

SEP 10 2018

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September 9, 2018

To: Newport Planning Office and Planning Commission

Re: File No. 1-SUB-18 / 2-VAR-18 / 3-GP-18 and requested approval of variances for Tax Lot 400 of Lincoln County Assessor's Tax Map 11-11-09-CB (1005 SE Bay Blvd), also known as the Fisherman's Wharf Estates subdivision.

Although I look forward to this property being developed, I have concerns about this subdivision plan and the process the property developer has gone through in light of the landslide hazard zone overlay.

This is likely the first subdivision the City of Newport has had to approve in the landslide hazard zone. It is extremely important that the city set a precedent for quality geotechnical analysis of this subdivision. It would be a disservice to the citizens of Newport for the city to plat properties that are unbuildable or that would result in destabilization of the landslide prone slopes for surrounding homes, streams and roadways.

Newport Zoning Ordinances comments

Ordinance 14.21.020

In circumstances where a property owner establishes or a Geologic Report identifies that development, construction, or site clearing (including tree removal) will occur outside of a bluff or dune-backed shoreline hazard zone or landslide risk areas, as defined above, no further review is required under this Section 14.21.

On page 23 of the developer's application he states,

"A Geotechnical Report for the subject property is included in Exhibit G. This requirement is met. The Report documents that development, construction, or site clearing will occur outside the risk areas defined above. This standard is met."

And yet in the geotechnical report states: *"The above recommendations assume we will have the opportunity to review final drawings and be present during construction to confirm foundation conditions. No changes in the enclosed recommendations or liability for any engineering judgment, inspection or testing performed by others."*

So, unless the developer and each individual property owner uses this engineering firm, **there is no guarantee that this geotechnical report would have the conditions met** to determine that there is no risk.

Ordinance 14.21.050 B. (page 562) Geologic permit shall include: An estimate of the depths and the extent of all proposed excavation and fill work

There has been fill added to the property since the last geotechnical report of 2007 was written and upon which the present geotech report is based (this is referred to as well on page 2 of the 2018 report). According to the 2018 report, Foundation Engineering employees spent a part of a day

examining the property this year. **No additional clearing, coring or other efforts were made to update their understanding of what had occurred on this property in the last 11 years.** The property has become heavily vegetated as can be seen from the attached photographs of the property taken on September 8, 2018. The geotechnical engineers could not have been able to determine an adequate understanding of the development issues on this property by just walking the property for a few hours.

This property is now determined to be in a landslide hazard zone by DOGAMI and the city of Newport and should require a more thorough examination including new coring and test pits. There are large amounts of fill on this property (much more than discussed in the 2018 report), none of which has been engineered. At this point, this issue is not adequately addressed in this geotech report.

In the 2018 geotechnical letter on page 2 #3 the report states that, *"No other grading was apparent besides the stockpiled fill."* They have no way of knowing this as they did not do an adequate study of the property this year to know what has been done to the property in the intervening 11 years. We (the Harbor Crescent neighborhood) did observe fill being delivered and graded during 2007 and 2008. The engineers did observe track marks of a "small dozer", which I do not think would be used to cut the scotch broom.

Ordinance 14.21.050 D. (page 563) A Geologic Report prepared by a certified engineering geologist, establishing that the site is suitable for the proposed development.

Although the 2018 geotechnical update says that the property could be developed due to the work they did in 2007, they do not address the likelihood that individual lots platted in this new subdivision can be buildable in a way that does not put neighboring properties at risk.

The creek that runs between this property and the mobile home park to the west has had major work done since 2007 to improve the water flow and prevent flooding of the Embarcadero. The slope above this creek and onto the Fisherman's Wharf property is steep and development on the westernmost lots (9,10,11) puts this creek at risk.

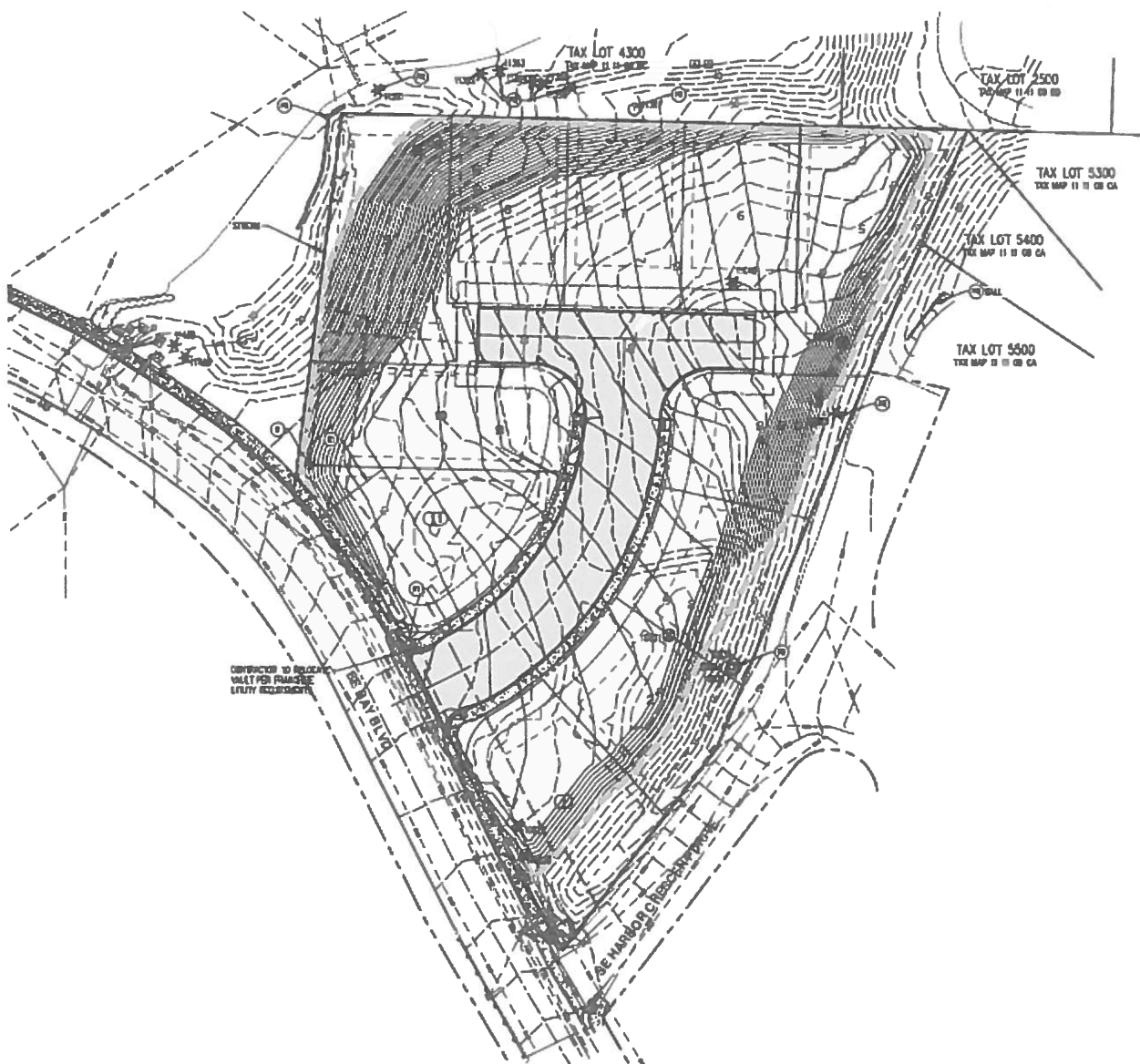
The Geotech report (on page 3, paragraph 3) states, *"a substantial portion of the developed area around the project site is also within the mapped hazard zone"* and implies that because no sliding has happened that therefore this area is likely free of hazard. The development of Harbor Crescent was first built in during the late 1980's. In geologic hazard time frames that means nothing. It does not excuse the geotechnical engineers from doing an adequate job studying the site.

On page 3, paragraph 5, the geotechnical report states, *"it is also possible that instability could be triggered with poor planning or construction."* The geotech engineers and the developer are leaving the development and construction up to the individual property owners and **the level of analysis of the subdivision (by this geotech firm) does not adequately determine that the platting of this property is geologically appropriate** to reduce the risk of creating instability and landslides. Each individual property owner will need to bring in an engineer from this firm to review the plans and

oversee the work in order for the geotechnical firm to say that the development is safe (page 6, last paragraph).

Platted lots 1 - 4 have half their land taken up by steep slopes that abut the SE Harbor Crescent Drive. These lots are being created such that they must build into these slopes and that puts the road at great risk, and yet the geotech report and developer are asking each individual homeowner to be able to adequately address these issues in a landslide hazard zone.

The developer's site development plan appears to involve steepening the slope that abuts SE Harbor Crescent Dr., and yet it does not offer engineering solutions to this greater risk for sliding. This is not addressed in the geotechnical report. How can we be assured that this steepening of the slope will not put SE Harbor Crescent Drive at risk?



As seen from the image above, Lot 5, is over half composed of steep slope, that even puts access to the property at risk. And yet, that individual homeowner will have to be responsible for ensuring that their driveway, home design and construction process does not put the two homes upslope at risk in the landslide hazard zone.

Platted lot 9, is over 70% composed of steep slopes (which the development plan will steepen), that are right above the stream that flows between the subdivision and the mobile home park. In addition, this slope is part of the toe of the entire slope holding up the hill above. But this developer and the geotechnical engineer are asking us to trust that the individual homeowner will ensure that their home design and construction will ensure no danger in this landslide hazard zone.

Recommendations:

1. Realize that there is the possibility that this is too many lots to be developed safely in this difficult geologic hazards zone, on this site that has so many steep slopes.
2. Require a geotechnical study that is adequate to ensure a safe development in this landslide hazard zone.
 - a. Additional updated coring, test pits, and site study to determine that the property is developed in a manner that ensures buildable lots with an adequate degree of assurity that the development (at the individual lot level) will not put neighboring properties, roads and streams at risk.
 - b. An analysis by the geotechnical engineers at an individual property level to ensure that buildable lots are designed in the subdivision plan.
 - c. An analysis by the geotechnical engineers that if the developer is steepening the slope that abuts SE Crescent Dr and the slope above the stream to the west of the property they are engineered and done in such a way as to protect the surrounding property, roads and streams.
 - d. A careful study of all the fill on the property, removal of the fill and only engineered fill used in the future development on this property.
3. Require that all development on this property and all sales of these platted subdivision properties have attached to their development a requirement to meet the standards listed in either this geotech report or if the city does require a new geotechnical analysis, the new geotechnical report requirements for development. See quote from geotech report below.

P. 6 of 2018 geotech report

"Consistent with the recommendations included in the attached report, we should be provided the opportunity to review all new drawings and specifications that pertain to site preparation, foundation construction, and pavements. Site preparation will require field confirmation of foundation soils and road subgrade. Mitigation of any subgrade pumping or uncompacted site fill will also require engineering review and judgment. That judgment should be provided by one of our representatives. Frequent field density tests should be run on all engineered fill, subgrade and base rock."

Thank you to the Newport Planning Commission and the Newport Planning Office for your time and hard work.

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Member of Coastal Natural Hazards Policy Working Group, 1994

872 SE Crescent Pl Newport



View from mobile home park up to Harbor Crescent development



View of creek between lot 10 and the mobile home park.



View

from proposed road up to SE Harbor Crescent Dr. Lots 1,2,3



View from SE Harbor Crescent Dr to lots 1,2, 3, 4. Slope planned to be steepened as it abuts SE Harbor Crescent Dr.