

**SUMMARY NOTES**  
**Neskowin Citizen Advisory Committee Meeting**  
April 7, 2018

The Neskowin Citizen Advisory Committee (NCAC) convened for their regular bi-monthly meeting at 9 a.m. on April 7, 2018, at the Neskowin Fire Station. The meeting was led by NCAC Chair Richard Hook. Attending were Jeff Walton; Susan Amort; Shelley Stoll; Dave Benneth; Cathy Benneth; Roger Wicklund; Rich Albright; Earl Ingle; James Oeder, Chief, NRPFD; David Yamamoto, Tillamook County Commissioner; Andreas von Forester; Lisa Phipps, Executive Director, Tillamook Estuaries Partnership; James Burke; Joanie Blum; Guy Sievert; Bill Busch, NCAC Vice Chair; and Jean Cameron, NCAC Secretary.

The draft summary notes of the February NCAC meeting were approved as submitted. The final notes will be posted at <http://neskowincommunity.org/cac.html>.

Report from the Nestucca Rural Fire Protection District (NRPFD)

- Jim Oeder, Chief of the NRPFD, reported that the NO PARKING signs are now up on the west side of Breakers Boulevard between Mt. Angel and Salem Avenues. Those signs will give the County Sheriff authority to enforce them and will make it easier for emergency vehicles to transit Breakers Blvd.
- He also noted that some trees in Neskowin are overhanging the streets and can interfere with emergency vehicle access; this is especially true on Summit Road. If a road is considered a county road, he can ask the County to trim the trees; otherwise, it's the responsibility of the landowner.
- Chief Oeder also noted that the beach access ramp at Mt. Angel had been repaired. This initiated discussion regarding the question of responsibility for repair of these emergency beach access points – is it with adjacent landowners? With the Oregon Parks & Recreation Department (OPRD)? With Tillamook County? Chief Oeder volunteered to contact OPRD and the County to seek clarification. Since Chris Laity, Director of the Tillamook County Public Works Department, will be at the June 2<sup>nd</sup> NCAC meeting, the Chief will try to get a representative from OPRD to attend as well, in order to address this question.

Update on Hawk St. South

- A committee was appointed at the February meeting to meet with Tillamook County officials regarding funding for the emergency extension of Hawk St., aka “Hawk St. South.” Committee members included Guy Sievert, Susan Amort, Earl Ingle and Roger Wicklund. Guy reported that this group would meet with Chris Laity and other County representatives on April 26<sup>th</sup> and that Haley Lutz, Executive Director of the Nestucca/Neskowin/Sand Lake Watershed Council, will also attend that meeting. Later in this NCAC meeting, Joanie Blum volunteered to join this committee, due to her interest in reducing traffic on Hawk Drive.
- Jean Cameron shared the following information emailed on 3/29 by Chris Laity, Director of Tillamook County Public Works:

“In regards to the secondary access, Public Works has \$207,000 dedicated to the emergency egress route; this is in addition to the funds spent to date to achieve the 95% design plans. The money resides in the FY 2019, 308 fund.

“The [February] meeting minutes suggest that I will be contacted by a committee to discuss accessing \$90,000 identified in the minutes as that portion of TLT money the community has generated to support the transportation network. TLT funds that support Public Works are not limited specifically to those locations that generate the funds, but may be used throughout the County. Sometimes a need arises in one part of the county that funding from that specific location is unable to support. I hope this helps to understand how and why Neskowin has dedicated funds beyond the \$90k milestone. A time will come when other communities will be a similar situation and funds will need to be allocated to them in turn.

“I have contacted ODOT and Regional Solutions to request additional funding. This request is being heard and is not off the table as of three weeks ago. There is potential for Oregon Watershed Enhancement Board (OWEB) funding as well.

“The Wayside managed by OPRD remains an item that needs to be discussed. The emergency egress is not viable without the use of the Wayside. I understand that there have been past attempts to allow this use, but have failed. I suggest that any political connections that Neskowin may have should be reviewed.”

- Tillamook County Commissioner David Yamamoto explained that no agreement had yet been reached with Oregon State Parks regarding the connection to the Wayside, but the County is working on it. He also encouraged Neskowin residents to contact their state legislators to encourage funding for this project as well as cooperation by OPRD on the wayside.
- Guy Sievert reiterated Chris Laity’s remarks regarding efforts by the Nestucca, Neskowin, and Sand Lake Watershed Council to seek Oregon Watershed Enhancement Board (OWEB) grants to help with culverts and tide gates.

#### Update on Hawk St. North

- Richard Hook reported that, since the February NCAC meeting, the judge in the Walton/NRSA case has offered both adjacent and affected property owners the option to intervene by April 12<sup>th</sup>. He believes that most property owners have contacted their title companies, and some of those title companies may have chosen to intervene. At this point, he said, “the case is grinding through the legal process.”
- Commissioner Yamamoto noted that the Tillamook County Board of Commissioners has held a couple of Executive Sessions on this topic.
- He also reported that the County had surveyed forty-six (46) property owners adjacent to Hawk St. north and asked them to choose one of two options:
  1. Should the County legalize the street as it currently exists; or
  2. Should the street remain locally owned and maintained?
- Thirty (30) replies were received; twenty-seven (27) of those chose option #1; two (2) chose option #2, and one was undecided.

## Lisa Phipps; Tillamook Estuaries Partnership's Management Plan updates to include South County

- Lisa Phipps is the Executive Director of the Tillamook Estuaries Partnership (TEP); she noted that she had previously worked as the Coastal Resource Planner with the County and had interacted with the CACs in that capacity prior to joining TEP. She also explained that she'll be moving into a new job with the Oregon Department of Land Conservation and Development (DLCD) in June; the focus of that job will be to provide local governments and communities like Neskowin with DLCD technical support when needed.
- Lisa Phipps reported that TEP is updating their Comprehensive Plan. She explained that TEP is part of the National Estuary Program and, at its inception, had been focused on Tillamook Bay as the Bay of National Significance (designated in 1994). In 2002, TEP became a non-profit organization with a wider geographic focus that includes South Tillamook County, so the new Plan will include Neskowin's watershed.
- She did note that TEP is already involved with water quality monitoring in the Neskowin area in partnership with the Nestucca, Neskowin, and Sand Lake Watershed Council. TEP provides technical and administrative support for Watershed Councils throughout Tillamook County.
- After describing the Children's Clean Water Festival events sponsored by TEP in Tillamook, she noted that the enthusiasm of third and fourth graders "makes one hopeful for the future."
- Lisa then led the group through a discussion of the following questions:
  - Why is the Neskowin Watershed Important?
    - As a source of clean drinking water;
    - As a source of clean water for recreation at the beaches;
    - For its relationship to the wildlife refuge;
    - For recreation generally; and
    - For educational opportunities, especially for the Neskowin Valley School.
  - What are the challenges facing the Neskowin Watershed?
    - Timber harvesting's impacts on drinking water quality;
    - Inadequate drainage for the golf course as well as the wildlife refuge;
    - Inadequate drainage leading to blockage of the Tsunami Evacuation Trail;
    - Need a comprehensive hydrological study that addresses these issues as well as the wildlife and fish passage needs;
    - Need to identify upstream sources of bacteria affecting recreation;
    - Need improved coordination of multiple agencies with responsibilities in the watershed (one example was the need to identify the agency responsible for posting warning signs when bacteria counts are high);
    - Large driftwood logs are blocking Hawk Creek from the Salem Avenue bridge to the golf course; and
    - It was also noted that the Oregon State Police have found illegal camping, fishing, and waste disposal along sections of Neskowin Creek.
  - What are some opportunities to improve the Neskowin Watershed?
    - A comprehensive hydrologic study;

- Acquisition by the Water District of the watershed timber lands above the treatment plant:
  - More water quality sampling;
  - Improved warning signage; and
  - Coordination of multiple agencies (see above).
- Lisa noted that our input will be used to draft a revised Action Plan. There will be public meetings in May to review the proposed Action Plans; she'll let us know the details of these events.

#### Court of Appeals decision in the Territorial Sea lawsuit

- David Yamamoto briefed the NCAC participants on this issue. He explained that he and Charlie Ciecko had appealed a decision by DLCD regarding proposals for ocean energy development off the coast from Neskowin to Pacific City. By way of background, he explained the Oregon wanted to regulate energy development in its Territorial Sea, which extends out three miles. The Department of Land Conservation and Development (DLCD) and the Ocean Policy Advisory Committee (OPAC) to DLCD had both established advisory committees to examine this issue and develop recommendations. That process took many months and culminated in a two-day public hearing with testimony on the recommendations. The coastline from Neskowin to Pacific City was ranked low by DLCD's advisory committee and completely removed from consideration by OPAC. Unfortunately, DLCD decided to follow its staff's recommendations and ignore those developed during the advisory process. As a participant in that process, Mr. Yamamoto appealed the decision, which was finally heard by the Oregon Court of Appeals, which invalidated DLCD's decision
- DLCD could appeal to the Oregon Supreme Court, but Mr. Yamamoto felt that the Court of Appeals decision does not give them much "wiggle room" to change the opinion. . The Court of Appeals noted that the Legislature set the duties of OPAC and DLCD, and those duties require DLCD to assist OPAC in advising DLCD. Moreover, they noted that OPAC plays a critical role and had developed the Territorial Sea Plan with input from affected interest groups. While DLCD has final approval, that authority is not unilateral, noted the Court.
- David Yamamoto noted that seven coastal counties had signed an amicus brief on their appeal.
- The opinion can be viewed at:  
<http://cdm17027.contentdm.oclc.org/cdm/singleitem/collection/p17027coll5/id/14792/rec/1>
- Asked if DLCD will start this process over, he suggested that they should just adopt the original OPAC recommendation, which meet all Goal 19 standards. He did note that scheduled reviews may require DLCD to revisit the Territorial Sea Plan in two years, anyway.
- He also noted that no ocean energy companies have shown any interest in development off the Oregon coast at this point; considering the depth of the ocean floor and our low electricity costs, he does not consider it to be a possibility in the near future.

## Tillamook County's DRAFT policies for tsunami resilience and proposed Tsunami Hazard Overlay Zone

- The draft Tsunami Hazard Overlay Zone amendment to Tillamook County's Comprehensive Plan and their draft Tsunami Resilience Policies for that Plan are available at: <http://www.co.tillamook.or.us/gov/ComDev/documents/planning/Tsunami%20Planning%20Project.pdf>. They have also been posted on the NCAC website.
- Bill Busch explained that these documents will be brought to the Tillamook County Planning Commission in May, so this was our opportunity to comment as an NCAC.
- It was noted that the purpose of the policies and amendment is to prevent construction of essential service buildings (such as hospitals and schools) as well as facilities handling toxic materials in the tsunami zone. It was further noted that there would be no retroactive impacts on existing construction.
- No one spoke in opposition to the proposed drafts.

## DOGAMI's "Beat-the-Wave" mapping project for Neskowin

- Bill Busch reported that he has been in touch with Laura Gabel of the Department of Geology and Mineral Industries (DOGAMI), who is developing a Beat-the-Wave map for Neskowin (see the February 3 NCAC meeting notes for more information).
- He has recruited a committee of local residents to meet with Ms. Gabel and advise her on additional evacuation paths for Neskowin beyond those which are in her draft map.
- Bill noted that the draft maps assume a 10 minute lag, which includes the duration of the shaking plus the time it will take to get your wits together and on the road. The wave arrival time for much of Neskowin is 20-22 minutes. When you account for the time to get your wits together, that means that you have 10-12 minutes to get out of Dodge. If the bridge and the Hawk Street extension are passable, things aren't too bad, unless you are on the beach or in North Neskowin. Other draft maps show the scenarios if the bridge fails, or if the bridge and the Hawk Street extension are both not passable. In the latter scenario with everyone forced to use the Tsunami Trail, evacuation will be more difficult.

## Update on the Neskowin Community Plan Review

(see [http://www.co.tillamook.or.us/gov/ComDev/documents/community/nesk\\_plan.pdf](http://www.co.tillamook.or.us/gov/ComDev/documents/community/nesk_plan.pdf))

- Bill reported that he is waiting for word from Tillamook County Community Development that they are ready to assist our review.
- The Pacific City revisions to their Community Plan are nearly completion; a final hearing is scheduled for Thursday, April 12<sup>th</sup> at the Kiawanda Community Center.

## Nominations Committee

- Jean Cameron explained that she was resigning as Secretary effective July 1<sup>st</sup> and that a Nominations Committee was needed in order to bring nominations to the floor for a vote at the June meeting.
- Guy Sievert and Cathy Benneth volunteered to work with Jean, who will develop a "job description," as the Nominations Committee.

## Other

- Jean Cameron shared an email from Genie Ulrich as follows:  
*Regarding your minutes from the February meeting, I see that Richard Hook mentioned the cafe. This is fine, however we would like to clarify our parking lot situation. We have a long term lease with ODOT for parking places along Hwy 101. We did not arrange for any type of exchange with ODOT. They did ask us to put signs in front of each of our parking spaces, which we did. Knowing the entrance to Neskowin was quite overgrown and needed some work we decided to help improve the area. Therefore, we went ahead and had the trees trimmed and foliage taken out. We have had some of that land already planted, and we plan to have the rest landscaped in the not too distant future. We hope the community and those visiting will enjoy a nicer entryway into the Village of Neskowin.*
- Jean reminded everyone that the South Tillamook County Emergency Volunteer Corps is planning a Disaster Preparedness Fair at the Kiawanda Community Center for Saturday, May 19<sup>th</sup>. The event will run from 10 a.m. to 3 p.m. and will include speakers as well as demonstrations and free materials to help with disaster planning.

Respectfully submitted,  
Jean Cameron, NCAC Secretary  
Neskowin Citizen Advisory Committee