

February 25, 2019  
Newport Planning Commission

Re: Work session Draft Revision to NMC Chapter 14.21 Geologic Hazards Overlay

Thank you for the opportunity to submit comment on the proposed code revision to the Geologic Hazards Overlay. Should there be cause to extend this subject to a second work session, I anticipate that there may be more informed comment available by then. However, I do have a few comments at this point.

*NMC 14.21.040 Exemptions: the following activities are exempt from the provisions of this chapter.*

Some of those situations listed afford the potential permit applicant too much latitude with tepid enforcement procedures in place to deter the applicant from exceeding the intent of the exception. Most notably, Exception D - Exploratory excavations under the direction of a registered geologist or geotechnical engineer. If beyond the scope of the exception, once the damage is done, the damage is done. Is there a way to make the exceptions subject to less abuse?

*NMC 14.21.060 Geologic Report Guidelines.*

See line 3 "...and shall, **at a minimum**, contain the items outlined in the most recent edition of the Oregon State Board of Geologist Examiners...". 'At a minimum' seems to imply that code can be more restrictive than, say, Oregon Revised Statutes and, indeed, further down in the paragraph there is an additional requirement. Would it be prudent to have input from a licensed expert as to what additional requirements might be beneficial?

*NMC 14.21.120 Peer Review within Active Landslide Zones. (new provision)*

Two items: Although I understand Commissioner Croteau's position on the peer reviewer not needing to recreate the field studies to perform a peer review, I do believe in this particular discipline a site visit would be beneficial. Evidence of that would be the photo of the land giving way just west of the condos at 12th & Spring St that Mr. Tokos included in his January 24 Memorandum. Take a walk with an engineering geologist. Of course there is the issue of trespass, but there could be significant visible indications that would require closer scrutiny and further study. Can there be a required site visit by the peer reviewer?

In addition, if at some point during an appeal, there is a recommendation to "fix" an application by use of conditions, if those conditions are of a technical nature, then those conditions should be reviewed by the independent peer reviewer to ascertain if the "fix" is adequate to address the underlying problem. This would seem to support the underlying integrity of the concept of independent expert peer review. How can this be integrated into the proposed code 14.21.120?

I am very appreciative of this opportunity to make comment. Though the focus is incorporating independent peer review into code, my other suggestion regarding Geologic Report Guidelines could enhance the efficacy of peer review. I am very cognizant (and appreciative) that this is an important upgrade but also realize that there needs to be a strong supporting structure that enables a meaningful peer review.

Regards, Mona Linstromberg