

Bayshore Breeze

Waldport, Oregon

September 2020

Rights-of-Way

The Planning Committee explains home right-of-way guidelines and regulations.

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Photography Corner

Kerry Terrel offers her latest photo challenge for Bayshore Beach Club members.

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The Wave Returns

Rose Bradshaw announces the latest news from the Bayshore Social Committee in this edition of The Wave .

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Canal Concerns

By Leslie O'Donnell

Division 3 Director Michael Bradshaw attempted to hold the first Bayshore Division Town Hall for Division 3 on Saturday, Sept. 12. The plan for the meeting was to allow all Division 3 members to get acquainted with their representative on the Board and voice whatever concerns they may have concerning Division 3.

“Unfortunately, the meeting was a bust,” according to Director Bradshaw. Fewer than 10 people attended, which he said was hardly a fair representation of the entire Division membership.

Additionally, Bradshaw had technical difficulties and was unable to actively interact with or hear the members attending.

In Director Bradshaw’s absence while trying to fix the technical problems, Paula Brubaker acted as meeting leader.

Brubaker explained that the meeting was called to air concerns from District 3 residents. She noted that a lot of concerns regarding the canal had been voiced at the August board meeting.

District 3’s western border is the ocean. The northern border is Westward, the eastern border is Bayshore Drive, and the southern border is just north of Marine View.

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From the Editor

Please send news items and suggestions for the Breeze to me at zoenh@comcast.net. If you don't use a computer, bring your items to the Bayshore Beach Club office and leave them for me. I look forward to hearing from you and to making the Breeze a newsletter that gives you a glimpse of all Bayshore has to offer. The Bayshore Breeze is published every month except December by the Bayshore Beach Club Board of Directors, the governing body of the residential community of Bayshore.

Leslie O'Donnell, editor

Age of Tree at Center of Controversy

By Leslie O'Donnell

A Sept. 19 decision by the Bayshore Board of Directors to pay for a certified arborist to determine the age of a tree on Board President Mark Cook's property has led to an anonymous letter threatening recall of the Board.

The letter was received by the Bayshore office and the Bayshore Breeze, and requested publication. While the Breeze will not print anonymous letters, it is reporting on the circumstances that resulted in the letter.

The Planning Committee had determined that the tree in question blocks neighbors' view of the ocean. In the Bayshore Covenants and Restrictions and its Guidelines for Determination, complaints about trees blocking views do not apply to original natural trees "as determined by the aerial photographs on file in the Bayshore office." The Planning Committee does not consider the tree to be an original natural; the Cooks say it is.

Cook claims the tree in question is "original and natural," meaning it would be at least 56 years old today and growing when Bayshore was platted in 1964.

Board Vice President Michael Bradshaw explained that the Board would pay for a certified arborist only if Cook first hired his own certified arborist to determine the age of the tree, which is the subject of two complaints. Cook recused himself from the vote.

The letter-writer said he or she will petition to recall Cook and any other board member who voted to approve what the writer called "this most egregious action."

Contacted after the meeting, Cook said he is "absolutely, 100 percent confident the tree is natural, based on its diameter alone.

"All I'm asking for is common sense," he said. "There's absolutely no way that it's not a natural tree. The Planning Committee didn't do its due diligence into the tree to begin with.

"To fine someone, there better not be any gray area," he added. "And what is considered 'blocking a view?'"

He said his wife already has someone in the works to determine the age of the tree.

While Mary Lou Morris, co-chairman of the Bayshore Planning Committee, said,

"What the Board did Saturday (Sept. 19) could well be a precedent for future actions," Bradshaw said that should not be the case, and emphasized that the Board decision was to pay for double-checking what Cook's arborist presents as the age of the tree.

The Planning Committee had recommended a \$100 fine for the Cooks, an amount Morris termed "miniscule."

She said the Committee had tried to work with the Cooks but found them adamant in their opposition to the photos used to determine whether the tree was an "original, natural tree." A variety of old photos presented showed the Cook property with no trees, Morris said.

Bradshaw said the Cooks claimed the maps used by the Planning Committee were "insufficient." They show tree lines and streets but not individual trees.

"We're just going through due diligence," Bradshaw said of the Board decision. Likely the arborists will be using a formula to determine age, he noted.

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Canal Concerns

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By the end of the meeting, the residents, all of whom live on the canal, had agreed that they should be consulted regarding any proposed work on the canal, and that they favored the proposal of a previous hydraulics study. They said they would convey that message to the board of directors at its September meeting.

Brubaker said at the previous board meeting, it was suggested that a floodgate should be installed to raise the level of the canal. The water would then be left in the canal for two weeks or so, before being drained.

“Those of us who live on it (the canal) should have a say,” Brubaker said. “It’s not a decision for Mark (Cook, board chairman and resident of District 1) and Bob (Tunison, Bayshore facilities manager). Before anything is done with the canal, we have to have some say.”

She and others present said they did not want to see canal water sit for two or three weeks.

Resident Marv Waterstone said a hydraulics engineer had been hired quite a few years ago to study the canal. His study found that the culverts in place had been installed improperly, and a culvert five times the size of the small one currently in use is needed.

He said the board had installed a culvert smaller than what was needed and kept the small one in place as well, “which still impedes flow and is improperly positioned. We need to make sure the flow from the tide is not being impeded.”

Waterstone said he did not think a floodgate was needed, noting it would interfere with the natural flow of water, nor did he think a big problem exists with the canal. “The canal is supposed to be tidal,” he added.

Waterstone suggested replacing the present two culverts with a large, D-shaped culvert, as recommended by the hydraulics study. “The current culvert is the wrong size and is mispositioned,” he added.

Brubaker said she liked Waterstone’s suggestion. “I don’t want the water to just sit, and I don’t think we have a huge problem,” she said, adding that she did not want Tunison alone to decide what happens to the canal.

“We need to let the board know how we all feel about what we want for the canal,” she emphasized, adding that permits are likely required for any such work.

Those in attendance voiced agreement with Waterstone’s and Brubaker’s assessment. Brubaker noted that canal residents were not notified in advance of last month’s board meeting that work was being planned on the canal, and Waterstone questioned why the issue was now coming up.

He also emphasized that Bayshore owns the canal and repeated that the mistake in placing undersized culverts needed to be rectified.

Waterstone also raised a separate concern that relates to the Planning Committee and would apply to all of Bayshore. He said that during the current pandemic, there are very few ways for people to visit with family and friends. He has a friend who could bring an RV to stay in his driveway for a visit, and Waterstone asked the

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Canal Concerns

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Planning Committee to make a temporary exception for that RV, but had been turned down.

He said he plans to appeal and added that the exception he was seeking would be temporary.

Editor's note: According to Board member Michael Bradshaw after the Sept. 19 meeting, "the only thing being done at the moment is research" on the canal.

Rights-of-Way in Bayshore

Editor's note: The Breeze asked the Planning Committee to address guidelines for rights-of-way in the community. The committee's response follows.

The following information is taken from the Bayshore Guidelines for Determination. Listed in Definitions and References:

Right-of-way: Established by the Lincoln County Building Department (LCBD) and is a given distance from the center of the road. It is provided to permit public utilities to install and service their buried and overhead wiring and piping and for road and road maintenance. The property owner is responsible for the care and maintenance of rights-of-way on their property.

Listed in C & R (Covenants and Restrictions) Article II, Subsection 10:

Vehicles – General:

No vehicles are to be stored in the right-of-way or where they restrict the neighbors' view.

Commercial Vehicles:

Commercial vehicles are not permitted to be parked or stored on properties or rights-of-way unless they are temporarily in use.

Listed in C & R Article II, Subsection 14:

Garbage:

Trash containers are allowed in the right-of-way only from 6 p.m. the day before until 6 p.m. the day of trash pickup. If a member is unable to place and retrieve their trash container by the roadside for pickup, the trash service will, for a fee, collect and replace a container from by the house.

Trash containers may be placed on a non-street side of the house or garage. An enclosure may be used to hide a trash container. The enclosure cannot be in the right-of-way nor more than 42 inches high if placed in the front setback (including the side setback of corner lots).

Exception will be made for sites of new construction and major remodel and is allowed until building exterior is finished.

Construction Dumpsters may be positioned on the right-of-way with the provision that they are no closer than 5 feet from the edge of the street paving and do not create a safety hazard.

Planning Committee Issues Statement on Board Preparation

The following statement from the Planning Committee was presented at the Sept. 19 Board of Directors meeting and entered into the minutes.

“The Planning Committee urges the Board of Directors to study the agenda and attachments prior to the board meetings. Kathi (Loughman) spends a great deal of time putting the packets together and it is only common courtesy that board members review the information in the email she sends out and/or collect your packet prior to the meeting from your box in the office.

“The August Board of Directors’ meeting was a prime example of some board members not being prepared for the meeting. An example is the information that was given to the board prior to the March meeting (which was cancelled), the July meeting and the August meeting.

“The Policies and Procedures Committee and the Planning Committee began work on the revisions to the C & R Violations and Fine System in February. The majority of the revisions were general maintenance to clarify and make sure the Guidelines for Determination and the Fine System were the same. The only two major revisions were:

“1. Change revisiting violations when a fine was issued by the Board of Directors and the violation was not corrected. Instead of bringing the violation back to the Board of Directors one year from the date of fine, it could be brought back to the Board every three months for repeat offenders. This was a direct request from members.

“2. Increasing the fine for tree violations from \$100/per tree to \$200/per tree is to seek compliance. If only one or two trees are in violation of height, the property owner may choose to pay the fine or ignore the violation since paying to have the tree(s) trimmed or cut down could cost more than the fine.

“The Board of Directors has all of the Bayshore governing documents in their notebooks. The only two documents involved in these revisions are the Guidelines for Determination and the C & R Violations and Fine System. Board members should have used these two documents before the August meeting to make sure they understood the revisions and to have asked questions of the Policies and Procedures Committee and/or the Planning Committee prior to the August meeting.

“Paula Brubaker and Mary Lou Morris reviewed the revisions prior to the meeting since Paula was going to make the presentation to the Board on behalf of the Policies and Procedures Committee. It took them 5 minutes to review the two documents and compare them to the revisions. The board members should have done the same thing.

“Members of the Policies and Procedures Committee and the Planning Committee take offense to some board members stating these two committees didn’t do the written presentation in an understandable format and maybe that’s because they’re “just volunteers” and don’t have the necessary background and limited skills to write a document to board standards. These statements were uncalled for, demeaning and disrespectful to two committees that do the bulk of the technical work required for Bayshore.

“We ask that the Board do their due diligence from now on.”

Tree Controversy

Continued from page 2

He said he was not worried about setting a precedent because the Board would not be paying for Cook's arborist. "We would be paying to double-check his aging of the tree," he said. "We're waiting to get (Cook's) results, and he said he's already been in touch with an arborist and is ready to hire. We're not setting a precedent. Instead, if need be, we'd be checking his results. We're just trying to be fair."

The Board first stated that if Cook hired an arborist and the tree was found to be "original," they would reimburse him for the cost, but they did not want to wait several months for the results. The Board then decided to hire its own certified arborist if Cook's arborist determines the tree is over 56 years old. In a letter to Planning Committee co-chair Tim Brubaker, the Cooks said the tree is 103 years old. Morris said she has been with the Planning Committee for about 20 years, and "I've never heard of the Board taking on any cost relating to a violation." She noted in a couple of cases when yards were unkempt and the property owner would not respond to complaints, the Board has hired someone to clean up the yard, but that expense then became a lien on the property.

"If the Board picks up the tab for people contesting violations, it's going to make the Planning Committee job more difficult," she said.

Lincoln County Moves to Phase 2

Lincoln County moved to phase 2 effective Sept. 29 in Covid-19 health requirements, and explanations of the guidelines can be found at [tinyurl.com/y3t9xo25](https://govstatus.egov.com/or-covid-19#phase2Guidance) or

<https://govstatus.egov.com/or-covid-19#phase2Guidance>

All mask and physical distancing requirements remain.

In addition, private social get-togethers indoors are still capped at 10. The state defines "gathering" as a group of individuals meeting for a common purpose, including faith-based, civic, cultural and other purposes, indoors or outdoors. A gathering does not include an indoor social get-together.

Road District Continues Talk on Speed Deterrents

The Bayshore Special Road District met Sept. 24, with Dick Meloy, treasurer; Lee Davis, secretary, via phone conference; and Barbara MacPhee in attendance. The minutes were approved. The Treasurer's Report dated Sept. 24, 2020 was presented with a balance of \$72,475.

Correspondence: One resident recommended installing a battery-operated "Radar Speed Sign" similar to the one in Sandpiper. The cost provided by the Traffic Supply Safety Company is approximately \$3,000 to \$4,000 plus installation. Treasurer Meloy spoke with several Sandpiper residents and was told that their speed sign has not been effective and they have added ceramic buttons as well.

A number of Parker Avenue residents have commented that the Parker Avenue speed buttons are not slowing down speeders and recommended larger buttons or adding paved speed bumps.

New Business: For the Parker Avenue test area, which has three rows of 4-inch buttons at three separate locations between Westward and Mackey, discussed replacing the middle row of the 4-inch buttons with 6-inch buttons.

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Facilities Report

The following statement from Facilities Manager Bob Tunison was presented to the Bayshore Board of Directors at its Sept. 19 meeting.

Pool Proposals

Three proposals have been attached to this report from Epoxy Finish LLC. The following is a breakdown of each proposal:

Conversion of pool return plumbing

Approximately nine years ago, the pipes returning water to the swimming pool, after having been filtered and heated, were replaced. The size of the replaced piping was done using a 2-inch inside diameter pipe. Since all other piping in the pool filtration and heating system utilizes 3-inch diameter inside piping, water being returned to the pool is creating back pressure on the filters, heater, and general connective piping between these components. The result is that the normal operating pressure in our pool filters is approximately 32 pounds per square inch, where it should be approximately 10 to 12 pounds per square inch. Similarly, the current pressure within the pool heating system is approximately three times the normal operating pressure. While this has not caused a dangerous operating pressure in the past several years, it has resulted in the following issues:

- The excessive operating pressure is causing excessive wear and tear on both the filters and heater of the systems to the extent that both systems will be subject to noticeably shortened operating life spans. Since the pool filters are new (installed in April 2020) and the pool heater is relatively new (installed in 2017), I am proposing that the attached proposal to replace the current 2-inch pipes with 3-inch pipes be approved by the board. The cost of replacing the filters and pool heater is approximately \$23,000 and the increase in the lifespan of both pieces of equipment can conservatively be measured between 7 and 10 years.
- The pool filtration system is designed to “turn over” the water in the pool between 3 and 4 times every 24 hours based on the pool pump ratings *and the uniform use of 3-inch piping throughout the system*. Currently and with the existence of 2-inch piping in the return plumbing to the pool, the “turnover” rate is less than 2 times every 24 hours. The result is less- than required turnover rate stipulated by the Oregon Health Department. In addition, the efficiency of the pool’s filtration system to properly sanitize the water is being compromised.

The cost of the attached proposal to correct this configuration is \$10,000 and, if approved by the board, work would begin in mid-October of this year and completed within three to four days.

Installation of new skimmer system

If installation of a new skimmer system for the pool is done separately from the above quoted work for replacement of the pool return piping, the cost is \$20,000. If done at the same time as the piping work is started, the combined proposal for both the work entailed in the piping repair above and the installation of a new skimmer system is \$22,000, which represents a savings of \$8,000 over the separate proposals. What appears as an excessively large discount is due to the fact that a great deal of the excavation work to correct the piping problem is the same as the work necessary to install a new skimmer system.

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Facilities Report

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Rather than argue the logic of the Epoxy Finish LLC proposal in this report, I have opted to have the board discuss the pros and cons of this proposal while in session on Sept. 19.

Clubhouse Closure

Based on a decision reached by the board during the August board meeting, the clubhouse is closed through and including Sept. 30. The reasons given to and accepted by the board during that meeting included, primarily, the inability to adequately sanitize the clubhouse following use by members in order to ensure subsequent users that the facilities have been properly sanitized prior to their use. Based on this same rationale, I am suggesting that the clubhouse remain closed through Oct. 31 and that this issue be addressed again during the October board meeting on Saturday, Oct. 17.

Current Lincoln County Covid-19 Restrictions

Currently, Lincoln County is in a Covid-19 re-opening stage of "Phase 1." Among other restrictions, indoor meetings are limited to a maximum of 10 people and face masks must be worn. Phase 1 limits the number of attendees at indoor activities to 10 and face masks are required. Although the governor did allude to Lincoln County's being eligible to enter Phase 2 on Sept. 8, this was dependent upon meeting certain minimum criteria as well as a favorable vote to do so by the Lincoln County Board of Directors. As of this date, neither the conditions have been met, nor has the county board voted in favor of the upgrade to Phase 2.

Status of Cement Shed

The cement pad approved during the August board meeting has been completed. The pad forms the foundation/floor for a new shed for pool chemicals.

Parking Lot Improvements

The work approved during the August board meeting involving relocating several large boulders from the north side of the gravel lot across from the clubhouse to the south side of the parking lot in order to form an edge-of-road barrier on Pacific Way will be completed next week. Orders for new signs (also approved during the August board meeting) will be completed shortly.

Bayshore Security Progress

I have currently completed and passed the first phase of the Oregon Department of Security and Safety course, which is required for any person acting in the capacity of security personnel in the state. I will be enrolling in the second stage of the certification program shortly.

Mail Thefts Reported

Bayshore facilities manager Bob Tunison reports that thefts of mail from mailboxes occurred Sept. 3 on Northwest Bayshore Loop.

Tunison said that historically, thefts have occurred on the third of each month coinciding with the date of receipt of monthly Social Security checks.

"It would appear that this activity has come back into popularity with thieves locally and elsewhere," Tunison said. "While these activities will be monitored in the next few months, if you should still receive your check via the mail, you may want to consider requesting from Social Security that your checks be deposited directly to your bank accounts."

Fun With Photography

By Kerry Terrel

The next photo challenge is **#alphabetsoup**. The purpose of this challenge is to allow you to see the fine details in your surroundings. Letters of the alphabet can be found in natural items or architectural items. They are everywhere. It is not about posting a photo of a sign, it is about the form of the letter created within what you are seeing. As always, you can use any type of camera to capture the letters and any photo submitted is one that you took. Please use the hashtag **#alphabetsoup** in the post on our Facebook page or in the subject line, should you submit it via email.

If you haven't joined our Facebook page, please search for: **Bayshore's Fun with Photography Corner** and request to join. This group is a closed group for our members. Alternatively, you can send the photo to our group's email address: bbcfunwithphotos@gmail.com. I will post member photos on the page and credit the photographer in the description.

Hope you have fun with this. I am including a sample of a few letters I found when I did this challenge. The four images in the collage were all taken on the Oregon Coast.

Tip and technique: If you cannot get close to the letter you see (i.e. one on a bridge), then crop your photo so that the letter is prominent. The point of the photograph is that everyone will see that it is a letter; they shouldn't have to guess.

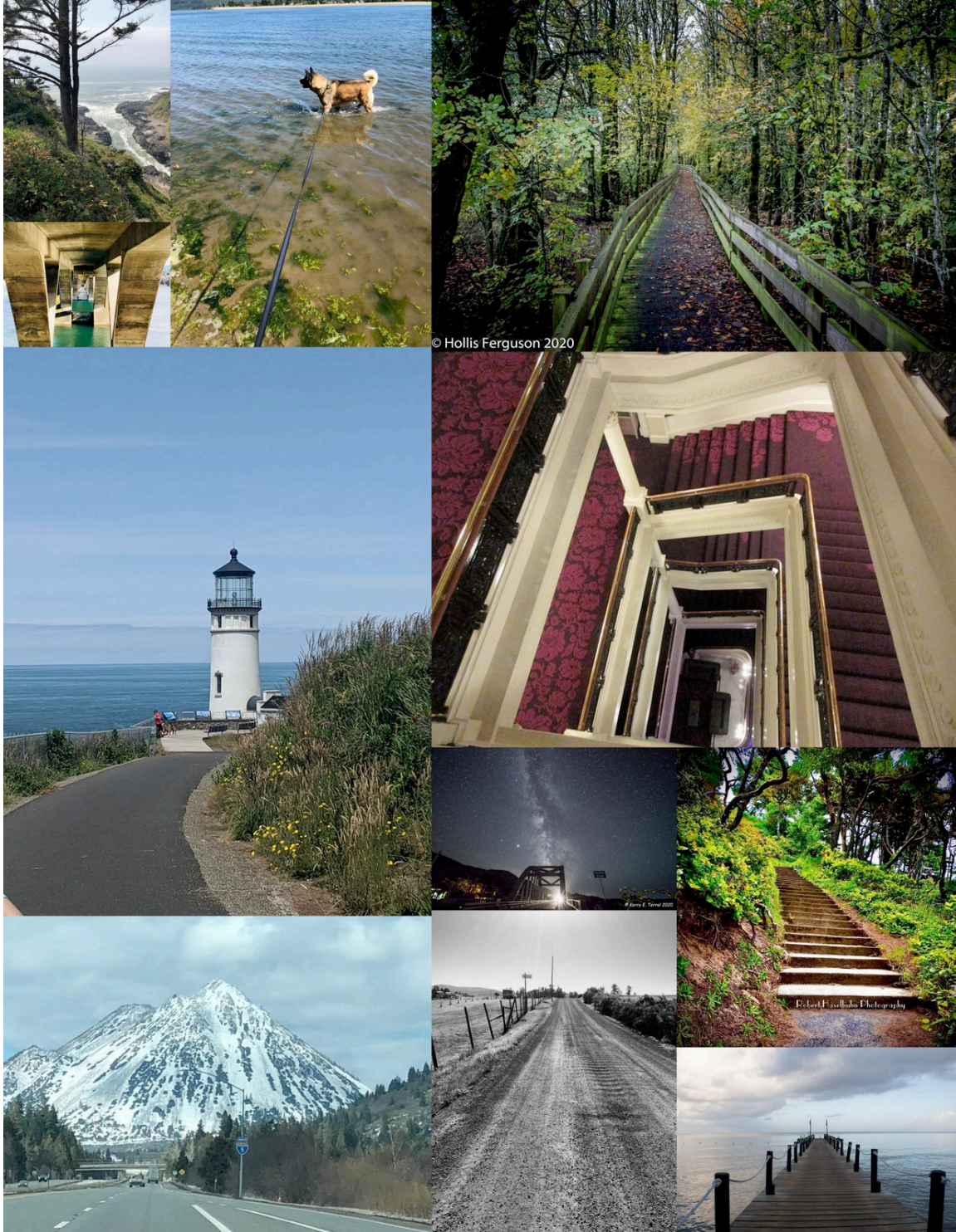
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Fun With Photography

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Our submitting members (alphabetically) for the **#leadinglines** challenge were: Carrie Davis, Hollis Ferguson, Holly Romero, J.L. Ramirez, Jacque Smith, Kathy Connors, Kerry Terrel, Lyllian Breitenstein, Marilyn Flick, Robert Hasselhuhn, and Rose Bradshaw. Thanks for posting your wonderful photos! Such variety and creativity!





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Board of Directors 2020-2021

Title	Name	Phone #	Term Expires	
Division				
PRESIDENT	Mark Cook	509-212-3601	2021	1
	E-mail:	cookm112@yahoo.com		
VICE PRESIDENT	Michael Bradshaw	505-269-7916	2023	3
	E-mail:	bradshaw1113@peak.org		
CORP SECRETARY	Kathi Lenz	208-871-3133	2023	7
	E-mail:	kathi.lenz.kl@gmail.com		
BOARD MEMBER	Hollis Ferguson	503-583-0060	2022	1
	E-mail:	hollishbm@msn.com		
BOARD MEMBER	Terry Pina	541-563-2851	2022	2
	E-mail:	mikeandterry1@charter.net		
BOARD MEMBER	Phillip Arnold	518-423-2037	2021	5
	E-mail:	philly2040@gmail.com		
BOARD MEMBER	James Davis	559-960-4652	2021	5
	E-mail:	safecraker114@aol.com		
BOARD MEMBER	Mark Mugnai	541-563-5312	2023	6
		mugnai@casco.net		
BOARD MEMBER	Bill Nightingale	503-314-6909	2022	7
	E-mail:	nightingale.jb@gmail.com		

-----Secretary-Treasurer/Office Manager Kathi Loughman Phone: **541-563-3040**
 Fax: **541-563-6489** E-mail: baybeach@peak.org Website: baybeach.net
 Facilities Manager Bob Tunison Message Phone: **541-563-7253**

Pool Phone **541-563-3871**

Planning Committee Chair - Mary Lou Morris

To contact committee members leave message at the office at **541-563-3040**

Road District: Continued from page 6

Motion was made and approved to retract the Road District's support for the Bayshore Beach Club's sand fine. The Road District has an arrangement in place to keep the roads, rights of way and intersection sight lines open. Additionally, the state is monitoring sand movement by the South Oceania property owners and noticing when sand is moved inappropriately.

Next meeting is at 1 p.m. Oct. 7 at the Bayshore clubhouse office. Possible paving projects will be discussed.

THE WAVE

By Rose Bradshaw

Hello Bayshore Neighbors!

Fall on the beach is upon us once again. The weather may be cooler, the sand dunes may be taller, but what will always remain are the beautiful Bayshore sunsets and the ever changing landscape we call home. With the new season comes new colors that forecast what's to come and even COVID can't ruin that.

Speaking of what's to come, have you heard about the new Bayshore group on Facebook? The Bayshore Beach Club Connection is a **FUN** way for members and their families to stay connected, share experiences of this beautiful area with other neighbors and strengthen connections as Bayshore residents. It is run by members for members. Even though your Social Committee will not be in charge of this group, you can bet that we will utilize this opportunity to stay connected to all you wonderful people and keep you updated on the social happenings in Bayshore. Please consider joining this new group. Just click this link, www.facebook.com/groups/bbcc64, follow the instructions and you're on your way to **FUN**.

You won't want to miss out on the next event, which will be announced on the Bayshore Beach Club Connection. Being a member of this group is the only way to attend your next gathering, the "Once In A Blue Moon" virtual event, all Halloween week. There will be **FUN** and lots of prizes. Stay tuned for more information.

For all of you September Babies, **HAPPY BIRTHDAY!** Have **FUN** and treat yourselves because Autumn by the sea is the only place to be. And for all of you new to Bayshore, we welcome you.

Bayshore Neighbors, you won't want to miss out on the **FUN**, so check your inbox frequently for Social Committee updates. If you need to reach us, send us an email at BayshoreFUN@peak.org. See you soon!

Your Social Committee,

Rose Bradshaw, Kerry Terrel, Kathy Connors, and Jim Davis

WELCOME TO BAYSHORE

Janet Cook
Scott Puskar
Tyler & Janae Newman
George Marlton
BWAWDW, LLC
William & Loretta Fredlund
William & Tara Shelnett
Laurie Clark
Benjamin & Elizabeth Beeles
Brandon & Sharayah Johnson
Andrew & Sandra Sines



As the ocean waves at me and the sand greets the sea. The fish swim free and shells wash up by me.

The sand squishes suddenly between my shoeless toes. And then the tide flows over them and back down it goes.

The salt is on my tongue and the sea's song is sung. The sun is going down and so my day at sea is done.~ Author unknown