



CITY OF ROCKAWAY BEACH

Notice of Public Hearing

NOTICE IS HEREBY GIVEN that the City of Rockaway Beach City Council will hold a public hearing on **Tuesday, September 9, 2025 at 5:30 p.m.** in City Hall located at 276 S. Highway 101, Rockaway Beach, Oregon. The purpose of the public hearing is to consider the following request:

The Applicant, Nedonna Development, LLC, has requested for City Council to proceed with the application on remand by the Land Use Board of Appeals (LUBA) No. 2025-001 on July 2, 2025 related to Application of Nedonna Development for Phase 2 Planned Unit Development approval: #PUD-24-1. The Case File for this matter is #Remand-25-1

In the LUBA case, Ocean Shores Conservation Coalition vs. City of Rockaway Beach, the Petitioner appealed a city council decision approving an application to modify a Planned Unit Development (PUD) that the City originally approved in 2008, and to authorize construction of Phase 2 of the original PUD approval. LUBA issued its Final Opinion and Order (No. 2025-001) on July 2, 2025. LUBA sustained two assignments of error and concluded that a remand is appropriate to allow the City to adopt more adequate findings, per OAR 661-010-20 0071(2)(a). The first assignment of error relates to the application of the Special Area Wetlands Zone. The second assignment of error relates to the application of an expiration date on the 2008 PUD approval, or lack thereof.

A copy of the LUBA's Final Opinion and Order (No. 2025-001) is posted on the City of Rockaway Beach website or physical copies available upon request.

In order to address the issues raised by LUBA's Final Opinion and Order (No. 2025-001), the public hearing will consist of a *de novo* review, in which City Council will accept new evidence and argument limited to the two assignments of error on which LUBA remanded to the City.

Timeline for Submittal of Evidence and Testimony

- Any and all interested parties may submit new written evidence and testimony, only related to the issues on remand, no later than **August 19, 2025**.
- Applicant may submit rebuttal evidence and testimony (only addressing new evidence and testimony submitted) by **August 26, 2025**.

Any interested member of the public may also attend the hearing, at the above date, time, and location, to provide oral testimony and comment to City Council directly. Only comments and testimony on the relevant assignments of error and issues remanded to the City under the LUBA decision shall be considered relevant evidence.

If submitting comments prior to the hearing, deliver to the City Hall at the address given above, email to cityplanner@corb.us, or mail to Planning Department at P.O. Box 5, Rockaway Beach, OR 97136. Please use file number #Remand-25-1 on written comments, and include your name, mailing address, and phone number.

The staff report will be prepared no less than seven days prior to the hearing for review at City Hall. Hard copies will be available upon request to the City free of cost. All other documents and evidence related to this land use action shall be incorporated into an Official Record and made available for review at City Hall upon request.

Failure to raise an issue, in person or in writing, before the conclusion of the hearing and close of the record, or the failure to provide sufficient statement, evidence, or testimony to afford the City Council an opportunity to respond to the issue, precludes an appeal of City Council's decision on the remanded issues

Following the close of the public hearing and record on remand, the City Council will deliberate and reach a decision on this remanded matter #Remand-25-1. The City Council's decision shall be mailed to the applicant and any other person who submitted written comments or is otherwise legally entitled to notice.

If you have questions concerning this review on remand, please contact the Responsible Official below.

Responsible Official: Abram Tapia
City Planner
(503) 374-1752
cityplanner@corb.us

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