

December 8, 2018

To: Neskowin CAC Board

From: Mark Lyman -

Good Morning – my name is Mark Lyman and our family owns a beach home at 46710 Hawk Drive/Street along the road to north Neskowin.

As you may know – I attended a meeting of the Tillamook County Board of Commissioners on October 24th related to survey work that was being conducted on the Walton property and that was proposed for the length of Hawk Drive from the Walton property to Neskowin North. I attended the meeting to request information from the County about the purpose of their involvement in the survey work - why there was no notification to property owners – and how this came about. We have received no official reply from the county, nor have we been informed or notified of any survey work to be conducted on our property – in fact the only commissioner that seemed aware of the activity was Commissioner Yamamoto, and he stated that there was County contact with the Title Company involved in the NRSA v Walton lawsuit (of which we are an affected party), and that the County involvement was related to the Neskowin CAC – which the Commissioner Yamamoto stated was the group representing Neskowin.

The purpose of my attendance here today is to make clear my position on the matter of road legalization to the CAC board - to register my concern that the CAC board is making representations to the County that are not fully supported by the affected property owners (Lyman, Walton, Fry, others??) - and to show you why I believe road legalization is not in the interests of the property owners or the Neskowin community in general.

The other main purpose is to shine a light on this matter to insure that any process is occurring in an open forum, and not being developed by County staff without both the property owners and local community input.

To reiterate and make clear – I do not support the road legalization and believe it is unnecessary and potentially harmful to both the property owners and the Neskowin community in general.

I have come to this conclusion based on in part due to research that was done on my behalf by Fritz Paulus – a land use attorney in Portland. Fritz reviewed the complicated land use laws that apply to the beach area in front of our beach house. Attached you will find some of the documents and commentary (including a conversation Fritz had with county staff) related to the potential for future develop associated with County property that is owned in front of many of the beach houses (including ours) that line North Hawk Street. Let me be very clear to many of those homeowners along Hawk St. – the “beach” land in front of many of your properties

is owned by Tillamook County. They own title to the land – it is platted and could be sold or developed under the current RN zoning (Recreational Natural Zone). While this zoning code is restrictive in general, a county staff person did state that some type of “glamping” (glamorous camping) or RV camping could be allowed under this zoning as a permitted use. Please refer to the attached map – this shows the County owned property (approx. 33 acres) that is directly in front of approx. 32 homes. To summarize – this land is owned by Tillamook County and is zoned RN. The property has access roads at multiple points from Hawk Drive and could be sold or developed by the County (or others).

Speaking to my fellow property owners along Hawk Street – a road legalization will most likely include right of way easements that will impact your property, and will affect both your use of property and the way you might want to improve your property in the future. This might include how you place an addition or new structure, or the way you design a drive way – or in our case, the location of our garage as it currently sits on our property. If sold to a private developer – **your direct beach access could be in jeopardy!** It is my understanding that in a legalization process, there is no compensation provided to the land owners, except for structures that are included in the path of the roadway. I am not an expert in these matters – please review ORS 368.201 to 368.221 regarding road legalization – but if you are property owner along this section of the road, you will be giving up a lot, and in my opinion getting less than nothing in return.

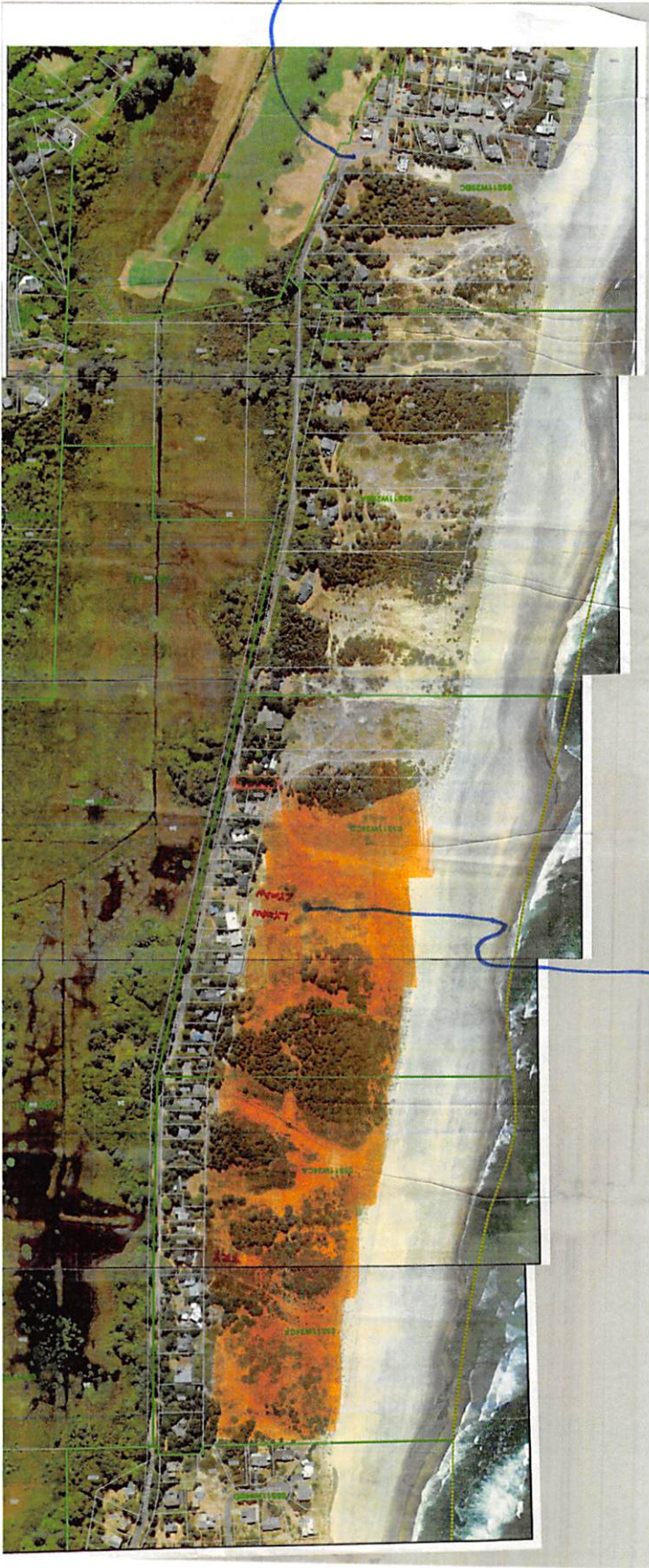
What does that mean – getting less than nothing?? It is my belief that the legalization of the road is the first step to further development in Neskowin North, including the potential sale or development of county property in front of many of our beach homes with the resultant unknown negative consequences for the property owners and the community at large.


By maintaining the “status quo” on the road, or developing an alternative plan of cross easements for the affected property owners, we help to control any type of development in Neskowin North and to retain the beach and dune area as it currently exists. Let’s keep this matter out of county hands, and develop a private solution – a Neskowin solution that includes input from property owners and the community.

Thank you for listening to my concerns - and for your time and efforts on behalf of the Neskowin community. I request that the CAC board include this written statement in the minutes of this meeting, and that it be submitted to the Tillamook County Board of Commissioners so that this is officially noted by the County Commissioners and staff.

Mark Lyman

"S" Curve at Walker Property



 - County Property
Lyman Property,
46710 Hawk Dr.



North Neskeoquin

2nd floor of water supply

Water supply
to the
second floor

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Water supply