

**SUMMARY NOTES**  
**Neskowin Citizen Advisory Committee Meeting**  
October 7, 2017

The Neskowin Citizen Advisory Committee (NCAC) convened for their regular bi-monthly meeting at 9 a.m. on October 7, 2017, at the Neskowin Fire Station. The meeting was led by NCAC Chair Richard Hook. Attending were Earl Ingle, Guy Sievert, Jeff Walton, Shelley Stoll, Susan Amort, Roger Noble, Troy Trute, Alex Sifford, Tillamook County Commissioner David Yamamoto, Bill Busch, Mike Herbel, NRPFD Chief Jim Oeder, James Burke, Meri McLeod and Jean Cameron, Secretary.

The summary notes of the August 5<sup>th</sup> NCAC meeting were approved as drafted. The final notes will be posted at <http://www.neskowincommunity.org/cac.html>.

Update on Proposal Rock Cove and Seashore Woods Subdivision applications

- Bill Busch reported that the Oregon Land Use Board of Appeals (LUBA) hearing on this application will take place on October 25 or 26. Multiple parties have appealed the County's approval.
- Richard Hook reported that there are no updates regarding the Seashore Woods application, which is over two years old. The process was put on hold when the County requested additional documents that the developer has not supplied.

Update on the Hawk Street reconstruction project

- Richard Hook briefly summarized the history of this project, noting that part of the land in question had been donated to Tillamook County by the Walton family. The Neskowin community raised \$100,000 towards the project. Total funding so far of \$450,000 from Neskowin, the County, and the State has been spent for engineering and site studies. An additional \$1.1 million is needed for construction. Two grant proposals to cover this need have failed, so the question now is how to move forward.
- One attendee suggested that the gates be removed and that people be allowed to drive on the road as it is. Concerns regarding this option are based on the fact that the soil can be muddy year-round.
- Richard explained that the \$1.1 million budget is to elevate the road 6' above the water level of the wetlands that surrounds it, thus also allowing for increased water flow for the salmon-bearing streams that flow in/out of the Neskowin wetlands (Butte and Hawk Creeks).
- Guy Sievert noted, however, that the U.S. Fish and Wildlife Service does not see this as a fish project, but as a road project, so they've been lukewarm regarding their endorsements.
- Susan Amort noted that we need an emergency egress road that's passable year-round.
- Commissioner Yamamoto stated that the road was still a County priority. He plans to have Chris Laity, the County's new Public Works Director, walk the road with Guy Sievert to consider options.

- Jean Cameron suggested that Commissioner Yamamoto and Richard Hook meet with our State Representative, David Gomberg, to discuss access to the state's new transportation funding package. Commissioner Yamamoto explained that Tillamook County has already been advised that it will receive \$280,000 from that source in the next fiscal year.
- It was noted that, if private action is to be taken, the County may have to return the Walton's property.

#### Update on Hawk Street North

- Richard Hook noted the July 3<sup>rd</sup> meeting on this topic, where a great deal of discussion supported moving forward to find a solution to the problem (see <http://www.neskowincommunity.org/July%203%20Hawk%20St.%20mtng.pdf>).
- The first step to a resolution, he noted, is a survey of the road.
- The Board of County Commissioners (BOCC) reviewed this issue at a public workshop and hearing on Sept. 16<sup>th</sup>. A September 13 letter from the BOCC identified three issues of concern:
  1. There is no legalized public right of way for the road between Corvallis Avenue and the northern boundary of tax lot #500, because the as-built road exists on private property.
  2. Similarly, the as-built road is on private property on tax lots SS11243CD, 900, and 1000.
  3. There is no record of legalization of the current as-built road between Kiawanda Beach and The Marshlands, however, legalization of this section may be possible.
- The County Surveyor and Public Works Department have committed to survey the areas where rights-of-way are needed on private properties. Such a survey could produce a consistent reference document for resolving this issue.
- Commissioner Yamamoto stated that every property owner from lot SS11243CD north will receive a letter from the County regarding the need for the County Surveyor to enter their property in order to conduct this survey.
- Alex Sifford had provided a copy of a July 16, 2009 County resolution adopting this section of Hawk Street as a county road. The issue now is getting legalized rights-of-way for that road through easements on the private property that it now crosses.
- A question was raised regarding the private roads in South Beach, and why this is not an issue there. Richard Hook explained that Hawk St. is a county road, whereas the streets in South Beach are - and always have been - private.
- It was also noted that proscriptive easements are legal after ten years of use.

#### Update on Bacteria monitoring in Neskowin area streams during the summer

- Richard Hook reported that York Johnson of the Oregon Department of Environmental Quality (ODEQ) and the Tillamook Estuary Program (TEP) had provided summary data for their sampling YTD. York stated that "Unfortunately, there are no clear results from this year. We did not see multiple high concentrations which is a good thing but we did see a couple samples here and there just above standards."

- Roger Nobel of the Neskowin Regional Sanitary Authority (NRSA) reported on their sampling results for the 2017 summer months, noting that they had found two samples of E-coli at the 435 level (406 E-coli per 100 milliliters of sample is the fresh water standard). Beaver dams were found at both locations.
- He also reported that NRSA had examined their main pipes and found no major problems. The only problem was a root intrusion at The Point, which was repaired. Jeff Walton requested that the pipe inspection results be posted on NRSA's website.
- Guy Sievert asked whether the earlier break at the Salem St. bridge could have contributed to past high readings in Hawk Creek. Roger explained that the break was temporary, not a slow leak, and the area has been repaired and reinforced. It was a small spiral crack in strong pipe; there was no indication of a long-term leak.
- He also noted that Kiawanda Creek, which runs through the wetlands, has tested as one of the clearest during the sampling.
- Jeff Walton raised the issue of warning signage for Hawk Creek below the bridge, where children and pets play during the summer months. Richard noted that there is no clear Oregon standard for posting warnings; Guy Sievert explained that the Oregon Health Authority requires multiple samples to exceed standards over multiple days before they will post warning signs. Guy offered to work with the County to develop a generic warning sign for that section of the creek.
- Earl Ingle stated "we've established that NRSA pipes are not leaking into Hawk Creek." If the source is wildlife, he noted, there's not much that can be done about that. A warning sign is good; if people still choose to swim, then it's their decision. Richard suggested working on the signage issue before next summer.
- Troy Trute suggested that the community shouldn't expect NRSA to continue to spend resources on this problem. Richard Hook disagreed and felt that it was good for NRSA to participate in resolving this issue, just as it is for TEP/ODEQ and the County Health Department to collaborate in doing so.
- Someone suggested installing a shower at the State Parks restroom so that visitors could wash off after being on the beach. Shelley Stoll reminded everyone that there used to be a water fountain there, but it was vandalized multiple times, so a shower might not last long.

#### Update on draft Bylaws

- Jean Cameron reported that she had sent the draft bylaws, as approved at the August 5<sup>th</sup> NCAC meeting, to Sarah Absher, Interim Director of the Department of Community Development, who had forwarded them to County Counsel for review as of September 5<sup>th</sup>. No further word has been received from the County.

#### Update on the Neskowin Community Plan Review (see

[http://www.co.tillamook.or.us/gov/ComDev/documents/community/nesk\\_plan.pdf](http://www.co.tillamook.or.us/gov/ComDev/documents/community/nesk_plan.pdf))

- Bill Busch reported that he plans to pull together a subcommittee on this after Pacific City has completed their update, since the Tillamook Department of Community Development is currently busy with the Pacific City (PC) update.

- Guy Sievert noted that PC's revised plan is due before the Planning Commission this December. Neskowin will be next in line.

#### Other

- Nestucca Rural Fire Protection District (NRFPD) Chief Jim Oeder explained that the "no parking" signs on the west side of Breakers Boulevard in Neskowin were put there by the Fire District in order to keep the street clear enough for fire trucks to transit. The District's authority to put up the signs is considered "temporary" by state regulations, so the signs can only be there for two – three years. He intends to ask Tillamook County to install permanent "no parking" signs on the west side of Breakers. This would give the Sheriff's Department authority to fine any violations. Some concerns were expressed regarding 8' signs in front of homes, so he'll check with the County Road department to see if 4' signs could be used. The Chief will keep us informed.
- Commissioner Yamamoto reported that retired Tillamook Commissioner Mark Labhart has contracted with the Association of Oregon Counties for two projects: a review of issues associated with Sudden Oak Death disease and tide gates. Most tide gates are over 50 years old and need repair or replacement; both steps are costly and require numerous permits in order to meet new "fish friendly" standards. Tillamook County has more tide gates than any other county, he noted, and explained that there will be a public meeting on this topic on December 12<sup>th</sup> at the Tillamook Bay Community College. He encouraged representatives from the Neskowin Golf course to attend, since there is a tide gate on the golf course.
- Shelley Stoll invited everyone to the NRSA's Treatment Plant tour on October 21<sup>st</sup> at 10 am. The plant is located at 48805 Slab Creek Rd.
- Jean Cameron reported that the Hills of Neskowin, which had withdrawn from the NRSA tax district by special vote this year, will still be included on the NRSA tax this fall. The election results were certified on April 5<sup>th</sup>, but the withdrawal deadline for tax purposes was March 31<sup>st</sup>.
- Guy Sievert asked Commissioner Yamamoto about Tillamook County's position on FEMA's flood plain maps, since Tillamook County is a party to a lawsuit regarding this issue. Commissioner Yamamoto indicated that the County will probably have no trouble showing economic harm to justify their position.

The meeting adjourned at approximately 10:45 a.m.

Respectfully submitted,  
Jean Cameron, Secretary  
Neskowin Citizen Advisory Committee