procedures of RBZO Article 10 and Article 13.” (pp 18-19/20)
  - ▶ “Renumbered Lots 9 - 28 shall be permitted as **Phase Two** of the Nedonna Wave Final Plat subject to the applicable conditions of preliminary development and tentative plan approval.” (p 19/20)

## 2nd Final Order (Two-Phase approval)

- ▶ **“Exhibit D: Modified Preliminary & Final Approval for Two Phase Development” [at Ex 7B]**
  - ▶ Codifying 7/22/2008 Planning Commission decision
  - ▶ **“Final Order and Exhibits A, B, C, and D Findings of Fact apply in their entirety except where specifically amended.”** (p 2/10)
  - ▶ **“The applicant need not enumerate all improvements and conditions of approval consistent with City Standards and Final Orders and corresponding Exhibits A, B, and C, and these findings of fact Exhibit D as they continue to apply in their entirety except where amended specifically in these findings of fact and this modification does not relieve them of the responsibility imposed during these previous public hearing processes.”** (p 3/10)
  - ▶ **“Lots 9-28 shall be permitted as Phase Two of the Nedonna Wave Final Plat subject to the applicable conditions of preliminary development and tentative plan approval.”** (p 4/10)
  - ▶ **“The Two Phase request limits the development of Phase One to eight (8) lots and Phase Two to twenty (20) lots and does for that limitation serve only to specifically postpone the installation of the remaining utilities in Riley Street east of Kittiwake, regional sewer pump station and related housings included but not limited to: 3 phase duplex station with controls, divot crane, onsite generator, telemetry, lighting and fencing; the extension of the existing 6” diameter White Dove Sewer manhole at 17th Avenue as necessary to serve the project to and to alleviate surcharging of the 23rd Avenue Manhole; and Paving remainder of Riley Street east of Kittiwake, and Jackson Street.”** (p 9/10)

## 3rd Final Order (PUD overlay approval)

- ▶ **“Final Order (3)”** (09/19/2008) [at Ex 8]
  - ▶ “. . . Application #SPUD 07-19 adds the overlay zone designation and limits development to that consistent with Final Orders (1), (2), and (3) and Findings of Fact Exhibits A, B, C, D, and E.” (p 1/2)
- ▶ **“Exhibit E”** [at Ex 9]
  - ▶ “All approvals shall conform to the approved Preliminary Development Plan as approved by Final Orders Exhibit A, Exhibit B and Exhibit D.” (p 3/6)
  - ▶ “No changes to the approved preliminary development plan are requested with this application for Final Approval.” (p 6/6)

# City Code Supports Approval Expiration

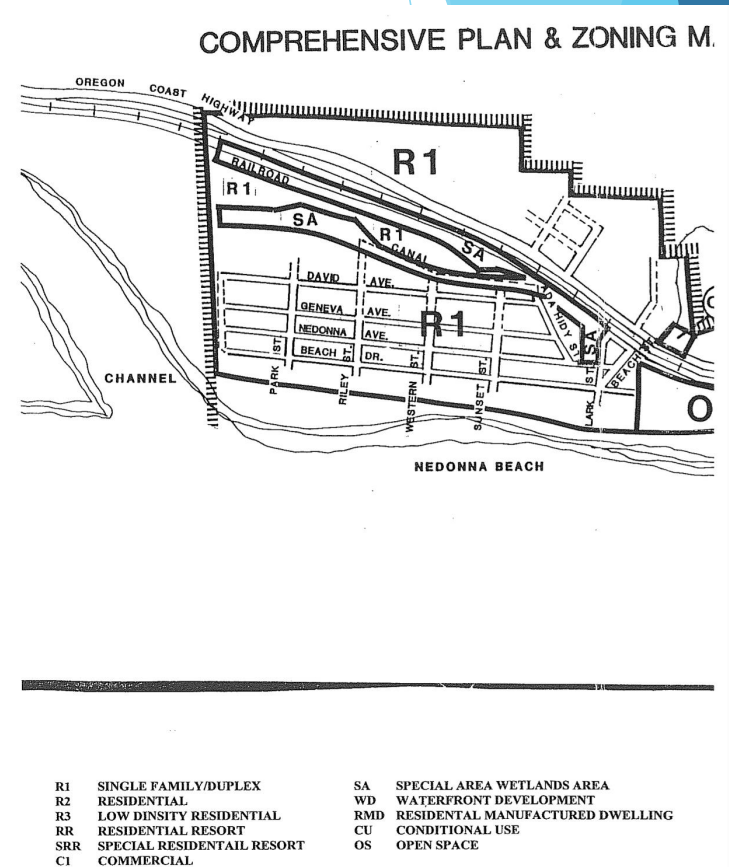
- ▶ Under the RBZO, the Planning Commission could not have intended for approval of two-stage development to extend the timeline indefinitely
- ▶ Schedule and reasonable completion period required:
  - ▶ **RBZO 10.050(1)(i)**: requires applicants to submit a **proposed schedule for the execution of each stage** when a final development plan will be executed in stages
  - ▶ **RBZO 10.050(2)(d)**: requires that a proposed plan be able to be “completed within a reasonable period of time”
- ▶ Developers cannot sit in limbo, or stop and start projects at their own discretion:
  - ▶ **RBZO 13.16**: “Before City Council’s approval of a final plat, the subdivider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the property or **execute and record an agreement between himself and the City, specifying the period within which required improvements and repairs shall be completed and providing that, if the work is not completed within the period specified, the City may complete the work and recover the full cost and expense . . .**”
  - ▶ **RBZO 13.43(2)**: Improvement work shall not be commenced until the City has been notified in advance, and if work has been discontinued for any reason, it shall not be resumed until the City has been notified.

## Issue 2: Resubmission Required Under State Law (ORS 92.040)

- ▶ ORS 92.040(2)-(3) requires that subsequent phases of PUD development be reviewed for compliance with current regulations
  - ▶ Well over 10 years have passed since initial approval
  - ▶ Current application is a “subsequent phase of construction,” triggering ORS 92.040(3) review, especially given the modification request to develop two additional lots
- ▶ Oregon Court of Appeals and LUBA case law support this
  - ▶ *Athletic Club of Bend v. City of Bend*, 239 Or App 89 (2010)
  - ▶ *Claus v. City of Sherwood* (LUBA 2023)
- ▶ Applicant incorrectly argued that ORS 92.040 only applies to subdivisions, not PUDs
  - ▶ The original PUD approval identifies the project as a subdivision, subject to ORS Chapter 92 and RBZO Article 13
- ▶ ORS 92.040 creates a **temporary** safe harbor to protect developers from unfavorable regulation changes mid-project
  - ▶ That safeguard is not indefinite
  - ▶ In order to meet changing community needs and priorities, new development must be assessed under updated standards

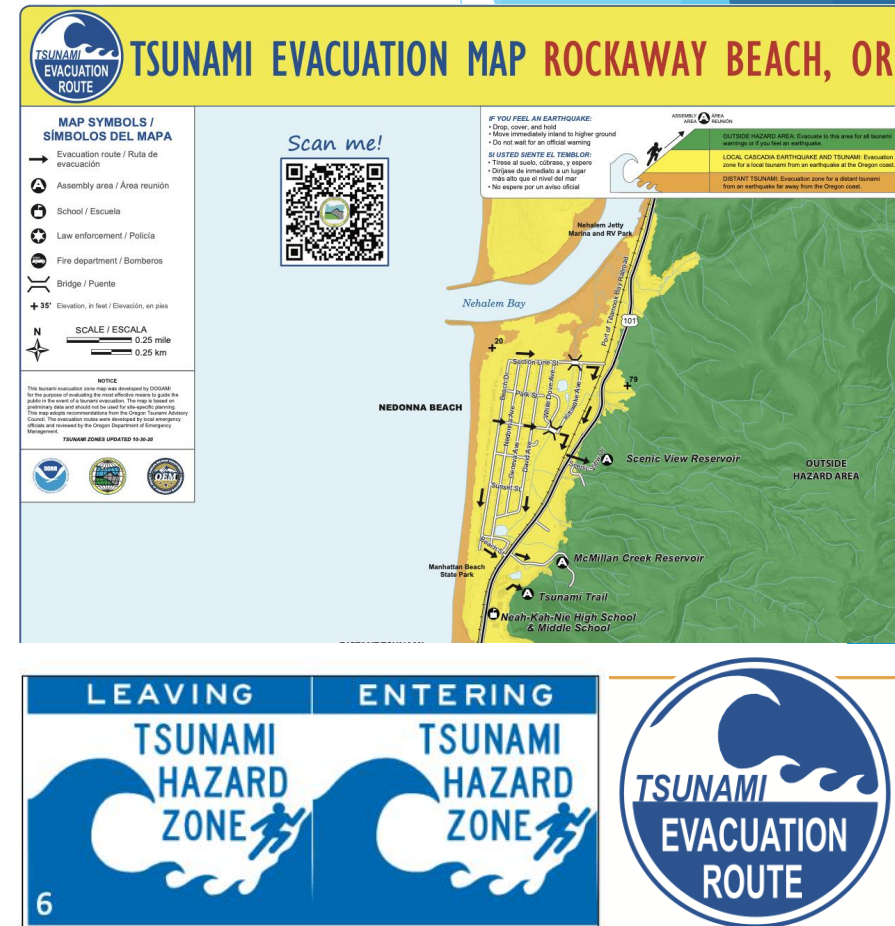
## Issue 3: Development in Wetlands (RBZO 3.080)

- ▶ RBZO 3.080 prohibits residential development in Special Area Wetlands (SA) zones
  - ▶ **Permitted Uses:** Only recreational, restoration, and stabilization uses are allowed in SA zones.
- ▶ The Nedonna Wave PUD falls within the SA zone
  - ▶ Any approval of residential development within these areas would violate the RBZO
- ▶ All construction or alteration activities in SA zones require review by the Oregon Division of State Lands & the Corps (RBZO 3.080(4)(a))
  - ▶ No required site investigation by qualified agencies has been conducted for Phase II and the two new lots
- ▶ No updated “Zone Boundary Determination” under RBZO 3.080(5) occurred
- ▶ The last wetland delineation was completed in 2005



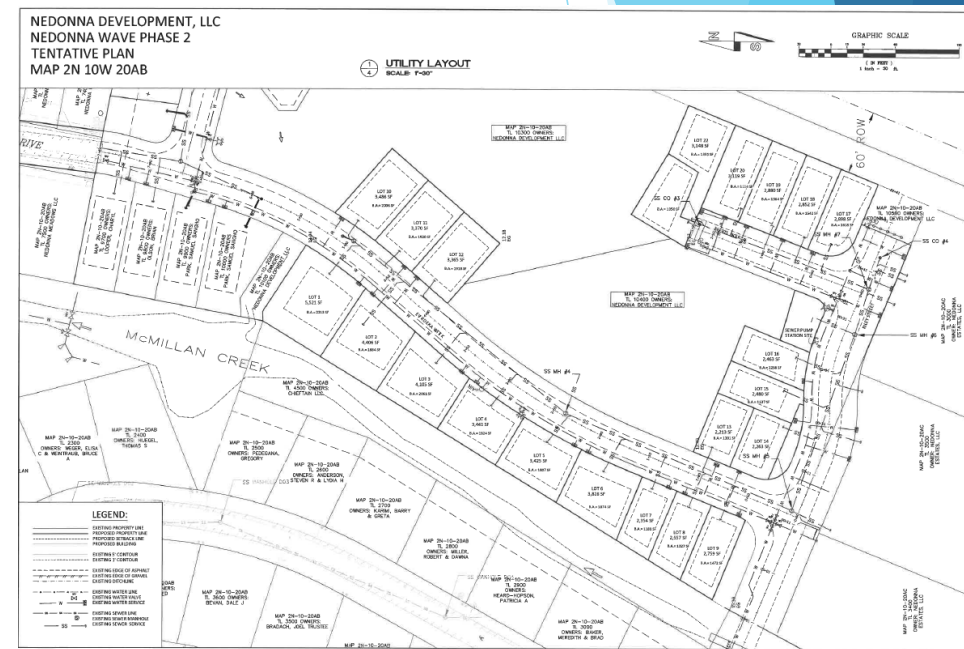
## Issue 4: Evacuation Measures (RBZO 3.142)

- ▶ RBZO 3.142(6) mandates the development of evacuation measures and improvements for all new construction in the Tsunami Hazard Overlay Zone
  - ▶ The Nedonna Wave PUD falls within this zone
  - ▶ **Impact on Evacuation Routes:** Applicant's proposal will add population pressure to evacuation routes, likely requiring improvements
- ▶ The application does not address off-site evacuation route improvements or tsunami evacuation route signage
- ▶ **Insufficient Planning Commission Action:** No concrete plan or study was required to address evacuation measures, or ensure that the Applicant will fund and implement any necessary improvements
  - ▶ A traffic study post-approval does not demonstrate compliance



## Issue 5: Riparian Setback (RBZO 4.150)

- ▶ RBZO 4.150 requires the City to enforce its riparian setback for McMillan Creek before approval
  - ▶ **15-Foot Riparian Setback:** Development is prohibited within this setback to protect riparian vegetation.
  - ▶ **Mitigation Plan Required:** If vegetation removal is necessary, applicants must submit a plan for removal and re-vegetation approved by the Oregon Department of Fish and Wildlife (ODFW)
- ▶ The Planning Commission approved the Application before submission of a re-vegetation plan
  - ▶ The Commission instructed the Applicant to coordinate with ODFW to develop such a plan, however, RBZO 4.150(5) is forward-looking
  - ▶ The Commission must assess the riparian setback requirements and the potential impact of the project on riparian vegetation *before* approval





## In Summation

- ▶ The original approval has expired
- ▶ The developer must resubmit the application under ORS 92.040
  - ▶ Especially in light of two additional lots
- ▶ The Planning Commission failed to find that the proposal is consistent with the RBZO
  - ▶ PC's findings concerning compliance with the RBZO are inadequate in regards to wetlands, evacuations measures, and riparian setbacks
  - ▶ The staff review and approval of construction going forward will be a ministerial review process that does not include notice and an opportunity for a public hearing at which petitioners will have a right to participate.
- ▶ The City Council should deny the current application



**ALTERMAN**  
LAW GROUP

**DEAN N. ALTERMAN**  
ATTORNEY

November 20, 2024

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D: (503) 517-8201  
DEAN@ALTERMAN.LAW

*Via e-mail only to [cityplanner@corb.us](mailto:cityplanner@corb.us)*

The Mayor and Councilors  
City of Rockaway Beach  
PO Box 5  
Rockaway Beach, OR 97136

Re: Application of Nedonna Development / Nedonna Wave PUD, Phase 2  
Our File No. 5701.001

Dear Mayor McNeilly and Councilors:

I'm writing this letter on behalf of Anna Song and Nedonna Development LLC in response to the appeal of the approval of Phase 2 of the Nedonna Wave PUD, and specifically to cover the question about the exit path for a tsunami emergency and show compliance with RBZO § 3.140.

Section 3.140(6) of the Rockaway Beach Zoning Ordinance (RBZO) states that land divisions in the Tsunami Hazard Overlay Zone "shall incorporate evacuation measures and improvements, including necessary vegetation management, which are consistent with and conform to the adopted Tsunami Evacuation Facilities Improvement Plan."

A partly marked evacuation route runs east as a trail through the dedicated but unimproved section of Riley Street, and then roughly along the boundary line between Nedonna Wave and the property to the south. It then enters the railroad property, where the trail leads up steps to and across the tracks and then to Highway 101. In wet weather the evacuation route is muddy and likely boggy for the 200+ feet from the end of the pavement to the railroad embankment.

Here's how the city's official map of evacuation routes depicts the route:

805 SW BROADWAY  
SUITE 1580  
PORTLAND, OREGON 97205

-----  
T: (503) 517-8200  
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WWW.ALTERMAN.LAW

{00210720}



Currently Riley Street is paved only a few feet beyond Kittiwake Drive, though the unimproved right-of-way of Riley Street extends more than 200 feet further toward the railroad. As part of building Phase 2, Mrs. Song would be required to improve Riley Street to city standards, which means paving it eastward to its terminus. The portion of the evacuation route that's now a dirt trail along Riley Street would be paved, which will be a substantial improvement to the existing trail. In case of emergency, pedestrians will be walking on pavement instead of through grass and mud for several hundred feet, and they will be able to get to the railroad's portion of the trail much more readily. If a portion of the trail beyond the end of the public right-of-way is on Mrs. Song's property, she will lay down gravel on that portion to make a 6-foot wide path to continue until the trail leaves her property.

Paving several hundred feet of the existing dirt trail will substantially improve the speed of evacuation. A second benefit will come from widening the trail into a road. How much benefit is hard to quantify, though some data does exist. A Federal Highway Administration report entitled "Capacity Analysis of Pedestrian and Bicycle Facilities: Recommended Procedures for the 'Pedestrians' Chapter of the Highway Capacity Manual"<sup>1</sup> gives some useful data about the relationship between path area and pedestrian capacity. Although the report is oriented mainly toward designers of sidewalks and crosswalks, it contains some useful information to help measure the benefit of the proposed improvements here.

Pedestrian capacity was measured by levels of service ("LOS") from A through F, similarly to how traffic engineers measure levels of service for roadways. Pedestrian speed drops by only about 10% from LOS A to LOS D, then much more rapidly at LOS E and LOS F. The authors cited the Highway Capacity Manual stating that an uninterrupted pedestrian facility can operate at LOS D or better with walking speeds of 225 or more feet/minute or more (2.5

<sup>1</sup> Federal Highway Administration report no. FHWA-RD-98-107 (the "Report"), available online and through the National Technical Information Service, Springfield, Virginia.

miles per hour, or essentially free flow) if each pedestrian has at least 15 square feet of space on the walkway.<sup>2</sup> Here is an extract of the table:

**TABLE 2 Existing HCM walkway Level of Service (LOS) criteria**

LOS	Space		Flow Rate		Average Speed	
	(m <sup>2</sup> /ped)	(ft <sup>2</sup> /ped)	(ped/min/m)	(ped/min/ft)	(m/s)	(ft/min)
A	≥12	≥130	≤7	≤2	≤1.32	≥260
B	3.7-12	40-130	23-Jul	7-Feb	1.27-1.32	250-260
C	2.2-3.7	24-40	23-33	10-Jul	1.22-1.27	240-250
D	1.4-2.2	15-24	33-49	15-Oct	1.14-1.22	225-240
E	0.6-1.4	15-Jun	49-82	15-25	0.76-1.14	150-225
F	≤0.6	≤6	var.	var.	≤0.76	≤150

SOURCE: TRB, 1994.

The planning commission approved Mrs. Song's request to plat 20 residential lots in Phase 2, subject to review of any proposed improvements to the emergency escape route. Mrs. Song's proposed improvements to the evacuation route are more than adequate to handle the increased emergency demand that an additional 20 houses would place on the route.

The 2020 census reported that Rockaway Beach had a population of 1,441 and 1,980 housing units, of which 737 (37.2%) were occupied and 1,243 (62.8%) were "vacant." A house is "vacant" if it's not a primary residence; the census counts a house as vacant if it's a second home or a vacation rental as well as if it's actually empty and unoccupied.

If the demographics of the buyers of the 20 new houses are similar to Rockaway Beach's current demographics, then 7 or 8 of them will be occupied by full-time residents and 12 or 13 will be occupied only part-time. The occupied housing units have an average of 2 occupants. It's fair to assume that the vacation units, when occupied, will have more occupants, perhaps 4 on average, but that they'll be occupied only half the year or less, for an average of about 2 occupants when measured over the year. It follows that the houses in Phase 2 will create a demand for the evacuation route for about 40 persons on average.

Mrs. Song proposes to pave about 6,000 square feet of Riley Street along the evacuation route, an area about 250 feet long and 24 feet wide, which equates to pedestrian space for about 400 persons. She also proposes to widen and improve any remaining dirt trail on her property to be a 6-foot gravel path. If the current trail is at most 3 feet wide toward the east then she is doubling the evacuation capacity of that portion of the trail, which more than covers the

<sup>2</sup> Report, section 3.1, Table 2.

additional demand that Phase 2 would put on the trail. Her proposed improvements more than offset any increased demand.

With respect to the specific criteria of RBZO 3.140: Each of the lots will enjoy direct access to a paved road that will connect to the existing evacuation route. Mrs. Song will improve the portion of the evacuation route that is on her property either with the new paved portion of Riley Street or with a 6-foot gravel path, which will ensure adequate pedestrian access from the development site to the evacuation route.

The proposal does not create an evacuation need that would require frontage improvements to designated evacuation routes on or contiguous to the development site beyond the improvements that Mrs. Song would make as part of Phase 2.

The rest of the evacuation route is entirely on the private property of others. Mrs. Song is not aware of any publicly-owned portion of the evacuation route other than Riley Street, which she will improve more than proportionally to the evacuation needs of Phase 2.

Mrs. Song proposes to install a tsunami-route sign at the beginning of the gravel path, if a sign at that location is consistent with the standards of the Tsunami Evacuation Facilities Improvement Plan. If that plan requires other route signage on her property, she will install the signage.

Thank you for your consideration of Anna Song's application to create Phase 2 of this planned unit development. She meets all of the zoning criteria and looks forward to bringing this project to completion.

Very truly yours,

*Dean N. Alterman*

Dean N. Alterman

CITY OF ROCKAWAY BEACH  
REVENUES WITH COMPARISON TO BUDGET  
FOR THE 5 MONTHS ENDING NOVEMBER 30, 2024

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>REVENUES &amp; RESOURCES</u>					
10-31-4010 CUR YR PROP TX - GEN FUND	371,561.97	373,162.77	479,850.00	106,687.23	77.8
10-31-4020 DELINQUENT PROP TAX REVENUE	1,427.29	3,657.46	5,494.00	1,836.54	66.6
10-31-4040 LIQUOR TAX - OLCC	1,400.79	10,308.95	30,325.00	20,016.05	34.0
10-31-4050 CIGARETTE TAX	81.79	409.18	1,065.00	655.82	38.4
10-31-4060 OTHER TAX REVENUE	.00	8,647.29	35,000.00	26,352.71	24.7
<b>TOTAL REVENUES &amp; RESOURCES</b>	<b>374,471.84</b>	<b>396,185.65</b>	<b>551,734.00</b>	<b>155,548.35</b>	<b>71.8</b>
<u>GRANTS, LOANS &amp; BONDS</u>					
10-33-4175 GRANTS - GENERAL FUND MISC	.00	.00	35,000.00	35,000.00	.0
10-33-4185 STATE REVENUE SHARING	.00	6,641.32	28,000.00	21,358.68	23.7
<b>TOTAL GRANTS, LOANS &amp; BONDS</b>	<b>.00</b>	<b>6,641.32</b>	<b>63,000.00</b>	<b>56,358.68</b>	<b>10.5</b>
<u>FEES &amp; SERVICES</u>					
10-34-4060 FRANCHISE FEES	( 13,230.44)	9,499.40	390,500.00	381,000.60	2.4
10-34-4065 BUSINESS LICENSES	861.25	14,592.50	.00	( 14,592.50)	.0
10-34-4066 STR LICENSE FEES	( 7,499.94)	251,440.86	.00	( 251,440.86)	.0
10-34-4085 LAND USE-ORDINANCE FEES-PERMIT	398.75	5,754.50	20,500.00	14,745.50	28.1
10-34-4141 CIVIC/COMM CENTER RENT	150.00	420.00	1,000.00	580.00	42.0
10-34-4142 FIRST FLOOR RENT-HLTH DEPT	946.00	4,730.00	11,500.00	6,770.00	41.1
10-34-4145 CC-REFUNDABLE DEPOSITS	.00	.00	100.00	100.00	.0
10-34-4146 HEALTH DEPT UTILITY REIMB	99.58	497.90	3,060.00	2,562.10	16.3
<b>TOTAL FEES &amp; SERVICES</b>	<b>( 18,274.80)</b>	<b>286,935.16</b>	<b>426,660.00</b>	<b>139,724.84</b>	<b>67.3</b>
<u>FIRE DEPARTMENT</u>					
10-35-4091 NEDONNA FIRE DIST	.00	.00	30,000.00	30,000.00	.0
10-35-4092 TWIN ROCKS WATER DISTRICT	.00	.00	10,000.00	10,000.00	.0
10-35-4093 OR STATE FORESTRY DEPT	.00	.00	500.00	500.00	.0
10-35-4185 FIRE PERMITS	.00	.00	50.00	50.00	.0
10-35-4186 EMERGENCY SERVICES FEE	.00	41,701.82	125,000.00	83,298.18	33.4
<b>TOTAL FIRE DEPARTMENT</b>	<b>.00</b>	<b>41,701.82</b>	<b>165,550.00</b>	<b>123,848.18</b>	<b>25.2</b>
<u>OTHER REVENUES</u>					
10-36-4120 INTEREST ON INVESTED FUNDS	.00	41,788.69	193,000.00	151,211.31	21.7
10-36-4150 MISC RCPTS - GEN FUND	570.48	7,503.38	10,000.00	2,496.62	75.0
10-36-4190 SURPLUS PROPERTY SALES	.00	.00	500.00	500.00	.0
<b>TOTAL OTHER REVENUES</b>	<b>570.48</b>	<b>49,292.07</b>	<b>203,500.00</b>	<b>154,207.93</b>	<b>24.2</b>

CITY OF ROCKAWAY BEACH  
REVENUES WITH COMPARISON TO BUDGET  
FOR THE 5 MONTHS ENDING NOVEMBER 30, 2024

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>POLICE DEPARTMENT</u>					
10-37-4100 CITATIONS - FINES & FORFEITS	721.21	1,440.18	7,140.00	5,699.82	20.2
TOTAL POLICE DEPARTMENT	721.21	1,440.18	7,140.00	5,699.82	20.2
<u>TRANSFERS</u>					
10-39-4030 TIF - TRT POLICE	.00	83,600.00	334,400.00	250,800.00	25.0
10-39-4032 TIF -SEWER OP	.00	11,250.00	45,000.00	33,750.00	25.0
10-39-4035 TIF - DEBT SERVICE RESERVE	.00	57,350.00	229,400.00	172,050.00	25.0
10-39-4036 TIF-TRT-P&R	.00	3,600.00	14,400.00	10,800.00	25.0
10-39-4037 TIF - CC	.00	11,250.00	45,000.00	33,750.00	25.0
10-39-4038 TIF- TRT-GF PW CAP OUTLAY	.00	5,000.00	20,000.00	15,000.00	25.0
10-39-4052 TIF - TRT-CTY BEAUTIF	.00	1,250.00	5,000.00	3,750.00	25.0
10-39-4053 TIF - TRT FIRE DEPT	.00	83,600.00	334,400.00	250,800.00	25.0
10-39-4055 TIF - TRT USDA LOAN	.00	16,000.00	64,000.00	48,000.00	25.0
TOTAL TRANSFERS	.00	272,900.00	1,091,600.00	818,700.00	25.0
TOTAL FUND REVENUE	357,488.73	1,055,096.20	2,509,184.00	1,454,087.80	42.1

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CITY OF ROCKAWAY BEACH  
EXPENDITURES WITH COMPARISON TO BUDGET  
FOR THE 5 MONTHS ENDING NOVEMBER 30, 2024

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>POLICE DEPARTMENT</u>					
10-45-6550 MATERIALS SUPPLIES	23,520.40	65,202.64	668,392.00	603,189.36	9.8
TOTAL POLICE DEPARTMENT	23,520.40	65,202.64	668,392.00	603,189.36	9.8
<u>FIRE DEPARTMENT</u>					
10-46-5052 FIRE CHIEF WAGES	8,957.89	44,789.44	113,000.00	68,210.56	39.6
10-46-5053 FIREFIGHTERS	10,906.70	76,397.07	176,000.00	99,602.93	43.4
10-46-5054 OVERTIME-FIRE DEPARTMENT	726.70	6,652.71	5,000.00	( 1,652.71)	133.1
10-46-5061 VOLUNTEER FIRE FIGHTER BONUS	24,220.00	34,652.07	42,000.00	7,347.93	82.5
10-46-5062 RECORD KEEPING & TRAINING	125.00	625.00	2,500.00	1,875.00	25.0
10-46-5152 PAYROLL EXPENSES - FIRE	18,434.44	74,510.18	200,000.00	125,489.82	37.3
10-46-6110 ELECTRICITY	.00	380.38	3,800.00	3,419.62	10.0
10-46-6530 TELEPHONE	562.51	3,459.86	12,000.00	8,540.14	28.8
10-46-6535 MEDICAL	.00	433.65	10,500.00	10,066.35	4.1
10-46-6555 SUPPLIES, GEAR & SERVICES	46.25	5,390.43	32,500.00	27,109.57	16.6
10-46-6557 EMERGENCY MANAGEMENT SUPPLIES	.00	2,318.58	7,500.00	5,181.42	30.9
10-46-6570 INS- VEHICLE, LIAB, EQUIP, BLD	.00	19,500.54	28,000.00	8,499.46	69.6
10-46-6580 FUEL & OIL	.00	827.24	10,000.00	9,172.76	8.3
10-46-6582 ELECTRONIC REP-MAINT	.00	.00	1,500.00	1,500.00	.0
10-46-6630 FIRE BLDG MAINT	.00	372.59	15,000.00	14,627.41	2.5
10-46-6660 SAFETY TRAINING & FIRST AID	.00	911.71	22,000.00	21,088.29	4.1
10-46-6670 REQUIRED EQUIP TESTING	.00	2,100.00	10,000.00	7,900.00	21.0
10-46-6690 VEHICLE MAINT, SUP & REP	.00	3,860.56	15,000.00	11,139.44	25.7
TOTAL FIRE DEPARTMENT	63,979.49	277,182.01	706,300.00	429,117.99	39.2



CITY OF ROCKAWAY BEACH  
EXPENDITURES WITH COMPARISON TO BUDGET  
FOR THE 5 MONTHS ENDING NOVEMBER 30, 2024

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>ADMINISTRATION</u>					
10-48-5057 OFFICE ASSISTANT	10,645.38	55,858.45	132,000.00	76,141.55	42.3
10-48-5065 OVERTIME - CITY HALL	.00	.00	1,200.00	1,200.00	.0
10-48-5075 ACCRUED VACATION - ADMIN	.00	.00	5,000.00	5,000.00	.0
10-48-5082 CITY MANAGER	12,595.59	44,021.28	99,760.00	55,738.72	44.1
10-48-5085 MAYOR & COUNCIL STIPEND	125.00	625.00	1,400.00	775.00	44.6
10-48-5152 PAYROLL EXP - ADMIN	11,431.27	51,793.69	167,000.00	115,206.31	31.0
10-48-6410 PLANNING & ZONING	.00	21,712.96	10,000.00	( 11,712.96)	217.1
10-48-6420 COMMUNITY CENTER EXP	.00	( .01)	.00	.01	.0
10-48-6440 REFUNDABLE DEPOSITS	805.00	805.00	200.00	( 605.00)	402.5
10-48-6530 TELEPHONE	50.00	1,062.00	5,800.00	4,738.00	18.3
10-48-6570 INS-VEHICLE, LIAB, EQUIP, BLDG	.00	22,224.98	22,000.00	( 224.98)	101.0
10-48-6571 TECHNOLOGY & DATA PROCESSING	1,846.97	19,285.77	65,000.00	45,714.23	29.7
10-48-6577 ORDINANCE UPDATE	.00	1,404.17	4,000.00	2,595.83	35.1
10-48-6596 EMERGENCY SERVICES EXPENSE	.00	.00	1,000.00	1,000.00	.0
10-48-6666 CITY BEAUTIFICATION	.00	.00	3,000.00	3,000.00	.0
10-48-6830 CITY HALL OPERATIONS	217.21	9,379.16	66,000.00	56,620.84	14.2
10-48-6831 DUES-CITY, OFFICIALS & STAFF	.00	605.00	3,500.00	2,895.00	17.3
10-48-6835 BANK FEES	1,130.00	7,234.36	2,000.00	( 5,234.36)	361.7
10-48-6840 COURT COSTS	.00	.00	100.00	100.00	.0
10-48-6850 ATTORNEY	.00	11,656.50	40,000.00	28,343.50	29.1
10-48-6870 AUDIT & BOND	3,333.00	3,656.25	9,500.00	5,843.75	38.5
10-48-6880 ADVERTISING	.00	526.85	2,000.00	1,473.15	26.3
10-48-6890 STATIONERY & SUPPLIES	.00	1,181.90	10,000.00	8,818.10	11.8
10-48-6910 OLD TRAVEL & TRAIN-CITY	.00	249.00	.00	( 249.00)	.0
10-48-6915 TRAVEL & TRAIN-STAFF	.00	1,644.25	8,000.00	6,355.75	20.6
10-48-6920 BLDG MAINT-CTY HALL	.00	840.20	18,000.00	17,159.80	4.7
10-48-6931 COUNCIL EXPENSE	.00	684.34	3,750.00	3,065.66	18.3
10-48-6932 CITY MANAGER FUND	.00	.00	750.00	750.00	.0
10-48-6954 COMMUNITY GRANTS	.00	.00	75,000.00	75,000.00	.0
10-48-8000 GENERAL FUND CAPITAL PROJECTS	.00	.00	20,000.00	20,000.00	.0
10-48-8041 TO - ROADS/STREETS, FRANCHISE	.00	12,500.00	50,000.00	37,500.00	25.0
10-48-8044 TO -FIRE EQUIPMENT RESERVE	.00	11,250.00	45,000.00	33,750.00	25.0
10-48-8046 TO - ECONOMIC STABILITY RES FD	.00	114,950.00	459,800.00	344,850.00	25.0
10-48-8518 DEBT SVC - GF LOANS & DEBT SVC	128.28	61,573.11	140,000.00	78,426.89	44.0
<b>TOTAL ADMINISTRATION</b>	<b>42,307.70</b>	<b>456,724.21</b>	<b>1,470,760.00</b>	<b>1,014,035.79</b>	<b>31.1</b>
<u>CONTINGENCY</u>					
10-52-7999 CONTINGENCY - GF	.00	.00	327,848.00	327,848.00	.0
<b>TOTAL CONTINGENCY</b>	<b>.00</b>	<b>.00</b>	<b>327,848.00</b>	<b>327,848.00</b>	<b>.0</b>
<b>TOTAL FUND EXPENDITURES</b>	<b>129,807.59</b>	<b>799,108.86</b>	<b>3,173,300.00</b>	<b>2,374,191.14</b>	<b>25.2</b>
<b>NET REVENUE OVER EXPENDITURES</b>	<b>227,681.14</b>	<b>255,987.34</b>	<b>( 664,116.00)</b>	<b>( 920,103.34)</b>	<b>38.6</b>

CITY OF ROCKAWAY BEACH  
 REVENUES WITH COMPARISON TO BUDGET  
 FOR THE 5 MONTHS ENDING NOVEMBER 30, 2024

FIRE EQUIP RESERVE

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>OTHER INCOME</u>					
14-36-4120 INTEREST INCOME	.00	5,851.18	2,100.00	( 3,751.18)	278.6
TOTAL OTHER INCOME	.00	5,851.18	2,100.00	( 3,751.18)	278.6
<u>TRANSFERS</u>					
14-39-4026 TIF - GF	.00	11,250.00	45,000.00	33,750.00	25.0
14-39-4030 TIF - TRT	.00	30,250.00	121,000.00	90,750.00	25.0
TOTAL TRANSFERS	.00	41,500.00	166,000.00	124,500.00	25.0
TOTAL FUND REVENUE	.00	47,351.18	168,100.00	120,748.82	28.2

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CITY OF ROCKAWAY BEACH  
 EXPENDITURES WITH COMPARISON TO BUDGET  
 FOR THE 5 MONTHS ENDING NOVEMBER 30, 2024

FIRE EQUIP RESERVE

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>FIRE DEPARTMENT</u>					
14-47-7621 FIRE EQUIP & CAPITAL OUTLAY	.00	5,455.32	165,000.00	159,544.68	3.3
14-47-7625 FIRE TRUCK	.00	86,775.75	90,000.00	3,224.25	96.4
TOTAL FIRE DEPARTMENT	.00	92,231.07	255,000.00	162,768.93	36.2
TOTAL FUND EXPENDITURES	.00	92,231.07	255,000.00	162,768.93	36.2
NET REVENUE OVER EXPENDITURES	.00	( 44,879.89)	( 86,900.00)	( 42,020.11)	( 51.7)

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CITY OF ROCKAWAY BEACH  
 EXPENDITURES WITH COMPARISON TO BUDGET  
 FOR THE 5 MONTHS ENDING NOVEMBER 30, 2024

LOAN PAYMENT RESERVE FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>DEPARTMENT 48</u>					
16-48-4032 TO -GENERAL FUND	.00	57,350.00	229,400.00	172,050.00	25.0
TOTAL DEPARTMENT 48	.00	57,350.00	229,400.00	172,050.00	25.0
TOTAL FUND EXPENDITURES	.00	57,350.00	229,400.00	172,050.00	25.0
NET REVENUE OVER EXPENDITURES	.00	( 57,350.00)	( 229,400.00)	( 172,050.00)	( 25.0)

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CITY OF ROCKAWAY BEACH  
REVENUES WITH COMPARISON TO BUDGET  
FOR THE 5 MONTHS ENDING NOVEMBER 30, 2024

ECONOMIC STABILITY RESERVE

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>OTHER INCOME</u>					
17-36-4120 INTEREST INCOME	.00	509.31	5,000.00	4,490.69	10.2
TOTAL OTHER INCOME	.00	509.31	5,000.00	4,490.69	10.2
<u>TRANSFERS</u>					
17-39-4030 TIF - GEN FND	.00	114,950.00	459,800.00	344,850.00	25.0
TOTAL TRANSFERS	.00	114,950.00	459,800.00	344,850.00	25.0
TOTAL FUND REVENUE	.00	115,459.31	464,800.00	349,340.69	24.8
NET REVENUE OVER EXPENDITURES	.00	115,459.31	464,800.00	349,340.69	24.8

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CITY OF ROCKAWAY BEACH  
REVENUES WITH COMPARISON TO BUDGET  
FOR THE 5 MONTHS ENDING NOVEMBER 30, 2024

PROJECT & EQUIP RESERVE

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>SOURCE 33</u>					
21-33-4184 GRANTS: TOURISM FACILITIES	.00	.00	75,000.00	75,000.00	.0
TOTAL SOURCE 33	.00	.00	75,000.00	75,000.00	.0
<u>OTHER INCOME</u>					
21-36-4120 INTEREST INCOME	.00	11,495.02	3,000.00	( 8,495.02)	383.2
TOTAL OTHER INCOME	.00	11,495.02	3,000.00	( 8,495.02)	383.2
<u>TRANSFERS IN</u>					
21-39-4030 TIF - TRT	.00	164,600.00	658,400.00	493,800.00	25.0
TOTAL TRANSFERS IN	.00	164,600.00	658,400.00	493,800.00	25.0
TOTAL FUND REVENUE	.00	176,095.02	736,400.00	560,304.98	23.9

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CITY OF ROCKAWAY BEACH  
 EXPENDITURES WITH COMPARISON TO BUDGET  
 FOR THE 5 MONTHS ENDING NOVEMBER 30, 2024

PROJECT & EQUIP RESERVE

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>CAPITAL OUTLAY</u>					
21-47-7577 TOURISM CAPITAL PROJECTS	250.00	65,963.55	2,000,000.00	1,934,036.45	3.3
TOTAL CAPITAL OUTLAY	250.00	65,963.55	2,000,000.00	1,934,036.45	3.3
TOTAL FUND EXPENDITURES	250.00	65,963.55	2,000,000.00	1,934,036.45	3.3
NET REVENUE OVER EXPENDITURES	( 250.00)	110,131.47	( 1,263,600.00)	( 1,373,731.47)	8.7

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CITY OF ROCKAWAY BEACH  
REVENUES WITH COMPARISON TO BUDGET  
FOR THE 5 MONTHS ENDING NOVEMBER 30, 2024

ROADS & STREETS

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>STATE REVENUE</u>					
30-31-2985 RESTRICTED BIKE PATHS ODOT	.00	.00	1,190.00	1,190.00	.0
30-31-4340 STATE STREET - DMV - REVENUE	.00	40,929.28	119,000.00	78,070.72	34.4
<b>TOTAL STATE REVENUE</b>	<b>.00</b>	<b>40,929.28</b>	<b>120,190.00</b>	<b>79,260.72</b>	<b>34.1</b>
<u>GRANTS</u>					
30-33-4182 GRANTS & REIM- ROADS & STREETS	.00	.00	250,000.00	250,000.00	.0
<b>TOTAL GRANTS</b>	<b>.00</b>	<b>.00</b>	<b>250,000.00</b>	<b>250,000.00</b>	<b>.0</b>
<u>OTHER REVENUE</u>					
30-36-4120 INTEREST INCOME	.00	12,978.74	31,000.00	18,021.26	41.9
<b>TOTAL OTHER REVENUE</b>	<b>.00</b>	<b>12,978.74</b>	<b>31,000.00</b>	<b>18,021.26</b>	<b>41.9</b>
<u>TRANSFERS</u>					
30-39-4030 TIF - TRT	.00	92,100.00	368,400.00	276,300.00	25.0
30-39-4038 TIF - GEN FND	.00	12,500.00	50,000.00	37,500.00	25.0
<b>TOTAL TRANSFERS</b>	<b>.00</b>	<b>104,600.00</b>	<b>418,400.00</b>	<b>313,800.00</b>	<b>25.0</b>
<b>TOTAL FUND REVENUE</b>	<b>.00</b>	<b>158,508.02</b>	<b>819,590.00</b>	<b>661,081.98</b>	<b>19.3</b>

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CITY OF ROCKAWAY BEACH  
EXPENDITURES WITH COMPARISON TO BUDGET  
FOR THE 5 MONTHS ENDING NOVEMBER 30, 2024

ROADS & STREETS

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>PERSONNEL SERVICES</u>					
30-41-5055 MAINT WKR WAGES	11,383.05	46,646.03	91,000.00	44,353.97	51.3
30-41-5056 EXTRA LABOR	.00	.00	5,000.00	5,000.00	.0
30-41-5058 SUPER OF PUBLIC WORKS	1,335.77	4,675.26	10,520.00	5,844.74	44.4
30-41-5065 OVERTIME	.00	5.84	5,600.00	5,594.16	.1
30-41-5075 ACCRUED VAC - RDS & STS	.00	.00	2,000.00	2,000.00	.0
30-41-5082 CTY MANAGER - RDS & STS	1,799.37	6,288.74	14,252.00	7,963.26	44.1
30-41-5085 MAYOR & COUNCIL STIPEND	25.00	125.00	.00	( 125.00)	.0
30-41-5152 PAYROLL EXP - RDS & STS	6,323.68	27,999.09	91,000.00	63,000.91	30.8
<b>TOTAL PERSONNEL SERVICES</b>	<b>20,866.87</b>	<b>85,739.96</b>	<b>219,372.00</b>	<b>133,632.04</b>	<b>39.1</b>
<u>MATERIALS &amp; SERVICES</u>					
30-45-6125 ELECTRIC-STLITES-WYSD-CTYPRKS	.00	654.57	4,600.00	3,945.43	14.2
30-45-6130 WAYSIDE & PARKS	383.74	10,740.31	42,000.00	31,259.69	25.6
30-45-6131 NATURE CONSERVANCY	420.00	1,318.59	10,000.00	8,681.41	13.2
30-45-6570 INS-VEHICLE, LIAB, EQUIP, BLDG	.00	8,000.00	8,000.00	.00	100.0
30-45-6572 STREET LIGHTS	.00	5,722.31	25,000.00	19,277.69	22.9
30-45-6580 FUEL & OIL	.00	591.50	7,000.00	6,408.50	8.5
30-45-6592 PARKING LEASE	.00	1,773.60	1,600.00	( 173.60)	110.9
30-45-6600 DRAINAGE & FLOOD CONTROL	281.68	281.68	10,000.00	9,718.32	2.8
30-45-6610 SIDEWALKS, CURBS & FOOTPATHS	.00	.00	9,300.00	9,300.00	.0
30-45-6620 STREET SIGNS	689.53	5,106.94	3,000.00	( 2,106.94)	170.2
30-45-6667 STORM DAMAGE REPAIR	.00	.00	1,000.00	1,000.00	.0
30-45-6690 VEHICLE MAINT, SUPP & REP	231.64	4,306.66	15,000.00	10,693.34	28.7
30-45-6800 ROADS, MATERIALS & SUPPLIES	( 88.17)	17,078.68	33,500.00	16,421.32	51.0
<b>TOTAL MATERIALS &amp; SERVICES</b>	<b>1,918.42</b>	<b>55,574.84</b>	<b>170,000.00</b>	<b>114,425.16</b>	<b>32.7</b>
<u>CAPITAL OUTLAY</u>					
30-47-7502 RDS-STIS IMPROVEMENT PROJECTS	.00	.00	450,000.00	450,000.00	.0
30-47-7506 RDS-STIS: CAPITAL IMPROV PLAN	.00	.00	50,000.00	50,000.00	.0
30-47-7508 RDS-STIS PW STORMWATER PROJECTS	.00	6,208.00	35,000.00	28,792.00	17.7
<b>TOTAL CAPITAL OUTLAY</b>	<b>.00</b>	<b>6,208.00</b>	<b>535,000.00</b>	<b>528,792.00</b>	<b>1.2</b>
<u>CONTINGENCY</u>					
30-48-7999 CONTINGENCY - ROADS	.00	.00	137,906.00	137,906.00	.0
<b>TOTAL CONTINGENCY</b>	<b>.00</b>	<b>.00</b>	<b>137,906.00</b>	<b>137,906.00</b>	<b>.0</b>
<b>TOTAL FUND EXPENDITURES</b>	<b>22,785.29</b>	<b>147,522.80</b>	<b>1,062,278.00</b>	<b>914,755.20</b>	<b>13.9</b>

CITY OF ROCKAWAY BEACH  
 EXPENDITURES WITH COMPARISON TO BUDGET  
 FOR THE 5 MONTHS ENDING NOVEMBER 30, 2024

ROADS & STREETS

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
NET REVENUE OVER EXPENDITURES	( 22,785.29)	10,985.22	( 242,688.00)	( 253,673.22)	4.5

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CITY OF ROCKAWAY BEACH  
 REVENUES WITH COMPARISON TO BUDGET  
 FOR THE 5 MONTHS ENDING NOVEMBER 30, 2024

TRANSPORTATION SDC

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>OTHER INCOME</u>					
39-36-4120 INTEREST INCOME	.00	3,863.25	1,800.00	( 2,063.25)	214.6
TOTAL OTHER INCOME	.00	3,863.25	1,800.00	( 2,063.25)	214.6
<u>FEEES</u>					
39-38-4940 IMP FEES - TRANSPORT SDC	.00	2,700.00	18,000.00	15,300.00	15.0
TOTAL FEES	.00	2,700.00	18,000.00	15,300.00	15.0
TOTAL FUND REVENUE	.00	6,563.25	19,800.00	13,236.75	33.2

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CITY OF ROCKAWAY BEACH  
 EXPENDITURES WITH COMPARISON TO BUDGET  
 FOR THE 5 MONTHS ENDING NOVEMBER 30, 2024

TRANSPORTATION SDC

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>CAPITAL OUTLAY</u>					
39-47-7880 CONT MAT - IMP TRANS	.00	.00	242,519.00	242,519.00	.0
TOTAL CAPITAL OUTLAY	.00	.00	242,519.00	242,519.00	.0
TOTAL FUND EXPENDITURES	.00	.00	242,519.00	242,519.00	.0
NET REVENUE OVER EXPENDITURES	.00	6,563.25	( 222,719.00)	( 229,282.25)	3.0

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CITY OF ROCKAWAY BEACH  
REVENUES WITH COMPARISON TO BUDGET  
FOR THE 5 MONTHS ENDING NOVEMBER 30, 2024

WATER OPERATING

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>REVENUE</u>					
40-34-4540 WATER SERVICE BASE	( 7.83)	437,087.98	1,215,000.00	777,912.02	36.0
40-34-4550 NEW WATER CONNECTIONS	.00	12,780.00	25,500.00	12,720.00	50.1
40-34-4560 WATER MASTER PLAN	.00	25,634.39	76,500.00	50,865.61	33.5
<b>TOTAL REVENUE</b>	<b>( 7.83)</b>	<b>475,502.37</b>	<b>1,317,000.00</b>	<b>841,497.63</b>	<b>36.1</b>
<u>INTEREST &amp; MISC</u>					
40-36-4120 INT - WATER OP	.00	41,998.68	16,000.00	( 25,998.68)	262.5
40-36-4150 MISC RCPTS - WTR OP FUND	13.75	13,273.71	2,825,800.00	2,812,526.29	.5
<b>TOTAL INTEREST &amp; MISC</b>	<b>13.75</b>	<b>55,272.39</b>	<b>2,841,800.00</b>	<b>2,786,527.61</b>	<b>1.9</b>
<u>SOURCE 39</u>					
40-39-4047 TIF- FM WATER REVENUE BOND	.00	34.00	137.00	103.00	24.8
<b>TOTAL SOURCE 39</b>	<b>.00</b>	<b>34.00</b>	<b>137.00</b>	<b>103.00</b>	<b>24.8</b>
<b>TOTAL FUND REVENUE</b>	<b>5.92</b>	<b>530,808.76</b>	<b>4,158,937.00</b>	<b>3,628,128.24</b>	<b>12.8</b>

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CITY OF ROCKAWAY BEACH  
EXPENDITURES WITH COMPARISON TO BUDGET  
FOR THE 5 MONTHS ENDING NOVEMBER 30, 2024

WATER OPERATING

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>PERSONNEL SERVICES</u>					
40-41-5054	.00	.00	3,500.00	3,500.00	.0
40-41-5055	11,728.04	48,055.54	92,050.00	43,994.46	52.2
40-41-5056	.00	.00	10,000.00	10,000.00	.0
40-41-5057	10,871.74	56,913.04	147,500.00	90,586.96	38.6
40-41-5058	6,678.86	23,376.29	52,600.00	29,223.71	44.4
40-41-5059	5,161.82	25,222.12	64,500.00	39,277.88	39.1
40-41-5064	.00	.00	1,750.00	1,750.00	.0
40-41-5065	202.54	1,276.79	14,000.00	12,723.21	9.1
40-41-5067	.00	.00	1,000.00	1,000.00	.0
40-41-5075	.00	.00	5,000.00	5,000.00	.0
40-41-5082	1,799.37	6,288.74	14,250.00	7,961.26	44.1
40-41-5085	75.00	375.00	1,470.00	1,095.00	25.5
40-41-5152	17,425.92	83,538.47	299,000.00	215,461.53	27.9
<b>TOTAL PERSONNEL SERVICES</b>	<b>53,943.29</b>	<b>245,045.99</b>	<b>706,620.00</b>	<b>461,574.01</b>	<b>34.7</b>
<u>MATERIALS &amp; SERVICES</u>					
40-45-6110	.00	8,094.36	36,500.00	28,405.64	22.2
40-45-6455	.00	.00	1,000.00	1,000.00	.0
40-45-6520	96.00	2,717.27	3,000.00	282.73	90.6
40-45-6530	.99	2,552.20	17,000.00	14,447.80	15.0
40-45-6534	748.20	12,716.76	35,000.00	22,283.24	36.3
40-45-6551	2,693.76	9,778.82	25,500.00	15,721.18	38.4
40-45-6570	.00	29,000.00	29,000.00	.00	100.0
40-45-6574	3,333.00	3,333.00	12,000.00	8,667.00	27.8
40-45-6580	.00	1,034.06	10,000.00	8,965.94	10.3
40-45-6667	.00	.00	500.00	500.00	.0
40-45-6690	.00	145.00	15,000.00	14,855.00	1.0
40-45-6745	.00	1,895.00	7,000.00	5,105.00	27.1
40-45-6750	5,270.88	18,279.09	100,000.00	81,720.91	18.3
40-45-6831	.00	.00	3,200.00	3,200.00	.0
40-45-6850	.00	920.00	5,000.00	4,080.00	18.4
40-45-6851	.00	12,591.75	25,000.00	12,408.25	50.4
40-45-6915	.00	1,480.00	8,000.00	6,520.00	18.5
40-45-6945	300.82	2,083.94	10,100.00	8,016.06	20.6
40-45-6951	.00	.00	500.00	500.00	.0
<b>TOTAL MATERIALS &amp; SERVICES</b>	<b>12,443.65</b>	<b>106,621.25</b>	<b>343,300.00</b>	<b>236,678.75</b>	<b>31.1</b>
<u>CAPITAL OUTLAY</u>					
40-47-7601	.00	1,244.04	3,000,000.00	2,998,755.96	.0
40-47-7602	5,205.00	36,942.84	235,000.00	198,057.16	15.7
40-47-7603	.00	14,774.42	15,000.00	225.58	98.5
<b>TOTAL CAPITAL OUTLAY</b>	<b>5,205.00</b>	<b>52,961.30</b>	<b>3,250,000.00</b>	<b>3,197,038.70</b>	<b>1.6</b>

CITY OF ROCKAWAY BEACH  
EXPENDITURES WITH COMPARISON TO BUDGET  
FOR THE 5 MONTHS ENDING NOVEMBER 30, 2024

WATER OPERATING

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>CONTINGENCY</u>					
40-48-7999 CONTINGENCY - WTR	.00	.00	644,988.00	644,988.00	.0
TOTAL CONTINGENCY	.00	.00	644,988.00	644,988.00	.0
<u>TRANSFERS</u>					
40-49-8027 TO - CC - CH OPERATING	.00	11,250.00	45,000.00	33,750.00	25.0
40-49-8045 TO -WMP FUND	.00	25,000.00	100,000.00	75,000.00	25.0
TOTAL TRANSFERS	.00	36,250.00	145,000.00	108,750.00	25.0
TOTAL FUND EXPENDITURES	71,591.94	440,878.54	5,089,908.00	4,649,029.46	8.7
NET REVENUE OVER EXPENDITURES	( 71,586.02)	89,930.22	( 930,971.00)	( 1,020,901.22)	9.7

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CITY OF ROCKAWAY BEACH  
 REVENUES WITH COMPARISON TO BUDGET  
 FOR THE 5 MONTHS ENDING NOVEMBER 30, 2024

WATER MASTER PLAN

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>OTHER INCOME</u>					
42-36-4120 INTEREST INCOME	.00	18,778.58	31,000.00	12,221.42	60.6
TOTAL OTHER INCOME	.00	18,778.58	31,000.00	12,221.42	60.6
<u>TRANSFERS</u>					
42-39-4030 TIF - WATER OP	.00	25,000.00	100,000.00	75,000.00	25.0
TOTAL TRANSFERS	.00	25,000.00	100,000.00	75,000.00	25.0
TOTAL FUND REVENUE	.00	43,778.58	131,000.00	87,221.42	33.4

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CITY OF ROCKAWAY BEACH  
 EXPENDITURES WITH COMPARISON TO BUDGET  
 FOR THE 5 MONTHS ENDING NOVEMBER 30, 2024

WATER MASTER PLAN

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>CAPITAL OUTLAY</u>						
42-47-7555	WMP - IMPLIMENTATION PROJECTS	.00	5,833.97	450,000.00	444,166.03	1.3
	TOTAL CAPITAL OUTLAY	.00	5,833.97	450,000.00	444,166.03	1.3
	TOTAL FUND EXPENDITURES	.00	5,833.97	450,000.00	444,166.03	1.3
	NET REVENUE OVER EXPENDITURES	.00	37,944.61	( 319,000.00)	( 356,944.61)	11.9

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CITY OF ROCKAWAY BEACH  
 EXPENDITURES WITH COMPARISON TO BUDGET  
 FOR THE 5 MONTHS ENDING NOVEMBER 30, 2024

81 WATER REVENUE BOND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>DEBT SERVICE</u>					
43-49-8023 TO - WTR OPERATING	.00	34.00	137.00	103.00	24.8
TOTAL DEBT SERVICE	.00	34.00	137.00	103.00	24.8
TOTAL FUND EXPENDITURES	.00	34.00	137.00	103.00	24.8
NET REVENUE OVER EXPENDITURES	.00	( 34.00)	( 137.00)	( 103.00)	( 24.8)

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CITY OF ROCKAWAY BEACH  
REVENUES WITH COMPARISON TO BUDGET  
FOR THE 5 MONTHS ENDING NOVEMBER 30, 2024

WATER DEBT SERVICE

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>UTILITY BILLING</u>					
47-34-4550 WATER DEBT REVENUE	.00	51,228.84	150,000.00	98,771.16	34.2
TOTAL UTILITY BILLING	.00	51,228.84	150,000.00	98,771.16	34.2
<u>OTHER INCOME</u>					
47-36-4120 INTEREST INCOME	.00	11,863.54	2,700.00	( 9,163.54)	439.4
TOTAL OTHER INCOME	.00	11,863.54	2,700.00	( 9,163.54)	439.4
TOTAL FUND REVENUE	.00	63,092.38	152,700.00	89,607.62	41.3

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CITY OF ROCKAWAY BEACH  
 EXPENDITURES WITH COMPARISON TO BUDGET  
 FOR THE 5 MONTHS ENDING NOVEMBER 30, 2024

WATER DEBT SERVICE

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>DEBT SERVICE</u>					
47-49-8512 NEDONNA BEACH WTR LINE - PRINC	.00	.00	205,000.00	205,000.00	.0
47-49-8520 WATER PLANT DS - PRINC	.00	30,000.00	30,000.00	.00	100.0
47-49-8521 WATER PLANT DS - INT	.00	4,050.00	7,650.00	3,600.00	52.9
<b>TOTAL DEBT SERVICE</b>	<b>.00</b>	<b>34,050.00</b>	<b>242,650.00</b>	<b>208,600.00</b>	<b>14.0</b>
<b>TOTAL FUND EXPENDITURES</b>	<b>.00</b>	<b>34,050.00</b>	<b>242,650.00</b>	<b>208,600.00</b>	<b>14.0</b>
<b>NET REVENUE OVER EXPENDITURES</b>	<b>.00</b>	<b>29,042.38</b>	<b>( 89,950.00)</b>	<b>( 118,992.38)</b>	<b>32.3</b>

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CITY OF ROCKAWAY BEACH  
REVENUES WITH COMPARISON TO BUDGET  
FOR THE 5 MONTHS ENDING NOVEMBER 30, 2024

WATER SDC FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>OTHER INCOME</u>					
49-36-4120 INTEREST INCOME	.00	11,320.55	3,300.00	( 8,020.55)	343.1
TOTAL OTHER INCOME	.00	11,320.55	3,300.00	( 8,020.55)	343.1
<u>WATER SDC FEES</u>					
49-38-4935 REIMB FEES - WTR SDC FUND	.00	3,864.00	9,800.00	5,936.00	39.4
49-38-4940 IMP FEES - WTR SDC FND	.00	35,550.00	80,000.00	44,450.00	44.4
TOTAL WATER SDC FEES	.00	39,414.00	89,800.00	50,386.00	43.9
TOTAL FUND REVENUE	.00	50,734.55	93,100.00	42,365.45	54.5

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CITY OF ROCKAWAY BEACH  
 EXPENDITURES WITH COMPARISON TO BUDGET  
 FOR THE 5 MONTHS ENDING NOVEMBER 30, 2024

WATER SDC FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>CAPITAL OUTLAY</u>					
49-47-7880 CONT MAT - IMP WTR	.00	958.00	337,799.00	336,841.00	.3
49-47-7885 CONT MAT - REIMB WTR	.00	.00	157,151.00	157,151.00	.0
TOTAL CAPITAL OUTLAY	.00	958.00	494,950.00	493,992.00	.2
TOTAL FUND EXPENDITURES	.00	958.00	494,950.00	493,992.00	.2
NET REVENUE OVER EXPENDITURES	.00	49,776.55	( 401,850.00)	( 451,626.55)	12.4

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CITY OF ROCKAWAY BEACH  
REVENUES WITH COMPARISON TO BUDGET  
FOR THE 5 MONTHS ENDING NOVEMBER 30, 2024

SEWER OPERATING FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>UTILITY BILLING</u>					
50-34-4640 SEWER SERVICE BASE	( 7.82)	274,422.82	780,000.00	505,577.18	35.2
50-34-4650 NEW SEWER CONNECTIONS	.00	11,540.00	17,250.00	5,710.00	66.9
50-34-4660 SEWER MASTER PLAN	.00	27,516.14	82,000.00	54,483.86	33.6
<b>TOTAL UTILITY BILLING</b>	<b>( 7.82)</b>	<b>313,478.96</b>	<b>879,250.00</b>	<b>565,771.04</b>	<b>35.7</b>
<u>OTHER INCOME</u>					
50-36-4120 INTEREST INCOME	.00	17,932.27	34,000.00	16,067.73	52.7
50-36-4150 MISC RECEIPTS - SEWER	13.75	6,063.72	1,000.00	( 5,063.72)	606.4
<b>TOTAL OTHER INCOME</b>	<b>13.75</b>	<b>23,995.99</b>	<b>35,000.00</b>	<b>11,004.01</b>	<b>68.6</b>
<b>TOTAL FUND REVENUE</b>	<b>5.93</b>	<b>337,474.95</b>	<b>914,250.00</b>	<b>576,775.05</b>	<b>36.9</b>

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CITY OF ROCKAWAY BEACH  
EXPENDITURES WITH COMPARISON TO BUDGET  
FOR THE 5 MONTHS ENDING NOVEMBER 30, 2024

SEWER OPERATING FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>PERSONNEL SERVICES</u>					
50-41-5055 MAINT WORKER WAGES	11,383.05	46,646.03	90,100.00	43,453.97	51.8
50-41-5056 EXTRA LABOR WAGES	.00	.00	10,000.00	10,000.00	.0
50-41-5057 OFFICE ASST WAGE	10,871.21	56,912.50	147,500.00	90,587.50	38.6
50-41-5058 SUPER PUB WORKS	5,343.08	18,701.03	42,080.00	23,378.97	44.4
50-41-5059 PLANT OP WAGES	5,161.83	25,222.10	64,400.00	39,177.90	39.2
50-41-5064 STANDBY - SEWER	.00	.00	2,100.00	2,100.00	.0
50-41-5065 OVERTIME SEWER	202.54	1,276.61	5,950.00	4,673.39	21.5
50-41-5075 ACCRUED VAC - COMP TIME	.00	.00	5,000.00	5,000.00	.0
50-41-5082 CITY MANAGER WAGES	1,799.37	6,288.74	14,255.00	7,966.26	44.1
50-41-5085 MAYOR & COUNCIL STIPEND	75.00	375.00	1,386.00	1,011.00	27.1
50-41-5152 PAYROLL EXP - SEWER	16,674.59	80,398.03	291,600.00	211,201.97	27.6
<b>TOTAL PERSONNEL SERVICES</b>	<b>51,510.67</b>	<b>235,820.04</b>	<b>674,371.00</b>	<b>438,550.96</b>	<b>35.0</b>
<u>MATERIALS &amp; SERVICES</u>					
50-45-6110 ELECTRICITY - SEWER	.00	6,817.01	33,500.00	26,682.99	20.4
50-45-6455 EMERGENCY MANAGEMENT	.00	.00	1,000.00	1,000.00	.0
50-45-6520 BLDG MAINT - SEWER	.00	2,700.00	4,900.00	2,200.00	55.1
50-45-6530 TELEPHONE & TELEMTRY	179.98	2,106.27	6,900.00	4,793.73	30.5
50-45-6534 PLANT CHEMICALS & SUP	5,934.40	19,690.60	65,000.00	45,309.40	30.3
50-45-6551 ADMIN & BILLING	2,693.76	9,775.42	30,800.00	21,024.58	31.7
50-45-6570 INS - VEHICLE, LIAB, EQUIP, BL	.00	44,000.00	44,000.00	.00	100.0
50-45-6574 AUDIT - SEWER	3,334.00	3,334.00	12,000.00	8,666.00	27.8
50-45-6580 FUEL & OIL	.00	1,034.06	15,000.00	13,965.94	6.9
50-45-6690 VEHICLE MAINT, SUP & REP	.00	.00	15,000.00	15,000.00	.0
50-45-6740 I & I WORK	.00	9,800.00	26,000.00	16,200.00	37.7
50-45-6745 REQUIRED TESTING	.00	.00	2,000.00	2,000.00	.0
50-45-6750 SYSTEM MAINT & SUPPLY	143.00	11,607.77	80,000.00	68,392.23	14.5
50-45-6831 DUES	.00	.00	1,200.00	1,200.00	.0
50-45-6850 ATTORNEY	.00	.00	2,800.00	2,800.00	.0
50-45-6851 ENGINEERING	.00	5,325.75	48,000.00	42,674.25	11.1
50-45-6915 TRAVEL & TRAINING - STAFF	.00	.00	6,000.00	6,000.00	.0
50-45-6945 METER READERS	300.82	2,083.93	14,000.00	11,916.07	14.9
50-45-6951 ORDINANCE ENFORCEMENT	.00	.00	500.00	500.00	.0
<b>TOTAL MATERIALS &amp; SERVICES</b>	<b>12,585.96</b>	<b>118,274.81</b>	<b>408,600.00</b>	<b>290,325.19</b>	<b>29.0</b>
<u>CAPITAL OUTLAY</u>					
50-47-7602 PW MOBILE EQUIP REPLACE PLAN	.00	14,774.42	15,000.00	225.58	98.5
<b>TOTAL CAPITAL OUTLAY</b>	<b>.00</b>	<b>14,774.42</b>	<b>15,000.00</b>	<b>225.58</b>	<b>98.5</b>



CITY OF ROCKAWAY BEACH  
 EXPENDITURES WITH COMPARISON TO BUDGET  
 FOR THE 5 MONTHS ENDING NOVEMBER 30, 2024

SEWER OPERATING FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>CONTINGENCY</u>					
50-48-7999 CONTINGENCY - SEWER	.00	.00	164,696.00	164,696.00	.0
TOTAL CONTINGENCY	.00	.00	164,696.00	164,696.00	.0
<u>TRANSFERS</u>					
50-49-8027 TRNSFR TO - GF CH OPERATING	.00	11,250.00	45,000.00	33,750.00	25.0
50-49-8033 TRNSFR TO - SEWER MASTER PLAN	.00	20,500.00	82,000.00	61,500.00	25.0
TOTAL TRANSFERS	.00	31,750.00	127,000.00	95,250.00	25.0
TOTAL FUND EXPENDITURES	64,096.63	400,619.27	1,389,667.00	989,047.73	28.8
NET REVENUE OVER EXPENDITURES	( 64,090.70)	( 63,144.32)	( 475,417.00)	( 412,272.68)	( 13.3)

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CITY OF ROCKAWAY BEACH  
 REVENUES WITH COMPARISON TO BUDGET  
 FOR THE 5 MONTHS ENDING NOVEMBER 30, 2024

SEWER MASTER PLAN

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>OTHER INCOME</u>					
52-36-4120 INTEREST INCOME	.00	7,833.76	18,000.00	10,166.24	43.5
TOTAL OTHER INCOME	.00	7,833.76	18,000.00	10,166.24	43.5
<u>TRANSFERS</u>					
52-39-4032 TRNSFR IN - FROM SEWER OPER	.00	20,500.00	82,000.00	61,500.00	25.0
TOTAL TRANSFERS	.00	20,500.00	82,000.00	61,500.00	25.0
TOTAL FUND REVENUE	.00	28,333.76	100,000.00	71,666.24	28.3

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CITY OF ROCKAWAY BEACH  
 EXPENDITURES WITH COMPARISON TO BUDGET  
 FOR THE 5 MONTHS ENDING NOVEMBER 30, 2024

SEWER MASTER PLAN

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>CAPITAL OUTLAY</u>					
52-47-7555 WWMP-IMPLIMENTATION PROJECTS	.00	.00	335,000.00	335,000.00	.0
TOTAL CAPITAL OUTLAY	.00	.00	335,000.00	335,000.00	.0
TOTAL FUND EXPENDITURES	.00	.00	335,000.00	335,000.00	.0
NET REVENUE OVER EXPENDITURES	.00	28,333.76	( 235,000.00)	( 263,333.76)	12.1

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CITY OF ROCKAWAY BEACH  
 REVENUES WITH COMPARISON TO BUDGET  
 FOR THE 5 MONTHS ENDING NOVEMBER 30, 2024

SEWER DEBT SERVICE

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>UTILITY BILLING</u>						
56-34-4650	SEWER DEBT REVENUE	.00	85,764.77	254,640.00	168,875.23	33.7
	TOTAL UTILITY BILLING	.00	85,764.77	254,640.00	168,875.23	33.7
<u>OTHER INCOME</u>						
56-36-4120	INTEREST INCOME	.00	13,471.83	13,500.00	28.17	99.8
	TOTAL OTHER INCOME	.00	13,471.83	13,500.00	28.17	99.8
	TOTAL FUND REVENUE	.00	99,236.60	268,140.00	168,903.40	37.0

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CITY OF ROCKAWAY BEACH  
 EXPENDITURES WITH COMPARISON TO BUDGET  
 FOR THE 5 MONTHS ENDING NOVEMBER 30, 2024

SEWER DEBT SERVICE

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>DEBT SERVICE</u>					
56-49-8510 WW OUTFALL LOAN PRINCIPLE	.00	205,000.00	205,000.00	.00	100.0
56-49-8511 WW-OUTFALL LOAN INTEREST	.00	3,075.00	3,075.00	.00	100.0
TOTAL DEBT SERVICE	.00	208,075.00	208,075.00	.00	100.0
TOTAL FUND EXPENDITURES	.00	208,075.00	208,075.00	.00	100.0
NET REVENUE OVER EXPENDITURES	.00	( 108,838.40)	60,065.00	168,903.40	(181.2)

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CITY OF ROCKAWAY BEACH  
REVENUES WITH COMPARISON TO BUDGET  
FOR THE 5 MONTHS ENDING NOVEMBER 30, 2024

SEWER SDC

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>OTHER INCOME</u>					
59-36-4120 INTEREST INCOME	.00	26,424.96	3,000.00	( 23,424.96)	880.8
TOTAL OTHER INCOME	.00	26,424.96	3,000.00	( 23,424.96)	880.8
<u>FEEES</u>					
59-38-4935 REIMB FEES - SEWER SDC	.00	8,868.00	20,000.00	11,132.00	44.3
59-38-4940 IMP FEES - SEWER SDC	.00	21,795.00	55,000.00	33,205.00	39.6
TOTAL FEES	.00	30,663.00	75,000.00	44,337.00	40.9
TOTAL FUND REVENUE	.00	57,087.96	78,000.00	20,912.04	73.2

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CITY OF ROCKAWAY BEACH  
EXPENDITURES WITH COMPARISON TO BUDGET  
FOR THE 5 MONTHS ENDING NOVEMBER 30, 2024

SEWER SDC

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>MATERIALS &amp; SERVICES</u>					
59-45-6050 CONT MAT - REIMB SWR SDC	.00	.00	435,732.00	435,732.00	.0
59-45-6051 CONT MAT - IMP SWR	.00	.00	996,933.00	996,933.00	.0
TOTAL MATERIALS & SERVICES	.00	.00	1,432,665.00	1,432,665.00	.0
TOTAL FUND EXPENDITURES	.00	.00	1,432,665.00	1,432,665.00	.0
NET REVENUE OVER EXPENDITURES	.00	57,087.96	( 1,354,665.00)	( 1,411,752.96)	4.2

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CITY OF ROCKAWAY BEACH  
REVENUES WITH COMPARISON TO BUDGET  
FOR THE 5 MONTHS ENDING NOVEMBER 30, 2024

TRANSIENT ROOM TAX

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>ROOM TAX REVENUES</u>					
80-31-4709 TRT-PENALTY-INT DELINQUENT RPT	( 3,830.96)	( 2,217.89)	.00	2,217.89	.0
80-31-4710 TRT REVENUE 5%	99.75	313,138.45	1,200,000.00	886,861.55	26.1
80-31-4711 TRT REVENUE 2% - ADV	( 1.36)	125,214.12	480,000.00	354,785.88	26.1
80-31-4712 TRT REVENUE 2% - CTY	.00	125,215.48	480,000.00	354,784.52	26.1
80-31-4713 TRT REVENUE 1% - CTY	( 220.60)	62,387.13	240,000.00	177,612.87	26.0
80-31-4714 DELINQUENT TRT REV COLLECTIONS	2,557.00	2,557.00	.00	( 2,557.00)	.0
<b>TOTAL ROOM TAX REVENUES</b>	<b>( 1,396.17)</b>	<b>626,294.29</b>	<b>2,400,000.00</b>	<b>1,773,705.71</b>	<b>26.1</b>
<u>OTHER INCOME</u>					
80-36-4120 INTEREST INCOME - TRT	.00	15,347.72	13,750.00	( 1,597.72)	111.6
<b>TOTAL OTHER INCOME</b>	<b>.00</b>	<b>15,347.72</b>	<b>13,750.00</b>	<b>( 1,597.72)</b>	<b>111.6</b>
<b>TOTAL FUND REVENUE</b>	<b>( 1,396.17)</b>	<b>641,642.01</b>	<b>2,413,750.00</b>	<b>1,772,107.99</b>	<b>26.6</b>

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CITY OF ROCKAWAY BEACH  
EXPENDITURES WITH COMPARISON TO BUDGET  
FOR THE 5 MONTHS ENDING NOVEMBER 30, 2024

TRANSIENT ROOM TAX

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>MATERIALS &amp; SERVICES</u>					
80-45-6533	ADVERTISING - MEDIA AGT	275.00	17,372.57	210,000.00	192,627.43 8.3
80-45-6534	ADVERTISING - WEBSITE CTY	.00	18,729.65	170,000.00	151,270.35 11.0
80-45-6535	ADVERTISING/TOURISM AGT	.00	.00	60,000.00	60,000.00 .0
80-45-6536	ROCKAWAY LIONS EVENTS	.00	1,218.00	2,000.00	782.00 60.9
80-45-6537	FIREWORKS	.00	11,368.00	75,000.00	63,632.00 15.2
80-45-6538	TOURISM PROMO AND FACILITIES	.00	.00	333,535.00	333,535.00 .0
	TOTAL MATERIALS & SERVICES	275.00	48,688.22	850,535.00	801,846.78 5.7
<u>TRANSFERS</u>					
80-49-8024	TO - GF POLICE	.00	83,600.00	334,400.00	250,800.00 25.0
80-49-8025	TO - GENERAL FUND	.00	24,600.00	98,400.00	73,800.00 25.0
80-49-8026	TO - FIRE TRK RES	.00	30,250.00	121,000.00	90,750.00 25.0
80-49-8036	TO - P & E RESERVE	.00	164,600.00	658,400.00	493,800.00 25.0
80-49-8041	TO - ROADS & STREETS	.00	92,100.00	368,400.00	276,300.00 25.0
80-49-8044	TO - GF CITY BEAUTIF	.00	1,250.00	5,000.00	3,750.00 25.0
80-49-8046	TO - GF FIRE	.00	83,600.00	334,400.00	250,800.00 25.0
	TOTAL TRANSFERS	.00	480,000.00	1,920,000.00	1,440,000.00 25.0
	TOTAL FUND EXPENDITURES	275.00	528,688.22	2,770,535.00	2,241,846.78 19.1
	NET REVENUE OVER EXPENDITURES	( 1,671.17)	112,953.79	( 356,785.00)	( 469,738.79) 31.7

CITY OF ROCKAWAY BEACH  
REVENUES WITH COMPARISON TO BUDGET  
FOR THE 4 MONTHS ENDING OCTOBER 31, 2024

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>REVENUES &amp; RESOURCES</u>					
10-31-4010 CUR YR PROP TX - GEN FUND	551.01	1,600.80	479,850.00	478,249.20	.3
10-31-4020 DELINQUENT PROP TAX REVENUE	288.10	2,230.17	5,494.00	3,263.83	40.6
10-31-4040 LIQUOR TAX - OLCC	2,066.42	8,908.16	30,325.00	21,416.84	29.4
10-31-4050 CIGARETTE TAX	70.20	327.39	1,065.00	737.61	30.7
10-31-4060 OTHER TAX REVENUE	.00	8,647.29	35,000.00	26,352.71	24.7
<b>TOTAL REVENUES &amp; RESOURCES</b>	<b>2,975.73</b>	<b>21,713.81</b>	<b>551,734.00</b>	<b>530,020.19</b>	<b>3.9</b>
<u>GRANTS, LOANS &amp; BONDS</u>					
10-33-4175 GRANTS - GENERAL FUND MISC	.00	.00	35,000.00	35,000.00	.0
10-33-4185 STATE REVENUE SHARING	.00	6,641.32	28,000.00	21,358.68	23.7
<b>TOTAL GRANTS, LOANS &amp; BONDS</b>	<b>.00</b>	<b>6,641.32</b>	<b>63,000.00</b>	<b>56,358.68</b>	<b>10.5</b>
<u>FEES &amp; SERVICES</u>					
10-34-4060 FRANCHISE FEES	5,887.90	22,729.84	390,500.00	367,770.16	5.8
10-34-4065 BUSINESS LICENSES	65.00	13,731.25	.00	( 13,731.25)	.0
10-34-4066 STR LICENSE FEES	3,940.80	258,940.80	.00	( 258,940.80)	.0
10-34-4085 LAND USE-ORDINANCE FEES-PERMIT	1,017.50	5,355.75	20,500.00	15,144.25	26.1
10-34-4141 CIVIC/COMM CENTER RENT	50.00	270.00	1,000.00	730.00	27.0
10-34-4142 FIRST FLOOR RENT-HLTH DEPT	946.00	3,784.00	11,500.00	7,716.00	32.9
10-34-4145 CC-REFUNDABLE DEPOSITS	.00	.00	100.00	100.00	.0
10-34-4146 HEALTH DEPT UTILITY REIMB	99.58	398.32	3,060.00	2,661.68	13.0
<b>TOTAL FEES &amp; SERVICES</b>	<b>12,006.78</b>	<b>305,209.96</b>	<b>426,660.00</b>	<b>121,450.04</b>	<b>71.5</b>
<u>FIRE DEPARTMENT</u>					
10-35-4091 NEDONNA FIRE DIST	.00	.00	30,000.00	30,000.00	.0
10-35-4092 TWIN ROCKS WATER DISTRICT	.00	.00	10,000.00	10,000.00	.0
10-35-4093 OR STATE FORESTRY DEPT	.00	.00	500.00	500.00	.0
10-35-4185 FIRE PERMITS	.00	.00	50.00	50.00	.0
10-35-4186 EMERGENCY SERVICES FEE	20,800.00	41,701.82	125,000.00	83,298.18	33.4
<b>TOTAL FIRE DEPARTMENT</b>	<b>20,800.00</b>	<b>41,701.82</b>	<b>165,550.00</b>	<b>123,848.18</b>	<b>25.2</b>
<u>OTHER REVENUES</u>					
10-36-4120 INTEREST ON INVESTED FUNDS	11,526.96	41,788.69	193,000.00	151,211.31	21.7
10-36-4150 MISC RCPTS - GEN FUND	2,250.60	6,932.90	10,000.00	3,067.10	69.3
10-36-4190 SURPLUS PROPERTY SALES	.00	.00	500.00	500.00	.0
<b>TOTAL OTHER REVENUES</b>	<b>13,777.56</b>	<b>48,721.59</b>	<b>203,500.00</b>	<b>154,778.41</b>	<b>23.9</b>

CITY OF ROCKAWAY BEACH  
REVENUES WITH COMPARISON TO BUDGET  
FOR THE 4 MONTHS ENDING OCTOBER 31, 2024

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>POLICE DEPARTMENT</u>					
10-37-4100 CITATIONS - FINES & FORFEITS	240.49	718.97	7,140.00	6,421.03	10.1
TOTAL POLICE DEPARTMENT	240.49	718.97	7,140.00	6,421.03	10.1
<u>TRANSFERS</u>					
10-39-4030 TIF - TRT POLICE	.00	83,600.00	334,400.00	250,800.00	25.0
10-39-4032 TIF -SEWER OP	.00	11,250.00	45,000.00	33,750.00	25.0
10-39-4035 TIF - DEBT SERVICE RESERVE	.00	57,350.00	229,400.00	172,050.00	25.0
10-39-4036 TIF-TRT-P&R	.00	3,600.00	14,400.00	10,800.00	25.0
10-39-4037 TIF - CC	.00	11,250.00	45,000.00	33,750.00	25.0
10-39-4038 TIF- TRT-GF PW CAP OUTLAY	.00	5,000.00	20,000.00	15,000.00	25.0
10-39-4052 TIF - TRT-CTY BEAUTIF	.00	1,250.00	5,000.00	3,750.00	25.0
10-39-4053 TIF - TRT FIRE DEPT	.00	83,600.00	334,400.00	250,800.00	25.0
10-39-4055 TIF - TRT USDA LOAN	.00	16,000.00	64,000.00	48,000.00	25.0
TOTAL TRANSFERS	.00	272,900.00	1,091,600.00	818,700.00	25.0
TOTAL FUND REVENUE	49,800.56	697,607.47	2,509,184.00	1,811,576.53	27.8

CITY OF ROCKAWAY BEACH  
EXPENDITURES WITH COMPARISON TO BUDGET  
FOR THE 4 MONTHS ENDING OCTOBER 31, 2024

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>POLICE DEPARTMENT</u>					
10-45-6550 MATERIALS SUPPLIES	25,192.60	41,682.24	668,392.00	626,709.76	6.2
TOTAL POLICE DEPARTMENT	25,192.60	41,682.24	668,392.00	626,709.76	6.2
<u>FIRE DEPARTMENT</u>					
10-46-5052 FIRE CHIEF WAGES	8,957.89	35,831.55	113,000.00	77,168.45	31.7
10-46-5053 FIREFIGHTERS	13,971.70	65,490.37	176,000.00	110,509.63	37.2
10-46-5054 OVERTIME-FIRE DEPARTMENT	574.47	5,926.01	5,000.00	( 926.01)	118.5
10-46-5061 VOLUNTEER FIRE FIGHTER BONUS	5,183.75	10,432.07	42,000.00	31,567.93	24.8
10-46-5062 RECORD KEEPING & TRAINING	125.00	500.00	2,500.00	2,000.00	20.0
10-46-5152 PAYROLL EXPENSES - FIRE	13,631.67	56,075.74	200,000.00	143,924.26	28.0
10-46-6110 ELECTRICITY	191.68	380.38	3,800.00	3,419.62	10.0
10-46-6530 TELEPHONE	712.61	2,897.35	12,000.00	9,102.65	24.1
10-46-6535 MEDICAL	.00	433.65	10,500.00	10,066.35	4.1
10-46-6555 SUPPLIES, GEAR & SERVICES	1,357.49	5,344.18	32,500.00	27,155.82	16.4
10-46-6557 EMERGENCY MANAGEMENT SUPPLIES	2,318.58	2,318.58	7,500.00	5,181.42	30.9
10-46-6570 INS- VEHICLE, LIAB, EQUIP, BLD	.00	19,500.54	28,000.00	8,499.46	69.6
10-46-6580 FUEL & OIL	216.39	827.24	10,000.00	9,172.76	8.3
10-46-6582 ELECTRONIC REP-MAINT	.00	.00	1,500.00	1,500.00	.0
10-46-6630 FIRE BLDG MAINT	87.47	372.59	15,000.00	14,627.41	2.5
10-46-6660 SAFETY TRAINING & FIRST AID	682.71	911.71	22,000.00	21,088.29	4.1
10-46-6670 REQUIRED EQUIP TESTING	.00	2,100.00	10,000.00	7,900.00	21.0
10-46-6690 VEHICLE MAINT, SUP & REP	.00	3,860.56	15,000.00	11,139.44	25.7
TOTAL FIRE DEPARTMENT	48,011.41	213,202.52	706,300.00	493,097.48	30.2

CITY OF ROCKAWAY BEACH  
EXPENDITURES WITH COMPARISON TO BUDGET  
FOR THE 4 MONTHS ENDING OCTOBER 31, 2024

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>ADMINISTRATION</u>					
10-48-5057 OFFICE ASSISTANT	11,054.00	45,213.07	132,000.00	86,786.93	34.3
10-48-5065 OVERTIME - CITY HALL	.00	.00	1,200.00	1,200.00	.0
10-48-5075 ACCRUED VACATION - ADMIN	.00	.00	5,000.00	5,000.00	.0
10-48-5082 CITY MANAGER	7,856.43	31,425.69	99,760.00	68,334.31	31.5
10-48-5085 MAYOR & COUNCIL STIPEND	125.00	500.00	1,400.00	900.00	35.7
10-48-5152 PAYROLL EXP - ADMIN	10,314.24	40,362.42	167,000.00	126,637.58	24.2
10-48-6410 PLANNING & ZONING	14,492.34	21,712.96	10,000.00	( 11,712.96)	217.1
10-48-6420 COMMUNITY CENTER EXP	.00	( .01)	.00	.01	.0
10-48-6440 REFUNDABLE DEPOSITS	.00	.00	200.00	200.00	.0
10-48-6530 TELEPHONE	342.87	1,012.00	5,800.00	4,788.00	17.5
10-48-6570 INS-VEHICLE, LIAB, EQUIP, BLDG	224.98	22,224.98	22,000.00	( 224.98)	101.0
10-48-6571 TECHNOLOGY & DATA PROCESSING	3,778.99	17,438.80	65,000.00	47,561.20	26.8
10-48-6577 ORDINANCE UPDATE	748.00	1,404.17	4,000.00	2,595.83	35.1
10-48-6596 EMERGENCY SERVICES EXPENSE	.00	.00	1,000.00	1,000.00	.0
10-48-6666 CITY BEAUTIFICATION	.00	.00	3,000.00	3,000.00	.0
10-48-6830 CITY HALL OPERATIONS	1,922.75	9,161.95	66,000.00	56,838.05	13.9
10-48-6831 DUES-CITY, OFFICIALS & STAFF	( 120.00)	605.00	3,500.00	2,895.00	17.3
10-48-6835 BANK FEES	2,277.68	6,104.36	2,000.00	( 4,104.36)	305.2
10-48-6840 COURT COSTS	.00	.00	100.00	100.00	.0
10-48-6850 ATTORNEY	7,330.50	11,656.50	40,000.00	28,343.50	29.1
10-48-6870 AUDIT & BOND	.00	323.25	9,500.00	9,176.75	3.4
10-48-6880 ADVERTISING	.00	526.85	2,000.00	1,473.15	26.3
10-48-6890 STATIONERY & SUPPLIES	884.73	1,181.90	10,000.00	8,818.10	11.8
10-48-6910 OLD TRAVEL & TRAIN-CITY	.00	249.00	.00	( 249.00)	.0
10-48-6915 TRAVEL & TRAIN-STAFF	1,644.25	1,644.25	8,000.00	6,355.75	20.6
10-48-6920 BLDG MAINT-CTY HALL	285.57	840.20	18,000.00	17,159.80	4.7
10-48-6931 COUNCIL EXPENSE	684.34	684.34	3,750.00	3,065.66	18.3
10-48-6932 CITY MANAGER FUND	.00	.00	750.00	750.00	.0
10-48-6954 COMMUNITY GRANTS	.00	.00	75,000.00	75,000.00	.0
10-48-8000 GENERAL FUND CAPITAL PROJECTS	.00	.00	20,000.00	20,000.00	.0
10-48-8041 TO - ROADS/STREETS, FRANCHISE	.00	12,500.00	50,000.00	37,500.00	25.0
10-48-8044 TO -FIRE EQUIPMENT RESERVE	.00	11,250.00	45,000.00	33,750.00	25.0
10-48-8046 TO - ECONOMIC STABILITY RES FD	.00	114,950.00	459,800.00	344,850.00	25.0
10-48-8518 DEBT SVC - GF LOANS & DEBT SVC	530.00	61,444.83	140,000.00	78,555.17	43.9
<b>TOTAL ADMINISTRATION</b>	<b>64,376.67</b>	<b>414,416.51</b>	<b>1,470,760.00</b>	<b>1,056,343.49</b>	<b>28.2</b>
<u>CONTINGENCY</u>					
10-52-7999 CONTINGENCY - GF	.00	.00	327,848.00	327,848.00	.0
<b>TOTAL CONTINGENCY</b>	<b>.00</b>	<b>.00</b>	<b>327,848.00</b>	<b>327,848.00</b>	<b>.0</b>
<b>TOTAL FUND EXPENDITURES</b>	<b>137,580.68</b>	<b>669,301.27</b>	<b>3,173,300.00</b>	<b>2,503,998.73</b>	<b>21.1</b>
<b>NET REVENUE OVER EXPENDITURES</b>	<b>( 87,780.12)</b>	<b>28,306.20</b>	<b>( 664,116.00)</b>	<b>( 692,422.20)</b>	<b>4.3</b>

CITY OF ROCKAWAY BEACH  
REVENUES WITH COMPARISON TO BUDGET  
FOR THE 4 MONTHS ENDING OCTOBER 31, 2024

FIRE EQUIP RESERVE

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>OTHER INCOME</u>					
14-36-4120 INTEREST INCOME	1,431.37	5,851.18	2,100.00	( 3,751.18)	278.6
TOTAL OTHER INCOME	1,431.37	5,851.18	2,100.00	( 3,751.18)	278.6
<u>TRANSFERS</u>					
14-39-4026 TIF - GF	.00	11,250.00	45,000.00	33,750.00	25.0
14-39-4030 TIF - TRT	.00	30,250.00	121,000.00	90,750.00	25.0
TOTAL TRANSFERS	.00	41,500.00	166,000.00	124,500.00	25.0
TOTAL FUND REVENUE	1,431.37	47,351.18	168,100.00	120,748.82	28.2

CITY OF ROCKAWAY BEACH  
EXPENDITURES WITH COMPARISON TO BUDGET  
FOR THE 4 MONTHS ENDING OCTOBER 31, 2024

FIRE EQUIP RESERVE

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>FIRE DEPARTMENT</u>					
14-47-7621 FIRE EQUIP & CAPITAL OUTLAY	.00	5,455.32	165,000.00	159,544.68	3.3
14-47-7625 FIRE TRUCK	.00	86,775.75	90,000.00	3,224.25	96.4
TOTAL FIRE DEPARTMENT	.00	92,231.07	255,000.00	162,768.93	36.2
TOTAL FUND EXPENDITURES	.00	92,231.07	255,000.00	162,768.93	36.2
NET REVENUE OVER EXPENDITURES	1,431.37	( 44,879.89)	( 86,900.00)	( 42,020.11)	( 51.7)

CITY OF ROCKAWAY BEACH  
 EXPENDITURES WITH COMPARISON TO BUDGET  
 FOR THE 4 MONTHS ENDING OCTOBER 31, 2024

LOAN PAYMENT RESERVE FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>DEPARTMENT 48</u>					
16-48-4032 TO -GENERAL FUND	.00	57,350.00	229,400.00	172,050.00	25.0
TOTAL DEPARTMENT 48	.00	57,350.00	229,400.00	172,050.00	25.0
TOTAL FUND EXPENDITURES	.00	57,350.00	229,400.00	172,050.00	25.0
NET REVENUE OVER EXPENDITURES	.00	( 57,350.00)	( 229,400.00)	( 172,050.00)	( 25.0)



CITY OF ROCKAWAY BEACH  
REVENUES WITH COMPARISON TO BUDGET  
FOR THE 4 MONTHS ENDING OCTOBER 31, 2024

ECONOMIC STABILITY RESERVE

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>OTHER INCOME</u>					
17-36-4120 INTEREST INCOME	509.31	509.31	5,000.00	4,490.69	10.2
TOTAL OTHER INCOME	509.31	509.31	5,000.00	4,490.69	10.2
<u>TRANSFERS</u>					
17-39-4030 TIF - GEN FND	.00	114,950.00	459,800.00	344,850.00	25.0
TOTAL TRANSFERS	.00	114,950.00	459,800.00	344,850.00	25.0
TOTAL FUND REVENUE	509.31	115,459.31	464,800.00	349,340.69	24.8
NET REVENUE OVER EXPENDITURES	509.31	115,459.31	464,800.00	349,340.69	24.8

CITY OF ROCKAWAY BEACH  
REVENUES WITH COMPARISON TO BUDGET  
FOR THE 4 MONTHS ENDING OCTOBER 31, 2024

PROJECT & EQUIP RESERVE

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>SOURCE 33</u>					
21-33-4184 GRANTS: TOURISM FACILITIES	.00	.00	75,000.00	75,000.00	.0
TOTAL SOURCE 33	.00	.00	75,000.00	75,000.00	.0
<u>OTHER INCOME</u>					
21-36-4120 INTEREST INCOME	3,231.68	11,495.02	3,000.00	( 8,495.02)	383.2
TOTAL OTHER INCOME	3,231.68	11,495.02	3,000.00	( 8,495.02)	383.2
<u>TRANSFERS IN</u>					
21-39-4030 TIF - TRT	.00	164,600.00	658,400.00	493,800.00	25.0
TOTAL TRANSFERS IN	.00	164,600.00	658,400.00	493,800.00	25.0
TOTAL FUND REVENUE	3,231.68	176,095.02	736,400.00	560,304.98	23.9

CITY OF ROCKAWAY BEACH  
 EXPENDITURES WITH COMPARISON TO BUDGET  
 FOR THE 4 MONTHS ENDING OCTOBER 31, 2024

PROJECT & EQUIP RESERVE

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>CAPITAL OUTLAY</u>					
21-47-7577 TOURISM CAPITAL PROJECTS	13,475.44	65,713.55	2,000,000.00	1,934,286.45	3.3
TOTAL CAPITAL OUTLAY	13,475.44	65,713.55	2,000,000.00	1,934,286.45	3.3
TOTAL FUND EXPENDITURES	13,475.44	65,713.55	2,000,000.00	1,934,286.45	3.3
NET REVENUE OVER EXPENDITURES	( 10,243.76)	110,381.47	( 1,263,600.00)	( 1,373,981.47)	8.7

CITY OF ROCKAWAY BEACH  
REVENUES WITH COMPARISON TO BUDGET  
FOR THE 4 MONTHS ENDING OCTOBER 31, 2024

ROADS & STREETS

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>STATE REVENUE</u>					
30-31-2985 RESTRICTED BIKE PATHS ODOT	.00	.00	1,190.00	1,190.00	.0
30-31-4340 STATE STREET - DMV - REVENUE	11,282.20	40,929.28	119,000.00	78,070.72	34.4
<b>TOTAL STATE REVENUE</b>	<b>11,282.20</b>	<b>40,929.28</b>	<b>120,190.00</b>	<b>79,260.72</b>	<b>34.1</b>
<u>GRANTS</u>					
30-33-4182 GRANTS & REIM- ROADS & STREETS	.00	.00	250,000.00	250,000.00	.0
<b>TOTAL GRANTS</b>	<b>.00</b>	<b>.00</b>	<b>250,000.00</b>	<b>250,000.00</b>	<b>.0</b>
<u>OTHER REVENUE</u>					
30-36-4120 INTEREST INCOME	3,611.60	12,978.74	31,000.00	18,021.26	41.9
<b>TOTAL OTHER REVENUE</b>	<b>3,611.60</b>	<b>12,978.74</b>	<b>31,000.00</b>	<b>18,021.26</b>	<b>41.9</b>
<u>TRANSFERS</u>					
30-39-4030 TIF - TRT	.00	92,100.00	368,400.00	276,300.00	25.0
30-39-4038 TIF - GEN FND	.00	12,500.00	50,000.00	37,500.00	25.0
<b>TOTAL TRANSFERS</b>	<b>.00</b>	<b>104,600.00</b>	<b>418,400.00</b>	<b>313,800.00</b>	<b>25.0</b>
<b>TOTAL FUND REVENUE</b>	<b>14,893.80</b>	<b>158,508.02</b>	<b>819,590.00</b>	<b>661,081.98</b>	<b>19.3</b>

CITY OF ROCKAWAY BEACH  
EXPENDITURES WITH COMPARISON TO BUDGET  
FOR THE 4 MONTHS ENDING OCTOBER 31, 2024

ROADS & STREETS

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>PERSONNEL SERVICES</u>					
30-41-5055 MAINT WKR WAGES	8,807.76	35,262.98	91,000.00	55,737.02	38.8
30-41-5056 EXTRA LABOR	.00	.00	5,000.00	5,000.00	.0
30-41-5058 SUPER OF PUBLIC WORKS	834.86	3,339.49	10,520.00	7,180.51	31.7
30-41-5065 OVERTIME	.00	5.84	5,600.00	5,594.16	.1
30-41-5075 ACCRUED VAC - RDS & STS	.00	.00	2,000.00	2,000.00	.0
30-41-5082 CTY MANAGER - RDS & STS	1,122.34	4,489.37	14,252.00	9,762.63	31.5
30-41-5085 MAYOR & COUNCIL STIPEND	25.00	100.00	.00	( 100.00)	.0
30-41-5152 PAYROLL EXP - RDS & STS	5,158.26	21,675.41	91,000.00	69,324.59	23.8
<b>TOTAL PERSONNEL SERVICES</b>	<b>15,948.22</b>	<b>64,873.09</b>	<b>219,372.00</b>	<b>154,498.91</b>	<b>29.6</b>
<u>MATERIALS &amp; SERVICES</u>					
30-45-6125 ELECTRIC-STLITES-WYSD-CTYPRKS	267.58	654.57	4,600.00	3,945.43	14.2
30-45-6130 WAYSIDE & PARKS	569.27	10,356.57	42,000.00	31,643.43	24.7
30-45-6131 NATURE CONSERVANCY	98.59	898.59	10,000.00	9,101.41	9.0
30-45-6570 INS-VEHICLE, LIAB, EQUIP, BLDG	.00	8,000.00	8,000.00	.00	100.0
30-45-6572 STREET LIGHTS	1,439.00	5,722.31	25,000.00	19,277.69	22.9
30-45-6580 FUEL & OIL	144.26	591.50	7,000.00	6,408.50	8.5
30-45-6592 PARKING LEASE	.00	1,773.60	1,600.00	( 173.60)	110.9
30-45-6600 DRAINAGE & FLOOD CONTROL	.00	.00	10,000.00	10,000.00	.0
30-45-6610 SIDEWALKS, CURBS & FOOTPATHS	.00	.00	9,300.00	9,300.00	.0
30-45-6620 STREET SIGNS	4,330.80	4,417.41	3,000.00	( 1,417.41)	147.3
30-45-6667 STORM DAMAGE REPAIR	.00	.00	1,000.00	1,000.00	.0
30-45-6690 VEHICLE MAINT, SUPP & REP	382.71	4,075.02	15,000.00	10,924.98	27.2
30-45-6800 ROADS, MATERIALS & SUPPLIES	11,362.43	17,166.85	33,500.00	16,333.15	51.2
<b>TOTAL MATERIALS &amp; SERVICES</b>	<b>18,594.64</b>	<b>53,656.42</b>	<b>170,000.00</b>	<b>116,343.58</b>	<b>31.6</b>
<u>CAPITAL OUTLAY</u>					
30-47-7502 RDS-STIS IMPROVEMENT PROJECTS	.00	.00	450,000.00	450,000.00	.0
30-47-7506 RDS-STIS: CAPITAL IMPROV PLAN	.00	.00	50,000.00	50,000.00	.0
30-47-7508 RDS-STIS PW STORMWATER PROJECTS	.00	6,208.00	35,000.00	28,792.00	17.7
<b>TOTAL CAPITAL OUTLAY</b>	<b>.00</b>	<b>6,208.00</b>	<b>535,000.00</b>	<b>528,792.00</b>	<b>1.2</b>
<u>CONTINGENCY</u>					
30-48-7999 CONTINGENCY - ROADS	.00	.00	137,906.00	137,906.00	.0
<b>TOTAL CONTINGENCY</b>	<b>.00</b>	<b>.00</b>	<b>137,906.00</b>	<b>137,906.00</b>	<b>.0</b>
<b>TOTAL FUND EXPENDITURES</b>	<b>34,542.86</b>	<b>124,737.51</b>	<b>1,062,278.00</b>	<b>937,540.49</b>	<b>11.7</b>

CITY OF ROCKAWAY BEACH  
 EXPENDITURES WITH COMPARISON TO BUDGET  
 FOR THE 4 MONTHS ENDING OCTOBER 31, 2024

ROADS & STREETS

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
NET REVENUE OVER EXPENDITURES	( 19,649.06)	33,770.51	( 242,688.00)	( 276,458.51)	13.9

CITY OF ROCKAWAY BEACH  
REVENUES WITH COMPARISON TO BUDGET  
FOR THE 4 MONTHS ENDING OCTOBER 31, 2024

TRANSPORTATION SDC

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>OTHER INCOME</u>						
39-36-4120	INTEREST INCOME	1,002.41	3,863.25	1,800.00	( 2,063.25)	214.6
	TOTAL OTHER INCOME	1,002.41	3,863.25	1,800.00	( 2,063.25)	214.6
<u>FEEES</u>						
39-38-4940	IMP FEES - TRANSPORT SDC	.00	2,700.00	18,000.00	15,300.00	15.0
	TOTAL FEES	.00	2,700.00	18,000.00	15,300.00	15.0
	TOTAL FUND REVENUE	1,002.41	6,563.25	19,800.00	13,236.75	33.2

CITY OF ROCKAWAY BEACH  
 EXPENDITURES WITH COMPARISON TO BUDGET  
 FOR THE 4 MONTHS ENDING OCTOBER 31, 2024

TRANSPORTATION SDC

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>CAPITAL OUTLAY</u>					
39-47-7880 CONT MAT - IMP TRANS	.00	.00	242,519.00	242,519.00	.0
TOTAL CAPITAL OUTLAY	.00	.00	242,519.00	242,519.00	.0
TOTAL FUND EXPENDITURES	.00	.00	242,519.00	242,519.00	.0
NET REVENUE OVER EXPENDITURES	1,002.41	6,563.25	( 222,719.00)	( 229,282.25)	3.0



CITY OF ROCKAWAY BEACH  
REVENUES WITH COMPARISON TO BUDGET  
FOR THE 4 MONTHS ENDING OCTOBER 31, 2024

WATER OPERATING

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>REVENUE</u>					
40-34-4540 WATER SERVICE BASE	215,581.18	437,095.81	1,215,000.00	777,904.19	36.0
40-34-4550 NEW WATER CONNECTIONS	3,300.00	12,780.00	25,500.00	12,720.00	50.1
40-34-4560 WATER MASTER PLAN	12,813.06	25,634.39	76,500.00	50,865.61	33.5
<b>TOTAL REVENUE</b>	<b>231,694.24</b>	<b>475,510.20</b>	<b>1,317,000.00</b>	<b>841,489.80</b>	<b>36.1</b>
<u>INTEREST &amp; MISC</u>					
40-36-4120 INT - WATER OP	11,101.46	41,998.68	16,000.00	( 25,998.68)	262.5
40-36-4150 MISC RCPTS - WTR OP FUND	3,381.94	13,259.96	2,825,800.00	2,812,540.04	.5
<b>TOTAL INTEREST &amp; MISC</b>	<b>14,483.40</b>	<b>55,258.64</b>	<b>2,841,800.00</b>	<b>2,786,541.36</b>	<b>1.9</b>
<u>SOURCE 39</u>					
40-39-4047 TIF- FM WATER REVENUE BOND	.00	34.00	137.00	103.00	24.8
<b>TOTAL SOURCE 39</b>	<b>.00</b>	<b>34.00</b>	<b>137.00</b>	<b>103.00</b>	<b>24.8</b>
<b>TOTAL FUND REVENUE</b>	<b>246,177.64</b>	<b>530,802.84</b>	<b>4,158,937.00</b>	<b>3,628,134.16</b>	<b>12.8</b>

CITY OF ROCKAWAY BEACH  
EXPENDITURES WITH COMPARISON TO BUDGET  
FOR THE 4 MONTHS ENDING OCTOBER 31, 2024

WATER OPERATING

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>PERSONNEL SERVICES</u>					
40-41-5054	.00	.00	3,500.00	3,500.00	.0
40-41-5055	9,074.21	36,327.50	92,050.00	55,722.50	39.5
40-41-5056	.00	.00	10,000.00	10,000.00	.0
40-41-5057	11,269.25	46,041.30	147,500.00	101,458.70	31.2
40-41-5058	4,174.37	16,697.43	52,600.00	35,902.57	31.7
40-41-5059	4,897.82	20,060.30	64,500.00	44,439.70	31.1
40-41-5064	.00	.00	1,750.00	1,750.00	.0
40-41-5065	50.64	1,074.25	14,000.00	12,925.75	7.7
40-41-5067	.00	.00	1,000.00	1,000.00	.0
40-41-5075	.00	.00	5,000.00	5,000.00	.0
40-41-5082	1,122.34	4,489.37	14,250.00	9,760.63	31.5
40-41-5085	75.00	300.00	1,470.00	1,170.00	20.4
40-41-5152	16,135.41	66,112.55	299,000.00	232,887.45	22.1
<b>TOTAL PERSONNEL SERVICES</b>	<b>46,799.04</b>	<b>191,102.70</b>	<b>706,620.00</b>	<b>515,517.30</b>	<b>27.0</b>
<u>MATERIALS &amp; SERVICES</u>					
40-45-6110	2,832.53	8,094.36	36,500.00	28,405.64	22.2
40-45-6455	.00	.00	1,000.00	1,000.00	.0
40-45-6520	.00	2,621.27	3,000.00	378.73	87.4
40-45-6530	1,568.67	2,551.21	17,000.00	14,448.79	15.0
40-45-6534	4,351.56	11,968.56	35,000.00	23,031.44	34.2
40-45-6551	1,508.83	7,085.06	25,500.00	18,414.94	27.8
40-45-6570	.00	29,000.00	29,000.00	.00	100.0
40-45-6574	.00	.00	12,000.00	12,000.00	.0
40-45-6580	270.49	1,034.06	10,000.00	8,965.94	10.3
40-45-6667	.00	.00	500.00	500.00	.0
40-45-6690	.00	145.00	15,000.00	14,855.00	1.0
40-45-6745	1,895.00	1,895.00	7,000.00	5,105.00	27.1
40-45-6750	1,006.11	13,008.21	100,000.00	86,991.79	13.0
40-45-6831	.00	.00	3,200.00	3,200.00	.0
40-45-6850	920.00	920.00	5,000.00	4,080.00	18.4
40-45-6851	3,299.50	12,591.75	25,000.00	12,408.25	50.4
40-45-6915	210.00	1,480.00	8,000.00	6,520.00	18.5
40-45-6945	872.47	1,783.12	10,100.00	8,316.88	17.7
40-45-6951	.00	.00	500.00	500.00	.0
<b>TOTAL MATERIALS &amp; SERVICES</b>	<b>18,735.16</b>	<b>94,177.60</b>	<b>343,300.00</b>	<b>249,122.40</b>	<b>27.4</b>
<u>CAPITAL OUTLAY</u>					
40-47-7601	.00	1,244.04	3,000,000.00	2,998,755.96	.0
40-47-7602	8,160.29	31,737.84	235,000.00	203,262.16	13.5
40-47-7603	.00	14,774.42	15,000.00	225.58	98.5
<b>TOTAL CAPITAL OUTLAY</b>	<b>8,160.29</b>	<b>47,756.30</b>	<b>3,250,000.00</b>	<b>3,202,243.70</b>	<b>1.5</b>

CITY OF ROCKAWAY BEACH  
EXPENDITURES WITH COMPARISON TO BUDGET  
FOR THE 4 MONTHS ENDING OCTOBER 31, 2024

WATER OPERATING

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>CONTINGENCY</u>					
40-48-7999 CONTINGENCY - WTR	.00	.00	644,988.00	644,988.00	.0
TOTAL CONTINGENCY	.00	.00	644,988.00	644,988.00	.0
<u>TRANSFERS</u>					
40-49-8027 TO - CC - CH OPERATING	.00	11,250.00	45,000.00	33,750.00	25.0
40-49-8045 TO -WMP FUND	.00	25,000.00	100,000.00	75,000.00	25.0
TOTAL TRANSFERS	.00	36,250.00	145,000.00	108,750.00	25.0
TOTAL FUND EXPENDITURES	73,694.49	369,286.60	5,089,908.00	4,720,621.40	7.3
NET REVENUE OVER EXPENDITURES	172,483.15	161,516.24	( 930,971.00)	( 1,092,487.24)	17.4

CITY OF ROCKAWAY BEACH  
REVENUES WITH COMPARISON TO BUDGET  
FOR THE 4 MONTHS ENDING OCTOBER 31, 2024

WATER MASTER PLAN

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>OTHER INCOME</u>					
42-36-4120 INTEREST INCOME	4,276.62	18,778.58	31,000.00	12,221.42	60.6
TOTAL OTHER INCOME	4,276.62	18,778.58	31,000.00	12,221.42	60.6
<u>TRANSFERS</u>					
42-39-4030 TIF - WATER OP	.00	25,000.00	100,000.00	75,000.00	25.0
TOTAL TRANSFERS	.00	25,000.00	100,000.00	75,000.00	25.0
TOTAL FUND REVENUE	4,276.62	43,778.58	131,000.00	87,221.42	33.4

CITY OF ROCKAWAY BEACH  
EXPENDITURES WITH COMPARISON TO BUDGET  
FOR THE 4 MONTHS ENDING OCTOBER 31, 2024

WATER MASTER PLAN

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>CAPITAL OUTLAY</u>						
42-47-7555	WMP - IMPLIMENTATION PROJECTS	.00	5,833.97	450,000.00	444,166.03	1.3
	TOTAL CAPITAL OUTLAY	.00	5,833.97	450,000.00	444,166.03	1.3
	TOTAL FUND EXPENDITURES	.00	5,833.97	450,000.00	444,166.03	1.3
	NET REVENUE OVER EXPENDITURES	4,276.62	37,944.61	( 319,000.00)	( 356,944.61)	11.9

CITY OF ROCKAWAY BEACH  
 EXPENDITURES WITH COMPARISON TO BUDGET  
 FOR THE 4 MONTHS ENDING OCTOBER 31, 2024

81 WATER REVENUE BOND

	<u>PERIOD ACTUAL</u>	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>UNEXPENDED</u>	<u>PCNT</u>
<u>DEBT SERVICE</u>					
43-49-8023 TO - WTR OPERATING	.00	34.00	137.00	103.00	24.8
TOTAL DEBT SERVICE	.00	34.00	137.00	103.00	24.8
TOTAL FUND EXPENDITURES	.00	34.00	137.00	103.00	24.8
NET REVENUE OVER EXPENDITURES	.00	( 34.00)	( 137.00)	( 103.00)	( 24.8)

CITY OF ROCKAWAY BEACH  
REVENUES WITH COMPARISON TO BUDGET  
FOR THE 4 MONTHS ENDING OCTOBER 31, 2024

WATER DEBT SERVICE

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>UTILITY BILLING</u>					
47-34-4550 WATER DEBT REVENUE	25,606.19	51,228.84	150,000.00	98,771.16	34.2
TOTAL UTILITY BILLING	25,606.19	51,228.84	150,000.00	98,771.16	34.2
<u>OTHER INCOME</u>					
47-36-4120 INTEREST INCOME	3,128.39	11,863.54	2,700.00	( 9,163.54)	439.4
TOTAL OTHER INCOME	3,128.39	11,863.54	2,700.00	( 9,163.54)	439.4
TOTAL FUND REVENUE	28,734.58	63,092.38	152,700.00	89,607.62	41.3

CITY OF ROCKAWAY BEACH  
EXPENDITURES WITH COMPARISON TO BUDGET  
FOR THE 4 MONTHS ENDING OCTOBER 31, 2024

WATER DEBT SERVICE

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>DEBT SERVICE</u>					
47-49-8512 NEDONNA BEACH WTR LINE - PRINC	.00	.00	205,000.00	205,000.00	.0
47-49-8520 WATER PLANT DS - PRINC	.00	30,000.00	30,000.00	.00	100.0
47-49-8521 WATER PLANT DS - INT	.00	4,050.00	7,650.00	3,600.00	52.9
<b>TOTAL DEBT SERVICE</b>	<b>.00</b>	<b>34,050.00</b>	<b>242,650.00</b>	<b>208,600.00</b>	<b>14.0</b>
<b>TOTAL FUND EXPENDITURES</b>	<b>.00</b>	<b>34,050.00</b>	<b>242,650.00</b>	<b>208,600.00</b>	<b>14.0</b>
<b>NET REVENUE OVER EXPENDITURES</b>	<b>28,734.58</b>	<b>29,042.38</b>	<b>( 89,950.00)</b>	<b>( 118,992.38)</b>	<b>32.3</b>



CITY OF ROCKAWAY BEACH  
REVENUES WITH COMPARISON TO BUDGET  
FOR THE 4 MONTHS ENDING OCTOBER 31, 2024

WATER SDC FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>OTHER INCOME</u>					
49-36-4120 INTEREST INCOME	2,973.43	11,320.55	3,300.00	( 8,020.55)	343.1
TOTAL OTHER INCOME	2,973.43	11,320.55	3,300.00	( 8,020.55)	343.1
<u>WATER SDC FEES</u>					
49-38-4935 REIMB FEES - WTR SDC FUND	1,104.00	3,864.00	9,800.00	5,936.00	39.4
49-38-4940 IMP FEES - WTR SDC FND	5,925.00	35,550.00	80,000.00	44,450.00	44.4
TOTAL WATER SDC FEES	7,029.00	39,414.00	89,800.00	50,386.00	43.9
TOTAL FUND REVENUE	10,002.43	50,734.55	93,100.00	42,365.45	54.5

CITY OF ROCKAWAY BEACH  
EXPENDITURES WITH COMPARISON TO BUDGET  
FOR THE 4 MONTHS ENDING OCTOBER 31, 2024

WATER SDC FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>CAPITAL OUTLAY</u>					
49-47-7880 CONT MAT - IMP WTR	.00	958.00	337,799.00	336,841.00	.3
49-47-7885 CONT MAT - REIMB WTR	.00	.00	157,151.00	157,151.00	.0
TOTAL CAPITAL OUTLAY	.00	958.00	494,950.00	493,992.00	.2
TOTAL FUND EXPENDITURES	.00	958.00	494,950.00	493,992.00	.2
NET REVENUE OVER EXPENDITURES	10,002.43	49,776.55	( 401,850.00)	( 451,626.55)	12.4

CITY OF ROCKAWAY BEACH  
REVENUES WITH COMPARISON TO BUDGET  
FOR THE 4 MONTHS ENDING OCTOBER 31, 2024

SEWER OPERATING FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>UTILITY BILLING</u>					
50-34-4640 SEWER SERVICE BASE	134,349.24	274,430.64	780,000.00	505,569.36	35.2
50-34-4650 NEW SEWER CONNECTIONS	3,220.00	11,540.00	17,250.00	5,710.00	66.9
50-34-4660 SEWER MASTER PLAN	13,742.69	27,516.14	82,000.00	54,483.86	33.6
<b>TOTAL UTILITY BILLING</b>	<b>151,311.93</b>	<b>313,486.78</b>	<b>879,250.00</b>	<b>565,763.22</b>	<b>35.7</b>
<u>OTHER INCOME</u>					
50-36-4120 INTEREST INCOME	4,592.25	17,932.27	34,000.00	16,067.73	52.7
50-36-4150 MISC RECEIPTS - SEWER	871.93	6,049.97	1,000.00	( 5,049.97)	605.0
<b>TOTAL OTHER INCOME</b>	<b>5,464.18</b>	<b>23,982.24</b>	<b>35,000.00</b>	<b>11,017.76</b>	<b>68.5</b>
<b>TOTAL FUND REVENUE</b>	<b>156,776.11</b>	<b>337,469.02</b>	<b>914,250.00</b>	<b>576,780.98</b>	<b>36.9</b>

CITY OF ROCKAWAY BEACH  
EXPENDITURES WITH COMPARISON TO BUDGET  
FOR THE 4 MONTHS ENDING OCTOBER 31, 2024

SEWER OPERATING FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>PERSONNEL SERVICES</u>					
50-41-5055 MAINT WORKER WAGES	8,807.76	35,262.98	90,100.00	54,837.02	39.1
50-41-5056 EXTRA LABOR WAGES	.00	.00	10,000.00	10,000.00	.0
50-41-5057 OFFICE ASST WAGE	11,269.25	46,041.29	147,500.00	101,458.71	31.2
50-41-5058 SUPER PUB WORKS	3,339.48	13,357.95	42,080.00	28,722.05	31.7
50-41-5059 PLANT OP WAGES	4,897.82	20,060.27	64,400.00	44,339.73	31.2
50-41-5064 STANDBY - SEWER	.00	.00	2,100.00	2,100.00	.0
50-41-5065 OVERTIME SEWER	50.64	1,074.07	5,950.00	4,875.93	18.1
50-41-5075 ACCRUED VAC - COMP TIME	.00	.00	5,000.00	5,000.00	.0
50-41-5082 CITY MANAGER WAGES	1,122.34	4,489.37	14,255.00	9,765.63	31.5
50-41-5085 MAYOR & COUNCIL STIPEND	75.00	300.00	1,386.00	1,086.00	21.7
50-41-5152 PAYROLL EXP - SEWER	15,543.94	63,723.44	291,600.00	227,876.56	21.9
<b>TOTAL PERSONNEL SERVICES</b>	<b>45,106.23</b>	<b>184,309.37</b>	<b>674,371.00</b>	<b>490,061.63</b>	<b>27.3</b>
<u>MATERIALS &amp; SERVICES</u>					
50-45-6110 ELECTRICITY - SEWER	2,282.74	6,817.01	33,500.00	26,682.99	20.4
50-45-6455 EMERGENCY MANAGEMENT	.00	.00	1,000.00	1,000.00	.0
50-45-6520 BLDG MAINT - SEWER	2,700.00	2,700.00	4,900.00	2,200.00	55.1
50-45-6530 TELEPHONE & TELEMTRY	356.05	1,926.29	6,900.00	4,973.71	27.9
50-45-6534 PLANT CHEMICALS & SUP	1,941.67	13,756.20	65,000.00	51,243.80	21.2
50-45-6551 ADMIN & BILLING	1,508.84	7,081.66	30,800.00	23,718.34	23.0
50-45-6570 INS - VEHICLE, LIAB, EQUIP, BL	.00	44,000.00	44,000.00	.00	100.0
50-45-6574 AUDIT - SEWER	.00	.00	12,000.00	12,000.00	.0
50-45-6580 FUEL & OIL	270.49	1,034.06	15,000.00	13,965.94	6.9
50-45-6690 VEHICLE MAINT, SUP & REP	.00	.00	15,000.00	15,000.00	.0
50-45-6740 I & I WORK	.00	9,800.00	26,000.00	16,200.00	37.7
50-45-6745 REQUIRED TESTING	.00	.00	2,000.00	2,000.00	.0
50-45-6750 SYSTEM MAINT & SUPPLY	2,252.32	11,464.77	80,000.00	68,535.23	14.3
50-45-6831 DUES	.00	.00	1,200.00	1,200.00	.0
50-45-6850 ATTORNEY	.00	.00	2,800.00	2,800.00	.0
50-45-6851 ENGINEERING	1,388.50	5,325.75	48,000.00	42,674.25	11.1
50-45-6915 TRAVEL & TRAINING - STAFF	.00	.00	6,000.00	6,000.00	.0
50-45-6945 METER READERS	872.47	1,783.11	14,000.00	12,216.89	12.7
50-45-6951 ORDINANCE ENFORCEMENT	.00	.00	500.00	500.00	.0
<b>TOTAL MATERIALS &amp; SERVICES</b>	<b>13,573.08</b>	<b>105,688.85</b>	<b>408,600.00</b>	<b>302,911.15</b>	<b>25.9</b>
<u>CAPITAL OUTLAY</u>					
50-47-7602 PW MOBILE EQUIP REPLACE PLAN	.00	14,774.42	15,000.00	225.58	98.5
<b>TOTAL CAPITAL OUTLAY</b>	<b>.00</b>	<b>14,774.42</b>	<b>15,000.00</b>	<b>225.58</b>	<b>98.5</b>

CITY OF ROCKAWAY BEACH  
EXPENDITURES WITH COMPARISON TO BUDGET  
FOR THE 4 MONTHS ENDING OCTOBER 31, 2024

SEWER OPERATING FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>CONTINGENCY</u>					
50-48-7999 CONTINGENCY - SEWER	.00	.00	164,696.00	164,696.00	.0
TOTAL CONTINGENCY	.00	.00	164,696.00	164,696.00	.0
<u>TRANSFERS</u>					
50-49-8027 TRNSFR TO - GF CH OPERATING	.00	11,250.00	45,000.00	33,750.00	25.0
50-49-8033 TRNSFR TO - SEWER MASTER PLAN	.00	20,500.00	82,000.00	61,500.00	25.0
TOTAL TRANSFERS	.00	31,750.00	127,000.00	95,250.00	25.0
TOTAL FUND EXPENDITURES	58,679.31	336,522.64	1,389,667.00	1,053,144.36	24.2
NET REVENUE OVER EXPENDITURES	98,096.80	946.38	( 475,417.00)	( 476,363.38)	.2

CITY OF ROCKAWAY BEACH  
 REVENUES WITH COMPARISON TO BUDGET  
 FOR THE 4 MONTHS ENDING OCTOBER 31, 2024

SEWER MASTER PLAN

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>OTHER INCOME</u>					
52-36-4120 INTEREST INCOME	2,737.16	7,833.76	18,000.00	10,166.24	43.5
TOTAL OTHER INCOME	2,737.16	7,833.76	18,000.00	10,166.24	43.5
<u>TRANSFERS</u>					
52-39-4032 TRNSFR IN - FROM SEWER OPER	.00	20,500.00	82,000.00	61,500.00	25.0
TOTAL TRANSFERS	.00	20,500.00	82,000.00	61,500.00	25.0
TOTAL FUND REVENUE	2,737.16	28,333.76	100,000.00	71,666.24	28.3

CITY OF ROCKAWAY BEACH  
 EXPENDITURES WITH COMPARISON TO BUDGET  
 FOR THE 4 MONTHS ENDING OCTOBER 31, 2024

SEWER MASTER PLAN

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>CAPITAL OUTLAY</u>					
52-47-7555 WWMP-IMPLIMENTATION PROJECTS	.00	.00	335,000.00	335,000.00	.0
TOTAL CAPITAL OUTLAY	.00	.00	335,000.00	335,000.00	.0
TOTAL FUND EXPENDITURES	.00	.00	335,000.00	335,000.00	.0
NET REVENUE OVER EXPENDITURES	2,737.16	28,333.76	( 235,000.00)	( 263,333.76)	12.1

CITY OF ROCKAWAY BEACH  
REVENUES WITH COMPARISON TO BUDGET  
FOR THE 4 MONTHS ENDING OCTOBER 31, 2024

SEWER DEBT SERVICE

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>UTILITY BILLING</u>						
56-34-4650	SEWER DEBT REVENUE	42,834.40	85,764.77	254,640.00	168,875.23	33.7
	TOTAL UTILITY BILLING	42,834.40	85,764.77	254,640.00	168,875.23	33.7
<u>OTHER INCOME</u>						
56-36-4120	INTEREST INCOME	3,419.39	13,471.83	13,500.00	28.17	99.8
	TOTAL OTHER INCOME	3,419.39	13,471.83	13,500.00	28.17	99.8
	TOTAL FUND REVENUE	46,253.79	99,236.60	268,140.00	168,903.40	37.0



CITY OF ROCKAWAY BEACH  
EXPENDITURES WITH COMPARISON TO BUDGET  
FOR THE 4 MONTHS ENDING OCTOBER 31, 2024

SEWER DEBT SERVICE

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>DEBT SERVICE</u>					
56-49-8510 WW OUTFALL LOAN PRINCIPLE	.00	205,000.00	205,000.00	.00	100.0
56-49-8511 WW-OUTFALL LOAN INTEREST	.00	3,075.00	3,075.00	.00	100.0
TOTAL DEBT SERVICE	.00	208,075.00	208,075.00	.00	100.0
TOTAL FUND EXPENDITURES	.00	208,075.00	208,075.00	.00	100.0
NET REVENUE OVER EXPENDITURES	46,253.79	( 108,838.40)	60,065.00	168,903.40	(181.2)

CITY OF ROCKAWAY BEACH  
REVENUES WITH COMPARISON TO BUDGET  
FOR THE 4 MONTHS ENDING OCTOBER 31, 2024

SEWER SDC

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>OTHER INCOME</u>					
59-36-4120 INTEREST INCOME	6,852.14	26,424.96	3,000.00	( 23,424.96)	880.8
TOTAL OTHER INCOME	6,852.14	26,424.96	3,000.00	( 23,424.96)	880.8
<u>FEEES</u>					
59-38-4935 REIMB FEES - SEWER SDC	2,956.00	8,868.00	20,000.00	11,132.00	44.3
59-38-4940 IMP FEES - SEWER SDC	11,215.00	21,795.00	55,000.00	33,205.00	39.6
TOTAL FEES	14,171.00	30,663.00	75,000.00	44,337.00	40.9
TOTAL FUND REVENUE	21,023.14	57,087.96	78,000.00	20,912.04	73.2

CITY OF ROCKAWAY BEACH  
EXPENDITURES WITH COMPARISON TO BUDGET  
FOR THE 4 MONTHS ENDING OCTOBER 31, 2024

SEWER SDC

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>MATERIALS &amp; SERVICES</u>					
59-45-6050 CONT MAT - REIMB SWR SDC	.00	.00	435,732.00	435,732.00	.0
59-45-6051 CONT MAT - IMP SWR	.00	.00	996,933.00	996,933.00	.0
TOTAL MATERIALS & SERVICES	.00	.00	1,432,665.00	1,432,665.00	.0
TOTAL FUND EXPENDITURES	.00	.00	1,432,665.00	1,432,665.00	.0
NET REVENUE OVER EXPENDITURES	21,023.14	57,087.96	( 1,354,665.00)	( 1,411,752.96)	4.2

CITY OF ROCKAWAY BEACH  
REVENUES WITH COMPARISON TO BUDGET  
FOR THE 4 MONTHS ENDING OCTOBER 31, 2024

TRANSIENT ROOM TAX

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>ROOM TAX REVENUES</u>					
80-31-4709 TRT-PENALTY-INT DELINQUENT RPT	1,613.07	1,613.07	.00	( 1,613.07)	.0
80-31-4710 TRT REVENUE 5%	313,038.70	313,038.70	1,200,000.00	886,961.30	26.1
80-31-4711 TRT REVENUE 2% - ADV	125,215.48	125,215.48	480,000.00	354,784.52	26.1
80-31-4712 TRT REVENUE 2% - CTY	125,215.48	125,215.48	480,000.00	354,784.52	26.1
80-31-4713 TRT REVENUE 1% - CTY	62,607.73	62,607.73	240,000.00	177,392.27	26.1
<b>TOTAL ROOM TAX REVENUES</b>	<b>627,690.46</b>	<b>627,690.46</b>	<b>2,400,000.00</b>	<b>1,772,309.54</b>	<b>26.2</b>
<u>OTHER INCOME</u>					
80-36-4120 INTEREST INCOME - TRT	2,228.39	15,347.72	13,750.00	( 1,597.72)	111.6
<b>TOTAL OTHER INCOME</b>	<b>2,228.39</b>	<b>15,347.72</b>	<b>13,750.00</b>	<b>( 1,597.72)</b>	<b>111.6</b>
<b>TOTAL FUND REVENUE</b>	<b>629,918.85</b>	<b>643,038.18</b>	<b>2,413,750.00</b>	<b>1,770,711.82</b>	<b>26.6</b>

CITY OF ROCKAWAY BEACH  
EXPENDITURES WITH COMPARISON TO BUDGET  
FOR THE 4 MONTHS ENDING OCTOBER 31, 2024

TRANSIENT ROOM TAX

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>MATERIALS &amp; SERVICES</u>					
80-45-6533	.00	17,097.57	210,000.00	192,902.43	8.1
80-45-6534	.00	18,729.65	170,000.00	151,270.35	11.0
80-45-6535	.00	.00	60,000.00	60,000.00	.0
80-45-6536	.00	1,218.00	2,000.00	782.00	60.9
80-45-6537	( 7,103.16)	11,368.00	75,000.00	63,632.00	15.2
80-45-6538	.00	.00	333,535.00	333,535.00	.0
<b>TOTAL MATERIALS &amp; SERVICES</b>	<b>( 7,103.16)</b>	<b>48,413.22</b>	<b>850,535.00</b>	<b>802,121.78</b>	<b>5.7</b>
<u>TRANSFERS</u>					
80-49-8024	.00	83,600.00	334,400.00	250,800.00	25.0
80-49-8025	.00	24,600.00	98,400.00	73,800.00	25.0
80-49-8026	.00	30,250.00	121,000.00	90,750.00	25.0
80-49-8036	.00	164,600.00	658,400.00	493,800.00	25.0
80-49-8041	.00	92,100.00	368,400.00	276,300.00	25.0
80-49-8044	.00	1,250.00	5,000.00	3,750.00	25.0
80-49-8046	.00	83,600.00	334,400.00	250,800.00	25.0
<b>TOTAL TRANSFERS</b>	<b>.00</b>	<b>480,000.00</b>	<b>1,920,000.00</b>	<b>1,440,000.00</b>	<b>25.0</b>
<b>TOTAL FUND EXPENDITURES</b>	<b>( 7,103.16)</b>	<b>528,413.22</b>	<b>2,770,535.00</b>	<b>2,242,121.78</b>	<b>19.1</b>
<b>NET REVENUE OVER EXPENDITURES</b>	<b>637,022.01</b>	<b>114,624.96</b>	<b>( 356,785.00)</b>	<b>( 471,409.96)</b>	<b>32.1</b>

OLCC License Renewals

Trade Name	Licensee Name	License Type	Expiration Date	Physical Address
BEACH BITE RESTAURANT AND DOS ROCAS MEXICAN RESTAURANT	SEÑOR LATINO LLC	FULL ON-PREMISES SALES - COMMERCIAL	03/31/2025	176 S HIGHWAY 101 ROCKAWAY OR 97136-
CENTER MARKET #27	SIMRON INC	OFF-PREMISES SALES	03/31/2025	140 HIGHWAY 101 N ROCKAWAY BEACH OR 97136-
CENTER MARKET #34	NIRANKAR INC	OFF-PREMISES SALES	03/31/2025	208 S ANCHOR ST ROCKAWAY BEACH OR 97136-9783
DOLLAR GENERAL STORE #18455	DG RETAIL LLC	OFF-PREMISES SALES	03/31/2025	412 HIGHWAY 101 N ROCKAWAY BEACH OR 97136-
EL TRIO LOCO III	TRIO BAUTISTA LLC	FULL ON-PREMISES SALES - COMMERCIAL	03/31/2025	122 HIGHWAY 101 N ROCKAWAY BEACH OR 97136-
JOE'S SNACKS AND BEER	HISTORICAL ROCKAWAY SNACK SHACK LLC	LIMITED ON-PREMISES SALES	03/31/2025	101 S MILLER ST ROCKAWAY BEACH OR 97136-
LAKESIDE HIDEAWAY	AWESOME INDOOR PLAYGROUND SALEM, LLC	FULL ON-PREMISES SALES - COMMERCIAL	03/31/2025	670 HIGHWAY 101 N ROCKAWAY OR 97136-9582
LITTORAL LOUNGE	LITTORAL LLC	FULL ON-PREMISES SALES - COMMERCIAL	03/31/2025	342 HIGHWAY 101 N ROCKAWAY BEACH OR 97136-
RICK'S ROADHOUSE	RICK'S ROAD HOUSE INC	FULL ON-PREMISES SALES - COMMERCIAL	03/31/2025	184 S HIGHWAY 101 ROCKAWAY BEACH OR 97136-
ROCK BOX	CART LLC	LIMITED ON-PREMISES SALES	03/31/2025	530 HIGHWAY 101 N ROCKAWAY BEACH OR 97136-9668
SAND DOLLAR RESTAURANT & LOUNGE	SAND DOLLAR LLC	FULL ON-PREMISES SALES - COMMERCIAL	03/31/2025	210 N 1ST AVE ROCKAWAY BEACH OR 97136-
TIE BREAKER	TIE BREAKER LLC	FULL ON-PREMISES SALES - COMMERCIAL	03/31/2025	194 HIGHWAY 101 S ROCKAWAY BEACH OR 97136-

## Rockaway Beach Fire Rescue

276 Hwy 101 S

PO Box 5

Rockaway Beach OR 97136

503-374-1752



December 3, 2024

Honorable Mayor, City Council and City Manager of Rockaway Beach

Fire Department Council Report:

The following is a summary of the activities and operations of the Rockaway Beach Fire Rescue Department for the month of November 2024.

The Department responded to or participated in 48 events during the month of November 2024, the breakdown is listed below.

911 calls for Service: 31	Trainings: 4	Non-Emergent: 13
23- Medical	Fire Operations	2- Beach Safety
4- Fire Alarm	Cardiac Monitor	2- Public Assist
2- Structure Fire	Size-up	1- Lift Assist
1- Water Rescue	Firefighter 1	4- Burn Complaints
0- MVA		4- Radio call-ins
0- Outside Fire		0- Special Assignments
1-Powerlines		

Year to Date	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>
911 Calls	388	363	379	390
Non-Emergent	237	254	296	323
Trainings	95	103	95	97
Total	720	720	770	810

Training update- The department focused November Thursday night training on Fire Operations, Fire size-up and placing the new Cardiac Monitor in service. December training will focus on Firefighter skills. Firefighter 1 academy is in progress and the EMT class will be starting in January.

During the month of November crews were on the beach 2 times providing information to citizens and visitors. The Department continues to work with State Parks to better coordinate our safety and enforcement actions on the Beach.

	November	YTD
Fire safety\Educational Moments-	2	72
Water Safety Messages\Out of Water-	0\0-person	80/233
Stickers to kids-	0	15
Educational signs reset-	0	7
Education Signs Replaced-	0	0
Fires extinguished-	0	90
Volunteer Hours	0	127

This month's preparedness meeting was a special presentation from DOGAMI. Volunteers are still needed for our Emergency Management teams, please sign -up if you are interested. CERT class training opportunity will be held this spring if anyone is interested. The January Preparedness meeting has been moved to February, details TBA.

Santa will be at the Fire Station on Saturday December 14<sup>th</sup> from 6 to 8. Come join us for Pictures with Santa, Fire Engine Rides, Cookies, Coffee and Hot Chocolate.

Safety, Training, Public Education and elevating the services provided to the citizens and visitors of Rockaway Beach will also continue to be priorities. If you have any questions, concerns or thoughts please let me know.

Respectfully submitted,



Todd Hesse  
Fire Chief  
Rockaway Beach Fire Rescue





# TILLAMOOK COUNTY SHERIFF'S OFFICE

CONSERVATORS OF THE PEACE

Sheriff Joshua Brown

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## Rockaway Beach Patrol

Month of November 2024

November was a steady month as deputies handled several criminal cases and were active in the community, performing business checks and enforcing traffic laws. Rockaway Beach saw an EFO rated tornado move east along N 3<sup>rd</sup> Ave, causing damage to businesses and residences. While extreme weather is not the reason we like to see our town in the news, it was nice to see neighbors helping neighbors when the need arose.

Notable calls for service this month include a report of a person smashing multiple vehicle windows in the parking lot of a local condominium structure. There are no suspects currently.

A burglary was reported in the 300 block of S Pacific St. Tools were taken from a garage; a suspect has not been located in this case.

A local woman was arrested on an outstanding warrant.

A Local business had their alarm activated multiple times on different days. There was no determination of criminal activity that set the alarm off.

A juvenile was reported as a runaway. The juvenile was located and is no longer considered a runaway.

Deputy Ahlers attended the final portion of the certification/training process to become a Medicolegal Death Investigator (MDI) in the State of Oregon. He has been certified by the State Medical Examiner and an MDI.

Other call numbers are noted in the statistics report provided.

Undersheriff Matt Kelly

<b><u>Incident Address City</u></b>	<b><u>Incident Date And Time</u></b>	<b><u>Incident Type</u></b>	<b><u>Incident Unit ID</u></b>
Rockaway Beach	11/01/2024 22:01:11	Traffic Stop	225
Rockaway Beach	11/01/2024 22:08:17	Traffic Stop	225
Rockaway Beach	11/01/2024 22:26:58	Traffic Stop	225
Rockaway Beach	11/01/2024 22:33:08	MVA/Non-injury	225
Rockaway Beach	11/01/2024 23:17:20	Follow Up	225
Rockaway Beach	11/01/2024 23:58:17	Welfare check	225
Rockaway Beach	11/01/2024 23:58:17	Welfare check	229
Rockaway Beach	11/02/2024 01:20:22	BUSINESS CHECK	225
Rockaway Beach	11/02/2024 16:48:15	Assist	215
Rockaway Beach	11/02/2024 18:57:05	Crim Misch	215
Rockaway Beach	11/02/2024 20:42:53	BUSINESS CHECK	215
Rockaway Beach	11/02/2024 20:47:23	BUSINESS CHECK	215
Rockaway Beach	11/02/2024 20:52:25	BUSINESS CHECK	215
Rockaway Beach	11/02/2024 21:01:56	Home Check	215
Rockaway Beach	11/02/2024 21:07:44	BUSINESS CHECK	215
Rockaway Beach	11/02/2024 21:14:55	BUSINESS CHECK	215
Rockaway Beach	11/03/2024 23:21:41	BUSINESS CHECK	225
Rockaway Beach	11/03/2024 23:35:33	Incom 911	225
Rockaway Beach	11/04/2024 00:53:08	Burglary	225
Rockaway Beach	11/04/2024 05:08:15	Crim Misch	228
Rockaway Beach	11/04/2024 09:13:57	Harassment	210
Rockaway Beach	11/04/2024 11:19:16	Home Check	210
Rockaway Beach	11/04/2024 11:30:07	Warrant	210
Rockaway Beach	11/04/2024 11:52:40	Traffic	210
Rockaway Beach	11/04/2024 13:21:44	Follow Up	210
Rockaway Beach	11/04/2024 13:51:25	Follow Up	228
Rockaway Beach	11/04/2024 18:17:21	Traffic Stop	225
Rockaway Beach	11/04/2024 18:24:28	Traffic Stop	225
Rockaway Beach	11/04/2024 18:43:06	Traffic Stop	225
Rockaway Beach	11/05/2024 08:31:07	Speed Enforcement	210
Rockaway Beach	11/05/2024 08:33:21	Traffic Stop	210
Rockaway Beach	11/05/2024 08:45:14	Traffic Stop	210
Rockaway Beach	11/05/2024 08:52:14	Traffic Stop	210
Rockaway Beach	11/06/2024 02:12:40	Alarm	225
Rockaway Beach	11/06/2024 13:02:48	Contact	215
Rockaway Beach	11/06/2024 13:33:12	Traffic Stop	215
Rockaway Beach	11/06/2024 13:44:07	Home Check	215
Rockaway Beach	11/06/2024 14:04:34	Warrant	210
Rockaway Beach	11/06/2024 20:39:16	Home Check	210
Rockaway Beach	11/06/2024 21:04:35	Alarm	210
Rockaway Beach	11/06/2024 21:13:30	Assist	210
Rockaway Beach	11/06/2024 21:13:30	Assist	225
Rockaway Beach	11/06/2024 22:10:18	BUSINESS CHECK	210

Rockaway Beach	11/06/2024 22:52:24	BUSINESS CHECK	210
Rockaway Beach	11/06/2024 23:08:26	7	210
Rockaway Beach	11/07/2024 01:53:29	BUSINESS CHECK	225
Rockaway Beach	11/07/2024 09:15:41	Follow Up	202
Rockaway Beach	11/07/2024 09:16:49	Juvenile	211
Rockaway Beach	11/07/2024 10:33:16	Welfare check	211
Rockaway Beach	11/07/2024 15:44:13	Burglary	211
Rockaway Beach	11/07/2024 20:20:03	Alarm	215
Rockaway Beach	11/07/2024 21:28:54	Alarm	215
Rockaway Beach	11/07/2024 22:38:49	Alarm	215
Rockaway Beach	11/07/2024 23:49:36	Alarm	215
Rockaway Beach	11/08/2024 01:03:22	Alarm	215
Rockaway Beach	11/08/2024 11:55:55	Incom 911	211
Rockaway Beach	11/08/2024 12:53:40	Burglary	211
Rockaway Beach	11/08/2024 12:53:40	Burglary	218
Rockaway Beach	11/08/2024 18:02:19	Alarm	220
Rockaway Beach	11/08/2024 19:21:56	BUSINESS CHECK	215
Rockaway Beach	11/08/2024 19:26:11	Home Check	215
Rockaway Beach	11/08/2024 19:37:45	BUSINESS CHECK	215
Rockaway Beach	11/09/2024 09:36:36	Assist	211
Rockaway Beach	11/09/2024 11:45:07	Warrant	211
Rockaway Beach	11/09/2024 17:13:37	7	215
Rockaway Beach	11/09/2024 17:52:10	Suspicious	215
Rockaway Beach	11/09/2024 19:23:41	Alarm	215
Rockaway Beach	11/10/2024 10:20:08	BUSINESS CHECK	210
Rockaway Beach	11/10/2024 12:52:03	Vehicle	210
Rockaway Beach	11/10/2024 13:06:57	Contact	210
Rockaway Beach	11/10/2024 13:30:40	Warrant	210
Rockaway Beach	11/10/2024 18:49:01	Trespass	225
Rockaway Beach	11/11/2024 09:43:10	Home Check	210
Rockaway Beach	11/11/2024 10:24:25	BUSINESS CHECK	210
Rockaway Beach	11/11/2024 10:57:29	BUSINESS CHECK	210
Rockaway Beach	11/11/2024 12:57:20	Traffic Stop	210
Rockaway Beach	11/11/2024 13:13:15	Speed Enforcement	210
Rockaway Beach	11/11/2024 13:17:26	Traffic Stop	210
Rockaway Beach	11/11/2024 13:50:09	Traffic Stop	210
Rockaway Beach	11/11/2024 14:07:44	Traffic Stop	210
Rockaway Beach	11/11/2024 16:16:15	Traffic Stop	210
Rockaway Beach	11/11/2024 21:36:02	Alarm	225
Rockaway Beach	11/11/2024 22:18:45	Follow Up	225
Rockaway Beach	11/11/2024 22:38:28	Contact	225
Rockaway Beach	11/11/2024 22:57:23	Traffic Stop	225
Rockaway Beach	11/12/2024 07:01:57	BUSINESS CHECK	210
Rockaway Beach	11/12/2024 08:31:05	Speed Enforcement	210

Rockaway Beach	11/12/2024 12:24:56	Assist	210
Rockaway Beach	11/12/2024 15:32:36	Speed Enforcement	210
Rockaway Beach	11/12/2024 15:54:04	Traffic Stop	210
Rockaway Beach	11/12/2024 16:23:20	Home Check	210
Rockaway Beach	11/12/2024 17:50:21	Home Check	225
Rockaway Beach	11/13/2024 06:30:27	Runaway	210
Rockaway Beach	11/13/2024 12:19:01	Home Check	215
Rockaway Beach	11/13/2024 12:57:57	Traffic Stop	215
Rockaway Beach	11/13/2024 12:59:20	Follow Up	215
Rockaway Beach	11/13/2024 18:20:13	Court Violation	220
Rockaway Beach	11/13/2024 18:20:13	Court Violation	228
Rockaway Beach	11/13/2024 19:33:23	Narcotics	228
Rockaway Beach	11/14/2024 12:16:35	Assist	211
Rockaway Beach	11/14/2024 12:16:35	Assist	215
Rockaway Beach	11/14/2024 13:24:40	7	215
Rockaway Beach	11/14/2024 14:03:16	Theft	215
Rockaway Beach	11/14/2024 15:02:54	Assist	215
Rockaway Beach	11/14/2024 16:26:47	Road Hazard	215
Rockaway Beach	11/14/2024 21:56:45	Contact	228
Rockaway Beach	11/15/2024 17:35:19	BUSINESS CHECK	215
Rockaway Beach	11/15/2024 18:53:05	BUSINESS CHECK	215
Rockaway Beach	11/15/2024 21:47:13	BUSINESS CHECK	215
Rockaway Beach	11/15/2024 21:48:46	BUSINESS CHECK	215
Rockaway Beach	11/15/2024 21:51:37	BUSINESS CHECK	215
Rockaway Beach	11/16/2024 08:33:09	Welfare check	221
Rockaway Beach	11/16/2024 17:13:07	Hit & Run	215
Rockaway Beach	11/16/2024 21:12:54	Welfare check	215
Rockaway Beach	11/16/2024 22:53:50	Alarm	215
Rockaway Beach	11/16/2024 23:45:08	7	215
Rockaway Beach	11/17/2024 02:38:36	57	215
Rockaway Beach	11/17/2024 09:18:05	Assist	214
Rockaway Beach	11/17/2024 14:06:34	Alarm	214
Rockaway Beach	11/17/2024 21:37:36	BUSINESS CHECK	225
Rockaway Beach	11/17/2024 21:44:55	Contact	225
Rockaway Beach	11/17/2024 23:53:41	Alarm	225
Rockaway Beach	11/18/2024 03:03:41	Alarm	225
Rockaway Beach	11/18/2024 09:28:58	MVA/Non-injury	214
Rockaway Beach	11/18/2024 13:15:55	Narcotics	214
Rockaway Beach	11/19/2024 11:28:09	BUSINESS CHECK	210
Rockaway Beach	11/19/2024 12:44:22	Home Check	210
Rockaway Beach	11/19/2024 12:56:56	Speed Enforcement	210
Rockaway Beach	11/19/2024 13:05:54	Traffic Stop	210
Rockaway Beach	11/19/2024 13:16:00	Traffic Stop	210
Rockaway Beach	11/19/2024 13:24:58	Traffic Stop	210

Rockaway Beach	11/19/2024 15:32:48	Speed Enforcement	210
Rockaway Beach	11/19/2024 16:08:49	Traffic Stop	210
Rockaway Beach	11/19/2024 16:20:53	Suspicious	210
Rockaway Beach	11/19/2024 17:47:15	Animal	225
Rockaway Beach	11/19/2024 22:40:36	BUSINESS CHECK	225
Rockaway Beach	11/19/2024 22:42:46	BUSINESS CHECK	225
Rockaway Beach	11/19/2024 22:55:20	Traffic Stop	225
Rockaway Beach	11/20/2024 18:50:00	Shots Fired	215
Rockaway Beach	11/20/2024 20:21:56	Trespass	225
Rockaway Beach	11/20/2024 20:21:56	Trespass	215
Rockaway Beach	11/20/2024 20:53:18	Burglary	225
Rockaway Beach	11/20/2024 23:01:28	Contact	228
Rockaway Beach	11/20/2024 23:01:28	Contact	225
Rockaway Beach	11/20/2024 23:01:28	Contact	215
Rockaway Beach	11/21/2024 12:11:10	Welfare check	216
Rockaway Beach	11/21/2024 17:06:21	Welfare check	215
Rockaway Beach	11/21/2024 21:46:50	BUSINESS CHECK	215
Rockaway Beach	11/21/2024 21:51:38	BUSINESS CHECK	215
Rockaway Beach	11/21/2024 21:56:16	BUSINESS CHECK	215
Rockaway Beach	11/21/2024 22:35:04	BUSINESS CHECK	215
Rockaway Beach	11/22/2024 10:14:33	Assist	215
Rockaway Beach	11/23/2024 00:37:25	Noise	228
Rockaway Beach	11/23/2024 05:39:04	Incom 911	215
Rockaway Beach	11/23/2024 16:58:54	Follow Up	215
Rockaway Beach	11/23/2024 21:30:07	Traffic Stop	225
Rockaway Beach	11/24/2024 01:53:41	Suspicious	225
Rockaway Beach	11/24/2024 09:56:37	Utility Assist	210
Rockaway Beach	11/24/2024 10:30:02	Suspicious	210
Rockaway Beach	11/24/2024 21:10:37	Follow Up	225
Rockaway Beach	11/24/2024 21:45:47	Welfare check	225
Rockaway Beach	11/24/2024 22:11:07	Follow Up	225
Rockaway Beach	11/25/2024 13:46:53	Haz-Mat	210
Rockaway Beach	11/25/2024 15:01:51	Home Check	210
Rockaway Beach	11/26/2024 09:16:41	Civil Service	210
Rockaway Beach	11/26/2024 10:23:24	Fraud	210
Rockaway Beach	11/26/2024 10:25:09	Alarm	210
Rockaway Beach	11/26/2024 10:25:09	Alarm	214
Rockaway Beach	11/26/2024 11:06:09	Speed Enforcement	210
Rockaway Beach	11/26/2024 14:53:05	Traffic Stop	210
Rockaway Beach	11/26/2024 15:26:15	Traffic Stop	210
Rockaway Beach	11/26/2024 19:49:06	Marine	225
Rockaway Beach	11/26/2024 22:53:16	BUSINESS CHECK	225
Rockaway Beach	11/26/2024 22:55:36	BUSINESS CHECK	225
Rockaway Beach	11/26/2024 23:04:03	Traffic Stop	225

Rockaway Beach	11/27/2024 07:07:52	Civil Service	210
Rockaway Beach	11/27/2024 09:15:05	Civil Service	210
Rockaway Beach	11/27/2024 09:38:14	BUSINESS CHECK	210
Rockaway Beach	11/27/2024 10:46:24	Traffic Stop	210
Rockaway Beach	11/27/2024 10:55:53	Traffic Stop	210
Rockaway Beach	11/27/2024 11:13:19	Traffic Stop	210
Rockaway Beach	11/27/2024 11:35:41	Traffic Stop	210
Rockaway Beach	11/27/2024 11:46:41	Traffic Stop	210
Rockaway Beach	11/27/2024 12:18:48	Traffic Stop	210
Rockaway Beach	11/27/2024 12:34:33	Traffic Stop	211
Rockaway Beach	11/27/2024 12:34:33	Traffic Stop	210
Rockaway Beach	11/27/2024 22:27:46	Noise	225
Rockaway Beach	11/27/2024 23:33:42	Traffic Stop	225
Rockaway Beach	11/28/2024 00:00:48	Traffic Stop	225
Rockaway Beach	11/28/2024 00:05:28	Traffic Stop	225
Rockaway Beach	11/28/2024 00:22:50	BUSINESS CHECK	225
Rockaway Beach	11/29/2024 00:02:53	Disturbance	228
Rockaway Beach	11/29/2024 00:02:53	Disturbance	215
Rockaway Beach	11/29/2024 13:45:40	Home Check	215
Rockaway Beach	11/29/2024 13:46:34	Welfare check	211
Rockaway Beach	11/29/2024 13:46:34	Welfare check	215
Rockaway Beach	11/29/2024 14:06:02	Civil Service	211
Rockaway Beach	11/29/2024 14:21:24	Suspicious	215
Rockaway Beach	11/29/2024 14:52:05	Civil Service	215
Rockaway Beach	11/29/2024 14:58:25	Follow Up	215
Rockaway Beach	11/30/2024 12:25:29	Crim Misch	215
Rockaway Beach	11/30/2024 13:19:36	BUSINESS CHECK	215
Rockaway Beach	11/30/2024 14:00:02	BUSINESS CHECK	215
Rockaway Beach	11/30/2024 19:22:47	BUSINESS CHECK	215
Rockaway Beach	11/30/2024 19:40:03	BUSINESS CHECK	215
Rockaway Beach	11/30/2024 20:47:21	Welfare check	215



12/3/24

Dear Mayor, City Council Members, and City Manager,

### **Water Treatment and Distribution**

With the arrival of rain, turbidity levels in Jetty Creek have increased significantly. Turbidity, which measures the relative clarity of water, poses challenges to water production. Elevated turbidity slows the production process and requires operators to clean filters more frequently. This period demands more attention from operators to ensure smooth production and compliance.

Last month, quarterly water quality samples were collected with excellent results. However, efforts to repair the existing turbidity meters were unsuccessful, leading to the purchase of a new model. The new turbidity meter was successfully installed and calibrated, improving our ability to monitor and manage water quality effectively. Public works staff remain committed to maintaining the high standards that earned the City recognition from the Oregon Health Authority for the outstanding performance of the water treatment plant.

Recent water-related projects and repairs include:

- **10/26/24:** Repaired a water leak on S. Palisades ( $\frac{3}{4}$  IPS service) Saturday.
- **10/28/24:** Trenched across S. Palisades to locate the water main.
- **10/28/24:** Completed water distribution flushing.
- **10/29/24:** Repaired the fence at N. 3rd Reservoir.
- **10/30/24:** Installed 4 water taps at E. Washington (4-plex, 100 block).
- **10/31/24:** Completed re-reads for water meter billing.
- **11/06/24:** Collaborated with Clark's Plumbing to install and turn on meters at Washington (4-plex).
- **11/07/24:** Located a water leak on the PVE transmission line (broken pipe on the air relief valve).
- **11/12/24:** Installed a water tap at 143 NW 19th St. ( $\frac{3}{4}$  IPS).
- **11/26/24** Beach and Section line 2" main plastic pipe broke
- **11/29/24** S. 2nd and Miller 2" old water line by railroad tracks was abandoned.
- **11/30/24** Beach and Lake St. 6" mainline with tee was repaired Saturday 5pm-11:30pm

### **Wastewater Treatment and Collection System**

Public Works responded to several sewer-related issues last month, demonstrating prompt action and teamwork:

- **221 S. Miller St.:** A sewer plug was reported affecting the property owner's service. Logan and Tanner identified the issue as a city mainline plug and resolved it, alleviating the homeowner's problem.



- **1434 Lake Boulevard:** A sewer plug was reported, but staff determined the issue was on the homeowner's side unable to fix the problem staff contacted owners to let them know.
- **11/12/24:** Sewer taps were completed for 143 NW 19th St. (4" service).
- **Deployed generators:** multiple times during storms to maintain system functionality.

### **Roads and Streets**

Public Works worked to maintain and improve city streets while responding to unforeseen challenges: Completed ditching projects to improve drainage along PVE and other creeks.

- **11/05/24:** Replaced a catch basin lid at N. 1st and Highway 101 (west side).
- **11/06/24:** Performed asphalt cuts on Washington St. and patched potholes throughout town.
- **11/11/24:** Replaced several American street flags for Veterans Day.
- **11/11/24:** A tornado caused significant damage between N. 3rd, and Nehalem Ave.
- **11/12/24 - 11/15/24:** Public workers contacted Zink Outdoor Solutions to remove the hazardous trees and staff worked to clean up debris and removed fallen trees.

### **Parks**

The third bike rack installation at the post office was completed. Selecting a suitable location was challenging, as staff worked to avoid taking up parking spaces while ensuring adequate space to accommodate multiple bikes without risking damage. The final placement strikes a balance between functionality and convenience. Public Works staff found a Christmas tree on FB3 up Cook Creek. A huge shoutout to our incredible public works team! Every year, they tackle the tough job of harvesting the city's Christmas tree, navigating snowy woods, securing permits, safely cutting and hauling a massive tree, all while ensuring safety. It's a demanding, high-staking task, and they make it look effortless. So, again thank you to Don, Rob, Logan, Tanner, Caleb, and Mitch.

### **Projects**

The city is progressing with the installation of an electronic reader board in front of City Hall. The new board will be fully programmable, capable of displaying messages, pictures, and videos. Before installation, designated staff will receive training and register for access to the software.

Thank you for your support.

**Dan W. Emerson, Superintendent**  
City of Rockaway Beach Public Works  
P: 503.374.0586 / C: 503.457.6094  
[PublicWorks@corb.us](mailto:PublicWorks@corb.us)



**CITY OF ROCKAWAY BEACH, OREGON  
ORDINANCE NO. 2024-06**

**AN ORDINANCE AMENDING CITY OF ROCKAWAY BEACH ZONING  
ORDINANCE 143 SECTION 4.050 SIGN REQUIREMENTS**

WHEREAS, the City of Rockaway Beach (“City”) recognizes that certain amendments to the Rockaway Beach Zoning Ordinance are needed to allow for the placement of signs on municipal properties and open spaces, address non-conforming signs, and align discrepancies regarding home occupation signs noted in other sections of the code (“Proposed Amendments”);

WHEREAS, through regular Planning Commission meetings in April and May 2024, City staff worked with the Planning Commission to develop the Proposed Amendments to address the deficiencies in the current ordinance;

WHEREAS, on August 16, 2024, the City provided proper notice of the Proposed Amendments to the Department of Land Conservation and Development;

WHEREAS, on October 17, 2024, the Rockaway Beach Planning Commission conducted a properly noticed public hearing on the Proposed Amendments, and having received no objections, recommended that City Council adopt the Proposed Amendments;

WHEREAS, on \_\_\_\_\_, 2024, the City Council conducted a properly noticed public hearing and first and second reading on the Proposed Amendments; and

WHEREAS, based upon all materials relevant to the proposal, staff reports, findings made by the Rockaway Beach Planning Commission, and testimony and comments submitted at the public hearings, both orally and in writing, the Rockaway Beach City Council has made the findings of fact as set forth in Exhibit A.

**NOW, THEREFORE, The City of Rockaway Beach ordains as follows:**

Section 1. Findings. The City Council hereby adopts the Findings of Fact set forth in the above recitals and attached as Exhibit A as its basis for adopting the Proposed Amendments to the Rockaway Beach Zoning Ordinance.

Section 2. Amendments. The Rockaway Beach Zoning Ordinance 143, Section 4.050 is hereby amended, in total, as follows:

**Section 4.050. Sign Requirements.**

1. Placement. No sign shall be placed in or extend over a required street right-of-way except sidewalks. Signs over sidewalks shall not be less than 8 feet from the sidewalk grade. Where no sidewalk exists, the 6 feet of right-of-way on either side of the street shall be considered the sidewalk.
2. Measurements. The following shall be used in measuring a permanent sign to determine compliance with this Chapter:
  - a. Signs shall be limited to the following:

- i. Commercial uses, other than motel, hotel, or timeshare condominium; one square foot of sign area for each lineal foot of street frontage, but not to exceed 75 square feet in area.
    - ii. Motel, hotel, or timeshare condominiums; 75 feet in area.
    - iii. Light industrial; 24 square feet in area.
    - iv. Nonresidential uses such as churches or schools; 12 square feet in area.
    - v. Multifamily and condominiums; 12 square feet in area.
    - vi. Home occupation; 1 square foot in area.
  - b. Sign area shall be calculated such that one side of an opposing-sided or non-parallel sign may be used for the purposes of measuring square footage. The larger side must be used for the determining factor.
  - c. Off premise signs shall be no larger than 24 square feet in area.
3. Sandwich board signs. For the purposes of this section, “sandwich board sign” means a sign which consists of two panels hinged or attached at the top or side, designed to be movable and stand on the ground.
  - a. One nonilluminated sandwich board sign, with each face not exceeding eight square feet in area, shall be allowed per business.
  - b. Sandwich board signs must be placed directly in front of the associated establishment.
  - c. The sandwich board sign shall not be located within a street or street right-of-way, except that where sidewalks exist, such a sign may be located on a public sidewalk. The sign shall not obstruct pedestrian traffic. If located on a public or private sidewalk, it shall be placed either adjacent to the curb or adjacent to the building so as to allow a 36- inch minimum walkway.
  - d. Sandwich board sign area shall not be deducted from the aggregate sign area allowed in Section 4.050(3).
  - e. Nonprofit and community organizations without an associated establishment may display a sandwich board sign during special events in public open spaces related to the event. All dimensions and placement standards outlined in Sections (a) through (d) shall apply.
4. Short Term Rental (STR) Signs. Signage requirements specific to Short Term Rentals (STRs) are governed by Section 113.04(C) of the Rockaway Beach Code of Ordinances. All sign regulations for STRs shall follow the requirements outlined in that section, as defined and enforced separately from the standards in Section 4.050.
5. Prohibitions. The following are expressly prohibited, unless specifically stated otherwise in this Chapter:
  - a. There shall be no moving or flashing signs.
  - b. Light from a sign shall be directed away from a residential use or zone and shall not be located so as to detract from a motorist's view.
  - c. External light sources for a sign shall be directed downward and shielded to limit direct illumination of any object other than the sign.
6. Nonconforming Signs. Nonconforming permanent signs existing at the time this 2025 Ordinance becomes effective, may continue, subject to the restrictions in this section:
  - a. A nonconforming sign shall not be:
    - i. Expanded in size or height that increases nonconformity; or
    - ii. Relocated.

- b. A nonconforming permanent sign may be maintained or altered, including changing the face or repair, provided no changes are made that would increase nonconformity.
  - i. If a nonconforming sign is destroyed by wind, fire, rain or by any other natural disaster, the sign shall not be replaced and shall lose its nonconformity and any remaining portions shall be removed; any new signage erected in its place shall comply with the provisions of this Chapter.
- 7. Exempt Signs. The following signs are exempt from regulations under this Chapter:
  - a. Signs erected or maintained by or on behalf of a federal, state, county, or local governmental body.

Section 3. Unamended Provisions. All unamended provisions of Ordinance No. 143 shall remain in full force and effect.

Section 4. Severability. A determination of invalidity or unconstitutionality by a court of competent jurisdiction of any clause, sentence, paragraph, section, or part of this ordinance shall not affect the validity of the remaining parts to this ordinance.

Section 5. Effective Date. Pursuant to the Rockaway Beach City Charter, this ordinance shall become effective on the thirtieth day after its adoption.

1st reading by the Rockaway Beach City Council \_\_\_\_\_.  
 2<sup>nd</sup> reading by the Rockaway Beach City Council \_\_\_\_\_.

Adopted and Approved by the Rockaway Beach City Council \_\_\_\_\_.

\_\_\_\_\_  
 Charles McNeilly, Mayor

City Council	Aye/Nay
Mary McGinnis	/
Tom Martine	/
Kristine Hayes	/
Alesia Franken	/
Penny Cheek	/

Attest:

\_\_\_\_\_  
 Melissa Thompson, City Recorder



**CITY OF ROCKAWAY BEACH  
CITY COUNCIL ACTION**

**FINDINGS OF FACT**

Case File: Ordinance #2024-06: An Ordinance Amending the City of Rockaway Beach Zoning Ordinance 143, Section 4.050, Sign Requirements

Hearing Date: December 11, 2024

**REQUEST:** City staff request the City Council action to adopt the proposed ordinance for administrative purposes. This ordinance was drafted with the intent to provide City staff with a pathway to permit signs on public open spaces and municipal property and to address pre-existing non-conforming signs. The proposed ordinance will not require any amendment to be made to the Rockaway Beach Comprehensive Plan.

**REPORT OF FACTS:**

The following is a summary of the facts and testimony found to be relevant to this decision:

1. City staff received a request to permit a sign on municipal property. Upon review of the Rockaway Beach Zoning Ordinance, staff found that no authority existed to allow for the permitting approval for such a request.
2. City staff drafted proposed revisions to the Rockaway Beach Zoning Ordinance, Section 4.050, Sign Requirements to provide authority necessary to approve such a permitting request. Additionally, City staff also recommended additional changes to address pre-existing non-conforming signs. The proposed revisions were presented to the Rockaway Beach Planning Commission for discussion and consideration at their regular meeting on April 18, 2024.
3. A public hearing was held before the Rockaway Beach Planning Commission on October 17, 2024 and notice was provided to the public. After receiving public comments, the Planning Commission deliberated and recommended the proposed ordinance be forwarded to the City Council for consideration at a public hearing, with amendments.

**REVIEW CRITERIA:**

Rockaway Beach Zoning Ordinance. Article 9. Amendments.

Section 9.010. Authorization to Initiate Amendments. An amendment to the text of this ordinance or to a zoning map may be initiated by the City Council, Planning Commission, or by application of the property owner(s), contract purchaser(s), or his/her/their authorized agent.

*Finding: The requested amendment to the text of the ordinance has been initiated by the Planning Commission and recommended for adoption.*

Section 9.015. Burden of Proof. The burden of proof is placed upon the initiator of the amendment. That burden shall be to prove:

1. The proposed amendment fully accords with applicable Comprehensive Plan goals and policies; and
2. The proposed amendment is required to meet a land use need.

*Finding: Sign requirements are not specifically addressed in the Comprehensive Plan. The proposed amendment is required to meet land use permitting needs for signs on municipal property and public open spaces.*

Section 9.020. Amendment Procedures. The following procedures shall be observed in consideration of an amendment request:

1. A request shall be initiated by filing an application with the City pursuant to Section 11.030.
2. Notice of a public hearing shall be given pursuant to Section 11.040.
3. The Planning Commission shall hold a public hearing on the request pursuant to Section 11.060.
4. The Planning Commission will forward its recommendation to the City Council and the City Council will hold a public hearing pursuant to Section 11.060.
5. The City Council will make a decision on the request pursuant to Section 11.060(6).

*Finding: Notice of the public hearing has been given pursuant to Section 11.040. A Planning Commission meeting has been held pursuant to Section 11.060 and its recommendation forwarded to the City Council.*



**CONCLUSION:**

In order to allow the permitting of signs on municipal and public open spaces, address pre-existing non-conforming and exempt signs, City staff recommendation of adoption of Ordinance #2024-06, amending the City of Rockaway Beach Zoning Ordinance, Section 4.050, Sign Requirements.

Submitted by:

A handwritten signature in cursive script that reads "Mary Johnson".

Mary Johnson

**RESOLUTION NO. 2024-47**

**A RESOLUTION ADOPTING A PUBLIC MEETINGS LAW GRIEVANCE POLICY**

**WHEREAS**, Oregon House Bill 2805 created mandatory prerequisites for submitting Public Meetings Law complaints to the Oregon Government Ethics Commission (OGEC); and

**WHEREAS**, ORS 192.705 provides the requirements for filing a written grievance and the governing body's required response; and

**WHEREAS**, OAR 199-050-0070 clarifies the process for submitting a written grievance alleging a Public Meetings Law violation to a public body.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

**Section 1.** The City Council of the City of Rockaway Beach hereby adopts the City of Rockaway Beach Public Meetings Law Grievance Policy, attached as Exhibit A.

**Section 2.** This Resolution shall be effective immediately upon adoption.

**APPROVED AND ADOPTED BY THE CITY COUNCIL THE 11<sup>th</sup> DAY OF DECEMBER 2024.**

APPROVED

---

Charles McNeilly, Mayor

ATTEST

---

Melissa Thompson, City Recorder



**CITY OF ROCKAWAY BEACH  
PUBLIC MEETINGS LAW GRIEVANCE POLICY**

<b>POLICY NUMBER:</b> 100.3	<b>EFFECTIVE DATE:</b> <b>REVIEWED:</b> <b>REVISED:</b>
<b>CATEGORY:</b> Administration	<b>RELATED DOCUMENTS:</b>  Resolution 2024-47 adopting this policy

- (1) The purpose of this policy is to establish and clearly communicate the City of Rockaway Beach procedure for receiving and responding to public meetings law complaints. This policy applies to all City of Rockaway Beach governing bodies as defined by state statute, and subject to the requirements of Public Meeting Law, ORS 192.610 to 192.705.
- (2) The City shall post on its website the person and contact information to whom a grievance may be submitted and the regular business hours during which in-person grievances will be accepted.
- (3) A person who believes that a City governing body has acted in violation of the Public Meetings Law may, within 30 calendar days from the date of the meeting where the alleged violation occurred, file a written grievance with the City Recorder via in-person delivery during regular business hours, first-class mail or email.
- (4) The written grievance must include the following information:
  - (a) The City governing body that allegedly violated the Public Meetings Law;
  - (b) The date of the meeting where the alleged violation occurred;
  - (c) The specific facts and circumstances that the person asserts amount to a violation of the Public Meetings Law;
  - (d) The date of the grievance; and
  - (e) The name and contact information of the person submitting the grievance.
- (5) The City Manager or designee shall, within 21 calendar days from the date the grievance was received, provide a written response to the person:
  - (a) Acknowledging receipt of the grievance; and may
  - (b) (A) Deny that the facts and circumstances as set forth in the grievance accurately reflect the conduct of the City governing body and setting forth the facts and circumstances as



**City of Rockaway Beach**  
Public Meetings Law Grievance Policy

determined by the City and the reasons why those facts and circumstances do not amount to a violation of ORS 192.610 to 192.705;

(B) Admit that the facts and circumstances as set forth in the grievance accurately reflect the conduct of the governing body but denying that those facts and circumstances amount to a violation of ORS 192.610 to 192.705; or

(C) Admit that the conduct of the governing body amounted to a violation of ORS 192.610 to 192.705 and setting forth the steps the governing body will take to cure the violation, including but not limited to:

(i) Rescinding the decision taken by the City governing body in violation of ORS 192.610 to 192.705; or

(ii) Acknowledging in a properly noticed and conducted public meeting held within 45 days of the governing body's original decision that:

(I) The original decision was made in violation of ORS 192.610 to 192.705;

(II) Good cause exists for the City governing body to not rescind the decision; and

(III) The City governing body's practices will be modified to ensure future violations of ORS 192.610 to 192.705 do not occur.

(6) The City Manager or designee shall send a copy of the written grievance and the City governing body's response under this section to the Oregon Government Ethics Commission at the same time the City Manager or designee responds to the person who filed the grievance.

**RESOLUTION NO. 2024-48**

**A RESOLUTION APPROVING 2024-2025 COMMUNITY GRANT PROGRAM MATERIALS FOR SMALL AND LARGE GRANT COMMUNITY GRANTS**

**WHEREAS**, the City Council appropriated \$75,000 for the Community Grant Program in the 2024-2025 fiscal year adopted budget; and

**WHEREAS**, the City Council recognizes that amendments to the Community Grant program are needed to provide a clear and objective application, criteria, review and award process for the program; and

**WHEREAS**, at the direction of the City Council, the Planning Commission worked with City staff through regular Planning Commission meetings to develop the Small Community Grant and Large Community Grant program materials, attached as Exhibits A and B; and

**WHEREAS**, the Planning Commission recommended the City Council approve the proposed grant program materials.

**WHEREAS**, the City Council wishes to implement the new Community Grant Program materials,

**NOW, THEREFORE, BE IT RESOLVED THAT**

**Section 1.** The City of Rockaway Beach hereby approves the program materials for the Small Community Grant as attached in Exhibit A.

**Section 1.** The City of Rockaway Beach hereby approves the program materials for the Large Community Grant as attached in Exhibit B.

**Section 2.** This Resolution shall be effective immediately upon adoption.

**APPROVED AND ADOPTED BY THE CITY COUNCIL THE 11<sup>th</sup> DAY OF DECEMBER 2024.**

APPROVED

---

Charles McNeilly, Mayor

ATTEST

---

Melissa Thompson, City Recorder

CITY OF ROCKAWAY BEACH

2024/2025

# SMALL COMMUNITY GRANT



GRANT FUNDS AVAILABLE: \$<>  
MAXIMUM GRANT REQUESTS: \$4,999.99

Applications open <>, 2024  
Deadline to apply:  
<>day, <>, 2024 at 12:00 pm

Questions? Need assistance?  
Grant Manager , <>  
<>@corb.us  
(503) 374-1752 ext. <>



## OVERVIEW

The Small Community Grant program provides support to non-profit, not-for-profit organizations, and community entities that serve the Rockaway Beach community. This grant program accepts applications twice per fiscal year. Organizations and entities may only submit one application for consideration per funding cycle.

Grant funds are available to support organizations and entities which provide:

- Assistance for essential utilities, food, medical or mental health needs, clothing, or shelter.
- Educational, cultural, social, physical, or recreational opportunities for residents.
- Positive volunteerism that enhances city aesthetics, benefits the environment, promotes positive community engagement, or support city initiatives or projects.

## ELIGIBILITY

Eligible Applicants:

- Non-profit and not-for-profit organizations
- Community entities

*Eligible Applicants may not have any in-progress grants and must have satisfactorily closed out all previous grants issued by the City of Rockaway Beach.*

Examples of Eligible Projects:

- Healthy meals program
- Active living program
- Health services
- Early literacy program
- Youth development programs
- Small facility improvements or operational items with a lifespan of 3+ years.



## GRANT TIMELINE

Applications open and publication of notice	<>, 2024
Applications due, 12:00 pm	<>, 2024
Planning Commission review and recommendations	<>, 2024
City Council award of decision	<>, 2024
Notification to Grantees; Contracts sent to grant recipients	<>, 2024
Project deadline - 12 months from City Council decision	<>, 2024
Project Expense Worksheet and Grant Close Out Form due	<>, 2024



## KEY PRINCIPLES

In the application, eligible Applicants are asked to describe how the proposed project contributes to a healthy, inclusive, charitable, and equitable community. The City of Rockaway Beach believes that supporting its organizations and entities that encourage this type of community building will make a better future for everyone.

Projects funded through the Small Community Grant must predominately support or be attended by the Rockaway Beach community.

## FUNDING PRIORITIES

**1.**

Projects that make the largest impact for Rockaway Beach residents.

**2.**

Projects that fill an existing need that would not be met without grant funding.

**3.**

Projects that bring the community together and create positive community engagement.

## INELIGIBLE PROJECTS

- Tourism based/supported projects
- Day-to-day operational expenses and payroll
- Marketing and promotional projects
- Political activities and fundraising for political activities
- Projects that drive/support commerce

*For profit businesses are encouraged to apply for building improvement funds and/or marketing needs through the City's Business Facade Grant and/or Marketing Grant programs.*

# SELECTION CRITERIA

All applications for eligible projects will be rated and ranked based on the following criteria. While the following criteria has been deemed most important, additional relevant factors beyond the score may be worthy of consideration.

## **Healthy Community Score (25 points)**

A healthy community is one where access to fresh, healthy foods are available, educational resources are provided, physical fitness is promoted, recreational opportunities are encouraged, medical and mental health needs are met, and the environment is cared for.

- Does the project offer opportunities to improve physical or mental health?
- Does the project provide healthy opportunities to those who may not otherwise have access?
- Does the project promote healthy lifestyle changes?

## **Inclusive Community Score (25 points)**

This score measures how well the project strengthens the local sense of community. In an inclusive community diversity is valued, social opportunities are plentiful, community involvement thrives, and residents work together to support city initiatives or projects.

- Does the project create new social opportunities for residents?
- Does the project strengthen the local sense of community or serve an underrepresented population?
- Does the project bring the community together to work towards a common goal?

## **Charitable Community Score (25 points)**

This score measures how well the project supports local charitable efforts. Charitable communities value giving back to others, promote volunteer opportunities, and strive to meet the needs of the local community.

- Does the project offer new opportunities for residents to volunteer to better the community?
- Does the project provide services or opportunities currently lacking in the community?

## **Equitable Community Score (25 points)**

This score measures how well the project encourages equity throughout the local community. Equitable communities provide a helping hand to residents in need and meet the needs of underserved community members.

- Does the project assist residents who need additional support?
- Does the project provide new services or assistance to underserved community members?

## **SCORING OVERVIEW**

*Baseline Scoring*

*Up to*

Healthy Community Score	25 points
Inclusive Community Score	25 points
Charitable Community Score	25 points
Equitable Community Score	25 points



# **GRANT REVIEW PROCESS**

The City of Rockaway Beach staff will provide guidance on applications if presented a minimum of 14 calendar days prior to the grant application deadline, <>, 2024.

Each application received will first be reviewed by the Grant Manager for completeness. If the application is incomplete or not received by the deadline, it will not be submitted to the Planning Commission for consideration.

The Planning Commission will review, score, and rank all of the applications received, then make initial scoring recommendations for funding. The Planning Commission's recommendations will be presented to the City Council at their workshop on <>, 2024.

The City Council will review the applications, the Planning Commission's recommendations, and make the award decision at their regular meeting on <>, 2024.



# **FUNDING PROCESS**

Once the grant is awarded and contract is signed, Grantees can start on projects.

Grant funds will be issued within two weeks of ~~contract execution~~ via check.

Upon completion of the project, the Grantee shall complete the Project Expense Worksheet and Grant Close Out form. The Grantee shall be scheduled to make a five-minute presentation to the City Council to publicly share how the grant funds were spent. The presenter shall not be a member of the governing body.

The City Council shall determine the grant complete through a motion at a public meeting.

2024/2025

# CITY OF ROCKAWAY BEACH

# SMALL COMMUNITY GRANT

## APPLICATION

### APPLICANT INFORMATION

**Organization Name**

**Contact Name**

**Title**

**Phone Number**

**Email**

**Organization Type**

**Physical Address**

**Mailing Address**

### PROJECT CHECKLIST

- Complete Application**
- Attach Plans, as needed**
- Submit Application by 12:00 pm on <>, 2024**

*Preferred delivery format is one combined PDF with all documents in order listed above. The City of Rockaway Beach will accept multiple PDF documents if titled in the following format; [Organization Name, Page X of X]. Paper copies will also be accepted. You will receive an email confirmation of receipt from the Grant Manager within 2 business days of submittal. It is the Applicant's responsibility to verify successful receipt of application. If confirmation is not received in the allotted time frame, contact the Grant Manager via email.*

### PROJECT OVERVIEW

**Project Title**

**Grant Request**

**Total Project Cost**

Questions? Need assistance?  
Grant Manager, <>  
<>@corb.us  
(503) 374-1752 ext. <>



## PROJECT DESCRIPTION

*Answers must fit in the space with provided formatting.*

**Provide a complete description of the project's intended function and demographic(s) that will be served by the project.** *If relevant, attach design drawings, plans, etc.*

## HEALTHY COMMUNITY

*Answers must fit in the space with provided formatting.*

### **Explain how the project contributes to a healthier local community.**

A healthy community is one where access to fresh, healthy foods are available, educational resources are provided, physical fitness is promoted, recreational opportunities are encouraged, medical and mental health needs are met, and the environment is cared for.

## INCLUSIVE COMMUNITY

*Answers must fit in the space with provided formatting.*

**Explain how the project assists the local community in promoting inclusivity.**

In an inclusive community diversity is valued, social opportunities are plentiful, community involvement thrives, and residents work together to support city initiatives and projects.

## CHARITABLE COMMUNITY

*Answers must fit in the space with provided formatting.*

### **Explain how the project supports local charitable efforts.**

Charitable communities value giving back to others, promote volunteer opportunities, and strive to meet the needs of the local community.

## EQUITABLE COMMUNITY

*Answers must fit in the space with provided formatting.*

### **Explain how the project encourages equity throughout the local community.**

Equitable communities provide a helping hand to residents in need and meet the needs of underserved community members.

PROJECT BUDGET

**Income** **BUDGET**

City of Rockaway Beach Small Community Grant \$

**Other Income**

*Matching amounts are NOT required, but if your project exceeds the grant fund limit, use this section to add additional funding resources*

\$

\$

\$

**TOTAL INCOME**

\$

**Expenses**

Description	Estimate Obtained (Y/N)	Budget
-------------	-------------------------	--------

*If estimates from tentative vendors have been obtained, please attach those to the application.*

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

**TOTAL BUDGET**

\$

*Total income should equal total expenses*

## AUTHORIZATIONS AND CERTIFICATIONS

Initial the following authorizations and certifications

**I am an eligible Applicant and submitted an eligible project.** Refer to above grant information for details.

**I agree to comply with federal, state, and local rules and regulations, where applicable.**

**Legal title affirmation.** I understand that legal title to the completed project must be held for at least 3 years following the project completion or that some other arrangement, satisfactory to the City of Rockaway Beach, will be put in place to protect the investment of public funds in this project for a 3-year period.

*Required for facility improvement projects only.*

**I agree to provide a W9-Request for Taxpayer Identification Number and Certification.** I certify that the Federal Employer Identification Number and business type provided in the above application is accurate and the organization is not subject to back-up withholding.

**I agree to provide current, executed Articles of Incorporation or Organization for the non-profit or not for profit organization.**

*Not applicable to other community entities.*

**I give permission to the City of Rockaway Beach to use my project for public information, promotional, and educational purposes.**

**Hold harmless and Indemnification.** I agree to hold the City of Rockaway Beach harmless for any liens, claims, damages, or other liabilities related to the project, and to indemnify and defend the City of Rockaway Beach from any claims, costs, damages, or expenses of any kind, including attorney's fees and other costs and expenses of litigation, arising out of the project.

**Authorization.** I certify to the best of my knowledge that all information contained in this application, including all attachments, certifications, is valid and accurate. I further certify that the application has been reviewed and approved by the authorized owner(s), manager(s) with appropriately delegated authority and/or in accordance with the organization's Articles of Incorporation or Organization.

Signature

Date

Printed Name

Title



# CITY OF ROCKAWAY BEACH

## SMALL COMMUNITY GRANT

Applicant & Project Title	Healthy Community (up to 25 points)	Inclusive Community (up to 25 points)	Charitable Community (up to 25 points)	Equitable Community (up to 25 points)	Additional Comments
Applicant #1 Project Name					
Applicant #2 Project Name					
Applicant #3 Project Name					
Applicant #4 Project Name					
Applicant #5 Project Name					
Applicant #6 Project Name					
Applicant #7 Project Name					

CITY OF ROCKAWAY BEACH

2024/2025

# LARGE COMMUNITY GRANT



GRANT FUNDS AVAILABLE: \$<>  
GRANT REQUESTS: \$5,000 - \$20,000

Applications open <>, 2024  
Deadline to apply:  
<>day, <>, 2024 at 12:00 pm

Questions? Need assistance?  
Grant Manager, <>  
<>@corb.us  
(503) 374-1752 ext. <>



## OVERVIEW

The Large Community Grant program provides support to non-profit and not-for-profit organizations that serve the Rockaway Beach community. This grant program accepts applications once per fiscal year. Organizations and entities may only submit one application for consideration.

Grant funds are available to support organizations and entities which provide:

- Assistance for essential utilities, food, medical or mental health needs, clothing, or shelter.
- Educational, cultural, social, physical, or recreational opportunities for residents.
- Positive volunteerism that enhances city aesthetics, benefits the environment, promotes positive community engagement, or support city initiatives or projects.

## ELIGIBILITY

Eligible Applicants:

- Non-profit and not-for-profit organizations

*Eligible Applicants may not have any in-progress grants and must have satisfactorily closed out all previous grants issued by the City of Rockaway Beach.*

Examples of Eligible Projects:

- Healthy meals program
- Active living program
- Health services
- Early literacy program
- Youth development programs
- Facility improvements with a lifespan of 10+ years.



# GRANT TIMELINE

Applications open and publication of notice	<>, 2024
Applications due, 12:00 pm	<>, 2024
Planning Commission review and recommendations	<>, 2024
City Council award of decision	<>, 2024
Notification to Grantees; Contracts sent to grant recipients	<>, 2024
Project deadline - 18 months from City Council decision	<>, 2024
Project Expense Worksheet and Grant Close Out Form due	<>, 2024



## **KEY PRINCIPLES**

In the application, eligible Applicants are asked to describe how the proposed project contributes to a healthy, inclusive, charitable, and equitable community. The City of Rockaway Beach believes that supporting its organizations and entities that encourage this type of community building will make a better future for everyone.

Projects funded through the Large Community Grant must predominately support or be attended by the Rockaway Beach community.

## **FUNDING PRIORITIES**

**1.**

Projects that make the largest impact for Rockaway Beach residents.

**2.**

Projects that fill an existing need that would not be met without grant funding.

**3.**

Projects that bring the community together and create positive community engagement.

## **INELIGIBLE PROJECTS**

- Tourism based/supported projects
- Day-to-day operational expenses and payroll
- Marketing and promotional project
- Political activities and fundraising for political activities
- Projects which drive/support commerce

*For-profit businesses are encouraged to apply for building improvement funds and/or marketing needs through the City's Business Facade Grant and/or Marketing Grant programs.*

# SELECTION CRITERIA

All applications for eligible projects will be rated and ranked based on the following criteria. While the following criteria has been deemed most important, additional relevant factors beyond the score may be worthy of consideration.

## Healthy Community Score (25 points)

A healthy community is one where access to fresh, healthy foods are available, educational resources are provided, physical fitness is promoted, recreational opportunities are encouraged, medical and mental health needs are met, and the environment is cared for.

- Does the project offer opportunities to improve physical or mental health?
- Does the project provide healthy opportunities to those who may not otherwise have access?
- Does the project promote healthy lifestyle changes?

## Inclusive Community Score (25 points)

This score measures how well the project strengthens the local sense of community. In an inclusive community diversity is valued, social opportunities are plentiful, community involvement thrives, and residents work together to support city initiatives or projects.

- Does the project create new social opportunities for residents?
- Does the project strengthen the local sense of community or serve an underrepresented population?
- Does the project bring the community together to work towards a common goal?

## Charitable Community Score (25 points)

This score measures how well the project supports local charitable efforts. Charitable communities value giving back to others, promote volunteer opportunities, and strive to meet the needs of the local community.

- Does the project offer new opportunities for residents to volunteer to better the community?
- Does the project provide services or opportunities currently lacking in the community?

## Equitable Community Score (25 points)

This score measures how well the project encourages equity throughout the local community. Equitable communities provide a helping hand to residents in need and meet the needs of underserved community members.

- Does the project assist residents who need additional support?
- Does the project provide new services or assistance to underserved community members?

SCORING OVERVIEW	
<i>Baseline Scoring</i>	<i>Up to</i>
Healthy Community Score	25 points
Inclusive Community Score	25 points
Charitable Community Score	25 points
Equitable Community Score	25 points

# **GRANT REVIEW PROCESS**

The City of Rockaway Beach staff will provide guidance on applications if presented a minimum of 14 calendar days prior to the grant application deadline, <>, 2024.

Each application received will first be reviewed by the Grant Manager for completeness. If the application is incomplete or not received by the deadline, it will not be submitted to the Planning Commission for consideration.

The Planning Commission will review, score, and rank all of the applications received, then make initial scoring recommendations for funding. The Planning Commission's recommendations will be presented to the City Council at their workshop on <>, 2024.

The City Council will review the applications, the Planning Commission's recommendations, and make the award decision at their regular meeting on <>, 2024.



# **FUNDING PROCESS**

Once the grant is awarded and contract is signed, Grantees can start on projects.

Grant funds will be issued within two weeks of contract execution via check.

Upon completion of the project, the Grantee shall complete the Project Expense Worksheet and Grant Close Out form. The Grantee shall be scheduled to make a five-minute presentation to the City Council to publicly share how the grant funds were spent. The presenter shall not be a member of the governing body.

The City Council shall determine the grant complete through a motion at a public meeting.

2024/2025

# CITY OF ROCKAWAY BEACH

# LARGE COMMUNITY GRANT

## APPLICATION

### APPLICANT INFORMATION

**Organization Name**

**Contact Name**

**Title**

**Phone Number**

**Email**

**Organization Type**

**Physical Address**

**Mailing Address**

### PROJECT CHECKLIST

- ✓ **Complete Application**
- ✓ **Attach Plans, as needed**
- ✓ **Attach 3 Letters of Support**
- ✓ **Submit Application by 12:00 pm on <>, 2024**

*Preferred delivery format is one combined PDF with all documents in order listed above. The City of Rockaway Beach will accept multiple PDF documents if titled in the following format; [Organization Name, Page X of X]. Paper copies will also be accepted. You will receive an email confirmation of receipt from the Grant Manager within 2 business days of submittal. It is the Applicant's responsibility to verify successful receipt of application. If confirmation is not received in the allotted time frame, contact the Grant Manager via email.*

### PROJECT OVERVIEW

**Project Title**

**Grant Request**

**Total Project Cost**

Questions? Need assistance?  
Grant Manager, <>  
<>@corb.us  
(503) 374-1752 ext. <>





## PROJECT DESCRIPTION

*Answers must fit in the space with provided formatting.*

**Provide a complete description of the project's intended function and demographic(s) that will be served by the project.** *If relevant, attach design drawings, plans, etc.*

## HEALTHY COMMUNITY

*Answers must fit in the space with provided formatting.*

### **Explain how the project contributes to a healthier local community.**

A healthy community is one where access to fresh, healthy foods are available, educational resources are provided, physical fitness is promoted, recreational opportunities are encouraged, medical and mental health needs are met, and the environment is cared for.

## INCLUSIVE COMMUNITY

*Answers must fit in the space with provided formatting.*

**Explain how the project assists the local community in promoting inclusivity.**

In an inclusive community diversity is valued, social opportunities are plentiful, community involvement thrives, and residents work together to support city initiatives and projects.

## CHARITABLE COMMUNITY

*Answers must fit in the space with provided formatting.*

### **Explain how the project supports local charitable efforts.**

Charitable communities value giving back to others, promote volunteer opportunities, and strive to meet the needs of the local community.

## EQUITABLE COMMUNITY

*Answers must fit in the space with provided formatting.*

### **Explain how the project encourages equity throughout the local community.**

Equitable communities provide a helping hand to residents in need and meet the needs of underserved community members.

## PROJECT WORK PLAN

The project work plan highlights key objectives of your application, how you plan to achieve them, and how to intend to measure the impacts.

The work plan describes project goals. Each goal further defines the following:

- Budget amount per goal
- Key action steps
- Timeline to complete each step
- Expected outcome for each step
- Evaluation method for each step

Complete the template below. Limited to three goals in formatting provided.

*Verify that "Budget to Complete Goals" total matches "Budget Totals"*

**GOAL #1:**

**Budget to Complete Goal:**

Key Action Steps	Timeline	Expected Outcome	Evaluation Method

**GOAL #2:**

**Budget to Complete Goal:**

Key Action Steps	Timeline	Expected Outcome	Evaluation Method

**GOAL #3:**

**Budget to Complete Goal:**

Key Action Steps	Timeline	Expected Outcome	Evaluation Method

## PROJECT BUDGET

Income	BUDGET
City of Rockaway Beach Large Community Grant	\$
Other Income	
<i>Matching amounts are NOT required, but if your project exceeds the grant fund limit, use this section to add additional funding resources</i>	
	\$
	\$
	\$
<b>TOTAL INCOME</b>	
	\$

Expenses		
Description	Estimate Obtained (Y/N)	Budget
<i>If estimates from tentative vendors have been obtained, please attach those to the application.</i>		
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
<b>TOTAL BUDGET</b>		\$

*Total income should equal total expenses*

## AUTHORIZATIONS AND CERTIFICATIONS

Initial the following authorizations and certifications

**I am an eligible Applicant and submitted an eligible project.** Refer to above grant information for details.

**I agree to comply with federal, state, and local rules and regulations, where applicable.**

**Legal title affirmation.** I understand that legal title to the completed project must be held for at least 10 years following the project completion or that some other arrangement, satisfactory to the City of Rockaway Beach, will be put in place to protect the investment of public funds in this project for a 10-year period.

*Required for facility improvement projects only.*

**I agree to enter into an agreement with the City of Rockaway Beach upon grant approval.** The City of Rockaway Beach reserves the right to include such additional special conditions or requirements in each contract, as it might deem necessary or desirable to protect the public investment of tax dollars in the project.

**I agree to provide a W9-Request for Taxpayer Identification Number and Certification.** I certify that the Federal Employer Identification Number and business type provided in the above application is accurate and the organization is not subject to back-up withholding.

**I agree to provide current, executed Articles of Incorporation or Organization for the non-profit or not for profit organization.**

**I give permission to the City of Rockaway Beach to use my project for public information, promotional, and educational purposes.**

**Hold harmless and Indemnification.** I agree to hold the City of Rockaway Beach harmless for any liens, claims, damages, or other liabilities related to the project, and to indemnify and defend the City of Rockaway Beach from any claims, costs, damages, or expenses of any kind, including attorney's fees and other costs and expenses of litigation, arising out of the project.

**Authorization.** I certify to the best of my knowledge that all information contained in this application, including all attachments, certifications, is valid and accurate. I further certify that the application has been reviewed and approved by the authorized owner(s), manager(s) with appropriately delegated authority and/or in accordance with the organization's Articles of Incorporation or Organization.

Signature

Date

Printed Name

Title





## CITY OF ROCKAWAY BEACH

**LARGE COMMUNITY GRANT**

Applicant & Project Title	Healthy Community (up to 25 points)	Inclusive Community (up to 25 points)	Charitable Community (up to 25 points)	Equitable Community (up to 25 points)	Additional Comments
Applicant #1 Project Name					
Applicant #2 Project Name					
Applicant #3 Project Name					
Applicant #4 Project Name					
Applicant #5 Project Name					
Applicant #6 Project Name					
Applicant #7 Project Name					

**RESOLUTION NO. 2024-49**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE SAFE DRINKING WATER REVOLVING LOAN FUND GRANT CONTRACT FOR FOREST MANAGEMENT PLANNING & APPRAISAL FOR THE JETTY CREEK WATERSHED**

**WHEREAS**, the State of Oregon has awarded the City of Rockaway Beach a grant in the amount of \$70,000 from the Safe Drinking Water Revolving Loan Fund for the Drinking Water Source Protection Plan project “Forest Management Planning & Appraisal for the Jetty Creek Watershed”; and

**WHEREAS**, the State administers the grant through its Oregon Infrastructure Finance Authority of the Oregon Business Development Department (“OBDD”), also known as Business Oregon.

**NOW, THEREFORE, BE IT RESOLVED THAT**

**Section 1.** The City Council of the City of Rockaway Beach hereby authorizes the City Manager to execute a Safe Drinking Water Revolving Loan Fund Grant Contract for Source Water Protection (Project Name: Forest Management Planning & Appraisal for the Jetty Creek Watershed; Project No. U25006) with the Oregon Business Development Department, in the amount of \$70,000.

**Section 2.** This Resolution shall be effective immediately upon adoption.

**APPROVED AND ADOPTED BY THE CITY COUNCIL THE 11<sup>th</sup> DAY OF DECEMBER 2024.**

APPROVED

---

Charles McNeilly, Mayor

ATTEST

---

Melissa Thompson, City Recorder

**RESOLUTION NO. 2024-50**

**A RESOLUTION APPROVING AN UPDATED MEMORANDUM OF UNDERSTANDING AMONG THE PARTICIPANTS OF THE JETTY CREEK WORKING GROUP**

**WHEREAS**, the City of Rockaway Beach, Nuveen Natural Capital, Sustainable Northwest, North Coast Land Conservancy, and local community representatives, collectively known as the Jetty Creek Working Group executed a Memorandum of Understanding (MOU) in January 2024 to define their respective roles and responsibilities in order to achieve mutually beneficial outcomes and resources in the lower Jetty Creek watershed; and

**WHEREAS**, the Jetty Creek Working Group intends to create a collaborative solution for long-term stewardship of the watershed; and

**WHEREAS**, the City's primary drinking water source is the Jetty Creek watershed and collaborative, sustainable stewardship of the watershed is in the best interest of the City; and

**WHEREAS**, the current Jetty Creek Working Group MOU expires December 31, 2024 and provides that it can be modified or extended upon mutual agreement by the parties; and

**WHEREAS**, the Jetty Creek Working Group wishes to extend the MOU.

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Rockaway Beach City Council hereby approves the Updated Memorandum of Understanding among the participants of the Jetty Creek Working Group, attached as Exhibit A.

**APPROVED AND ADOPTED BY THE CITY COUNCIL, AND EFFECTIVE THE 11TH DAY OF DECEMBER 2024.**

APPROVED

---

Charles McNeilly, Mayor

ATTEST

---

Melissa Thompson, City Recorder

## MEMORANDUM OF UNDERSTANDING

### Among Participants of the Jetty Creek Working Group: Nuveen Natural Capital, Sustainable Northwest, North Coast Land Conservancy and The City of Rockaway Beach

#### I. PURPOSE

The purpose of this Memorandum of Understanding (MOU) is to further define the respective roles and responsibilities of Nuveen Natural Capital, Sustainable Northwest, North Coast Land Conservancy, and local community representatives, collectively known as the Jetty Creek Working Group (the “Parties”) in order to achieve mutually beneficial outcomes for the Parties and resources in the lower Jetty Creek watershed (in Tillamook County, Oregon) as described in the Jetty Creek Working Group Letter of Intent (LOI; attached as Exhibit 1, dated July 25, 2019). Moreover, through the Working Group and this MOU, the Parties intend to create a collaborative solution for long-term stewardship of the watershed, thereby continuing to transform characterization of the watershed from being a “problem” to becoming a “collaborative, sustainable solution.”

This MOU is neither a fiscal nor a funds obligation document. No binding rights or obligations are created or implied by this MOU and it is expressly understood that the Parties are not bound to enter into or undertake any definitive obligations. Any endeavor involving reimbursement, contribution of resources, or transfer of anything of value between the parties to this instrument will be handled in accordance with applicable laws, regulations, and procedures, and such endeavors will be outlined in separate agreements that will be made in writing by representatives of the Parties and independently authorized.

#### II. TERM

This Memorandum will be effective upon execution and remain in effect until December 31, 2026, which shall be the termination date. At the time of or any time prior to the termination, this Memorandum can be modified or extended upon mutual agreement by the parties.

#### III. OBJECTIVES

The Parties shall work together to achieve the following objectives:

1. Develop a habitat conservation and restoration plan for the lower portion of the Jetty Creek Watershed managed by Lewis and Clark Timberlands, LLC the “property.”
2. Delineate areas of the property for conservation and restoration activities and work towards design and execution of strategies (e.g., a working forest conservation easement) that integrate beneficial, practical, and verifiable restoration and conservation actions.
3. Tier and prioritize restoration and conservation actions to meet the programmatic parameters of the Oregon Watershed Enhancement Board (OWEB) and other potential funding entities.
4. Support the City of Rockaway Beach’s pursuit of Fee-Title acquisition within the Lower Jetty Creek Watershed.

#### IV. STATEMENTS OF SHARED UNDERSTANDING

It is mutually agreed to and understood by the Parties that it is the best interest of the Parties and the watershed to:

1. Continue to assess baseline conditions and the future quality and function of the Jetty Creek Watershed as a safe and sustainable drinking water source for the community of Rockaway Beach.
2. Communicate respectfully, without denigration, both internally and externally.
3. Share information, data and ideas to facilitate cooperative work towards the objectives detailed in section III of this MOU.
4. Strive to be as efficient as possible and respectful of the time the Parties invest individually and together in working towards the objectives described in section III of this MOU.
5. Build trust among the Parties, community members, local government, land managers and other stakeholders.

#### V. ROLES AND RESPONSIBILITIES

The Parties collectively will:

1. Work cooperatively and collaboratively to fulfill the individual roles and responsibilities outlined below by the estimated time frames provided in parentheses. Communicate as early and clearly as possible when timeframes require adjustment.
2. Hold annual site tours, open to parties within the MOU to discuss current and future conditions and any ongoing forest stewardship or restoration efforts taking place within the lower watershed.
3. Assess the feasibility of various management options, which may include, but may not be limited to, modified management, conservation easement strategies, erosion management, timber management, and community/stakeholder acquisition of all or portions of the watershed.
4. Explore fee-title acquisition by the City of Rockaway Beach or conservation easement configurations that are financially feasible, practical, and manageable (from a monitoring and compliance perspective) and that are most likely to effectively balance resource management and protection objectives.
5. Identify potential sources of funding to support creative, aspirational and pragmatic solutions that meet the needs of the Parties.
6. Focus potential proposals and strategies on the lower watershed that is owned and managed by Nuveen Natural Capital.
7. Continue to work with the City of Rockaway Beach to understand their interests and needs related to drinking watershed management and challenges, as identified in the Source Water Protection plan, developed in partnership with members of this working group.
8. Work to engage all landowners within the Jetty Creek Watershed to find management solutions consistent with the goals of the City of Rockaway Beach.

Nuveen Natural Capital will:

1. Work with Sustainable Northwest and the North Coast Land Conservancy to compile available mapping and data into a central location/database/folder in support of ongoing assessment of current conditions, potential easements, and funding applications. If Parties identify additional data needs useful to compiling/supporting watershed analysis, those needs and scope will be discussed with the Working Group to determine necessity, timing, costs, etc. (ongoing)

2. Work with North Coast Land Conservancy and Sustainable Northwest to outline the desired framework for a draft working forest conservation easement and/or other easement(s) which will include, but may not be limited to, forest stand delineation and identification; buffer types, widths and configurations; and “optimal” age class distribution. (Ongoing)
3. Provide easement constraint value calculation (easement cost) and all data needed for third-party verification (Ongoing).
4. Retain the authority to pursue habitat enhancement and restoration efforts such as culvert replacement, Large woody debris (LWD) placement, snag creation and young stand density management, prior to the granting of the working conservation easement holder and subsequently subject to consultation with the easement holder.
5. Retain the right to perform routine road maintenance, excluding the application of herbicides.
6. Work with potential easement holder to confirm communication procedures and an approval-to-proceed mechanism for management activities within the easement.
7. Assume responsibility for controlling other user and recreational access via additional signs, gates, etc. as necessary and appropriate.
8. Retain the authority to perform basic timberland management activities that are not expressly constrained by the easement, including wildland fire response.
9. Assume the lead role in communicating with the City of Rockaway and property owners adjacent to the lower watershed about the Working Group activities.
10. Provide available materials to support the City of Rockaway Beach’s pursuit of funding for a fee-title acquisition of the lower Jetty Creek Watershed.

Sustainable Northwest will:

1. Work with Nuveen Natural Capital and North Coast Land Conservancy to maintain available mapping and data into a central location/database/folder in support of ongoing assessment of current conditions, potential easements, and funding applications. (Spring 2023)
2. Work with Nuveen Natural Capital and North Coast Land Conservancy to outline the desired framework for a draft working forest conservation easement and/or other easement(s) as described above. (Ongoing)
3. Seek letters of support for further grant funding. (Prior to all funding submission).
4. Identify potential funding opportunities which align with the solutions proposed within the working group.
5. Coordinate collaborative education and outreach efforts.
6. Support the City in their pursuit of funding for Fee-Title Acquisition.

North Coast Land Conservancy will:

1. Work with Nuveen Natural Capital and Sustainable Northwest to maintain available mapping and data into a central location/database/folder in support of ongoing assessment of current conditions, potential easements, and funding applications. (Ongoing)
2. Work with Nuveen Natural Capital and Sustainable Northwest to outline the desired framework for a draft working forest conservation easement and/or other easement(s) as described under Nuveen Natural Capital above. (Ongoing)
3. Consider holding fee-title ownership to the property or a working forest conservation easement and/or other easement(s), if the City is unable to secure fee-title ownership.
4. Assume the lead role in establishing a stable fund to cover monitoring costs.

The City of Rockaway Beach will:

1. Review and provide input into the mapping and data compiled as part of the watershed analysis described in this MOU.
2. Work with Nuveen Natural Capital, Sustainable Northwest, and North Coast Land Conservancy to outline, review, and finalize the desired framework for a draft working forest conservation easement and/or other easement(s) as described under Nuveen Natural Capital above. (Ongoing)
3. Support the research, writing, review, and submission of funding applications (and other various written documentation) associated with efforts of the Working Group and under this MOU.
4. Consider holding fee-title ownership to the property or a working forest conservation easement and/or other easement(s).
5. Assume the lead role in community and stakeholder engagement.

Items completed to date by the working group:

1. For the purposes of prioritizing restoration and conservation actions, the group completed a watershed analysis in partnership with current landowners. Among the attributes mapped were, for example, land cover, stream classification, soil classification, slope and soil erodibility, wetlands, fisheries, roads and infrastructure. Emphasis was mapping and data compilation sufficient for discussion and planning purposes, not necessarily a detailed narrative report required for purposes of funding applications, easement agreements/instruments, and other needs.
2. The group has completed a draft outlining potential conservation options for the property and mapping detailing potential conservation easement harvest, stream setbacks and conservation zones.
3. Nuveen Natural Capital has completed several restoration projects in the lower reaches of Jetty Creek.
4. The group has completed multiple site visits, identifying the proposed areas of Fee-Title Acquisition or Easement.

## VI. MODIFICATION

This MOU may be modified or amended only by written agreement signed by each of the Parties to this MOU. New parties may be added to the MOU by modifying this MOU as described.

## VII. TERMINATION

Any of the Parties may terminate their participation in this MOU following a 30-day advance written notice to the other Parties.

IN WITNESS WHEREOF, the undersigned have fully executed this Memorandum as of the \_\_\_\_\_ day of December 2024.

Nuveen Natural Capital  
a \_\_\_\_\_

\_\_\_\_\_  
Kevin Brown  
Pacific Northwest Area Manager

Sustainable Northwest

a \_\_\_\_\_

\_\_\_\_\_  
Daniel Wear  
Forest Program Manager

\_\_\_\_\_  
Dylan Kruse  
President

North Coast Land Conservancy

a \_\_\_\_\_

\_\_\_\_\_  
Jon Wickersham  
Associate Director

City of Rockaway Beach

a \_\_\_\_\_

\_\_\_\_\_  
Luke Shepard  
City Manager



**Jetty Creek Working Group**

LOI

*Shared values and intention to collaborate*

This document is intended to honor the voluntary contributions of time and effort shared by the property owner and all participants, and to recognize the helpful analysis and assessments performed by the Working Group. The supporting materials represent a compilation of working group meetings from 2017 through 2019.

Austin Himes, GreenWood Resources

Brian Kittler & Ben Dair, Sustainable Northwest

Jacob Brint, GreenWood Resources

Jon Wickersham, North Coast Land Conservancy

Mark Morgans, GreenWood Resources

Steve Perry, Rockaway

Sharon Smith, Rockaway

July 25, 2019

## 1. Values and Objectives

Objectives and expectations of working together include:

- Build a shared understanding of the current condition and future viability of Jetty Creek as a safe and sustainable drinking water source for the community of Rockaway Beach. Conduct a watershed analysis in partnership with current landowners, local government, and others.
- Work with the City of Rockaway Beach to understand their interests and needs related to drinking watershed management and related issues.
- Assess feasibility of different management options (e.g., modified management, conservation easement, community acquisition). Identify potential sources of funding. Find creative solutions that meet the needs of all parties. Be aspirational and yet pragmatic.
- Focus potential proposals and strategies on the 600 acres in the lower watershed that GreenWood Resources recently acquired and manages.
- Share information. Communicate respectfully internally and externally. Don't degrade one another. Be efficient and respect the time we have together.
- Build trust among community members, local government, land managers, and other partners.

## 2. Background

The Jetty Creek Working Group was convened in November 2017 to discuss the Jetty Creek drinking watershed and work together to discuss and evaluate resource management options and opportunities. The Rockaway Beach Water District serves a population of 2,600 people and the Jetty Creek intake is fed entirely by surface water flowing from forestland upstream. Over the years, the property has been managed as a tree farm by a succession of owners specializing in commercial forestry.

Residents were concerned about the viability of the watershed in ensuring an adequate and sustainable quantity and quality of drinking water, protecting air quality, and preserving and/or restoring habitat for fish and wildlife. In 2011 to 2013, residents observed a significant increase in logging in the watershed and were also receiving notices of water quality exceedances from the Water District. Aerial spraying for treatment of vegetation in the watershed was also a key concern from some in the community.

The lower watershed (about 600 acres) is currently owned and managed by Lewis & Clark Timberlands, a holding of GreenWood Resources Inc. That new ownership provided a unique opportunity to consult with the community and other stakeholders to explore long-term stewardship of the watershed and water supply. GreenWood Resources began managing the lower Jetty Creek Watershed in January 2017 and volunteered a two-year moratorium on harvest and spray activities to facilitate engagement with community stakeholders.

Soon after acquiring the property in January of 2017, the GreenWood manager met with a few concerned members of the community and organized a field tour in September, to which Sustainable Northwest was invited. Then, facilitated by Sustainable Northwest, the Jetty Creek Working Group formed and began meeting in November 2017. Initially, members of the Rockaway Beach Citizens for Watershed Protection met with GreenWood Resources local management and staff to discuss their concerns about the watershed. Sustainable Northwest facilitated the meetings and helped bring in additional experts, stakeholders, and interested parties, including the North Coast Land Conservancy.

July 25, 2019

### 3. Stakeholders

GreenWood Resources is a globally diversified investment and asset management company specializing in the acquisition and stewardship of forestry assets. The company's holdings in the coast range are known as the *Lewis & Clark Timberlands* (LCT), which are managed by a professional staff based out of the Gearhart office. GreenWood participants in the Jetty Creek Working Group include the LCT Area Manager, and various foresters, engineers, and technicians. The lower 600 acres of Jetty Creek are a part of the Lewis & Clark Timberlands.

Representatives of the Rockaway Beach community joined the Working Group as private individuals and neighbors. The City of Rockaway Beach and the Rockaway Beach Water District have been kept informed of the Working Group activities but to date those entities have not directly participated in the Working Group. During the first year of meetings, leaders of the association formerly known as Rockaway Beach Citizens for Watershed Protection took part in the discussions.

The area falls within the service territory of the North Coast Land Conservancy. NCLC has shared their insights and expertise in conservation easements, resource mapping, and other questions related to land stewardship. Sustainable Northwest served as convener and neutral third-party meeting facilitator, supported in part by a grant from the Meyer Memorial Trust.

### 4. Discussion

Successful outcomes to date include compilation and mapping of current conditions within the lower watershed, including land cover, stream classification, soil classification, slope and soil erodibility, wetland inventory, and more. Also completed is a fisheries study, a road/infrastructure inventory and erosion management plan, and several specific options for conservation easements and timber management. For example, GreenWood Resources has to date generously deferred their originally planned harvest operation in the lower watershed until the Working Group considers conservation alternatives and associated funding needs and opportunities.

Several timber harvest and resource management alternatives have been devised and discussed by the Working Group. Those options range from taking no further action and thus no change in GreenWood Resources plans to fully harvest all remaining market-ready stands in the lower watershed, to several potential conservation overlays that would further defer, modify, or eliminate harvest. One alternative is to increase the riparian buffer to 200 feet (from required 60 feet) along the main stem of Jetty Creek from the intake up to the GreenWood property line. Another is to 100% preserve current mature stands in the lowest reaches of the watershed along one or both steep slopes above the intake. In upper reaches, selectively harvest small units to increase diversity of age class and habitat over time.

### 5. Future Work

Based on the latest Working Group meeting in March 2019, next steps include continuing to refine the potential conservation easement alternatives, with an emphasis on configurations that are financially feasible, practical and manageable (from a monitoring and compliance perspective), and most likely effective in balancing resource management and protection objectives. Sustainable Northwest and the North Coast Land Conservancy are helping with these considerations and evaluation.

July 25, 2019

In addition, GreenWood proposed and will be piloting an innovative field-scale harvest plan in the lower reaches of the watershed (north of the creek). Scheduled for 2020, that work includes an approximately 30-acre harvest that will include a “feathered” buffer along the ridge. Although that type and width of buffer is not required by the Oregon Forest Practices Act, GreenWood has proposed this approach to help create a more transitional buffer for purposes of wind protection, wildlife habitat, and other benefits. During the pilot project, the Working Group will meet in the field for observation and further discussion.

**6. Next Steps**

- ✓ Review sample easements and payment for ecosystem services templates (August 2019)
- ✓ Analysis of proposed alternatives (September 2019)
- ✓ Schedule a field tour with area forester and community members (October 2019)
- ✓ Meet with fish & wildlife funding agencies and review proposed harvest alternatives (TBD)

July 25, 2019

**i. Timeline**

January 2017 - GreenWood takes over management of lower Jetty Creek watershed

January – October – communications and field tour with GWR Manager & Foresters and concerned members of the community.

November 2017 – first meeting to establish Working Group goals and expectations

January 2018 – discuss the framework for conducting a watershed assessment

April 2018 – presentations on watershed mapping, fish survey, and roads analysis

August 2018 – discussion of analysis and alternative management scenarios

March 2019 – presentation and discussion of the proposed 2019 forest operations pilot plan

**ii. Deliverables To-Date**

1. Watershed analysis and mapping of several resources and parameters
2. Roads and infrastructure inventory and analysis (including erosion management plan and mitigation)
3. Fish stream survey to update and quantify species presence, diversity, and stream classification
4. Timber management and resource conservation alternatives identification and analysis
5. Funding and financing strategy (including needs, sponsor criteria, potential opportunities)

**RESOLUTION NO. 2024-51**

**A RESOLUTION APPROVING CITY MANAGER PERFORMANCE EVALUATION ANNUAL SUMMARY**

**WHEREAS**, pursuant to Section 32 of the City Charter, the City Manager is the administrative head of the city government, and is responsible to the Mayor and Council for the proper administration of all city business; and

**WHEREAS**, the City Council evaluated the performance of the City Manager in Executive Session under ORS 192.660(2)(i) held on December 11, 2024.

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Rockaway Beach City Council hereby approves and adopts the City Manager Performance Evaluation Annual Summary for January 2024 to December 2024, attached as Exhibit A.

**APPROVED AND ADOPTED BY THE CITY COUNCIL, AND EFFECTIVE THE 11TH DAY OF DECEMBER 2024.**

APPROVED

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Charles McNeilly, Mayor

ATTEST

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Melissa Thompson, City Recorder

**RESOLUTION NO. 2024-52**

**A RESOLUTION AUTHORIZING AMENDMENTS TO THE BASE RATE  
COMPENSATION FOR THE CITY MANAGER**

**WHEREAS**, Luke Shepard was appointed as City Manager effective November 18, 2022; and

**WHEREAS**, the City Council evaluated the performance of the City Manager in Executive Session under ORS 192.660(2)(i) held on December 11, 2024; and

**WHEREAS**, the Council may amend by resolution the City Manager's compensation in accordance with the City Manager's Employment Agreement, Section 3.

**WHEREAS**, the City Council wishes to adjust the City Manager's compensation to maintain a salary that is more closely aligned with comparable cities and market conditions.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

Effective January 1, 2025, the City Manager's base salary shall be increased by \_\_\_\_\_percent ( %).

**APPROVED AND ADOPTED BY THE CITY COUNCIL, AND EFFECTIVE THE 11TH  
DAY OF DECEMBER 2024.**

APPROVED

\_\_\_\_\_  
Charles McNeilly, Mayor

ATTEST

\_\_\_\_\_  
Melissa Thompson, City Recorder

## **Coffee with Manager and Mayor November 21, 2024**

The election cycle is in the rear view mirror so I am happy that the Coffee with Manager and Mayor is back. We had a full conference room with many simply there to meet their neighbors and learn what's on their mind.

Public Works and the Fire Department were acknowledged for all they did during and post-tornado to keep us all safe and to get our town back and fully functioning.

City Manager Shepard responded to a question about Tillamook County's idea to increase transient lodging tax rates on short-term rentals county-wide. He explained that this is a County led effort to help with their budget shortfall; and that in the past the County allowed cities to retain a portion of the increase if generated within the city-limits. The County may be put to the voters to decide on the May 2025 ballot. It was noted that this is a County decision and not by the City of Rockaway Beach,

A Request was lodged to have Chief Hesse visit a neighborhood to determine if adequate access for fire equipment existed.

A request that the city identify and shut down short term rentals operating in Rockaway Beach without a license. The City Manager and Mayor spoke about the enhanced short term rental management program with Granicus that will allow the city to identify such short-term rentals. The City Manager shared that within four to six months a Code Enforcement Officer will be hired; and short-term rental compliance will be part of the Officer's responsibilities.

The City Manager went on to say that an updated approach to Code Enforcement and complaint handling will be rolled out with the approval of City Council. A resident again asked that the City consider making the complaint process anonymous, unless the issue goes to court.

City Manager Shepard updated the room on the recent lawsuit to change how Rockaway Beach conducts election of Councilors in which the City prevailed. The final order is still awaiting a ruling from the judge. Relators moved to have the Court dismiss the writ of mandamus proceeding on the grounds that the case became moot on September 5, 2024. The City opposes this motion for the following reasons: (1) the case is not moot; (2) even if moot, the Court should retain the case pursuant to ORS 14.175; and (3) even if moot, the Court must designate defendant as the prevailing party for purposes of determining costs and attorney fees. The hearing on the motion is yet to be held. Once this is concluded the City's attorney will file the paperwork for reimbursement of the City's attorney's fees in this matter.

A community member suggested that the City move, when applicable, events from the Wayside to the Anchor Street Parking Lot which was configured to support events. A recent example of a successful event at Anchor Street Parking Lot was Trunk and Treat. They made the point with our enhanced beach access at the Wayside access to parking at the Wayside becomes even more important.



## **Coffee with Manager and Mayor November 21, 2024**

A member of Rockaway Beach's Community Emergency Response Team (CERT) called for community members to join our community's growing emergency response efforts. She mentioned that there was room for all and pitched the CERT training in the spring and the Emergency Prep Training meeting the first Wednesday of each month. The Mayor added his support to her call to the community.

Tom Zelenka introduced himself as the new chair of the Friends of the Library; and thanked the City for their support over the years. The Mayor shared that the enhanced Community Grant Program would be open soon after the first of the year; encourage the Friends of the Library to apply.

City Manager Shepard explained that FEMA, due to court cases, was forced to modify how development takes place in the flood zone. Cities and counties were asked to choose one of three options. Rockaway Beach City Council chose to direct staff to move forward with the adoption of a tailored version of the updated 2024 FEMA Model Ordinance. This process will follow the legally mandated process for making zoning changes with property owner notification and public hearings. City Manager Shepard encouraged individuals who wished to get their development plans under the existing rules to do so as soon as possible as changes will be made early in 2025.

A question about a loan covenant associated with the building of City Hall that stipulated that the downstairs room be a community center. The loan covenant is no longer controlling the use of that room. Additionally, the City government needs have evolved over the years beginning with the need to move the City Council meetings from the 2<sup>nd</sup> floor conference room downstairs to accommodate the large number of community members attending the Council meetings. As a City we need to have a dedicated Council and meeting Chambers; and have made improvements to the space to accommodate the growing expectations of our community from sound equipment to projection capabilities. The chamber is used for Council meetings, Planning Commission meetings, Budget Committee meetings and special meetings such as the recent Land Use Appeal 24-1. Please do keep in mind that the room is available at no charge to our community during City Hall business hours. The City does not have budget or staffing to extend this to weekends and holidays.

A discussion of the recent election and number of yard signs. The Mayor explained that all Councilor positions and the Mayor position were on the ballot, and all had multiple candidates. This resulted in 12 candidates running for office, all at once.

The work the City is doing on infrastructure was noted and a question about N. Pacific St. was asked. City Manager Shepard spoke of the long past attempt by the City to create a Local Improvement District to address water main, sewer main, and road service. The property owners rejected the plan. However, the City now has grant funding to replace the water main, improve sewer and put an overlay on the N. Pacific St. This work will take place in 2025.

**Coffee with Manager and Mayor**  
**November 21, 2024**

City Manager Shepard shared that the City, in partnership with Sustainable Northwest, applied for a large EPA grant that will fund the purchase of the lower section of Jetty Creek Watershed and three years of forest stewardship activity. He also mentioned that the City has applied for two other grants as backup should the EPA grant not be awarded. City Manager shared that the Sourcewater Protection Plan is nearing completion with a draft coming in January; and complimented the community members who worked on it through the Sourcewater Protection Plan Development Advisory Committee.