

DRAFT SUMMARY NOTES
Neskowin Citizens' Advisory Committee Meeting
October 3, 2015

The Neskowin Citizens' Advisory Committee (NCAC) convened for their regular bi-monthly meeting at 9 a.m. on October 3, 2015, at the Neskowin Fire Station. The meeting was led by NCAC Chair Richard Hook. Attending were Bill Busch, Charlie Ciecko, Andreas von Foerster, Guy Sievert, Nancy McClain, George Gould, Chris Silkowski, Gale Moore, John Metschan, Tim Castille and Jean Cameron.

The summary notes from the August 1, 2015 meeting were approved as drafted (available at <http://www.neskowincommunity.org/cac.html>).

Richard Hook reported on an application to Partition (replat), by Pine Crest Condominiums, for property at 48790 Breakers Blvd. in Neskowin, explaining that the application was to replat the remaining property next to their two condominiums for two single-family dwellings. This application was done during the period of the LUBA appeal of the Coastal Hazard Zone ordinance, but if approved, the result will actually reduce density in the zone. It was also noted that two other applications were filed during the LUBA appeal period, one in North Neskowin and one in South Beach. Both applications were incomplete and must be refiled by the end of the calendar year.

Bill Busch provided an update on development of a forest lot by Stephen Woods in the South Beach area. A long road has been constructed up to the lot, which is at the edge of the National Forest, and a ravine has been filled, blocking a small stream. Concerns were expressed regarding the stability of this reservoir, sediment runoff from construction and impacts on the stream. Attendees also noted that permits may be required from Tillamook County, the Department of State Lands and the Water Resources Department. Richard Hook will contact Mr. Woods as well as Tim Murphy with Tillamook County Planning regarding these concerns.

Richard Hook attended the August meeting of the Neskowin Regional Sanitary Authority (NRSA) Board, and reported key discussion elements from that meeting. Nancy McClain, of the NRSA Board, who was present at this NCAC meeting, also elaborated on key points:

- Nancy McClain addressed the letter from the NCAC at the Board meeting, stating that the NRSA Board is well qualified and professional and have provided excellent management over the years. The current condition of sanitation in Neskowin is vastly improved from where it was when the NRSA was commissioned – at which time toilet paper could be found littering the creeks. She noted that minutes for the Board meetings are posted on the NRSA website after approval by the Board at the following meeting.
- The revenue stream from the tax measure is about \$130,000 per year; these funds are now used for operating expenses, even though the debt has been retired, because these are permanent taxes. The System Development Fund can only be used for capital improvements.
- The NRSA budget is prepared according to the specifications of Oregon Law. Financial audits of the NRSA for over 20 years are available at the Oregon Secretary of State website. The budget for the NRSA is compiled in March – June each year, and the process includes a public presentation and discussion of the new proposed budget. Very little public input was received last year; the board welcomes more involvement from the public particularly at the meeting when the new budget is presented.

- The system is currently in compliance with Oregon DEQ regulations and the Federal Clean Water Act.
- The legal authority on which the NRSA acts is included in ORS 450.
- The system only operates at capacity three days each year (summer holiday weekends). This pattern of use makes it financially unviable to consider expanding the capacity. It was also noted that public funds (grants) are not available to the NRSA because of the relatively high household incomes of residents in the district.

Richard Hook reported that the NRSA staff and Board members then directly answered questions posed in the NCAC letter (questions from the letter are shown below in regular font, the responses are in italics) as follows:

“The first (question) comes from people living in the district but who are not connected. These people are paying the assessment on their annual property tax but are not sure what the long-range plan of the district is, regarding service to their area. The most recent capital improvement plan and rate study we were able to obtain from the County Clerk is attached to the 2007-1 ordinance. Has this study been updated?” *The 2007 study is still valid, but the costs used in that study were updated in 2014.*

“Is the improvement plan as depicted in the 2007 rate study (i.e. a goal of increasing capacity to 1200 ERUs for a cost of \$4.646MM) still the long range goal for the Authority? And if so, what is the time frame and schedule for the remaining expansion projects?” *The present capacity of the system is 714 connections. There is not currently any specific plan or period for expanding the area of service in the district.*

“The second question has to do with new connections to the system. Clearly the Authority has the legal basis for connecting any residence within 300 feet of a line. How many additional new connections remain to be made to the present system in its current configuration? *Not known at this time. It is difficult to plan for connections for new homes on undeveloped lots in the district due to uncertainties in timing.*

(In discussion at this NCAC meeting, it was further clarified that the NRSA currently serves 575 connections, leaving a “balance” of 139 more connections that the system could serve.)

“We note that the current budget anticipates five new connections for 2015. How are these new connections prioritized?” *Problem areas are prioritized; this year (2015) that meant focusing on the cove area near South Beach. The next focus will be in Hawk Creek Hills.*

“The third question centers on the large un-appropriated fund balance the Authority has been carrying year to year on the budget” (note that the balance of this fund in the current budget is \$579,583). We note a rate (reduction) study was discussed at the May 26 meeting and was on the agenda for further discussion at the June 17 meeting (the minutes for which are not yet available online).” *The un-appropriated fund balance is not large and cannot be touched because it is not part of the budget. This balance is retained for future capital commitments such as replacing the liner in the lagoon (estimated cost \$500K). Also the rate study is not a rate reduction study. Typically, rates do not go down. Current rates are consistent with the rates of other coastal communities.*

“What is the status of this study?” *The study has been commissioned and awarded to an independent contractor.*

“Would any decreases be made in both the tax rate and the service charge?” The study could be used to consider changes to both sources of income, but the tax rate is part of a voter approved tax rate measure and is not likely to change.

“Would any new study also address the long range plans for expansion of the system and make an update to the calculation of the System Development Charge? The scope of the study was not discussed in detail.

In the NCAC meeting discussions, Ms. McClain stated that a new Capital Improvement Plan would be developed in 2016, which will include prioritization of future system expansion. Ms. McClain also mentioned that the Board was looking at reallocating the tax revenues in the future, so they would be used for capital expansion rather than operation costs.

Richard provided the following update from Liane Welch, Tillamook County Public Works Director, on the Emergency Egress/Access Road:

- The 2015 Oregon Legislature approved \$150,000 in funding for this project, working through an agreement with Business Oregon.
- County staff members are working with OR State Parks to initiate the NEPA 6(f) process of transferring State Parks property to the County; this is complex due to fact that State Parks received National Park funding for this property. The process requires identification of acceptable property to “trade” for the affected Neskowin Wayside property.
- County staff has met with the Neskowin Golf Course Board regarding their concerns about flooding of some fairways if the tide gates are removed, as well as impacts of the road on access to their maintenance shop and access of golfers to the clubhouse from the 9th green.
- County staff has also met with the Oregon Department of Fish and Wildlife and the National Marine Fisheries Service regarding fish passage on Butte Creek, Hawk Creek and an unnamed tributary. The County needs to determine culvert and bridge sizes to protect fish passage and as well as how to remove tide gates for fish while mitigating flooding of the golf course.
- Design development will continue, as well as work with State Parks on the 6(f) issues and a continuing search for construction funds. Total project cost is projected to be \$1.3 million, not including building up the roadway, which will be at the 100-year flood level.

Richard also noted that a poll taken by the Neskowin Community Associate regarding the name of the new road showed majority support (68%) for keeping the name “Hawk St.” Since this is not a change, no action is required by the County.

Guy Sievert, who is a member of the Tillamook County Planning Commission, reported that the County is discussing whether any changes would be needed to land use ordinances to accommodate marijuana dispensaries. He also reported that there had been discussions about wind generators on buildings and reminded the group that Neskowin’s current Land Use Plan allows residential roof-top wind generators to be as high as 35’ above the roof line.

Charlie Cieko provided an update on the lawsuit that he and David Yamamoto filed against the Oregon Land Conservation and Development Commission (LCDC) regarding their decision to establish a wave

energy development area in violation of state statutes. The area designated for wave energy devices in question begins just south of the mouth of the Nestucca River and extends south almost to Corvallis Ave. in Neskowin; it starts at the beach and extends 1 mile offshore. Amicus briefs have been filed by ocean cable companies as well as six of seven coastal counties. The lawsuit asks LCDC to overturn their decision and remand the issue to the Ocean Policy Advisory Council. With amicus briefs filed, the next step is for LCDC to respond.

The next NCAC meeting is scheduled for December 5th; Richard Hook noted that Sheriff Long has tentatively agreed to attend in order to address South County law enforcement issues.

The meeting was adjourned at 10:30 am.

Respectfully submitted,
Jean Cameron, Secretary