**Important information about the new development above Neahkahnie Meadows on the other side of Hightway 101.** This concerns our water safety…for all of Neahkahnie.

You’ll be seeing information on this in your next water district newsletter. This adds detail to that information.

Project: “Summit Manzanita,” owner in Fresno, CA, project manager in Seaside.

NOTE:

At this point, with only two part-time staff members at the Water District, please don’t inundate them with info requests. We need them working to get the hydrogeologist and attorney in place. We’ll send out info to this group as we get it. (And if you are getting this email forwarded to you from someone, email me at [kathiejhightower.com](http://kathiejhightower.com/) to be added to this email group.)

If you have specific questions that are not answered here, email me. Mark Roberts is working with the board and the water district. We’ll pass questions along and as we get answers get them out to everyone.

 Kathie Hightower, kathiejhightower@gmail.com

Note: This is a lot of information. However, we felt it important to include it all to preclude a lot of questions.

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**Notes from Original Meeting:**

**Neahkahnie Water District and Board meeting**

**Feb. 14, 2017**

25 people signed in plus 5 Board and Staff

Richard Felley, General Manager, presented information on the piece of property on the east side of 101, up above the Neahkahnie Meadows area. It’s been purchased by a developer out of Fresno, CA, who plans to start selling lots this summer.

It includes:

* 120 acres to be logged. “Not clearcut.”
* NOTE: the logging permit already seems to be well in process: https://ferns.odf.state.or.us/E-Notification/noap/46009?View=Summary
* 72 acres: to be developed into 30, 2-acre lots for homes. These are in what is zoned a “rural-residential area” - so that means septic tanks.

State law prohibits sewer outside of cities and community growth boundaries. This property is located outside the Neahkahnie Community Growth Boundary.

Putting sewer in would require an exception to the Statewide Planning Goals, a very high bar of an exception to reach apparently. (Cost to get the main up to that area is $200,000. In the ‘90s there was an estimate that it would cost three quarters of a million dollars to put in sewer.) All of these estimates would have to be updated to current conditions, costs.

The Board was asked for a “water availability letter” for 30 homes, October 27. Current studies indicate our water system has the capacity for more than that, possibly 180 additional over and above today’s 370 existing homes which includes all identified build able lots in the District’s service area.( i.e. the 180 is in addition to the lots like the ones below Neahkahnie Meadows that have already been approved, already counted as in the water district.) The letter was sent. The developer closed on the property in December. He has a local (Seaside) project manager who could not be at the meeting Tuesday as he is ill*.*

*The Neahkahnie Water District has for decades planned for and ‘pre-built’ for expansion west of Hwy 101; development east is a new planning requirement.*

The board is just starting research on all of this. They are in process of hiring a hydro-geologist, using funds from a grant applied for a while back. ($30K as a grant from Oregon Health Authority for Source Water Protection with $20K match from local sources, in-kind or cash.)

**Concerns raised by the community members attending:**

* Major water contamination should a septic fail.
* Water contamination from septic seepage.
* Water contamination from herbicides, spills, toxic chemicals
* Changed water flows and quantities due to construction
* We have a “highly vulnerable water supply” as determined by the Source Water Protection Study.
* Any contamination to water supply also eventually moves down into the ocean in this area.
* Our water is provided by Springs 1, 2 and 3, with the Pirate spring as back up. Spring 3 is right below Highway 101. Spring 3 provides 7/8 of current water supply.
* “They are building in our water shed: they shouldn’t even be allowed to develop.”
* The presence/installation of that many septic systems raises danger of landslides.

Note: One individual quoted from: Tillamook County Comprehensive Plans, goal 7.

*OVERVIEW*

*The demand for land in Tillamook County is increasing rapidly and problems related to developing these lands are mounting. Because of the tractable ground already in use, new developments are being directed toward areas that were previously passed over. Unfortunately, many of the new areas are subject to some type of natural hazard such as landsliding, flooding, erosion, ground instability, or other geologic condition, unknown to the citizen who plans to occupy this ground.*

*The purpose of addressing hazards then, is not meant to restrict properties from development, but rather to institute policies concerning potential problems, so that they can be considered before financial losses and possible injury may be avoided by the application of the policies formulated in the Comprehensive Plan.*

*Goal 7, Areas Subject to Natural Disasters and Hazards, reads:*

*“To protect life and property from natural disasters and hazards, developments subject to damage or that could result in loss of life shall not be planned nor located in known areas of natural disasters and hazards without appropriate safeguards. Plans shall be based on an*

*inventory of known areas of natural disaster and hazard.”*

*Hazards: Goal 7*

*2. FINDINGS AND POLICIES*

*2.1 LandslidesActive slides can be generated by acts of man which alter the balance of nature.*

*Excavations, cuts, fills, and drainage modifications may decrease the stability of an area and initiate sliding. Water introduced into the subsurface by drainfields, septic tanks, and improper handling of runoff may also initiate slides (Geologic Hazards*

*Inventory, p. 23).*

* Logging that close to 101 on moderate to steep slopes increases risk of landslides and road closures.
* Most logging operations include herbicides sprayed on afterwards, which also impacts our water supply.
* Once digging/construction starts there is no telling what will happen to the current springs. Have already had experience in our area of spring flow change due to construction.
* Pirate Springs has already shown signs of going dry, with much lower water flow, due to recent construction, as compared to pre-construction flows.
* At least one event already in past few years where we came close to running out of water in a drought (at which point the short term plan is to use an emergency intertie from Manzanita.)
* Every summer already we are asked to reduce our use of water during high tourist time. Without the 30 additional homes.

**Suggestions made:**

* Have the Board/District rescind that letter since the many issues raised show that more study needs to be done before the board can really say that the current water system can support 30 more homes up in that area. “That will put the brakes on the development to give time for further research.”

Rationale:

Yes, currently there is adequate water and correct water quality to serve the new anticipated number of hook ups **EXCEPT FOR** many unknowns about the future - particularly the location of these particular hook ups . and impact upon water quality and water quantity.

We do not know how the proposed development interacts/overlays/adjacencies to the NWD watershed/springs.  Where exactly are NWD springs, recharge areas, infiltration zones, etc relative to the potential development?  What are safe and appropriate setback distances that will preserve the quantity and quality of NWD water, not the minimums prescribed somewhere else.

What are the mapped locations of NWD springs and their recharge areas?  What are the run off courses relative to the springs, recharge areas, and other surface water?  We need to have this before we can issue any letter of water adequacy.

After we have mapped and characterized the springs and their sensitive areas of influence, what setbacks, changes in equipment usage, construction, and sanitary systems can be negotiated and formally agreed to so as to protect the water supply while enabling the developer to proceed?

What restrictions or cautions should be established regarding herbicides, gasoline spills, oil spills, toxic chemicals used during and after the development process?

The NWD hire experienced land-use legal counsel to advise and assist the District in getting ahead of, and participating effectively in all opportunities and processes pertinent to this process.  The Developer is experienced in navigating these processes; the NWD, however otherwise expert, is not.  These are particularly complex processes with a thicket of regulations and practices - we need someone with us who has seen this all before.

* We need a top land use attorney to know what you can do and can’t do as a board.
* “We can’t count on the county to stop this…we as a water board and community need to stop it.”
* Make sure there are funds in the budget designated for expenses like attorney fees. The Budget cycle is coming up March/April so it’s timely.
* “You want to budget for this in this budget…not try to play catch-up later.”
* Realize that although the issue of this development was raised through the water district/board and it is crucial to take action for the safety of our water, this is an issue that also impacts others in the area, if landslide or roads are impacted.
* We know that logging, heavy machinery, construction activity, let alone septic facilities, have potential, long lasting impacts on soils and aquifers.
* We are NOT resisting development of this acreage but rather seeking to preserve existing water quantities and qualities which may be impaired by this development

**County system of Subdivision Review, a Type III review. Process:**

Step 1 - County staff makes a recommendation.

Step 2 - A public hearing before the Tillamook County Planning Commission.

* Notice of the hearing must be sent out at least 28 days prior to the hearing.
* All subdivision materials will be posted on the DCD website when the hearing notices are sent out.

Note: A Planning Commission decision can be appealed.

Note from Kathie, note taker: My takeaway is that it was a good thing the project manager wasn’t there. It gave the community a chance to express their concerns, come to a joint consensus and suggest next steps. I was encouraged to see the level of deep engagement, commitment and the depth of knowledge and expertise in our community, and the willingness to be further involved.

**Next steps suggested:**

1. Water District should rescind the letter (or suspend until further analysis is completed) due to new information that has become available to the Board that impacts their earlier letter. That information needs to be assessed.
2. Hire a hydro-geologist to study the area, as it concerns water, impact on springs, potential contamination of ground water, landslide risk.
3. Planning in the budget for attorney and other expenses to fight this.
4. Getting the word out…looking at April as a time to have a public meeting on a Saturday so 2d Homeowners can be there too.
5. Those who were at the meeting need to help get the word out.
6. Get the word out through the local media.

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**Notes from a meeting of the Neahkahnie Water District staff, Neahkahnie Water District Board, Mark Roberts (concerned citizen representing us), and the Development Project Manager, Weds, Feb. 22.**

Notes provided by Mark Roberts:

The NWD has in hand three hydrologist proposals to study the potential consequences of a HazMat spill on Hwy 101.  These expert proposers are being requested to extend their scope of analysis to include this new development.   The responses to this request are expected in the next week or so.

-NWD legal counsel has recommended NOT rescinding the water availability letter but rather to send an amendment stating something to the effect that the availability of water was premised upon or assumed reliance on sewer services to the housing sites.  This letter is being reconsidered due to Board interest in making it stronger and more explicit.  to be continued …

-Peter Adamson, the Project Manager for the project was present.  Peter said that the Project Geologist is [Tom Horning of Seaside](http://www.coastweekend.com/cw/coastal-life/20160212/seasides-tom-horning-speaks-on-the-geology-of-water) (pretty famous guy!) and [Mavis Kent of Plateau Geotech Group](http://www.plateaugeoscience.com/about-us/)

Project Manager statements include:

-Tree cutting will be selective - mostly aimed at clearing existing, 50-year old roads thru the area (beginning immediately), making evident the proposed home sites for potential purchasers, and establishing view corridors.  Homeowners have rights & restrictions regarding further tree cutting;

-No Spray;

-Very concerned about water quality and quantity, too;

-Would prefer, actually initially believed, that sewer would be relied upon …but for now known County regulations  (Developer is “fine” with sewer” …and NBWW has indicated that they have capacity);

-County regulations say no sewer given the rural designation … and with rural designation comes the low density/large lot size - be careful for making changes here or potential for more, smaller lots may emerge from the process

(County staff in an e-mail have indicated that exceptions to the Comprehensive Plan is a ‘high bar’ to go over)

-Developer team, NWD staff will participate in a “Pre-Planning Meeting” with county on March 15th.  (NWD directed to have no more than two participants)

Maps below show homesites in RED and drain fields in GREEN.  Notice this preliminary concept has a number of homes connected to their drain fields via pipes so as to move ’stuff’ further away from sensitive areas.  This movement requires pumping since it will go uphill in most instances to be positioned adjacent to another piece of property, forest land, also owned by the current developer.  (The GM doesn’t like the idea or need for pumps given power outages and chances of failure.  My thought is that this system of pipes to service the drain fields looks amazing like a mini-sewer system … and does each house/pipe/drain field have its own pump?)

**Additional Note:**

Darryl Carter, a local developer who has knowledge of the development and appeals process, has reviewed the potential lawyers available and made recommendations of a number of possible firms based on their previous experience with these kinds of developments and land use concerns.