



**CITY OF ROCKAWAY BEACH  
CITY COUNCIL ACTION**

**STAFF REPORT**

Case File #Remand-25-1  
Hearing Date: September 9, 2025

**APPLICANT:** Nedonna Development LLC

**AGENT FOR APPLICANT:** Dean N. Alterman

**A. NATURE OF THE APPLICATION:**

In 2008, the City of Rockaway Beach approved Nedonna Development LLC's application #SPUD-07-19 for the creation of a phased, 28-lot development, with Planned Unit Development overlay. The City approved the preliminary development plan in early 2008. The Applicant applied for and received final approval for the first phase of the Planned Unit Development within one-year after receiving final approval of the preliminary plan. The Applicant recorded the plat of Nedonna Wave Phase 1 on February 2, 2009 (Plat C-573, Tillamook County Plat Records).

Final Order (1) includes the approval with conditions of all 28 lots of the planned development subdivision.

In 2024, the Applicant submitted application #PUD-24-1 to plat Nedonna Wave Phase 2 and requested modifications to the approved final plan, as follows:

1. To plat Phase 2 as two separate sub-phases – Phase 2 and Phase 3. Phase 2 would consist of the 11-lots east of Kittiwake Drive, numbered from 9 to 19 and would be taken from what is now Tract F. Phase 3 would be the 9-lots west of Kittiwake Drive, numbered 20 to 28.
2. To create two lots instead of one lot at the north end of Jackson Street, identified as lots 21 and 22 on the plans submitted with the application.
3. To create four lots instead of three lots at the northeast corner of Kittiwake Drive and Riley Street, identified as lots 13, 14, 15, and 16 on the plans submitted with the application.
4. Provide that when the owner of the land to the South extends Jackson Street South into that property, the City will vacate the East stub of Riley Street, so that Riely Street will terminate in a T intersection with Jackson Street, and the vacated stub can be combined with Tract E to form an additional building lot.



A public hearing was held before the Planning Commission on June 20, 2024 to consider the application. During the public hearing, the Applicant withdrew the request regarding the vacation of the East stub of Riley Street. Following the public hearing, the Planning Commission denied the request to plat Phase 2 as two separate sub-phases and approved the Applicant's request for the creation of the additional lots. Notice of the Planning Commission Decision was issued on August 1, 2024 and provided to all parties of record.

On August 14, 2024, the City of Rockaway Beach received an appeal of the Planning Commission decision filed by Oregon Shore Conservation Coalition. On November 20, 2024, City Council considered the challenges and denied the appeal on all grounds and found that the Planning Commission's July 18, 2024 decision on application #PUD-24-1 is affirmed.

On January 2, 2025, Oregon Shore Conservation Coalition provided notice of intent to appeal City of Rockaway Beach "Findings, Conclusion and Final Order: Appeal #24-1," which was then revised on January 14. On July 2, 2025, the Land Use Board of Appeals (LUBA) sustained two assignments of error and concluded that a remand is appropriate to allow the City of Rockaway Beach to adopt more adequate findings, per OAR 661-010-20 0071(2)(a) (Final Opinion and Order, No. 2025-001, July 2, 2025) (LUBA Final Order).

On July 30, 2025, the Applicant, Nedonna Development, LLC, requested for City Council to proceed with the application on remand by the LUBA remand No. 2025-001.

## **B. EVALUATION OF REMAND**

On July 2, 2025, LUBA sustained two assignments of error and concluded that a remand is appropriate to allow the City of Rockaway Beach to adopt more adequate findings, per OAR 661-010-20 0071(2)(a).

The Planning Commission and City Council's 2008 PUD decisions are final and not subject to review. Any error made by the Planning Commission at that time cannot be amended or appealed today. On review is the two subjects of error remanded to the City:

1. At issue in the first assignment of error is the determination of which parts of the property are subject to the SA zone and whether any portion of the new proposed lots (See Appendix A) 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.
2. At issue in the second assignment of error is the determination of whether or not the original 2008 PUD approval is valid. More specifically, the second assignment of error requires a determination of whether Final Plat condition 1 included in Exhibit B was applied to the second phase of the PUD as modified in 2008.



## C. ASSIGNMENT OF ERROR 1

### RELEVANT FACTS: ASSIGNMENT OF ERROR 1

1. The single-family residential (R-1) is a base zone, which prescribes a list of permitted and conditional uses allowed in the zone.
2. According to LUBA, the Special Area Wetland (SA) zone is also a base zone, prescribing a list of permitted and conditional uses. *See* LUBA Final Order.
3. The SA zone does not list residential development as either a permitted or conditional use.
4. The Wetland Notification Overlay Zone is different than the Special Area Wetland (SA). The Wetland Notification Overlay Zone does not change or limit any uses allowed in the base zone. It provides a mechanism for requiring the applicant for development to notify DSL and the Corps and, if based on a delineation those agencies determine they have jurisdiction, supply the city with required permits.
5. The Rockaway Beach zoning map is combined with its comprehensive plan map.
6. The relevant processes for determining zone boundaries can be found in Section 2.030, Section 2.050, Section 3.080 (5), and Section 5.010.
  - a. Section 2.030. Location of Zones. States: “The boundaries for the zones listed in this ordinance are indicated on the 'Rockaway Beach Zoning Map' which is hereby adopted by reference. The boundaries shall be modified in accordance with zoning map amendments which shall be adopted by reference.”
  - b. Section 2.050. Zone Boundaries. States: “Unless otherwise specified, zone boundaries are section lines, subdivision lines, lot lines, center lines of street or railroad rights-of-way, or such lines extended.”
  - c. Section 3.080 (5) Zone Boundary Determination. States: “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.”



- d. Section 5.010. Zone Boundaries. States: “If a zone boundary as shown on the map divides a lot between two zones, the entire lot shall be deemed to be in the zone in which the greater area of the lot lies, provided that this adjustment involves a distance not to exceed 20 feet from the mapped zone boundary.”
7. The relevant processes for amending zone boundaries can be found in RBZO Article 9. The Criteria for approval of a zoning map amendment can be found in Planning Process Policy 7 of the Rockaway Beach Comprehensive Plan.

#### STAFF FINDINGS: ASSIGNMENT OF ERROR 1

1. The assumption that zone boundaries will always be located on section lines, subdivision lines, lot lines, center lines of street or railroad rights-of-way, or such lines extended is incorrect as evidenced by Section 5.010 of the RBZO.
2. In 2008, the applicant did not initiate an amendment to the zoning map nor did the City Council review or approve a zoning map amendment as outlined in RBZO Article 9. Approval of the PUD application and the PUD overlay designation did not amend nor did they change the location of any zone boundary lines.
3. The Planning Commission and City Council’s 2008 PUD decision is final and not subject to review. The Planning Commission and City Council may have erred in 2008 by allowing residential development in the SA zone, regardless, that decision stands today.
4. The present issue, as outlined in the first assignment of error remanded to the City of Rockaway Beach, is to determine which parts of the property are subject to the SA zone and whether any portion of the new proposed lots (See Appendix A) are in the SA zone.
5. In 2008, the Planning Commission and City Council repeatedly found that 3.9 acres of the site was zoned as R-1 and that 2.33 acres were zoned as SA. The Planning Commission and City Council did not specify the physical location of these zones, nor did they reference the zoning map to make that determination, rather, they stated that the area of the property within the SA zone was determined by a wetland delineation report and survey concurred with by DSL. This lack of specification is evident by the absence of base zone abbreviation assignment to the PUD overlay approved by City Council in Final Order (3). The exact locations of PUD-R1 and PUD-SA have not been included in the historic record.



6. In 2008, the Planning Commission may have erred in relying on the wetland delineation report rather than on the Comprehensive Plan and Zoning Map dated February 1992 in making their determination of the applicable zones.
7. LUBA asks that the City adopt findings that rely on the Comprehensive Plan and Zoning Map dated February 1992 to determine the correct application of Section 3.080 (5).
8. The physical Comprehensive Plan and Zoning Map dated February 1992 has not been updated since its adoption. However, zone amendments have taken place that are not reflected on the physical map. Section 2.040 outlines the timeframe by which the zoning maps is physically updated.
  - a. Section 2.040. Zoning Map states: “Whenever sufficient authorized map amendments have been adopted, a revised zoning map shall be prepared. At a minimum, it shall be at the time of periodic review.”
9. When the site in question (Appendix B) is overlaid with the physical Comprehensive Plan and Zoning Map dated February 1992, it becomes apparent the zoning map is not adequate to accurately assess the zoning designation of the site (See Appendix C). Several geographic features, such as the centerline of roads, the location of city limits, the railroad, and the highway cannot accurately be placed on the zoning map. With some distortion of the zoning map, these features can be more accurately placed (See Appendix D). The accuracy of this overlay methodology is imprecise, and does not reflect the regular process the City employs to determine the zone designation of any given lot in the Rockaway Beach Urban Growth Boundary.
10. As best practice, historically, City Staff have relied on a parcel specific zoning map GIS layer created in 2015. This is the most up to date map that reflects zoning changes that have taken place after 1992. This map is publicly available on the City of Rockaway Beach website, <https://corb.us/>, and is part of the Tillamook County’s GIS tool, which is also publicly available, <https://www.tillamookcounty.gov/gis>
11. In absence of a legible, accurate representation of zone boundaries on the property, the City believes use of the GIS tool is reasonable and appropriate to accurately determine the location of the SA zone on the property. See *Willamette Oaks LLC v. Lane County*, 64 Or LUBA 328, 344 (2011) (finding use of the GIS map, rather than Goal 5 map wetland boundaries, was appropriate because GIS map was not “inaccurate” or different in any material respect from the Goal 5 map).



12. The GIS zoning layer for the area in question is included in Appendix D. The proposed lots are located in the areas mapped as the SA zone in the City's GIS tool (Appendix E).

#### STAFF SUMMARY: ASSIGNMENT OF ERROR 1

Upon a close inspection of issues relevant to the first assignment of error, Staff finds the following:

The Special Area Wetland (SA) is a base zone, which does not list residential development as either a permitted or conditional use. In 2008, the applicant did not initiate an amendment to the zoning map nor did the City Council review or approve a zoning map amendment. In 2008, the Planning Commission and City Council found that 3.9 acres of the site was zoned as R-1 and that 2.33 acres were zoned as SA. In 2008, the Planning Commission and City Council did not specify the physical location of these zones, nor did they reference the zoning map to make that determination, rather, they stated that the area of the property within the SA zone was determined by a wetland delineation report and survey concurred with by DSL. The Planning Commission and City Council may have erred in 2008 by allowing residential development in the SA zone, regardless, the Planning Commission and City Council's 2008 PUD decision is final and not subject to review. **The present issue is to determine which parts of the property (See appendix A) are subject to the SA zone and whether any portion of the new proposed lots are in the SA zone.**

In the remand, LUBA asks that the City adopt findings that rely on the Comprehensive Plan and Zoning Map dated February 1992 to determine the correct application of Section 3.080 (5). When the site in question (Appendix B) is overlaid with the physical Comprehensive Plan and Zoning Map dated February 1992, it becomes apparent the zoning map is not adequate to accurately assess the zoning designation of the site (See Appendix C). The accuracy of distorting the zoning map to better align different markers (See Appendix D) in an overlay is imprecise, and does not reflect the regular process the City employs to determine the zone designation of any given lot. As best practice, City Staff have historically relied on a parcel specific zoning map GIS layer created in 2015. In absence of a legible, accurate representation of zone boundaries on the property, the City believes use of the GIS tool is reasonable and appropriate to accurately determine the location of the SA zone on the property.

#### STAFF CONCLUSION: ASSIGNMENT OF ERROR 1

Based on the facts listed above, Staff concludes that:

1. The Special Area Wetland (SA) is a base zone, which does not list residential development as either a permitted or conditional use.



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

#### **D. ASSIGNMENT OF ERROR 2**

##### **RELEVANT FACTS: ASSIGNMENT OF ERROR 2**

1. ORS 92.040(2) states that: "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."
2. ORS 92.040(3) states that: "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."
  - a. 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).
3. Section 10.050 of the Rockaway Beach Zoning Ordinance (RBZO) provides procedures for the preliminary development plan of a PUD.
  - a. Section 10.050(1)(i) states that the preliminary development plan for a PUD must include: "A schedule, if it is proposed that the final development plan will be executed in stages."
  - b. Section 10.050(2)(d) of the Rockaway Beach Zoning Ordinance states that, in considering the plan, the Planning Commission shall seek to determine whether: "The plan can be completed within a reasonable period of time."
4. Section 10.060 of the RBZO provides procedures for the final approval of the PUD.





- a. Section 10.060(1) states that “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. The final plan shall include all information included in the preliminary plan, plus the following:...”
  - i. Section 10.060(1)(d) requires that the final plan include “Preliminary subdivision plan if property is to be subdivided.”
5. Section 5 of the Subdivision and Land Partition Ordinance (Subdivision Ordinance) provides the procedures for a subdivision. Section 5, 6, and 7 all refer to a tentative plat as a “tentative plan.”
6. Section 11 of the Subdivision Ordinance provides the procedures for a Final Plat review.

#### STAFF FINDINGS: ASSIGNMENT OF ERROR 2

1. There are four distinct processes at issue:
  - a. **Preliminary Development Plan** (RBZO Section 10.050), also referred to as Preliminary Plan (Historical Record)
  - b. **Final Plan** (RBZO Section 10.060)
  - c. **Tentative Plan** (Subdivision Ordinance Section 5), also referred to as Preliminary Subdivision Plan (RBZO Section 10.060(1)(d)) and Tentative Plat (Historical Record)
  - d. **Final Plat** (Subdivision Ordinance Section 11)
2. In Planning Commission’s January 29, 2008 approval of PUD 07-19, certain conditions of approval, including Final Plat Condition 1, were included in the Final Order (1) as Exhibit B.
3. In Exhibit B, the Final Plat Condition 1 reads:

“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.”

The tentative plan referred to here is not the same process as a preliminary plan as per RBZO 10.050, rather, it refers to a process outlined in Section 5 of the Subdivision and Land Partition Ordinance.





4. On May 27, 2008, the Planning Commission approved the Final Plan for the 28-lot PUD. In doing so, the Planning Commission also approved the preliminary subdivision plan, also referred to as the tentative plan, for all 28 proposed lots (See Appendix I).
5. On July 22, 2008, the Planning Commission approved a modification of the PUD to allow for phasing with conditions for approval. These conditions of approval – including Final Plat Condition 1 – were included in the Final Order (2) as Exhibit B.
6. For clarity, Exhibit B included in Final Order (1) and Final Order (2) are the same document.
7. The Applicant (See Applicant Testimony and Rebuttal Page 008) argues that the City implicitly modified Final Plat Condition 1 when it authorized Nedonna Development to develop the PUD in stages instead of all at once, because that modification implicitly authorized Nedonna Development to build the improvements for each stage with that stage, as is customary for subdivisions.
8. As is relevant to interpreting this Final Plat Condition 1, the Planning Commission’s adopted findings of fact from the July 22, 2008 public hearing, titled “Exhibit D: Modified Preliminary and Final Approval for a Two Phase Development,” addressed the question of a development schedule, specifically (**emphasis added**):

*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 plan and final plan approval requests a two stage development plan that is substantially 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.***

The emphasized language suggests that the City did not authorize any implicit changes as the Applicant suggests.



9. The question then becomes whether Final Plat Condition 1 in Exhibit B was specifically amended in the findings of fact included in Exhibit D, which allowed for the phasing of the 28-lot PUD per the Planning Commission's decision on July 22, 2008.

10. In the Exhibit D, Finding No. 4, states that (**emphasis added**):

“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 housing included but not limited to : 3 phase duplex station with controls, divot crane, onsite generator, telemetry, lighting and fencing; the extension of 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 Reily Street east of Kittiwake, and Jackson Street.”

11. Beyond Finding No. 4, Exhibit D is silent on the period of time the installation of the remaining utilities would be postponed for, and thus, does not specifically amend Final Plat Condition 1 in Exhibit B. Instead, Finding No. 4 sets a new start date from which the one-year would be calculated from (July 22, 2008).

12. Further discussion at the August 13, 2008 City Council hearing is relevant to analyzing the Final Plat Condition 1. During the August 13, 2008 City Council Hearing, in which the City Council approved adding the PUD designation to the zoning map, a public conversation between the City Planner, Sabrina Pearson, and the Mayor, Lisa Phipps, was recorded in which the Mayor asked the Planner about the timelines for both phases of the PUD. In that conversation, the Planner mentions the applicants considering an extension for Phase Two of the PUD: “We already have the final set division plat [...] and it is their intention to complete those in phase 1 fairly quickly. They have spoken with us about potentially extending phase 2 through 2011” (Appendix J). This would imply that a deadline did in fact exist for Phase Two of the PUD. The transcript of the conversation is included in Appendix J. This evidence helps illuminate the City's intention for the application of Exhibit B.

13. The Applicant additionally argues that Final Plat Condition 1 applies to the tentative plans for a plat or phase of the PUD, and not the Final Plan of PUD 07-19 itself, approved under Final Order (2). In other words, the one-year period begins when the city issues a “tentative plan approval for a plat or phase of the PUD” and that the Final Order (2) was not a tentative plan approval, rather that was a final approval. Page 008 of Applicant Testimony and Rebuttal document.

14. On July 22, 2008, however, the City modified the Preliminary Plan approval, the Tentative Plan approval, and the Final Plan approval for PUD 07-19 concurrently. Exhibit D is titled “Modified Preliminary and Final Approval for a Two Phase Development.” Additionally, the motion passed



by the Planning Commission on July 22, 2008 was to “approve #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 with conditions as stated in the staff report.”

In other words, in this matter, the City does not see a distinction between the “tentative plan approval,” as suggested by Final Plat Condition 1 or Exhibit D, and the Final Plan approval for PUD 07-19.

15. Further, Exhibit D’s findings suggest that the City intended for Final Plat Condition 1 to carry over to Phase 2, and apply based on the original tentative plan approval. Section V(1) of Exhibit D applied the original preliminary development and tentative plan approval conditions of the January 29, 2008 decision to both phases of the PUD. That Section V(1) states:

Two Final Plats: 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. 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

16. The City interprets reference to “tentative plan approval” in Exhibit D as intentional. It is consistent with the language under Final Plat Condition 1, which specifically requires improvements to be constructed within one year of “tentative plan approval.” Additionally, the description of phase 2, lots 9-28, is established by reference to the tentative plan first approved on May 27, 2008, and later subject to phasing on July 22, 2008.
17. Exhibit D modified the Tentative Plan approval to allow for phasing of that Tentative Plan. It did not limit the original Tentative Plan, approved on May 27, 2008, to either Phase. This suggests that the City did not require the Applicant to seek an additional “tentative plan approval” per Section 10.060(1)(d) of the RBZO for Phase Two as the Final Plan approval for Phase Two took place on July 22, 2008.
18. This interpretation is supported by #PUD-24-1. In the 2024 PUD application, the Applicant sought to modify the Final Plan and the tentative plan, which was first approved on May 27, 2008, and later subject to phasing on July 22, 2008. The Applicant did not seek Tentative Plan review as per Section 5 of the Subdivision Ordinance.
19. The one-year period began when the city issued its approval for #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 with conditions as stated in the staff report, within Exhibit D conditions (Final Order (2)), on July 22, 2008.



20. Altogether, a reasonable, plausible interpretation of Final Plat Condition 1 is that it applies to the original tentative plan approval, which took place on May 27, 2008 and was modified on July 22, 2008. If the City intended for a different time period to apply (e.g., preliminary or tentative phase approval), then it could have said so.

#### STAFF SUMMARY: ASSIGNMENT OF ERROR 2

Upon a close inspection of issues relevant to the second assignment of error, Staff finds the following:

Nothing contained in Oregon Revised Statutes or the Rockaway Beach Zoning Ordinance would cause land use decisions to expire. In 2008, the Planning Commission erred in failing to require the applicant to submit a development schedule as is required by RBZO Article 10, 10.050 (1) (i). The Planning Commission and City Councils 2008 PUD decisions are final and not subject to review. At issue today is whether Exhibit B: Final Plat Condition 1 was met and whether that condition was intended to extend to Phase Two of the PUD.

Exhibit B set conditions for approval for Phase 2 of the PUD, unless those conditions were specifically amended in Exhibit D. A finding included in Exhibit D notes that Phase Two of the PUD served only to specifically postpone the installation of the remaining utilities. However, Exhibit D did not specifically amend the Final Plat requirement for the PUD to complete the improvements within one year of a “tentative plan approval.” Additionally, Exhibit D modified the Tentative Plan approval to allow for phasing of that Tentative Plan, it did not limit the original Tentative Plan, approved on May 27, 2008, to either Phase. Suggesting that the condition for approval timeframe of one year for improvements was postponed from May 27, 2009 to July 22, 2009, and no condition was set which required the applicant to seek an additional Tentative Plan approval for Phase Two per Section 10.060(1)(d) of the RBZO.

#### STAFF CONCLUSION: ASSIGNMENT OF ERROR 2

Based on the facts listed above, Staff concludes that:

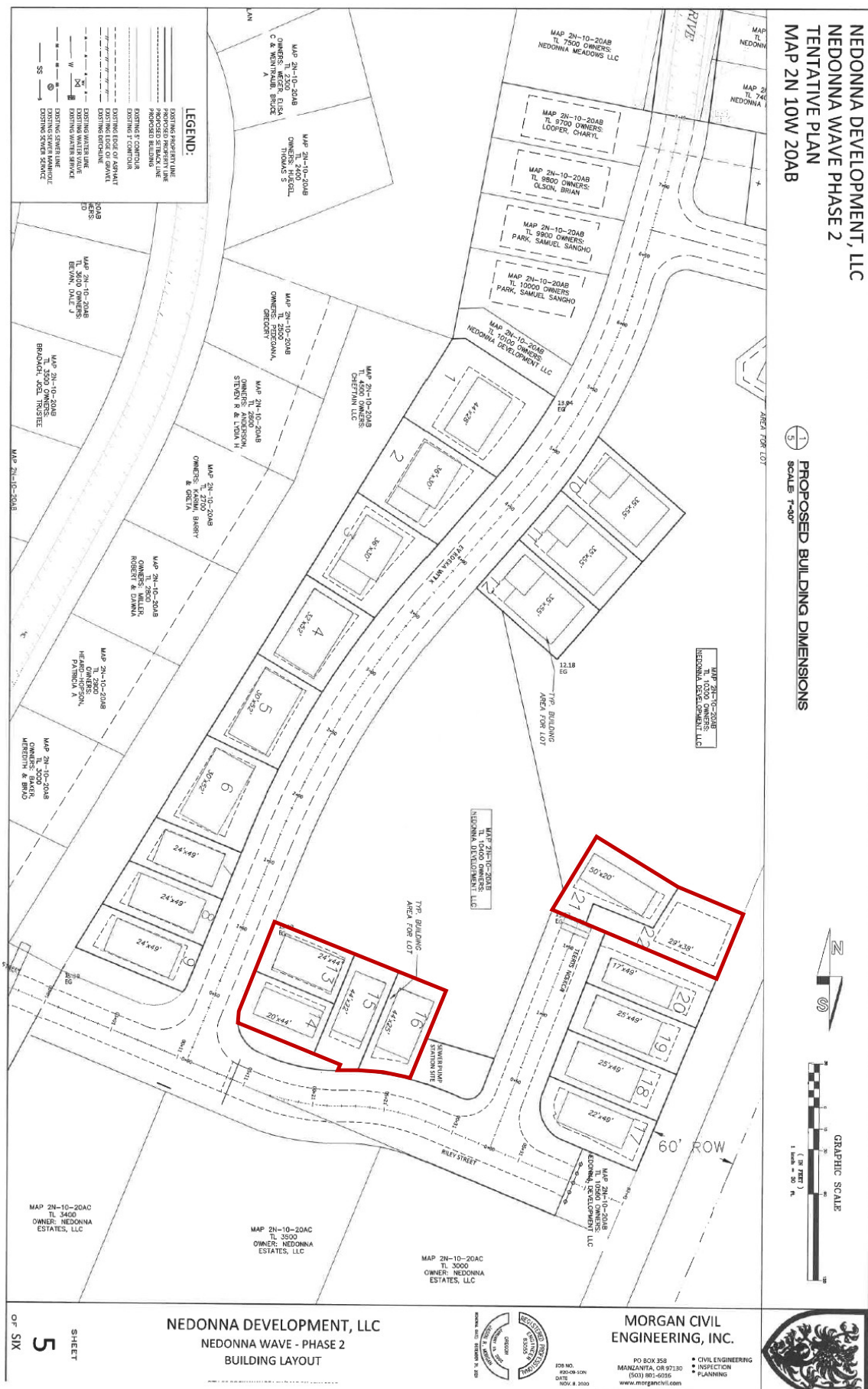
1. Exhibit D applied Exhibit B: Final Plat condition 1 to Phase Two of the PUD.
2. The one-year period began when the city issued its approval for #2007-19 Modification of Tentative Plan and Final Plan Approval for a Two-Phase Development for the Nedonna Wave 28-Lot Planned Unit Development Subdivision and the application condition was not met by July 22, 2009.



3. Therefore, because the above condition of approval was not timely met, #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 is no longer valid.

## **E. CONCLUSION**

Based on the findings and conclusions presented in this 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 application #PUD-24-1.





## Appendix B

Joint Permit Application  
 Nedonna Development LLC, Nedonna Wave Planned Unit Development  
 Rorick Environmental Services, 503-668-8660

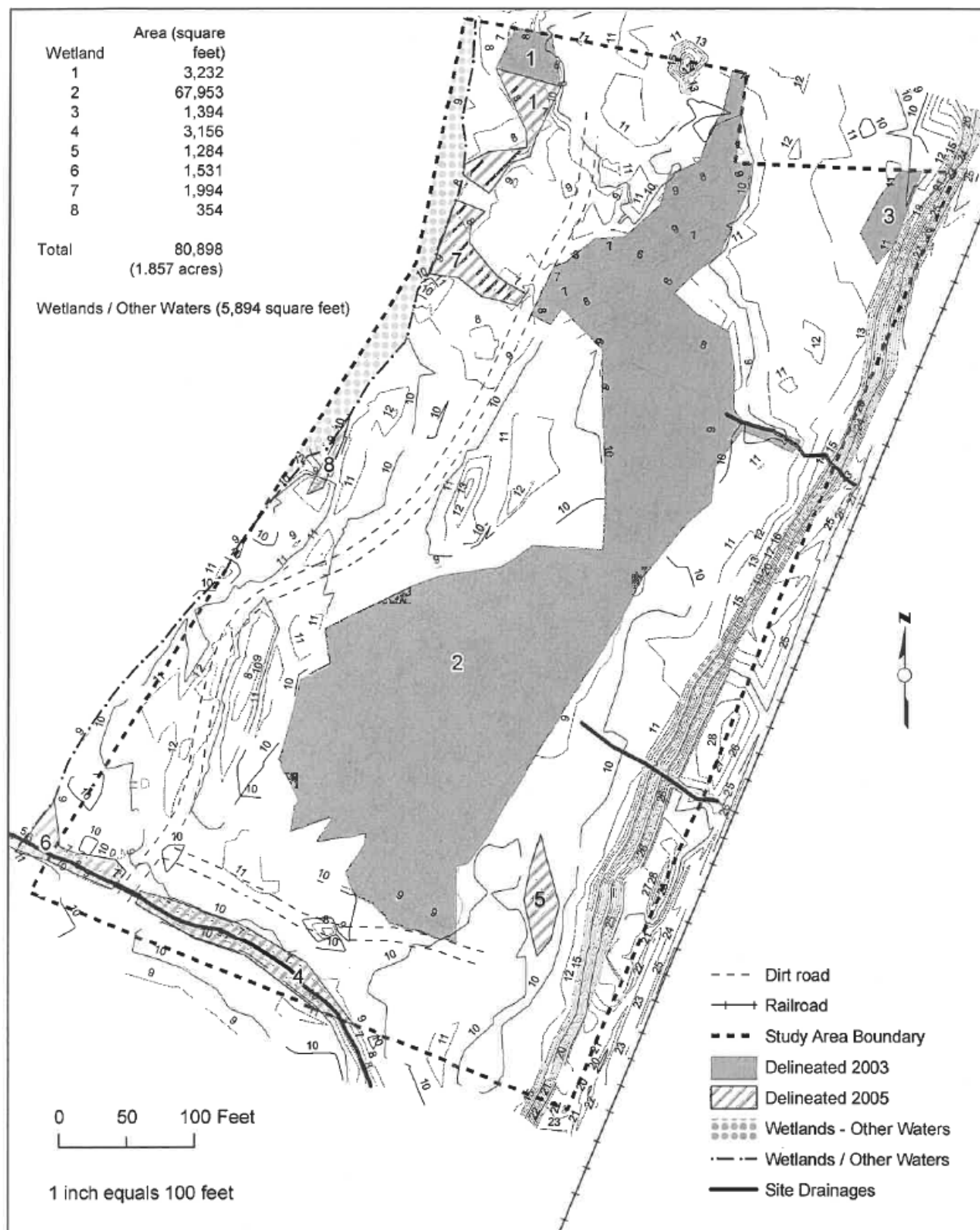


Figure 5 Wetlands map (revised 7-26-06).



**Wetland Creation**

Area	Size (square feet)
1	14,351
2	962
3	1634
4	3647
5	312
6	220
7	1045

Total Creation Area = 0.509 acres

**Construction Entrance**

**Construction Entrance**

**Legend**

- Study Area Boundary
- Contour (5' interval)
- Contour (1' interval)
- Top of Bank
- Proposed Lot Layout
- Existing Dirt Road
- Railroad
- Staging Areas
- Proposed Wetland Fill
- Existing Wetlands
- Wetland Creation (Palustrine Forested)

0 50 100 Feet

15B-7

**Figure 10** Site plan and proposed alternative.

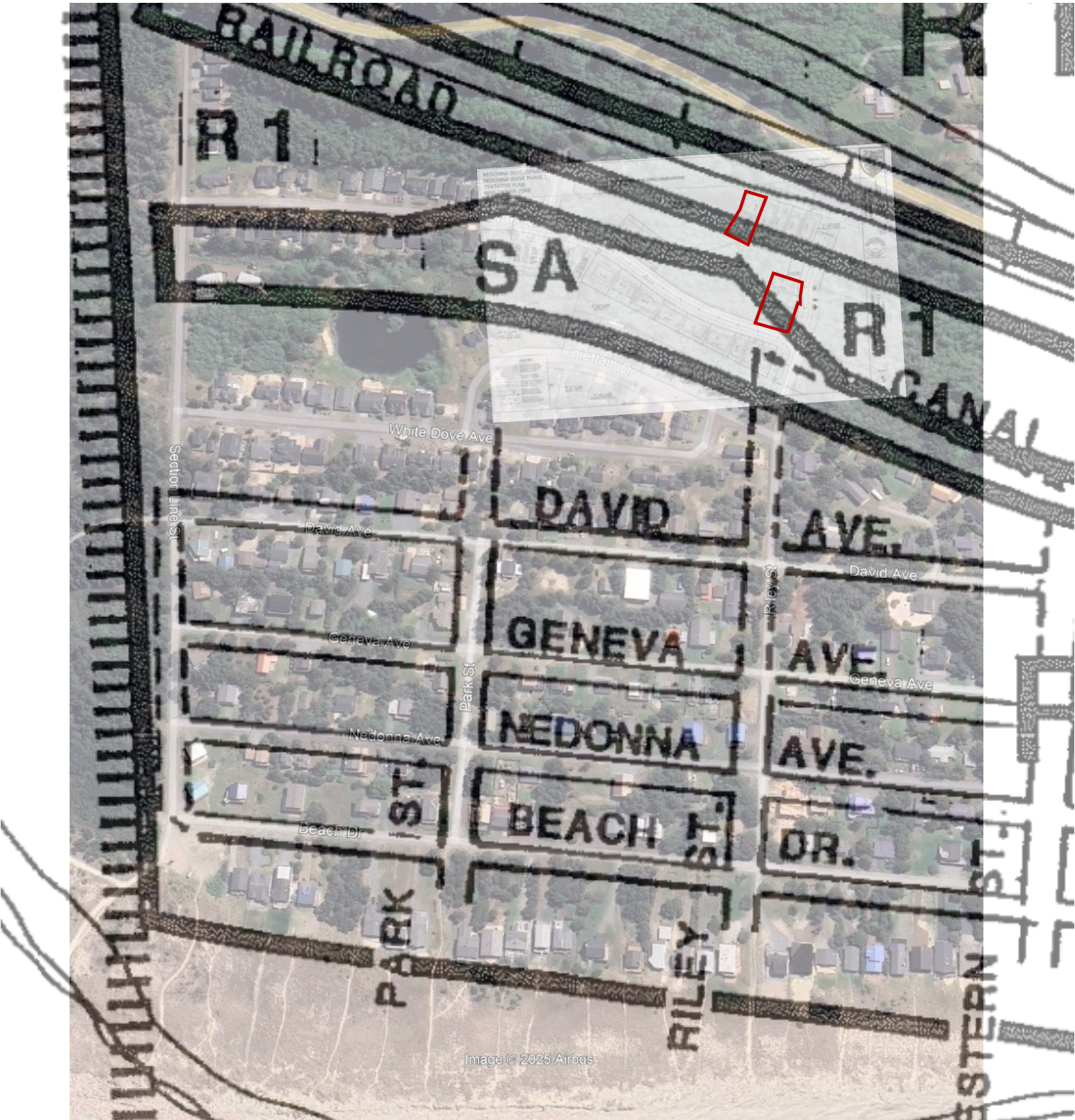


Appendix D



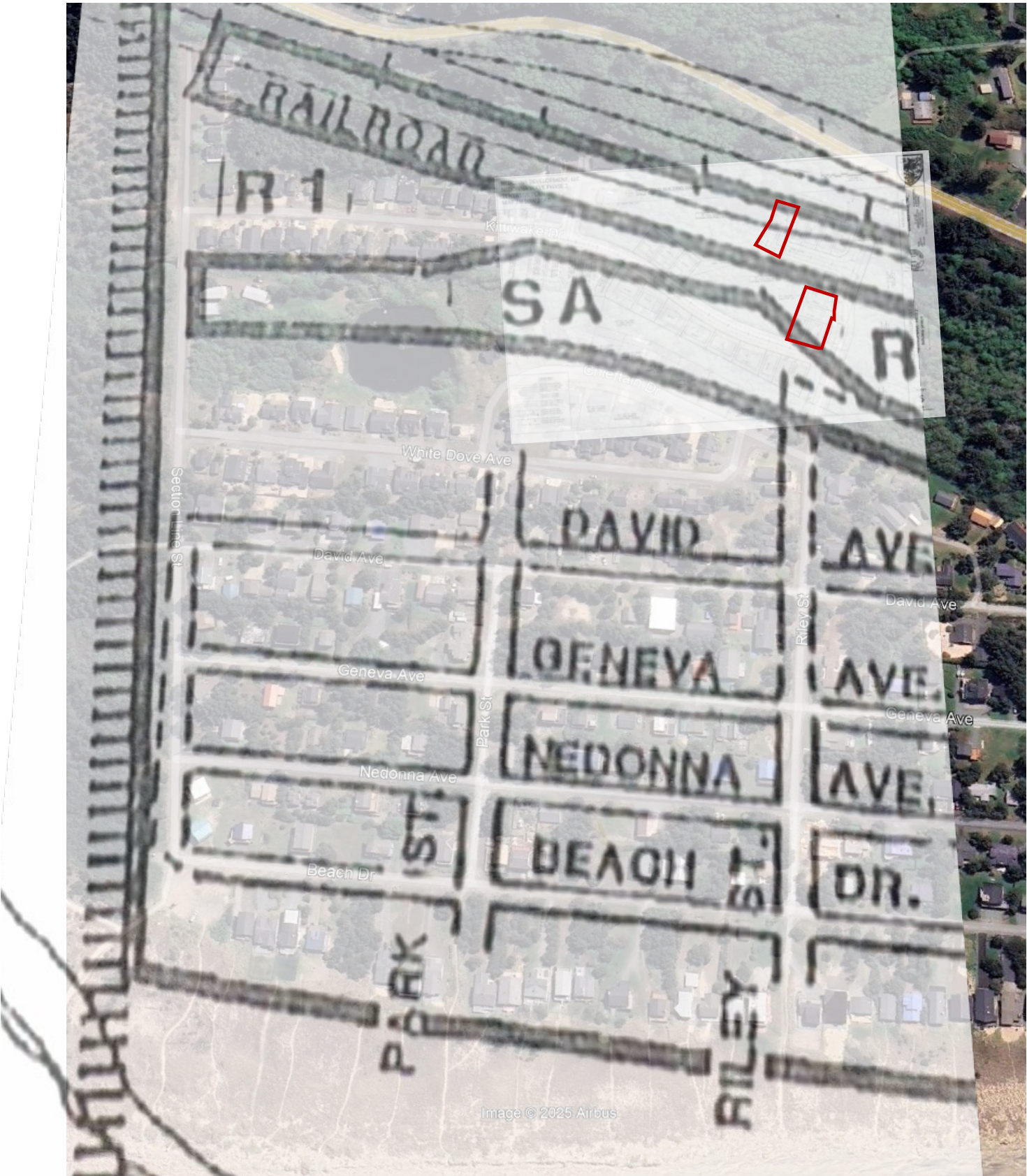


Appendix E





Appendix F



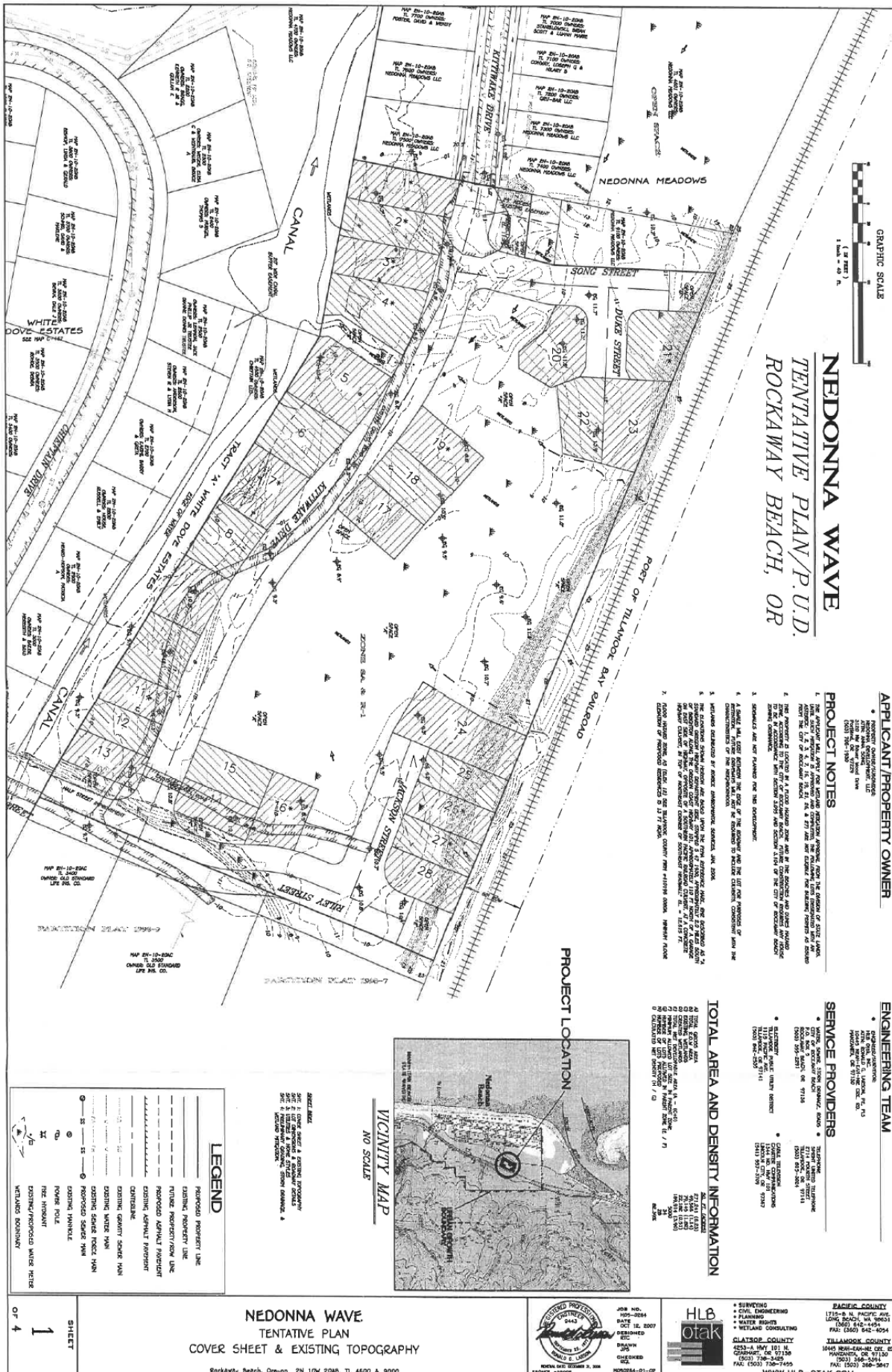


Appendix G











## Appendix J

0:08:08- Planner (Sabrina Pearson): ...Building permits will not be issued until conditions for approval have been met. Any questions?

0:08:14 Mayor (Lisa Phipps): so in phase one there will be 8 lots and the improvements associated with those 8 lots building permits will be issued for those 8 lots so if phase 2 never moves forward at a minimum we have 8 lot subdivision.

0:08:36 Planner: Correct

0:08:36 Mayor: How long do they have for the final plat approval, is it a year from the planning commission's...

0:08:43 Planner: they do have a year to submit...

0:08:46 Mayor: and when will that...

0:08:46 Planner: and they may request extensions

0:08:49 Mayor: assuming everything goes through tonight, when will that approval be up

0:08:56 Planner: one year from the date, May 27, 2000[inaudible]. We already have the final set division plat but there is one in review with the city and it is their intention to complete those in phase 1 fairly quickly. They have spoken with us about potentially extending phase 2 through 2011 that would be the wetland delineation approval stage, but I do not foresee that. That could happen, I suppose potentially, and that is why phase 1 is stand alone, the open space required to serve phase 1 is fully intact and we will have all of the Department of State Lands and US Army Corps joint permit forms submitted for phase 1.