

**SUMMARY NOTES**  
**Neskowin Citizens' Advisory Committee Meeting**  
**August 1, 2015**

The Neskowin Citizens' Advisory Committee (NCAC) convened for their regular bi-monthly meeting at 9 a.m. on August 1, 2015, at the Neskowin Fire Station. The meeting was led by NCAC Chair Richard Hook. Attending were Bill Busch, David Kraybill, Charlie Ciecko, James Burke, Kacey Joyce, Thomas Woodworth, Robin Crowell, Susan Amort, Andreas von Foerster, Sally and Richard Poole, Stephen Jones, Bill Turner, Jeff Walton, Diane Watson, and Mike Herbel.

The minutes from the June 6, 2015 meeting (available at <http://www.neskowincommunity.org/cac.html>) were approved with the noted correction of the spelling of Andreas von Foerster's name.

David Kraybill provided an update on the LUBA remand of coastal hazards ordinance:

- The Neskowin Coastal Hazard ordinances were approved by the County in early November 2014 and subsequently appealed to the State Land Use Board of Appeals (LUBA) in late November.
- The appeal, by two developers, consisted of six issues with many subparts.
- Of all the issues and subparts, LUBA decided to send (remand) the ordinances back to the County to address one minor issue:
  - Two conflicting provisions in the County code regarding Statewide Goal 10 (affordable housing) (see comments in the June 6, 2015 minutes)
- There was a public hearing on July 22, 2015, before the County Board of Commissioners to review the Findings made by County staff on this issue:
  - That the earlier provision from 30 years ago does not apply to Neskowin, a rural community; and
  - Even if it did apply, there is far more than necessary property outside the hazard zone and within the Neskowin Community boundary to meet the Goal 10 requirements.
- The Commissioners accepted the Findings and reauthorized the Coastal Hazard Zone ordinance as of July 22.
- The Commissioners' decision can be appealed again to LUBA. Because the only issue not previously approved by LUBA was the Goal 10 issue and the Findings were written in coordination with LUBA, there is virtually no chance of a successful appeal.
- The two previous appellants used the period of the remand of the ordinances to submit development plans for subdivision of property in the South Beach area and north of North Neskowin (plus one parcel in the village). Because the developers got what they wanted, they are unlikely to appeal.
- The Coastal Hazard ordinances are now in effect; as a result:
  - No further subdivision can occur in the hazard zone; and
  - All development, including the that on lots potentially created by the two appellants, will have to comply with all the other hazard zone provisions

Richard Hook provided an update on the work on the egress road for Neskowin.

- Work on the road is ongoing. The environmental studies associated with the road construction are roughly 30% complete.
- Naming the road was discussed.
  - The County Commissioners ultimately will decide on a name for the road.

- Robin Crowell stated that Mark Labhart said that it was appropriate for the Neskowin Community Association (NCA) to conduct a survey of possible names. Names that will appear on the NCA survey are Walton Way, Hawk Street, and “other.”
- James Burke moved that the NCAC work with the NCA on the name survey. Andreas von Foerster seconded the motion, and it was approved.

Richard provided an update on discussions to be held with the Neskowin Regional Sanitary Authority (NRSA) Board at their next meeting (1:00 pm Wednesday August 26).

- Question 1. What is the rationale for taxing residents that live within the boundaries of the NRSA but do not receive service from the NRSA?
  - Currently only about half of the people in the NRSA district are connected to the sewer system.
  - Charlie Ciecko asked if there is a process to petition to be removed from the district.
- Question 2. Why does the NRSA have a seemingly large amount of reserve funds in their budget and how are those funds to be used?
- Question 3. What are the NRSA plans for future development?

Bill Busch reviewed activity related to three projects in the South Beach area.

- Subdivision of a 3.26-acre tract in the “Cove” that will create 7 to 9 parcels has been proposed by Seabreeze Associates (Bob Fultz, President).
  - Most of the Cove lies within the Coastal Hazard Overlay Zone. Subdivision into multiple lots is being allowed because the development permit application was submitted during the period that the hazard zone ordinance was suspended during consideration of the LUBA remand.
  - The Cove currently is the site where runoff accumulates from the hills that surround it on three sides. The fourth side of the tract is bounded by seafront homes and riprap. Because the hazard zone ordinance requires that drainage be away from the riprap, development of the Cove will have to accommodate the runoff. The parcel currently contains 0.6 acres that are registered on the National Wetlands Survey.
  - Because of the number of new lots in the proposed development, the County may require the developer to widen and improve the road leading to the Cove. It is possible that owners of the adjacent properties, who also own the road, may oppose these changes.
  - Charlie Ciecko moved that when the development permit notice is sent out the NCAC should write a letter to the County expressing concern about the conditions under which the Cove is being developed. David Kraybill seconded the motion, and it was approved.
- Work on the 40-acre forest tract along the southeastern edge of the Neskowin Community Growth Boundary is continuing. The County approved in April a request that allows one house to be built on this tract. Considerable construction effort has been directed during the summer toward building a large road through the forest. Neighbors have questioned why such a large road is being built for a single house.
- The South Beach Road Association and Proposal Rock Homeowners Association are continuing their efforts to obtain a development permit for the repair of the foundation of the bridge on South Beach Road that crosses Neskowin Creek. The bridge is important not only because it is the sole means of access for the residents in the South Beach area, but also because one of the Neskowin Regional Water District (NRWD) supply lines is tied to the bridge and the NRSA treated water outfall is adjacent to the bridge foundation. Erosion that threatens the bridge’s foundation has also exposed roughly 8 feet of the formerly buried NRSA outfall supply pipe. Repair of the bridge foundation will

include encasing the outfall pipe in concrete. To date, the bridge repair has been blocked by owners of the bridge (Seabreeze Associates) and the Neskowin Creek RV Resort who have refused to sign off on the development permit application.

Richard reported that flooding of the Tsunami Trail is now under control and the trail is accessible.

- On June 23<sup>rd</sup> local residents representing the NCAC, Nestucca, Neskowin & Sand Lake Watershed Council, and NRWD (Richard Hook, Bill Busch, Alex Sifford, Guy Sievert, Jean Cameron, and Guy Holzworth) met with personnel from the U. S. Fish and Wildlife Service (USFWS) office in Newport, lead by Acting Project Leader Rebecca Chuck.
- Prior to the June 23<sup>rd</sup> meeting Jim Johnson (USFWS) breached the beaver dam responsible for the flooding and cleared brush in the vicinity of the dam. Rebecca said that in coming weeks Jim would continue to gradually lower the level of the beaver dam and pond until the dam was completely removed.
- Guy Holzworth committed the NRWD to performing brush clearing as part of the maintenance of the NRWD easement along the trail.

Bill reviewed the procedure for handling noise and disruption problems with short-term rentals.

- Guidance for dealing with problems is provided by the short-term rental ordinance (Ordinance #69 Amendment) posted on the website for the Tillamook County Department of Community Development.
- The sequence for dealing with problems is to first report a complaint to the manager or owner of the rental property. If that does not resolve the problem, the complaint is to be addressed in writing to the Director of the Department of Community Development.

Potential topics for future meetings were briefly discussed. Law enforcement, in the form of a visit from the Sheriff or the possibility of hiring a deputy to patrol the community, will be dealt with in a future meeting. Contributing news to the next Neskowin Community Association newsletter was also discussed.

The meeting was adjourned at 10:30 am.

Respectfully submitted,  
Bill Busch, Secretary Pro Tem