

Quiet Water Sept. 2nd Meeting Questions

Q. Where do things stand?

A. It has been several months since the annual meeting in June. After receiving the Beshears Letter of Demand, the board felt a need to seek legal advice about our options. In discussions with a real estate attorney, the board was told that the City's 50 ft. restricted area was probably enforceable. Hearing this, the City was asked for clarification about the intent of Ordinance 9.52.070 and specifically if invasive plants like canary grass could be removed while replanting with native species and were told the primary intent of the ordinance is the protection of the river and wildlife habitat. The board was also told that invasive plants along the river can be removed.

Q. What does this mean for Quiet Water?

A. It means all vegetation cutting inside the 30 boundary is a violation of the City's ordinance. We will be allowed to continue removing noxious weeds. Based on what the board has heard, we believe the path is allowed as a "pre-existing non-conforming use".

Q. What are the consequences if cutting along the river continues?

A. The City has indicated that the ordinance will be vigorously enforced when they are aware of a violation. The first step will be a letter to cease cutting and if that doesn't work, violators will be cited and fined in municipal court.

Q. Why can't we just ignore City Ordinance 9.52.070?

A. Now that the Quiet Water residents are aware of this regulation and understand its intent, we are ethically obligated to obey the law.

Q. Do we have any options?

A. There is the option of a variance to the ordinance. Our current assumption is that Quiet Water would need a plan with standards that meet City requirements to obtain a variance. For example, if we were able to demonstrate that we want to make a serious attempt at riparian restoration and the eradication of noxious and invasive plants, we stand a better chance of obtaining a variance. A Quiet Water plan would need to incorporate support from other agencies like the Lincoln County Soil and Water Conservation District. Application for a variance must be made through the Yachats Planning Commission. The three Quiet Water property owners on the Planning Commission would have to excuse themselves from the discussion and decision about a variance.

There is a second option. A property owner or the association could sue the City under Measure 37, claiming a loss of economic value from the imposition of City Ordinance 9.52.070. There is no way to know how long it would take to resolve a Measure 37 claim; how much it would cost Quiet Water home owners or whether a claim would be successful.

Q. What are the chances a variance will be successful?

A. City officials seem receptive to idea of a variance. Quiet Water would need to present a plan that demonstrated protection of the river and the removal of noxious weeds. The board believes the proposed DRC plan could serve as the basis for a plan the City would accept and would maintain existing views of the river.

Q. How long would it take to obtain a variance from the City?

A. We would need to finish work on a river bank landscaping plan. Once that is done, it will take 2-3 months to work through the planning commission.

Q. Is there any other good news?

A. We are exploring the feasibility of grant possibilities for riparian restoration that could pay for a major portion of the work that would need to be done.

Q. What is the bottom line?

A. The board believes there is a very good chance that we can protect existing river views and access with only small changes in our current maintenance practices. The board further holds that the variance option presents the best chance of achieving this outcome.

Myth Busters:

Q. Why is the DRC proposing a wall of green plants along the river?

A. The DRC is not proposing and has never proposed a plan that calls for uncontrolled growth along the bank. All DRC plans have emphasized the importance and need for maintaining existing views as much as possible. The tall grass we experienced this year was the result an incorrect assumption; an unfortunate misunderstanding and an unexpected delay in finding a worker to cut the grass.

Q. Why is the DRC proposing new and radical changes along the river bank?

A. The changes proposed are neither new nor radical. A very similar proposal was discussed in 1994 (see 1994 memo from Mary Rothbart). The most significant part of the current proposal is the substitution of native plants with deeper root structures for the canary grass.

Q. Won't eliminating the grass lead to higher maintenance costs?

A. This may be true in the short run but not long term. By planting low growing woody plants that can compete effectively for light and aggressively cutting the grass, we will be able to starve it of the sunlight it needs to thrive and eventually reduce time needed to control this problem.

Q. Why is the board surrendering control of Quiet Water to the City?

A. This statement has no basis in fact. The board is attempting to understand the City's ordinances as they relate to Quiet Water and chart a course that allows us to continue our use of the common area as we have in the past. Working with the City to achieve a desired outcome does not equate to a loss of control. To suggest that the board ignore a law they know to be valid is unethical.

Q. Is removing knotweed more important than anything else as recently stated in a letter received by all property owners?

A. Knotweed does not currently exist within Quiet Water. While it is true that knotweed is present near Quiet Water on Yachats River road, it is not present on the development. We are aware of the seriousness of this invasive noxious weed and will be vigilant.