

SUMMARY NOTES
Neskowin Citizens' Advisory Committee (NCAC) Meeting
June 6, 2015

The Neskowin Citizens' Advisory Committee (NCAC) convened for their regular bi-monthly meeting at 9 a.m. on 6/6/2015 at the Neskowin Fire Station. The meeting was facilitated by Charlie Ciecko (NCAC Vice-Chair). Attending were Guy Sievert, Jean Cameron, David Kraybill, Bill Busch, Richard and Penny Hook, Jeff Walton, Catherine Pharis, Donald Ratcliff, George Gould, Andreas von Foerster and James Burke.

The minutes from April 4, 2015 meeting (available at <http://www.neskowincommunity.org/cac.html>) were approved as amended with new language inserted into paragraph 6 on page 4.

Richard Hook was elected to serve as Chair and Bill Busch was elected to serve as Vice Chair. Both votes were unanimous. Their terms begin July 1st and are effective for two years, i.e., until July 1, 2017. Guy Sievert recommended that the NCAC consider adopting the Pacific City/Woods model of identifying the next chair in advance. Further discussion on this concept will occur at a future meeting. Bill Busch noted that he would continue to serve as Treasurer until a new Treasurer is elected.

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

- The approval by the County in early November of the Coastal Hazards ordinances was appealed to the State Land Use Board of Appeals (LUBA) in late November.
- LUBA could have: 1) reversed the County's approval; 2) approved it as it stands; or 3) or remanded a specific issue to the County to fix. LUBA decided to remand the ordinances back to the County to address one minor issue.
- The issue has to do with two conflicting provisions in the County code regarding Statewide Goal 10 – Affordable Housing. There is some language from 30 years ago which expressed an interest to have “needed” affordable housing outside of Urban Growth boundaries. This language is old, and probably no longer legal. It conflicts with the language in the Neskowin Community Plan from the late 1990s. The Community Plan set up the zoning for Neskowin, with which the Coastal Hazard ordinances were coordinated. Dave noted that the issue has nothing to do specifically with the Coastal Hazard ordinances themselves, only their relationship to this other code; so whichever way this is resolved the Coastal Hazard ordinances themselves will not be affected.
- The revised findings will need to clarify which of these conflicting provisions should govern. LUBA and DLCD will provide guidance. The County staff and lawyers are working on it now. It is not clear at this point whether another hearing by the Tillamook County Commissioners will be necessary, or it can be addressed administratively. However, we need to ensure that the process is legal, since it is possible that the process could again be appealed to LUBA.

- The appeal period for the LUBA decision has passed with no further appeals, but there is still an opportunity to appeal the County's response back to LUBA and then on to the Oregon State Court of Appeals.

In further discussion, it was noted that:

- Tillamook County is inventorying affordable housing opportunities in the Neskowin area.
- There is no potential conflict with the "Additional Dwelling Unit" issue.
- There have been no requests for building permits in the Coastal Hazard zone.

Guy Sievert provided the following update on the status of the Emergency Access Road:

- The County has hired an engineering firm that is preparing the necessary permits and has conducted a core drilling.
- The Neskowin fundraising reached its \$100,000 goal with an in-kind donation of material from Mike Kowalski's quarry worth around \$5,000. The County and the quarry must sign an agreement on this, but once done, this will trigger a \$25,000 match from the Neskowin Community Association (NCA). There is \$150,000 in the draft State budget for this project, but the Legislature has not yet adopted a final budget. There are various sources of County funding possible, including the road bond. The County is writing grant proposals for federal funds based on both safety and improved hydrology.
- The Road will be one-way with turn-outs. It will be an extension of Hawk Street (Hawk Drive is the street on the west side of Hawk Creek). Tillamook County is currently referring to the project as "Walton Way," based on an early recommendation from Chuck Carlson. Guy suggested that the CAC recommend a name to the NCA that they in turn could recommend to the County.

Guy Sievert also provided an update on Tillamook County's Planning Code modernization project, noting that the County received a grant from the Land Conservation and Development Commission to bring the County's code in line with state code. For more background, please refer to pages 2-4 of the NCAC April 4th minutes available at <http://www.neskowincommunity.org/cac.html>. Both the Planning Commission and the Board of County Commissioners have approved the updates after public hearings.

Charlie Ciecko reported that he had received a reply to his letter to the Neskowin Regional Sanitary Authority (NRSA) on behalf of the NCAC. The reply from Shelley Stoll, Acting Chair, referred him to the NRSA website (www.neskowinsanitary.com) and further noted that the monthly Board meetings are open to the public. She also referred him to the current issue of the NCA newsletter.

Jeff Walton had invited Donald Ratcliff to share information based on his experience as Manager for the NRSA from 1995 – 2000. He was the only staff person during that period and resigned due to a lack of action on unfinished construction and funding needs. He explained that he had surveyed Neskowin North and felt that it was important to extend the sewer system north in order to protect the environment from septic overflows. He noted that the end of the sewer line is in front of Walton's

property and that the County requires that property within 300' of the end of a sewer pipe to be hooked up. Mr. Ratcliff further noted that the failure to extend the sewer lines is not only bad for the environment, but also slowing economic growth in Neskowin. He stated that there's plenty of capacity in the holding lagoon. He also recommended that the Sanitary Authority construct an ocean outfall.

As noted in further discussion, not all tax lots in the sewer district are hooked up, so some property owners are paying taxes to support a service that they do not receive. This failure to extend the sewer system is a concern on additional levels, since the septic fields on some north Neskowin properties are overflowing into the marshland.

Before the August NCAC meeting, Richard Hook will attend a NRSA Board meeting to further address these concerns. Guy Sievert will visit with Chris Chiola, the County Sanitarian, to determine what standards should apply to NRSA. Jeff Walton will go to the County Clerk's office to review files related to the NRSA.

The condition of the Tsunami Trail was discussed, since it's been flooded for some time by a beaver dam. Guy Sievert thinks that the U.S. Fish and Wildlife Service (USFWS) should either maintain the trail or take down the signs, although he acknowledged that their primary responsibility is to protect fish and wildlife. Since the Neskowin Regional Water District (NRWD) has an easement for a water line under the current bridge, and is currently unable to clear vegetation on the easement due to the high water levels, Guy suggested that the Water District contact USFWS. (PLEASE NOTE: At the time that these summary notes are being drafted, representatives from the NCAC, NRWD and USFWS have scheduled a June 23rd meeting on the west end of the Tsunami Trail to discuss these issues.)

It was noted that potential discussion topics for future meetings might include vacation rental rules and enforcement as well as law enforcement coverage in South County.

The next NCAC meeting will be August 1, 2015.

Respectfully submitted,
Jean Cameron, NCAC Secretary