

SUMMARY NOTES
Neskowin Citizen Advisory Committee Meeting
June 2, 2018

The Neskowin Citizen's Advisory Committee (NCAC) convened its regular bi-monthly meeting at 9 a.m. on June 2, 2018, at the Neskowin Fire Station. The meeting was led by NCAC Chair Richard Hook. Attending were Jeff Walton; Shelley Stoll; Cathy Benneth; Roger Wicklund; Earl Ingle; Jon Grastle; Ken King; Joan Wilke; Roger Noble; Clay Dyer; James Burke; Bill Busch, NCAC Vice Chair and Treasurer; and Jean Cameron, NCAC Secretary.

Earl Ingle moved and Jeff Walton seconded the motion to adopt the draft summary notes of the April NCAC meeting. The motion passed unanimously. The final summery notes will be available at: <http://neskowincommunity.org/cac.html>.

Final update on Proposal Rock Cove

- Bill Bush reported that the Oregon Court of Appeals had upheld the Land Use Board of Appeals' (LUBA) decision against the Proposal Rock Cove permit granted by Tillamook County. He explained that the original proposal was to build on 9 lots in a wetland area known as the Cove. If the developer wishes to seek a new permit, he will now be subject to the conditions of the Coastal Hazards Zone overlay to Neskowin's community plan, which will limit the developer to two or three lots at most. Richard Hook noted that the LUBA decision was based on a technicality regarding the timing of the application submittal rather than on the standards governing construction in such a location, but that the outcome was good nevertheless.

Update on Hawk St. North

- Richard Hook noted that the issues regarding legal access to Hawk Street north of the "S" curve are now in the courts; a hearing took place on June 1st, but no judgment was made. Another hearing is scheduled for June 8th. He feels that there is no role for the NCAC at this time, since it has become a legal matter.
- Jeff Walton stated that the lawsuit regarding Neskowin Regional Sanitary Authority's easement on his family's property is a separate matter from the road access issue. His family did a survey of their property on the "S" curve and Tillamook County subsequently updated their maps, which prompted local title companies to determine that there was no legal access north of that point on Hawk St.
- He further pointed out that 18 other landowners also own parts of the street as it exists, and that use of the road continues.
- The Walton family has no ill will towards the community and never has had, Jeff noted. He explained that the road's original purpose was to provide access to a cranberry bog in the wetlands north of Neskowin. This was long before the Waltons acquired their property.
- He has invited all landowners north of his property (and/or their attorneys) to meet and discuss the issues with him. He stated that, since Tillamook County's resources and staff are minimal, we should not expect them to solve our problems, but should do so ourselves.
- Richard Hook noted that the NCAC has advocated for Tillamook County to conduct a survey of the road, obtain a prescriptive easement for the road as built, then legalize and maintain Hawk Street.

- Jeff Walton stated that he had asked the Tillamook County Public Works Department if they would do maintenance if it were a County road and was told that it would be considered a “county access road” for which they would do only minimal maintenance.
- Richard Hook noted, however, that if existing landowners would grant the necessary easements, at least the issue of access for property sales would be resolved.

Update on Hawk St. South

- Richard Hook explained that Chris Laity’s son graduated from Neah Kah Nie High School on June 1, so Chris was unable to attend this meeting. He acknowledged that the NCAC has been requesting Laity to attend for several meetings, so this is a disappointment.
- Richard summarized this issue of Hawk St. South, otherwise known as the “emergency egress” road, by explaining that a total of \$374,000 from Neskowin (\$100,000), from the County and from the State of Oregon had been spent on surveying and engineering so that the project is 95% “shovel ready.” The problems now are raising the necessary construction funding (approximately \$1 million) and final negotiations with Oregon Parks and Recreation regarding access at the Neskowin Wayside.
- Tillamook County Public Works has \$207,000 dedicated to this emergency egress route in the FY 2019, 308 fund. Chris Laity has reported that a Regional Infrastructures Fund Grant request was submitted on our behalf up to the maximum of \$1,000,000, but it is unlikely that we will be awarded the full amount, if at all. At this point he is looking for direction from the Citizen Advisory Committee. It has also been suggested that some Transient Lodging Tax might be available, as well as some funding from the Oregon Watershed Enhancement Board.
- Roger Wicklund reported that a subcommittee had met with Mr. Laity on April 26th regarding the lack of progress on the road. Other committee members included Susan Amort, Earl Ingle, Guy Sievert and Joanie Blum. He explained to Mr. Laity that the community wanted an elevated, paved road that would allow access for emergency vehicles as well as relieve the traffic on Hawk Drive. He noted that there was a lot of discussion regarding the possibility of downsizing the road to make it a emergency road only, but it is unclear what cost savings this would provide, since new engineering would be need.
- Guy Sievert had emailed earlier that “Key savings [of downsizing the road] are the size of the bridge by the golf course, no need for wetland mitigation, and “rebranding” the road as a trail connecting state and federal property resolves issues with State Parks and possibly opens up other funding avenues.”
- Roger Wicklund noted that the road may have some value in alleviating pedestrian and bike traffic off of Hawk Dr., but it is so poorly maintained that it seldom even serves that purpose. It remains very muddy and is often flooded. Can we expect the county to maintain the road for pedestrians and bikes until construction plans are finalized or will maintenance need to be done by community volunteers, he asked. All present agreed that having the county maintain a foot and bike path was unlikely.
- Roger also noted that Mr. Laity did not believe that the road could be done in phases, since the primary issue and cost is elevating it above the wetlands. Roger had also asked if the County could return the road to the community (the property was donated to the County by the Waltons for the purpose of being a full road), but Laity said that would not work for liability reasons.
- Richard Hook suggested that we should ask that the current budgeted amount (\$207,000) be carried forward in the County budget if unused this fiscal year. Mr. Laity has asked for direction

on this issue from the NCAC, but given the lack of clarity around the options, and the need for representation of the Neskowin community at large to have a strong voice in this matter, it is not possible to give that direction today. Mr. Laity will be invited to attend the August 4th meeting in hopes that we can have a clear and detailed discussion around the possible options – that is Option One, that the road as currently designed; and Option Two, for a lesser emergency road/trail. Estimates of cost and timing are also seen as necessary parameters for the community to understand prior to making a decision. Once the options are defined, the NCAC will work with the NCA to conduct a community-wide poll that will provide a basis for the feedback Mr. Laity needs to move this project forward.

- It was also suggested that the community float a bond measure to construct the road ourselves. A special road district would have to be formed in order to raise the necessary taxes. Richard asked the Emergency Egress Subcommittee to look into the steps necessary to do this.
- Clay Dyer asked why Neskowin has not incorporated, since that would keep TLT funds in the community. The primary reason seems to be that there are few local landowners who also vote here.
- Roger Wicklund suggested that, since U.S. Fish and Wildlife’s requirements are one reason for the expenses associated with the project, they should help fund it as well. Their management of the wetland area implied some responsibility to mitigate impacts on adjacent properties.
- Jean Cameron urged Richard Hook to emphasize with both Chris Laity and with Commissioner Yamamoto that their participation in the Citizen Advisory Committee meetings is crucial to our ability to move forward on this issue.

Beach access maintenance

- Richard explained that this topic had come up at the April meeting, i.e., the question of responsibility for repair of the emergency beach access points – is it with adjacent landowners? With the Oregon Parks & Recreation Department (OPRD)? With Tillamook County? Jim Oeder, Chief of the Nestucca Valley Fire Protection District, said that he would look into it, but we have not heard from him. It was also an issue that the NCAC had hoped to discuss with Chris Laity.
- Without further input available, Richard proposed to keep this item on the agenda for August 4th.
- Further discussion of this issue is also available on page 4 of the May NCA Newsletter at: <http://files.constantcontact.com/b6f58c66101/68b6050a-09a2-4c82-a25f-4bd97aed2b7b.pdf>.

Update on DOGAMI’s “Beat-the-Wave” mapping project for Neskowin

- Bill Busch explained that the Oregon Department of Geology and Mineral Industries (DOGAMI) is developing maps which show the estimated foot speed necessary to safely evacuate local tsunami zones. He has asked Laura Gabel of DOGAMI to meet with local residents to refine the draft map for Neskowin, but she has been busy, so this meeting has not yet occurred.
- He also noted that Tillamook County had proposed adoption of Tsunami policies and overlay zones for Comprehensive Plans by the end of June, but this is unlikely, insofar as the County is still working with the Department of Land Conservation and Development to refine these plans and policies.

Update on the Neskowin Community Plan Review

- Bill Busch explained that the Tillamook County Department of Community Development is still busy with final steps for the revised community plan for Pacific City/Woods. They will let him

know when their staff is ready to begin work with Neskowin on updating our plan (see (http://www.co.tillamook.or.us/gov/ComDev/documents/community/nesk_plan.pdf)).

Nominations Committee report and Election of new Secretary

- Jean Cameron reported that Cathy Benneth and Guy Sievert worked with her to recruit a new Secretary. She had provided them with a job description.
- Jean explained that, after they were turned down by eleven persons – all for good reasons, of course – Cathy Benneth agreed to serve as the NCAC Secretary for the next two years. She agreed with one caveat, however: since she is serving on the Farmers’ Market Board and Cottage Tour Committee this summer, Cathy will start with the October 6th meeting. Jean will cover the August 4th meeting as well as transfer email names and templates, and work with Cathy prior to October.
- Jean then nominated Cathy Benneth to a two year term that officially begins July 1st. Jeff Walton seconded the motion, which passed unanimously.

Other

- Bill Busch noted that Tillamook County is looking for volunteers to serve on an advisory committee that will develop recommendations regarding short-term rental policies. Interested persons should complete the Committee Application form at <http://www.co.tillamook.or.us/gov/Bocc/default.htm>. The application deadline is June 8th.
- Putting on her Neskowin Regional Water District (NRWD) Board hat, Jean Cameron addressed the question of whether the NRWD is testing for the toxic algae that has been a problem in Salem. She explained that our filtered water is stored in covered reservoirs so we do not have any open water that could develop an algae bloom. Nevertheless, the Water District is required to test for cytotoxicity (the end product of blue green algae growth) once per year in the warmest part of the year, but it has never been detected. Jean also reminded everyone that the NRWD is working to acquire the Hawk Creek watershed land in order to improve watershed management and avoid any water quality problems in the future.
- Jean was asked how the community would be notified in the event of toxic substances in our water; she explained that the NRWD has an Emergency Response Plan which outlines the protocols for many types of events. Any credible threats would trigger public health advisories as well as ongoing sampling and analysis.
- Jean was asked about the current flow level (CFS = cubic feet per second) in Hawk Creek, since the water level in many local streams has dropped in the past few weeks. She said that she would check on this. The NRWD General Manager subsequently reported that it was 15.5 CFS on 6/1; our conservation strategies call for community alert stages to begin at 1.5 CFS.
- Regarding surface water quality in the Neskowin area, Jean noted that any additional sampling beyond that done for the Watershed Council would probably be triggered by high readings found through that process. Those results are posted on Tillamook Estuary Program’s website on an Interactive Map related to the Water Trail. There is an icon for bacteria results that can be turned on. Here is the link: <http://www.tbnep.org/map.php>. According to this map, a bacteria concentration of (140) counts/100ml was recorded on (May 30th, 2018) at Hawk Creek. This

concentration is above the State standard for recreational contact. The prior two samples were 108 on May 16th and 17 on April 25th.

- Earl Ingle volunteered to draft wording for a cautionary sign to be posted on private property in the Hawk Creek beach path area.

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