

# Neskowin sewer issue runs into May election

By Ann Powers  
editor@northcoastcitizen.com

Hills of Neskowin (HON) residents won't be withdrawing from the Neskowin Regional Sanitary Authority (NRSA) without the approval of the special district's voters in May.

The HON Homeowners Association (HOA) petitioned the Tillamook County Commission to remove the subdivision from NRSA's boundaries and fees at the board's regular Nov. 2 meeting.

HOA representatives argued HON has never, and probably won't in the foreseeable future, receive direct services from the sewer authority because each parcel has its own separate septic system. Nevertheless, HON residents have been required to pay taxes because their homes are within district boundaries.

A majority vote from the commission agreed it wasn't feasible for NRSA to provide direct services to HON in a timely manner.

But, a counter district petition presented to commissioners at a subsequent public hearing, trumped that determination. The request now goes to the next available election, which is May 16, 2017, according to County Clerk Tassi O'Neil.

County Counsel William Sargent told commissioners in order for there to be an election on HON's withdraw, the county needed written requests by no less than 15 percent of the electors, or 100 electors (whichever is the lesser number), registered in the sewer district, according to.

district, according to.

O'Neil said a minimum of 39 signatures was required to put it on the May ballot. She verified 44 of the 48 submitted with the petition.

Nevertheless, John Metschan, HOA treasurer, said the law is on their side and the commission's decision should stand.

"We were able to make our case at the last hearing and of course the commission determined that in their opinion providing service to



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## A vote on whether the Hills of Neskowin subdivision can withdraw from the Neskowin Regional Sanitary Authority will be on the election ballot in May.

(HON) was not feasible," he said. "Our primary case is that we were not anxious to leave the district, but rather we are concerned about provisions of Oregon State Law that specify that only those that are directly served should be taxed. The statute (ORS 450.840) is pretty clear."

Metschan added the HOA attempted to modify its agreement to stay within NRSA boundaries, but not be taxed unless residents were being directly benefited. That way, if there was a time in the future HON dwellers could utilize the sewer services they would have that option and pay for it.

District officials denied that request. NRSA Board Chair Shelley Stoll said sewer services benefiting the greater good should be taken into account — like school districts receiving tax revenue from people who don't have children.

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"The Neskowin core area where the post office, café, store, park, hotels, condos and bus stop are located is used by all," Stoll wrote in a letter to the commission, dated Oct. 25. "The service NRSA provides eliminates the possibility of sewage from many businesses and hundreds of homes spilling into creeks, the wetlands and flowing into the ocean."

HOA officials also asked the county for an opinion on HON's interpretation of the

state law stating district dwellers must directly benefit from services provided.

Sargent explained the special district petition ruling takes precedence in sending it to a vote of the people.

"It is the proper procedure to take," he said. "There were sufficient requests for an election filed, as provided by ORS 198.875(2), at the time of the final hearing."

HOA representatives argued that an election would not be fair, since a majority of the special district's voters live outside of HON — and would win the majority vote.

### Withdraw request history

Documents show HON was first platted in 1997, with each property approved for its own on-site septic system. The subdivision has nearly built out to full capacity with approximately 60 parcels — each

approximately 60 parcels — each with separate, fully functional, septic systems.

Homeowners said there has been no need for NRSA to install a sewer line for those properties since HON was established.

In addition, district voters approved a bond in 2005 for water system improvements required by the state. Because the subdivision lies within NRSA's boundaries, HON residents were required to pay the permanent tax rate.

engineering experts estimated it would cost roughly \$1.8 million, and district officials said the trunk line is "developer driven" by preliminary plans for a trailer park north of HON.

The line's installation would also require excavation of the subdivision with no direct advantage to that area, according to subdivision dwellers.

Moreover, NRSA could not give commissioners a timeline for the project's implementation.

"It's a very misguided taxation of an unjust nature," said Jim Blasius, HOA president. "It's a perfect example of a greed tax."

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