



City of Rockaway Beach

# #Remand 25-1

**Staff Presentation**

**Abram Tapia, City Planner**

# Presentation Summary

- 1) Nature of the Application: *How did we get here?*
- 2) Evaluation of Remand: *What did LUBA ask us to do?*
- 3) Staff Findings: *Assignment of error 1*
- 4) Staff Findings: *Assignment of error 2*
- 5) Conclusion: *Staff Recommendation*



The background features a stylized landscape. At the top, there are two white, fluffy clouds with soft blue outlines against a pale yellow sky. The bottom of the image shows a range of mountains. On the left, the mountains are covered in green and blue foliage, suggesting a forested or grassy area. On the right, the mountains are dark grey and jagged, representing rocky peaks. The overall style is clean and modern, with a focus on natural elements.

# Nature of the Application

# How did we get here?

## 2007-2008

- **In 2007**, the applicant submitted a Planned Unit Development (PUD) application for a 28-lot development.
- **On January 2008**, the Planning Commission approved the preliminary development plan for the 28-lot PUD, subject to specific conditions of approval.
- **On May 27, 2008**, the Planning Commission approved the final plan for the 28-lot PUD, which included a tentative plan/plat.
- **On July 22, 2008**, the Planning Commission approved the Applicant's request to modify the preliminary development plan and final plan to allow for PUD phasing.
- **On August 13, 2008**, the City Council approved the addition of the PUD overlay to the zoning map.



# How did we get here?

## 2024-2025

- **In 2024**, the Applicant submitted a request to modify four components of the 2008 approved final plan.
- **On June 20, 2024**, the Planning Commission only approved the request to create additional lots. This decision was appealed to City Council on August 14, 2024.
- **On November 20, 2024**, City Council considered the challenges presented by the appeal and denied the appeal on all grounds. This decision was appealed to LUBA on January 2, 2025.
- **On July 2, 2025**, LUBA remanded two assignments of error back to City Council for further evaluation.



# Evaluation of the Remand



# What did LUBA ask us to do?

**What is a Remand?** LUBA returned the decision to City Council to adopt additional findings, as LUBA did not have enough information to either sustain or reverse City Council's previous decision.

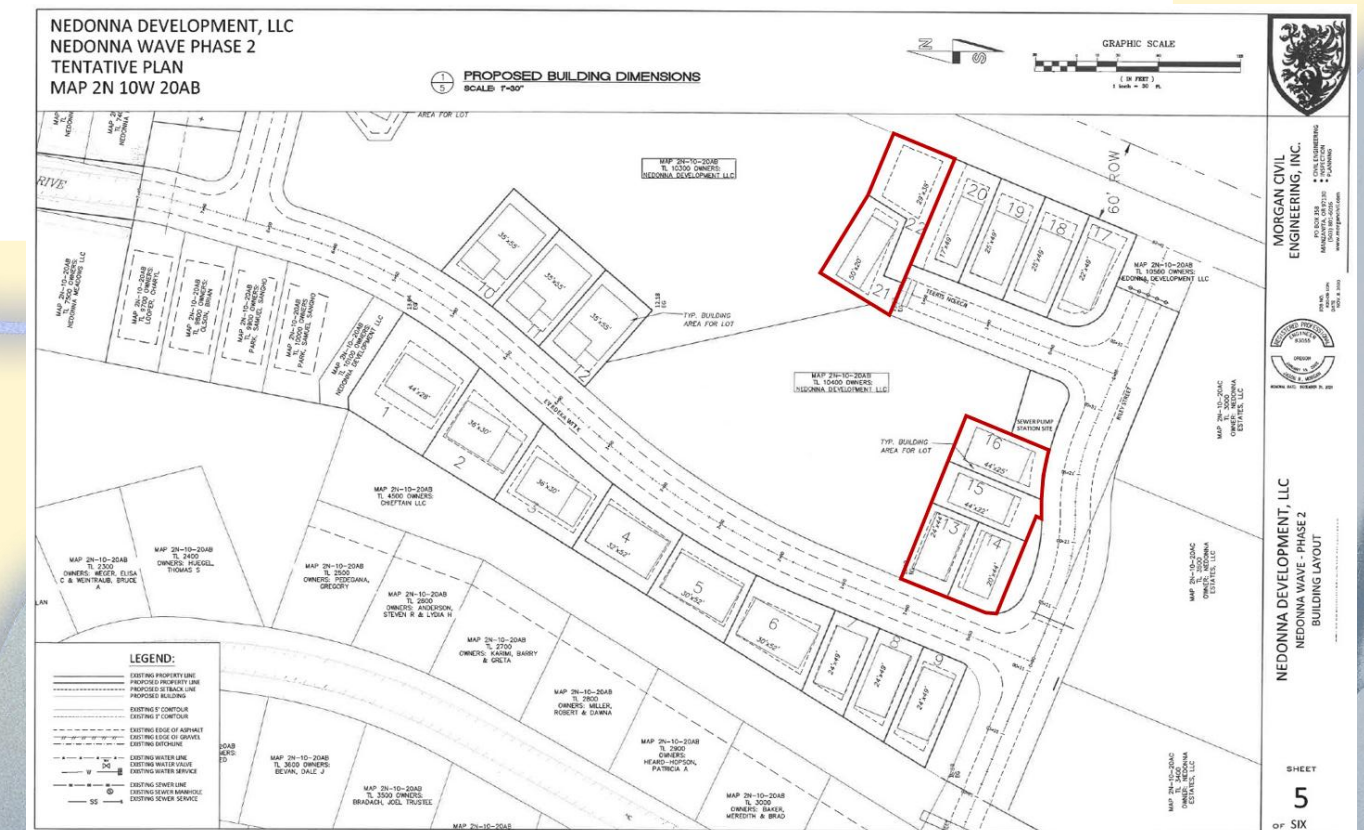
The 2008 PUD decisions are **final and not subject to review**. Any error made by the Planning Commission or City Council in 2008 cannot be amended or appealed today.



# What did LUBA ask us to do?

- **Assignment of Error 1:** The Determination of which parts of the property are subject to the Special Area Wetland (SA) Zone and whether any portion of the 2024 proposed lots are in the SA Zone.
  - For this purpose, a map that determines the location of the zone boundary between the R1 Zone and the SA Zone is necessary.

\*2024 Proposed Lots









# Staff Findings

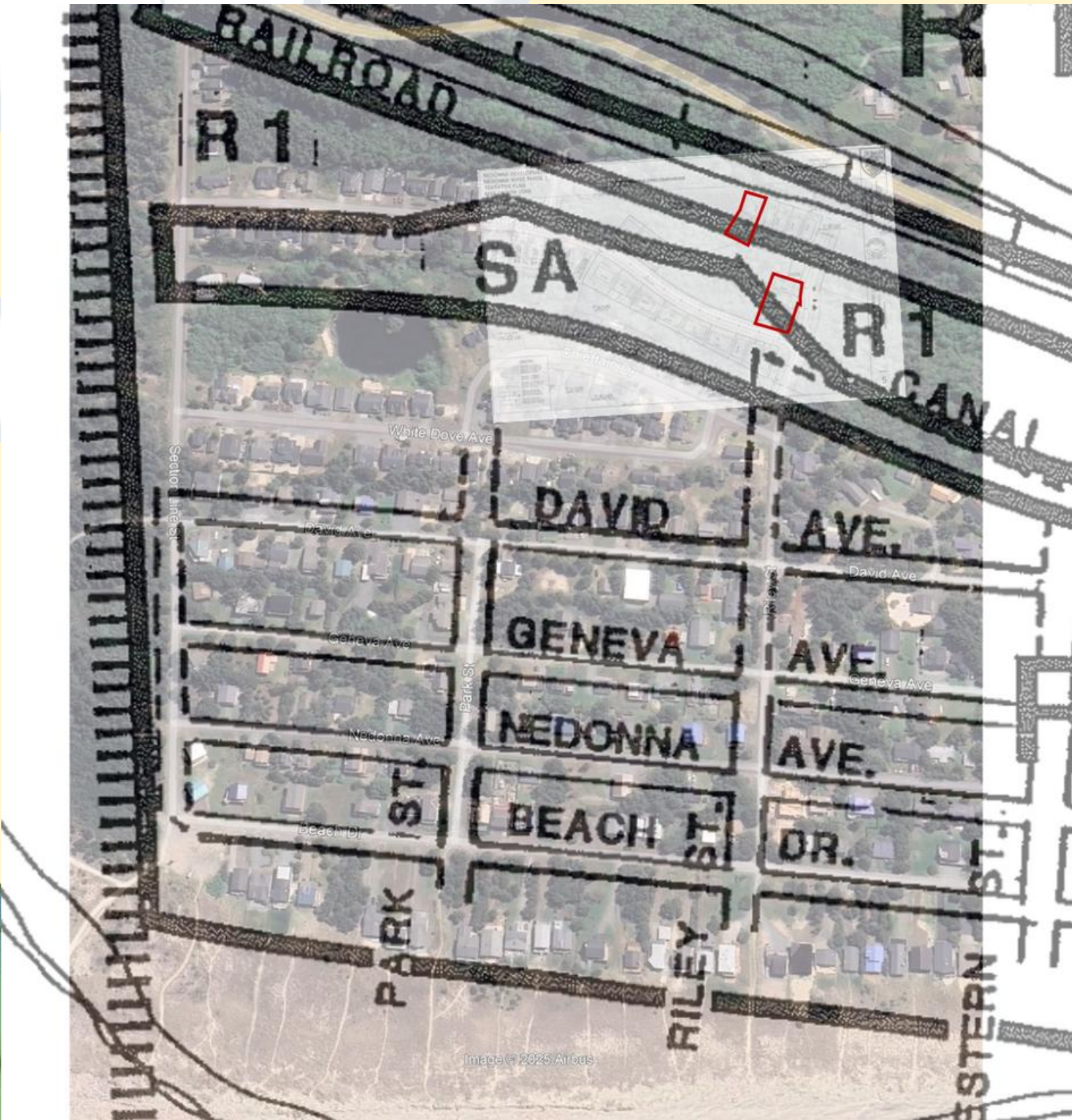


# Assignment of Error 1

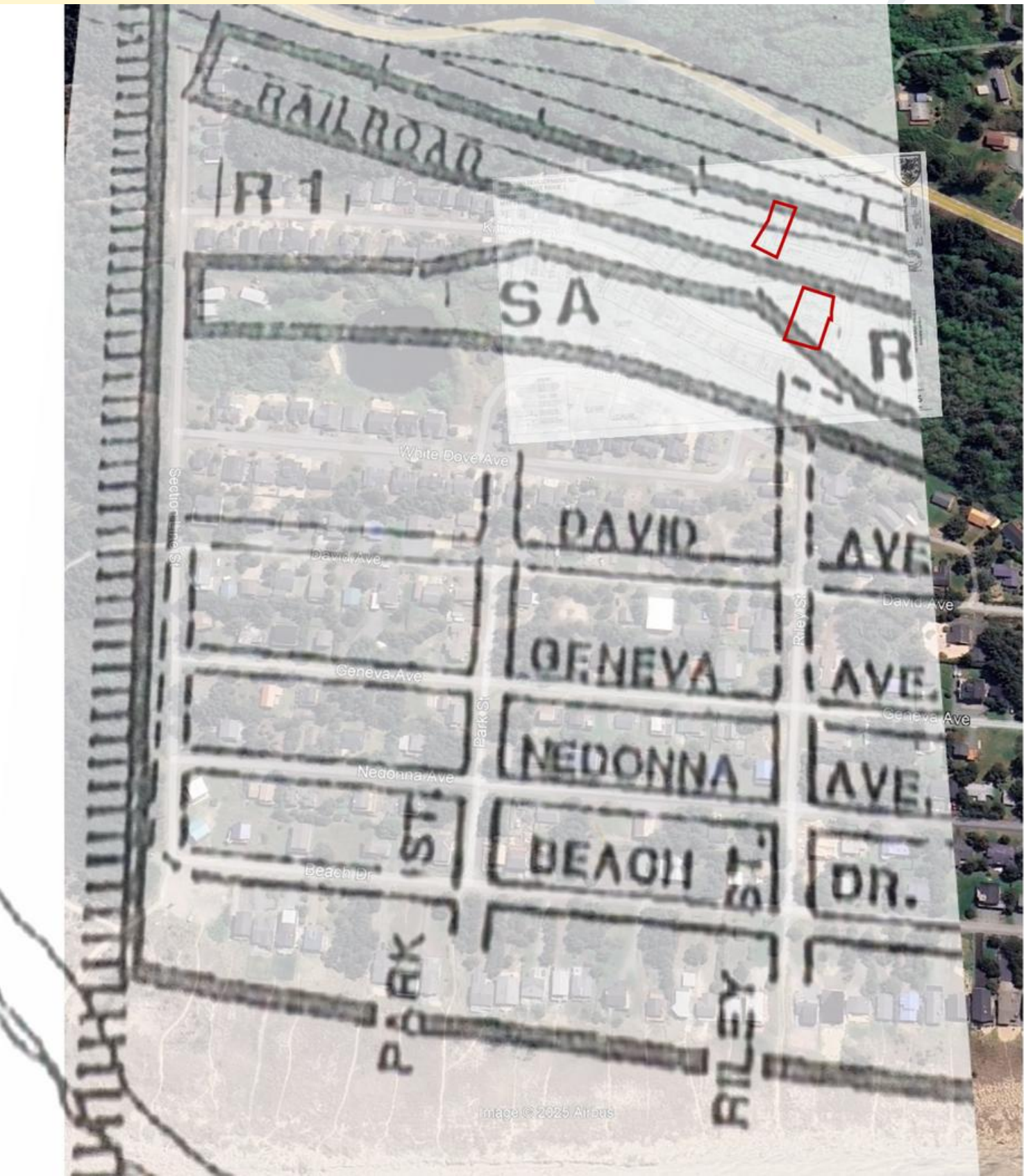
- The Special Area Wetland (SA) Zone is a base zone, which does not list residential development as either a permitted or conditional use.
- The City believes the use of the GIS tool is reasonable and appropriate to accurately determine the location of the SA zone on the property.
- The proposed lots are located in areas mapped as the SA zone in the City's GIS tool



Appendix E



Appendix F

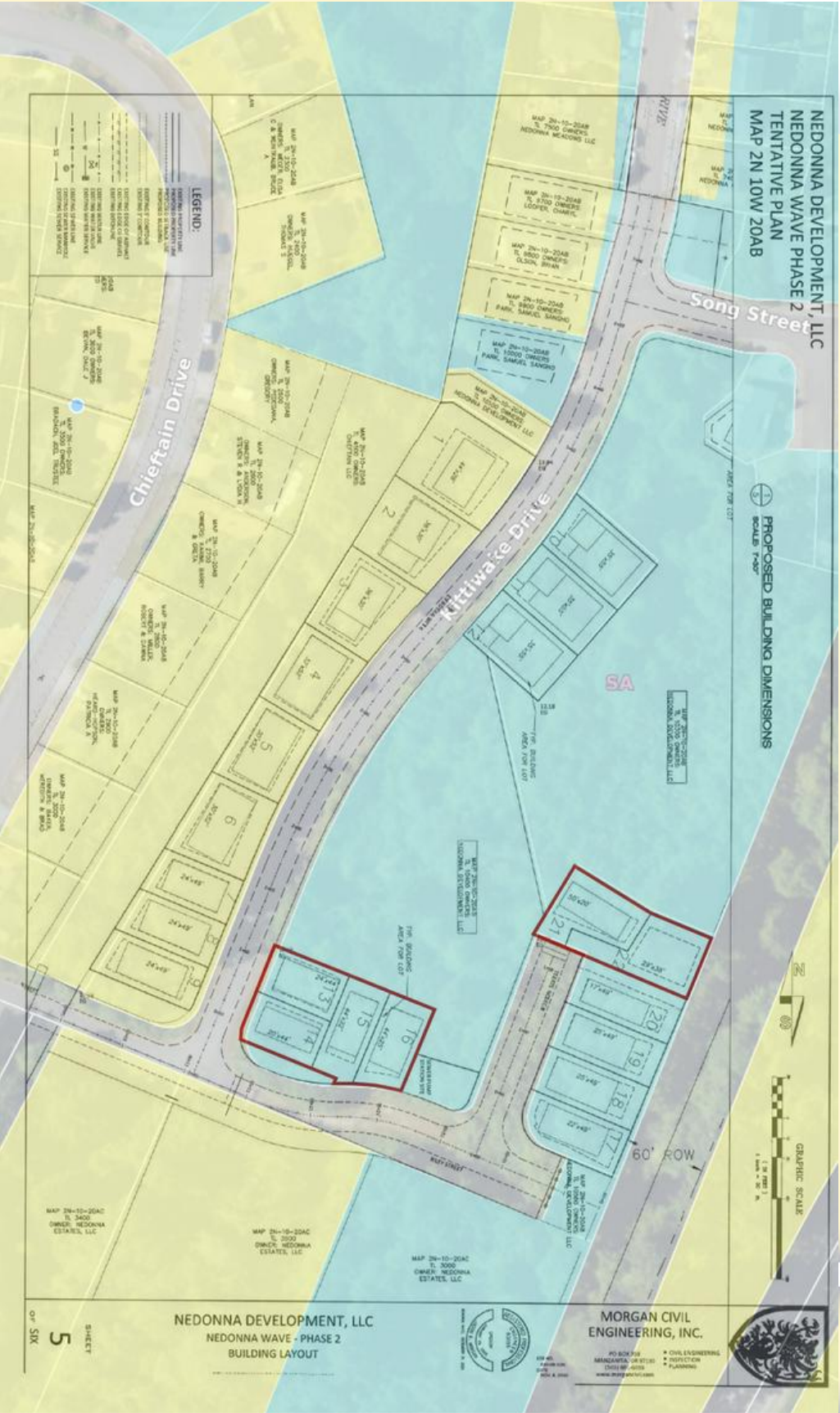




# Appendix G



# Appendix H





# Assignment of Error 1

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- The City believes the use of the GIS tool is reasonable and appropriate to accurately determine the location of the SA zone on the property.
- The proposed lots are located in areas mapped as the SA zone in the City's GIS tool





# Evaluation of the Remand

# What did LUBA ask us to do?

- **Assignment of Error 2:** The Determination of whether or not the original 2008 PUD approval is valid.
  - More specifically, was Exhibit B's Final Plat condition 1 applied to the second phase of the PUD as modified in 2008?



# Staff Findings

# Assignment of Error 2

- Exhibit D applied Exhibit B's Final Plat condition 1 to Phase Two of the PUD
- The one-year period began when the city issued its approval for the Modification of Tentative Plan and Final Plan Approval for a Two-Phase Development of the Nedonna Wave 28-Lot PUD. The application condition was not met by July 22, 2009.
- Because the condition of approval was not met, the underlying 2008 decision is no longer valid



# Conclusion



# Staff Recommendation

Based on the findings and conclusions included in the Staff Report, Staff support the conclusion to REVERSE the Planning Commission's July 18, 2024, decision on application #PUD-24-1 and, in doing so, DENY the application.



# Question Time







Thank You