1	BEFORE THE LAND U	SE BOARD OF APPEALS
2	OF THE STATE OF OREGON	
3	NED OLD LA DELIEL OD CENTE LL C	
4	NEDONNA DEVELOPMENT, LLC,	)
5 6		)
7	Petitioner,	) LUBA No. 2025-069
8	,	)
9	VS.	)
10		
11 12	CITY OF ROCKAWAY BEACH,	)
13	CITT OF ROCK/IW/IT BE/ICII,	)
14	Respondent.	)
15		
16	MOTION TO INTERVENE	
17		I.
18	Pursuant to OAR 661-010-0050(2), Oregon Shores Conservation Coalition	
19	and North Coast Communities for Watershed Protection (collectively,	
20	"Intervenors") move to intervene on the side of Respondent City of Rockaway	
21	Beach in the above-captioned appeal. Intervenors contact information is as follows	
22		
23	Oregon Shores Conservation Coalition	North Coast Communities for
24	c/o Mandy Watson	Watershed Protection
25	PO Box 5626	PMB # 44
26	Coos Bay, OR 97420	PO Box 779
27	(847) 226-8699	Garibaldi, OR 97118
28	mandy@oregonshores.org	(971) 386-3788
29		rockawaycitizen.water@gmail.com
30		
31	Interveners are remarked to	
32	Intervenors are represented by:	
33 34	Eric Wriston	
35	Crag Law Center	
J J		

1 2	3141 E. Burnside Street, Portland, OR 97214 (360) 773-7265	
3	eric@crag.org	
4	II.	
5	The appealed decision is Respondent's land use decision entitled "Case File	
6	#Remand-25-1, Findings, Conclusions, and Final Order" ("the Decision"), which	
7	became final on October 7, 2025. The Decision reversed the City of Rockaway	
8	Beach's prior modification of and Final Plan Approval for a 28-lot Planned Unit	
9	Development. The Decision came after LUBA's remand in Oregon Shores	
10	Conservation Coalition v. City of Rockaway Beach, LUBA No. 2025-001 (Jul. 2,	
11	2025). Nedonna Development, LLC filed a Notice of Intent to Appeal the Decision	
12	with LUBA on October 23, 2025.	
13	III.	
14	Intervenors have standing to intervene under OAR 661-010-0050(1) because	
15	they each appeared before the City of Rockaway Beach in the proceeding below	
16	The facts establishing Intervenor's standing are as follows: Intervenors each	
17	submitted comments and testified before the City Council in the decision below	
18	(Exhibits A, B, C). Intervenor Oregon Shores Conservation Coalition was also the	
19	Petitioner in LUBA No. 2025-001, which led to the present decision on Remand.	
20		
21	Dated: November 13, 2025	
	5-	
22		
23	Eric Wriston, OSB No. 226130	
24	Of Attorney for Intervenor-Respondents	

1	CERTIFICATE OF FILING	
2	I hereby certify that on November 13, 2025, I filed the original and (1) copy	
3	of this Motion to Intervene, with the Land Use Board of Appeals, 201 High Street	
4	SE, Suite 600, Salem, OR 97301-3398, by sending the documents via first class	
5	U.S. mail.	
6	Dated: November 13, 2025	
	5-	
7	Eric Wriston, OSB No. 226130	
8 9	Effe Wilston, OSB No. 220130	
10		
11	CERTIFICATE OF SERVICE	
12	I hereby certify that on November 13, 2025 I served a true and correct copy	
13 14	of this Motion to Intervene, by first class U.S. Mail to the following:	
15 16 17 18	Dean N. Alterman Armand Resto-Spotts  Alterman Law Group PC  805 SW Broadway, Suite 1580 Portland, OR 97205  dean@alterman.law  Armand Resto-Spotts  975 Oak Street, Suite 1700  Eugene, OR 97401  armand@localgovtlaw.com	
20 21 22	Dated: November 13, 2025	
	5-	
23	Eric Wriston, OSB No. 226130	
24	ETC WISION, USB NO. 220130	
25		

#### **EXHIBIT A**



August 19, 2025

Rockaway Beach City Council City of Rockaway Beach 276 Hwy 101 Rockaway Beach, OR 97136

Re: No. Remand-25-1: Remand Proceedings in LUBA No. 2025-001 Regarding the Application of Nedonna Development for Phase 2 Planned Unit Development Approval

Oregon Shores Conservation Coalition ("Oregon Shores") is a non-profit organization, with members in Rockaway Beach, that works to protect Oregon's coastal environment and employ Oregon's land use planning system to its best possible effect in preserving coastal communities. Oregon Shores opposes approval of Nedonna Development LLC's proposed second phase of a planned unit development first permitted in 2008 (PUD #24-1, 2N1020AB, Tax Lots 10200, 10400, and 10500) ("the Project"). Oregon Shores is concerned about the impact that the Project will have on the City's wetlands and watersheds—including the area within the Special Area Wetlands (SA) zone, which the City decided to protect for its ecological value decades ago. These wetlands not only serve important ecological and hydrological functions, but also lie above a drinking water aquifer that may be increasingly vital to the community in a future shaped by climate change and sea level rise.

After the City Council denied Oregon Shores' appeal of the Planning Commission's approval of this application, Oregon Shores filed an appeal of the decision to LUBA, and LUBA sustained both of Oregon Shores' assignments of error on appeal. For the reasons described below, the City Council must deny this application on remand based on both of the assignments of error that LUBA sustained.

## I. The Application Must be Denied Because the Proposed Development is Within the Special Area Wetlands Zone

The First Assignment of Error that LUBA sustained requires the City to determine whether the Project is within the Special Area Wetlands (SA) Zone. If development is proposed within the SA zone, the City must deny the Project. Because the zoning map is clear that a significant portion of the Phase 2 development is in the SA zone, the City must deny the application.

a. LUBA's Decision Requires the City to Deny the Application Because it Proposes Residential Development Within the SA Zone

#### Oregon Coast For All

mandy@oregonshores.org | oregonshores.org PO BOX 5626, COOS BAY, OREGON 97420

LUBA's decision is clear that residential uses are not an allowed use in the SA zone. meaning if any of the proposed development is within the SA zone, the City Council must deny the application. LUBA held that "[n]one of the permitted or conditionally permitted uses [in the SA zone] include residential development of any kind." LUBA elaborated that this is different from the City's Wetland Notification Overlay Zone, which does not control what uses are allowed, but simply requires applicants to notify DSL and the Corps about the project.<sup>2</sup> In other words, it does not matter whether the Applicant has done or will do a wetland delineation: if any part of the development is within the SA zone, it cannot be approved.<sup>3</sup>

The reason LUBA remanded, as opposed to reversing, the City's decision was because it could not tell from the record whether there is indeed residential development proposed within the SA zone.<sup>4</sup> Attached to this comment as Attachment A are images of the proposed development next to the City's zoning map and online mapping tool. A quick look at these maps makes clear that the proposed development indeed proposes to locate lots within the SA zone. Accordingly, the application must be denied.

b. The Boundary of the SA zone Cannot be Moved Without a Rezone Application.

Prior to LUBA's remand, the City appeared to take the position that Rockaway Beach Zoning Ordinance (RBZO) § 3.080(5) contains an implicit power to move the boundary of the SA zone where a wetland delineation shows there are no wetlands. This interpretation of RBZO § 3.080(5) is incorrect for many reasons, including 1) the text of the provision does not support it, 2) it would violate the purpose of the SA zone, 3) it would be impossible to implement in practice, and 4) it would be a clear violation of the specific procedures for a zone change laid out in state law and the RBZO.

First, RBZO § 3.080(5)'s plain language cannot support an interpretation that the boundaries of the SA zone can be shrunk without going through a rezone process. Instead, it is clear that the provision was intended to provide the City with an optional means to apply the protections of the SA zone to additional neighboring areas where a proposed development would impact the land protected by the zone. The provision reads as follows:

<sup>&</sup>lt;sup>1</sup> Oregon Shores Conservation Coalition v. City of Rockaway Beach, LUBA No. 2025-001, slip op. at 6 (July 2, 2025).

<sup>&</sup>lt;sup>2</sup> *Id.* at 6-7.

<sup>&</sup>lt;sup>3</sup> As Oregon Shores explained previously, the fact that the Applicant already received the PUD overlay for the development does not change this analysis as the RBZO is clear that the PUD overlay does not allow residential density beyond what would be allowed by the base zone. RBZO § 10.030 ("Buildings and uses may be permitted either singly or in combination provided the overall density of the Planned Unit Development does not exceed the density of the parent zone as provided in this ordinance."). <sup>4</sup> *Id.* at 11.

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.

"In the vicinity of an area," makes clear that this provision applies to properties that are adjacent to or nearby the SA zone and not inside of it.<sup>5</sup> For example, the proposed development is not "in the vicinity of an area designated Special Area Wetlands," it is inside of an area designated Special Area Wetlands. This is confirmed by the fact that the boundary determination described here is something that "the City may require," and not something that is available by right to applicants, making clear that it is a discretionary authority to impose additional requirements where there is concern about impacts to protected areas. RBZO § 3.080(5) simply gives the City discretionary authority to require a biologist report for proposed development near protected special area wetlands, to give it more information regarding impacts. There is nothing in the provision that provides that the SA zone boundary can be shrunk based on a wetland delineation.



Second, reading RBZO § 3.080(5) otherwise would conflict with the zone's purpose as stated in the Comprehensive Plan and RBZO. The SA zone is meant to conserve important

https://www.merriam-webster.com/dictionary/in%20the%20vicinity%20of.

<sup>&</sup>lt;sup>5</sup> Merriam-Webster defines "vicinity" to mean "the quality or state of being near." Merriam-Webster, "Vicinity," <a href="https://www.merriam-webster.com/dictionary/vicinity">https://www.merriam-webster.com/dictionary/vicinity</a>. It also defines the full idiom "in the vicinity of" to mean "in the area that is close to (a place)." Merriam-Webster, "In the Vicinity of,"

natural areas within the City's boundaries. It is concerned with more than just definitional wetlands. As the City's Comprehensive Plan explains, it was meant to protect "wetlands and lowlands that are subject to flooding, provide wildlife habitat, and are a significant scenic resource for Rockaway Beach." And as the purpose statement of the SA zone RBZO section states, the SA zone is meant "to conserve significant freshwater wetlands and the shoreland and aquatic environment of Rockaway Beach's lakes." Thus, allowing the SA zone to shrink at-will simply based on whether an applicant can demonstrate whether or not jurisdictional wetlands are present at the time of a delineation would defeat the purpose of the Special Area Wetlands zone.

Third, the lack of textual support for reading RBZO § 3.080(5) to allow the zone to shrink is bolstered by the absence of any instructions or guidelines for how such an authority would function in practice. Because the SA zone is a base zone, there is no underlying zone for this land to revert to if its boundaries were to shrink. Here, if the SA zone were removed from the subject property, there are no instructions in RBZO § 3.080(5) for what should happen next. What would the underlying zone be? The City Council previously assumed that residential uses could be allowed, but why? Could an industrial use be allowed? It cannot be that whatever zoning is applied to adjacent parcels would simply carry over into the SA zone, because in many cases the "carry-over" zoning would be not only more intensive, but completely unclear. See, for example, the area in the picture from the City's online zoning map below. If the SA zone were to be moved back from the area within and around the red circle, would the underlying zone be C1 or RR? These are the kinds of questions the RBZO would presumably answer if it meant to stash such a large power in such an innocuous provision.

Finally, allowing the boundary of the SA zone to shrink at-will would also be a clear violation of state law and the RBZO. The City has a combined comprehensive plan and zoning map, meaning that any zoning change must be processed as a plan amendment.<sup>8</sup> Thus, reducing the SA zone boundary would require an amendment to the City's comprehensive plan map. But a comprehensive plan amendment is subject to a particular set of procedures set by state law and the RBZO.<sup>9</sup> Thus, RBZO 3.080(5) cannot be interpreted to allow the SA zone boundary to shift inwards because that would be amending the comprehensive plan map without following the

<sup>&</sup>lt;sup>6</sup> Rockaway Beach Comprehensive Plan at 27 (emphasis added).

<sup>&</sup>lt;sup>7</sup> RBZO § 3.080(1) (emphasis added).

<sup>&</sup>lt;sup>8</sup> Rutigliano v. Jackson County, 42 Or LUBA 565, 573 (2002).

<sup>&</sup>lt;sup>9</sup> For example, the City of Rockaway Beach Comprehensive Plan requires any "amendment[] to the comprehensive plan map" to show that the amendment is consistent with the plan's goals and policies, is necessary to meet a land use need, that the land is suitable for the uses, that the area can be served by the appropriate level of public facilities, and that the amendment is compatible with the land use development pattern in the vicinity of the request.

required procedures. If the Applicant wishes to develop within the piece of its property currently designated as SA, it must follow these procedures and apply for a zone change.<sup>10</sup>

## II. The Application Must be Denied Because the Underlying Plan Approval for the Project has Expired

The Second Assignment of Error that LUBA sustained requires the City to answer one question on remand: did the initial approvals of the Project include a condition that all improvements for both phases of the development be completed within one year. As LUBA explained, if the answer to this question is yes, then this application must be denied because there is no valid underlying approval to modify as the Applicant undisputedly did not complete all of the required improvements. As described below, those initial approvals clearly included a condition that improvements be completed within a year, and the application must therefore be denied.

The plain language of the initial PUD approvals for this project was clear that all of the improvements, for both phases, had to be completed within one year. There were multiple layers of decision-making in the initial approval of this project, all of which are included with this comment as Attachment B. However, the expiration issue can be fully understood in four steps:

1. In February 2008, the Planning Commission approved a preliminary plan for the Project.<sup>12</sup> At the time, the Project had not been split into two phases. That initial

<sup>&</sup>lt;sup>10</sup> Even if the City Council were to read RBZO § 3.080(5) as allowing the SA zone boundary to move inwards, there is no dispute that there are at least some wetlands that are within the development. Regardless of whether those areas are seeing physical housing development, they are being used as a part of the residential use at issue here to provide open space for the housing. The development could not move forward if those SA zoned areas were not being put to that residential use. Accordingly, even if RBZO § 3.080(5) is read in that way, the project must be denied for seeking to allow a prohibited use within the SA zone. Additionally, a PUD only allows the density allowed in the parent zone. If SA areas are included within the development, the allowed residential density in those areas is zero. Accordingly, to issue this approval, the City would have to show that the overall density of the PUD is compliant, while factoring in those SA zones. In other words, the density of housing allowed by this application would have to be compliant with the code without factoring in any of the area that is zoned SA.

<sup>&</sup>lt;sup>11</sup> "If [the City] intended the condition to apply to both phases, then petitioner would seem to be correct that the PUD has expired for failure to complete all Phase 2 improvements within one year of preliminary PUD approval." *Oregon Shores Conservation Coalition v. City of Rockaway Beach*, LUBA No. 2025-001, slip op. at 14 (July 2, 2025).

<sup>&</sup>lt;sup>12</sup> This decision is titled "Final Order" in the record and is included in Attachment B at page 5. Also included as a part of this initial order were Exhibit A (findings of fact), included in Attachment B at page 8, and Exhibit B (conditions of approval), included in Attachment B at page 42.

- approval—which, again, applied to the whole 28-lot development—required as a condition of approval that "[t]he developer shall complete the improvements within one year of tentative plan approval unless an extension is granted by the City to complete improvements."<sup>13</sup>
- 2. Later, in August 2008, the Planning Commission issued a final plan approval for the full 28-lot development. That approval again required that "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." <sup>15</sup>
- 3. At the same time as it issued that final approval, which applied to the full development, the Planning Commission also authorized an amendment to the preliminary plan and final plan to allow the development to happen in two phases. The order splitting it into two phases explicitly stated that all previous conditions "apply in their entirety except where *specifically* amended." Nothing in the order amends the one-year timeline that applied to the full development and all of the improvements listed in the previous orders.
- 4. Finally, in September 2008, the City Council approved the final plan and adopted the PUD overlay.<sup>17</sup> The City Council's order made clear that all earlier adopted conditions, including the one-year deadline for all of the improvements, still applied before final plat approval.<sup>18</sup>

Accordingly, based on this series of orders, it is clear that the plan approval for this project has expired and the subject application must be denied. A one year deadline was included for improvements for the full development as a condition of approval, and it was not "specifically amended" when the project was split into two phases.

Context from the RBZO confirms this understanding of the initial approvals. The City would have been violating the RBZO if it did not include the one-year time limit. When it approved the initial PUD, the City was obligated to set a development schedule and ensure that it

<sup>&</sup>lt;sup>13</sup> Attachment B at 19 and 47.

<sup>&</sup>lt;sup>14</sup> This decision is titled "Final Order (2)" in the record, included in Attachment B at page 3. This order approved both a final plan for the full project and splitting the development into two phases, as discussed in the next bullet. The final order included Exhibit C (giving final plan approval to the full development), included in Attachment B at page 49, and Exhibit D (modifying the final plan approval and preliminary plan approval to split the project into two phases), included in Attachment B at 67.

<sup>&</sup>lt;sup>15</sup> Attachment B at 64-65.

<sup>&</sup>lt;sup>16</sup> Attachment B at 68 (emphasis added).

<sup>&</sup>lt;sup>17</sup> This decision is titled "Final Order (3)" in the record, included in Attachment B at page 1.

<sup>&</sup>lt;sup>18</sup> Attachment B at 1.

could be completed within a reasonable amount of time.<sup>19</sup> The one year time limit was how the City complied with these provisions.

The initial approval of this development established a one-year deadline for the Applicant to complete all of the improvements for both phases of the development. The Applicant has failed to meet that deadline by over 16 years, and the City Council must therefore deny the application.

#### III. Conclusion

The record is clear that the Project must be denied based on both of the Assignments of Error that LUBA sustained. It is both illegal and unwise to allow a development in the middle of protected wetland areas to resume construction after a 16-year hiatus. These protections exist for good reason—because the benefits of keeping sensitive areas like these wetlands intact are long-term, community-wide, and increasingly critical as climate and water resource pressures grow.

We appreciate the City Council's thoughtful consideration of the issues concerning this development and are grateful for the opportunity to offer comment. By denying this application, the City has the opportunity not only to uphold legal integrity, but to demonstrate a meaningful commitment to its own planning goals and to the people who rely on a healthy, resilient landscape. Choosing to reject this outdated and unlawful proposal, and to protect the wetlands and aquifer beneath them, is a choice in favor of Rockaway Beach's future.

Sincerely,

Mandy Watson

Coastal Conservation Manager

**Oregon Shores** 



<sup>&</sup>lt;sup>19</sup> RBZO § 10.050(1)(i) and RBZO § 10.050(2)(d). LUBA discusses this on page 13-14 of the decision. *Oregon Shores Conservation Coalition v. City of Rockaway Beach*, LUBA No. 2025-001 (July 2, 2025).

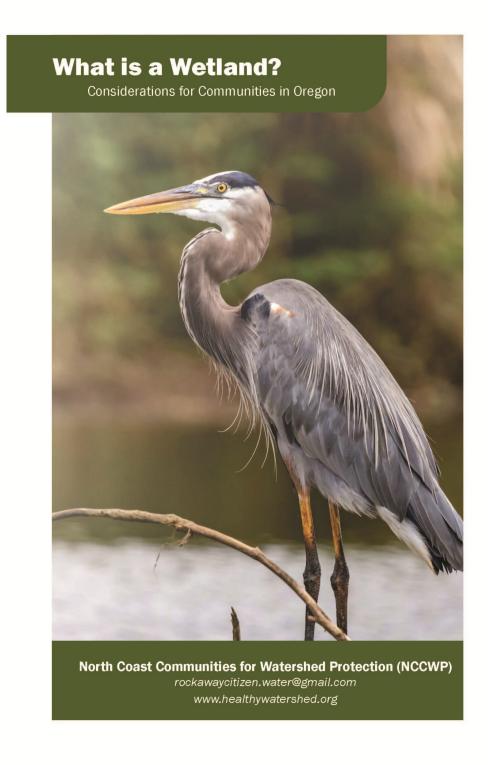
#### **EXHIBIT B**



ALL SORTS OF FAMILIES LIVE AND THRIVE IN WETLANDS.



HELP NORTH COAST COMMUNITIES FOR WATERSHED PROTECTION PRESERVE THESE ESSENTIAL HABITATS!



#### **EXHIBIT B**

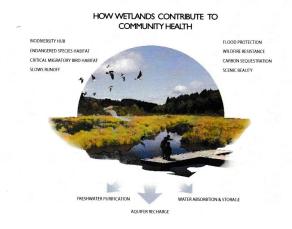
## WHY SHOULD WE ALL CARE ABOUT PROTECTING WETLANDS?

There would be no life on earth without water!

Wetlands are how the earth maintains and protects its water resources by storing, purifying, and recharging our aquifers.

In addition to this critical protection of water sources, wetlands slow down floodwaters, reduce the risk of wildfire, and provide habitat for wildlife.

A special bonus for humans is that they also connect us to nature through fishing, hiking, bird-watching, canoeing and enjoying the beauty and peace of the natural world.



#### WHAT CAN I DO TO HELP PROTECT WETLANDS?

Some ideas from the Environmental Protection Agency on how to help protect wetlands:

- Contact your local governing officials to let them know that wetland protection and restoration is important for community health.
- Volunteer or give money to organizations who are working to protect and restore wetlands in your area, for example, NCCWP (North Coast Communities for Watershed Protection) that works to protect the North Coast of Oregon.
- If you have wetlands on your property, consider an alternative use of the land that is more compatible with wetland preservation, such as protecting it as waterfowl and wildlife habitat.
- •You don't have to be a hunter to buy a Duck Stamp from the post office. Proceeds from these \$29 stamps go toward wetland conservation.



# EXHIBIT B ARE WETLANDS FEDERALLY PROTECTED?

It depends.

Until recently, wetlands were considered to be part of the "waters of the United States" and subject to protection. However, the 2023 ruling by the Supreme Court has greatly restricted the definition of wetlands to those with "continuous surface connection" to another recognized wetland. This restricted definition of wetlands leaves 71 million acres of wetland vulnerable to pollution and destruction.

# ARE OREGON WETLANDS PROTECTED?

To some extent.

Oregon has some restrictions on removing water from wetlands and on filling in wetlands. In addition, communities must inventory wetlands, determine their significance, and incorporate that information into their comprehensive plan for the area. "Significance" is determined by the local governing body.

# OREGON WETLANDS NEED MORE FEDERAL AND STATE PROTECTION!

#### There are four general types of wetlands:

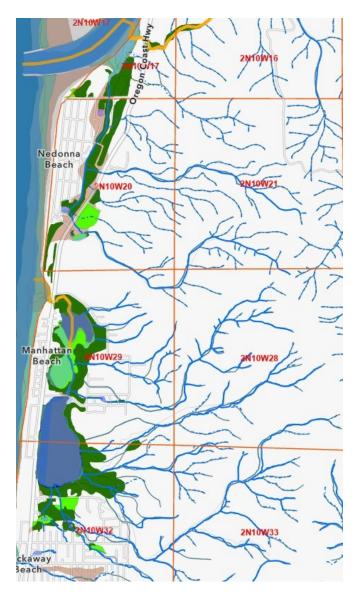
- *Marshes:* wetlands with an abundance of soft-stemmed vegetation
  - Swamps: mostly have woody plants
- •Bogs: freshwater, often formed in old glacial lakes with spongy peat deposits, evergreen trees and shrubs and a floor of moss
- Fens: freshwater covered mostly by grasses, sedges, reeds, and wildflowers.



#### In general, wetlands can be identified by:

- An abundance of standing water or saturated soils
- Hydric (wetland specific) soil types
- The presence of wetland plants

**EXHIBIT B**WHERE ARE THE WETLANDS ON THE OREGON COAST?



Map of one section of the Oregon coast from the Nehalem River to north Rockaway Beach.

#### WE ARE LOSING OUR WETLANDS!

The essential role that wetlands play in sustaining and enriching life on earth is often not valued. Wetlands are filled in and destroyed to create construction sites, water flow to wetlands is diverted for other uses, and wetlands are used as a dump for garbage and toxic chemicals. According to the Environmental Protection Agency (EPA), the United States loses 60,000 acres of wetlands each year!

Moreover, since European settlers arrived, more than half of all wetlands in the United States have been destroyed.



#### **EXHIBIT C**

From: nancy webster <

Sent: Tuesday, August 19, 2025 4:42 PM

To: City Planner

**Cc:** Charles McNeilly; Penny Cheek; Mary McGinnis; Tom Martine; Kiley Konruff; Pat Ryan;

Melissa Thompson

**Subject:** Case File #Remand-25-1

**Attachments:** image001-2.png; groundwater drinking water source.png; image002.png

Name: Nancy Webster

Address: Rockaway Beach, Oregon 97136

Phone: 5

To: Planning Department

P.O. Box 5

Rockaway Beach, OR 97136

Date: August 19, 2025

Subject: Comments Regarding Case File #Remand-25-1

#### To the City Council:

Thank you for this opportunity to provide comments prior to the September 9, 2025 public hearing to be held by the City Council regarding the remand of the Phase 2 Planned Unit Development application submitted by Nedonna Development. I have reviewed the Final Opinion and Order issued by the Land Use Board of Appeals (No. 2025-001) and agree with its conclusion that the City had erred regarding:

- 1. The application of the Special Area Wetlands Zone, and
- 2. The application (or lack thereof) of an expiration date on the original 2008 PUD approval.

In their remand to the City, LUBA stated that the mapping of the proposed development area was unclear. Therefore, in support of LUBA's findings, I would like to add the wetland mapping information found below.

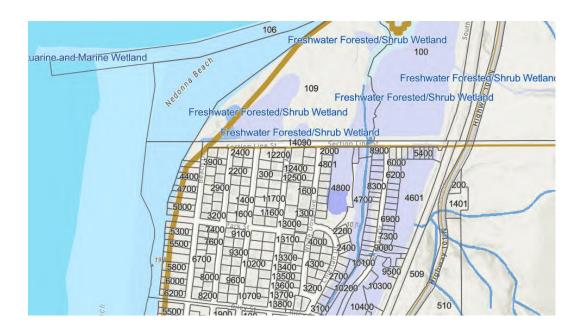
Nedonna Development has not provided adequate mapping for the City to make responsible decisions concerning the ecology of the area and its connection to the health of our community. These ecologically vital wetlands need to be protected. By protecting them, we will help to safeguard the aquifer below the Nedonna Beach neighborhood, a critical source of drinking water for the community. (see attachment DEQ defined Rockaway Beach groundwater drinking water source area.) We must uphold and strengthen land use protections of these wetlands, not weaken them.

There are several resources available that clearly show wetland delineation in the Nedonna Beach neighborhood. Please refer to the following mapping: (A) This clearly delineates the freshwater forested and shrub wetlands in the area; (B) Perennial streams: Both McMillan Creek and Nedonna Creek (a fish-bearing stream) originate at a height of approximately 600 feet in the coastal hills, merge near Riley Street, flow through freshwater forested and shrub wetlands, and then into the estuarine and marine wetlands (habitat for Jetty Creek salmonid), the Nehalem River, and the ocean. These streams need the strongest protections, protections which would be weakened or lost through the proposed development.

#### **EXHIBIT C**

#### (A) Department of State Lands

https://maps.dsl.state.or.us/swi/ - From the Department of State Lands (DSL), which is the official *preliminary* source for wetland delineation in Oregon. Proposed development in wetland areas requires additional assessment by DSL. Note these maps load slowly. (attachment 001-2)

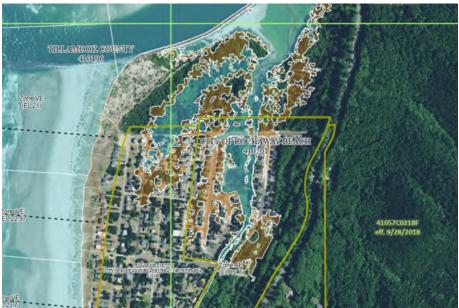


**(B)** Additionally, here is the map for the National Wetland Inventory data from the Department of Fish & Wildlife: <a href="https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/">https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/</a>

**(C)** Another compelling source of information is the FEMA flood risk map. This mapping illustrates why an area should NOT be developed due to the risk of flooding. NOTE: This data is only visible if you zoom in closely – it should look like this: (attachment .002)

https://www.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd





#### Save and Protect Remaining Streams and Wetlands.

In summary, the Nedonna Beach area includes wetlands that were naturally acretted after the Nehalem River jetties were completed in 1918. Over past decades, there has already been a significant amount of wetlands drained, filled in, and developed. Several winters ago, as I was watching flood waters flow over Section Line Road, someone working for Tillamook County Public Works came by and told me "the more wetlands that are paved, the more flooding will occur." There are still significant wetlands on three sides of the Nedonna Beach neighborhood, the fourth side being the Pacific Ocean.

We are at a critical crossroads. Let's move forward and make a commitment to protect those wetlands and streams that remain. As we face multiple challenges from climate change, including rising sea levels, more than ever we need to maintain a healthy ecological environment for a healthy community.

Let us all, as a community, join together to safeguard and restore our streams and wetlands for future generations.