

SUMMARY NOTES
The Hills of Neskowin Owners' Association
2014 Annual Meeting
August 30, 2014

ATTENDING: Twenty-eight members of the Hills of Neskowin Owners' Association (HNOA) attended, including the following members of the Board of Directors: Jim Blasius, President; Jean Cameron, Secretary/Treasurer; Sara Hogevoll, David Richardson and Steve Baumgarte, Members at Large.

Jim Blasius called the meeting to order at 1:40 p.m. Approval of the past year's posted Board Minutes was done by consensus.

Jim then reviewed the past year's accomplishments as follows:

- Our streets were paved last fall. To date, 38 members have paid their paving assessments in full; the rest are paying annually. Improvements to the streets include painting of "Slow, 15 MPH" in two locations and installation of blue reflectors to indicate the location of fire hydrants. Jim thanked Lloyd Van Roekel and John Metschan, who worked with him on these projects.
- New plants were installed at the entrance to the neighborhood, along the creek path, and in the main common area; Jim thanked Sherry and Lloyd Van Roekel, Deb Lincoln, Ellen Gaddy and Jean Cameron for assistance with these projects.
- Jim also thanked Vikki Scotti for updating and maintaining our HNOA website as well as for sending email notices to HNOA members regarding website postings and other important information.
- Sara Hogevoll was thanked for organizing the 2013 BBQ and work party, and Trudy Metschan for her preparations for the 2013 annual meeting.
- Sara was also thanked for serving as Treasurer for fiscal year 2013 – 2014.
- A dog-waste bag dispenser was installed on the corner of Surview Dr. and Pacific Overlook Drive this spring; Jean Cameron was thanked for arranging that.
- Jean was also thanked for leading a neighborhood session on Disaster Planning, and Steve Baumgarte for leading our Neighborhood Watch efforts.
- Jim also thanked Steve Baumgarte and Ron Hogevoll for mowing the common areas. He noted that our investment in a riding mower and blower cost \$57/lot and is an investment that will save landscaping money in the future. He also thanked Bob and Marge Wilson for storing the equipment in their garage.

Jim reviewed upcoming projects to include:

- Addressing erosion issues, including concerns regarding sections of the drainage ditches;
- Trimming vegetation that blocks exit views at the stop signs;
- Painting "SLOW 15 MPH" at the uphill entrance and the north end downhill;
- Assembly of the new bench and picnic table and placement in the main Common Area;
- Steps and railing for the downhill section of the forest/creek trail;
- A November planting of spring bulbs; and
- Updating our 16-year old CC&Rs; this process has included input from the Membership as well as much work by the Design Review Committee (DRC) and Board. Jim thanked the DRC members: David Richardson, Chair; Lloyd Van Roekel; Bud Riley; and Dean Elliott, who served most of the past year.

Jean Cameron reviewed the 2013-2014 Financial Report sent with the Annual Meeting mailing, reminded everyone that our Fiscal Year runs from July 1 to June 30, and provided the following updates:

- The Operating Account Balance as of 6/30/14 was \$10, 336.98; the balance as of August 7 was \$7,906.24.
- The Construction Account balance as of 6/30/14 was \$8,675.11; the balance as of August 25 was \$6,553.

- The Paving Loan balance as of 6/30/14 was \$16,407.55; the balance as of 8/10 was \$14,184.
- Two Certificates of Deposit worth a total of \$10,031.19 rolled over in February; they will mature in 2016 and 2017.

Jim Blasius then led a discussion on views, noting that our ocean views are obstructed only by other homes or by trees. The DRC and Board have been working with an attorney to update our CC&Rs. The need to define “primary views” is foremost to the Board; it is for this reason that we approved a temporary moratorium on new building until the HNOA membership approves a change to the CC&Rs that provides more guidance to the DRC and Board when approving new construction.

Jim read the affidavit given by Fred Butterfield in the lawsuit involving the HNOA and the Pappas. Key statements regarding view protection included:

- “When I adopted the CC&Rs, I tried to build in flexibility and discretion for the Design Review Committee and myself when I originally performed this function.” (lines 12-14, page 2)
- “It was always anticipated that new construction would impact existing structures within the subdivision. The first home constructed in the subdivision does not have greater view protection than the last home built. That is why I limited view considerations to only ‘primary’, not a generalized view from a lot.” (lines 21-24, page 2)
- “I never told anyone that they would have a panoramic view of that their view would not be impacted by other homes.” (lines 3-4, page 3)

Ron Wojtowicz commented that Butterfield’s intent is no longer relevant.

Jim pointed out that it is human nature to be disappointed when an unobstructed view of many years is changed due to a home being built below it, and he reiterated Butterfield’s point that no one is guaranteed a 180-degree panoramic view. It was also noted that upper lots generally have better views and are thus more expensive.

Jim Blasius explained his concept of protecting a view corridor defined by the view from the primary living area of a house outward at pre-determined angles, like a wedge.

Ron Wojtowicz commented that the term “view corridor” is not in the CC&Rs, so we may need to choose between that concept and “primary view.”

Hedy Graves commented that the concept of protecting the “surf view” is a problem, especially for lower lots, since trees in the wetlands are growing taller. After much discussion, “surf view” was defined as the “white water” and it was agreed by those present that “ocean view” was our primary goal for protection, not the surf view.

Jim Blasius shared copies of a newsletter from the law firm of Anderson and Kriger on “Issues in Enforcing Views.” (See Attachment A below). He further explained that our attorney, Heather Reynolds, had advised us that there is no legal protection of views in Oregon except in CC&Rs; the primary view is what the Association approves in a vote on the CC&Rs; otherwise, it is up to the county or city code. For us, the relevant county code is as follows: “The maximum building height shall be 35 feet, except on ocean or bay frontage lots, where it shall be 24 feet.” Ms. Reynolds also noted that “If all your members establish what they mean by primary view, and agree to it, then it will supersede any court decision.”

Jim explained that the DRC and Board would include consultation with neighbors in any construction decision. Linda Lucero recommended that this be included in the revised CC&Rs. It was agreed that the revised CC&Rs would include this as well as guidance for defining “primary ocean view” rather than a specific definition and would clarify that “primary view” is not panoramic.

Jim advised everyone that final decisions approving new construction would be made by the elected Board of Directors with advice from the DRC. He indicated that the Board may also invite other neighbors who would not be impacted by a siting decision to provide objective opinions.

On the subject of Trees and other vegetation blocking views, Jim noted that old growth is generally defined as trees 175-200 years old, as well as “forests not harmed by man.” That definition precludes the trees in our subdivision, he stated. Jim also shared a table from the U.S. Forest Service’s Late Successional Reserve Assessment of the area around Lincoln City and Neskowin (See Attachment B below). The table summarizes the average condition found in older stands that some might refer to as old growth (or soon to be old growth). The bottom center and bottom right tables (Sitka Spruce Moist and Sitka Spruce Wet) would likely best represent stands in the vicinity of Hills of Neskowin, according to Wayne Patterson of the USFS in Hebo, OR. He also noted that “Douglas-fir, Sitka spruce, western hemlock, and sometimes western red cedar are significant components of these older stands, while red alder rarely makes it into even the large category (trees over 32 inches in diameter, measured at 4.5 feet above ground level). Red alder generally begins to die at about 80 years old.” “Having measured hundreds of older alder, I have yet to find a living alder over 120 years old,” Mr. Patterson stated.

Richard Harles noted that trees and snags on adjacent lots can also present safety concerns. It was recommended that Section 5.4 (*Maintenance of Structures and Grounds*) of the CC&Rs be amended to include safety issues.

On other matters:

- Linda Lucero recommended that the Association’s authority to place liens or fines on owners be clarified in the CC&Rs. (PLEASE NOTE: the authority to place liens for default of payments of assessments can be found in Section 8.3 of the CC&Rs. There is no authority for fines, although Section 8.6 allows for interest on payments due.)
- Jim reminded the members that the Neighborhood work party and BBQ would be the following day. Beginning at 11:30 a.m., work would include assembling the bench and picnic table, weeding flower beds, weeding and trimming the edges of the Common Area and forest/creek trail. The BBQ would be held around 1:30 p.m.
- Under New Business, two vacant Board positions were filled; Jim Blasius and Steve Baumgarte both agreed to run for second terms and were both re-elected.
- Under Old Business, Jim reminded everyone that a few mail boxes are available at the entrance and thanked Bob Simonson for managing those sales.
- Jim thanked Rose Blasius for her assistance with preparations for this annual meeting.

The Annual Meeting adjourned at 3:45 p.m. and was followed by a Board Meeting to which all members were invited.

Attachment A - “Issues in Enforcing Views” from newsletter from the law firm of Anderson and Kriger

<http://a-khoa.com/wp-content/uploads/2012/07/2007-2nd-Qtr.pdf>

Attachment B – U.S. Forest Service’s Late Successional Reserve Assessment of the area around Lincoln City and Neskowin

Table 14. Structure and Composition of the Mature Condition of Late-Successional Stands by Sub-Series Environments (information is expressed in numbers of trees, logs or snags per acre; all data was rounded to the nearest whole number)

Species	Western Hemlock - Dry (18 plots)					Western Hemlock - Moist (21 plots)					Western Hemlock - Wet (36 plots)				
	Small	Medium	Large	Giant	Total	Small	Medium	Large	Giant	Total	Small	Medium	Large	Giant	Total
Bigleaf maple											1	<1			1
Douglas-fir	20	25	6	<1	51	28	23	6	<1	58	9	10	6	<1	25
Red alder	2	<1			2	7	1			9	13	2			15
Sitka spruce		<1	<1		<1	1	<1	0	<1	1	2	1	<1	<1	2
Western hemlock	19	10	2.2	<1	31	25	11	2	<1	37	23	11	3	<1	36
Western redcedar	4		<1	<1	4	4	<1	<1	<1	4	5	1	<1	<1	6
Total Live Trees	45	36	8	1	89	64	36	9	1	109	53	24	9	1	86
Hard conifer snags	15	2	1	<1	17	14	2	<1	<1	16	4	1	<1	<1	6
Soft conifer snags	2	2	3	1	8	3	3	2	1	8	1	1	1	1	3
Hard log	23	6	1		30	14	2	1	<1	18	10	2	1	<1	13
Soft log	5	2	2	1	10	7	5	5	1	18	3	6	2	1	11
	Sitka Spruce - Dry (13 plots)					Sitka Spruce - Moist (39 plots)					Sitka Spruce - Wet (33 plots)				
Douglas-fir	8	13	10	<1	31	3	6	3	<1	11	9	5	5	<1	20
Red alder	11	1	<1		13	8	1	<1		8	8	2	<1		10
Sitka spruce	6	7	3	<1	16	8	11	9	2	29	3	3	4	2	11
Western hemlock	19	6	2		27	33	17	4	<1	53	12	7	3	<1	22
Western redcedar	1	1	<1		2	<1				<1	2	<1	<1	<1	3
Total Live Trees	46	28	16	<1	89	51	34	15	2	102	34	16	12	2	64
Hard conifer snags	4	1	<1	<1	5	9	2	1	<1	12	5	1	1	<1	7
Soft conifer snags	1	2	3	1	6	1	1	2	1	5	1	1	2	1	4
Hard log	6	2	<1		9	12	4	2	<1	18	8	3	3	1	16
Soft log	4	2	3	1	9	8	4	5	1	18	3	5	2	1	11

Size classes: Small = 9.0 to 20.9 inches diameter at breast height (dbh)
 Medium = 21.0 to 31.9 inches dbh
 Large = 32.0 to 47.9 inches dbh
 Giant = 48.0+ inches dbh

Data Sources: 1987 Vegetation Resource Survey - 109 plots
 1984 Siuslaw Ecoplot Intensive Survey - 51 plots

Snags - dead standing conifers 10 feet tall or taller, with dbh in the above size classes.

Hard snags = snags in decay classes I, II and III (Cline 1977)

Soft snags = snags in decay classes IV and V (Cline 1977)

Logs - pieces greater than 20 feet long, having the large end of the log in the above size classes.

Hard logs = logs in decay classes I, II and III (Fogel, Ogawa and Trappe 1973)

Soft logs = logs in decay classes IV and V (Fogel 1973)