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City of Seaside Planning Commission
c/o Mr. Kevin Cupples
Seaside Planning Director
989 Broadway
Seaside, OR 97138

Hand delivered

December 7, 2021

RE: Planning Commission Hearing December 7, 2021
Proposed Development #21-061 PDSUB

Dear Mr. Cupples and Planning Commissioners:

We were appreciative of the opportunity to provide both written and verbal comments regarding this matter at the last hearing and we'd like to thank Director Kevin Cupples for his professional engagement. We also appreciate the opportunity to submit these additional written comments. We are sincere about our purposes and will get right to the point.

The application is misleading and devalues the purpose and mission of the Planning Commission and public review. The application should be denied based on that basis alone.

We had just a few days to prepare and submit written comments for the original hearing in September, so that submission was not as informative as it could have been or as precise as it needed to be.

We have now deeply studied the application and subsequent submissions, hired professional advisors, investigated the characteristics of the land, met with the residents of the adjacent neighborhood, and researched local, state, and federal ordinances. As a result of that research, we can conclusively say that the application understates the hazards, omits vital data, uses data not prepared for this application, and uses inappropriately vague language.

The application itself was a total of three pages long – including the cover sheet. For comparison, the application for the Vista Ridge 1 project was 22 pages long. The application contained no area table, no lot size tables, and no ordinance-by-ordinance review to summarize what is being requested.

Importantly, there were only two variances requested in the application despite at least seven being needed. There are well over 100 other challenges which are detailed in the following pages.

Without a doubt, the supporting documentation is deeply inadequate to the task of being the governing document for a 17-lot proposed development on six acres of pristine riparian forestland with two streams running through it. As will be described later, the geotechnical and geohazard reports were extraordinarily short for a proposed development of this size.

This is a time when we should be planting trees and saving ecosystems, instead of contemplating destroying one and we reiterate that this is a cut-and-run proposal. The application proposes to clearcut this forest and build a road to nowhere for imaginary houses. It would do so regardless of the impact to the community and sensitive ecosystem that this land serves and feeds. The beauty of our city is worth fighting for, and our environment is worth saving.

Every member of this community has a distinct voice and will provide their own input; however, our voices are all unified when we say that we are passionately opposed to the proposed development. Our evaluation, reasonings, suggestions, and conclusions are provided on the following pages.

Don't Clearcut Seaside!

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ORDINANCE OBJECTIONS

The application contains omissions, inaccuracies, and does not meet the standards or intentions of many city, county, and state ordinances. All codes cited below are Seaside Zoning Ordinances unless otherwise indicated. The objections, listed generally in order of the ordinances cited, are as follows:

1. It does not meet the requirements of the Seaside Ordinances as described in the legal memorandum included with these comments as **Appendix A**.
2. It is based upon information that was deeply flawed in both reliability and quality as described in the geotechnical/geohazard critique included with this narrative as **Appendix B**.
3. It does not meet the standard set out in the Mission Statement of the Seaside Planning Department as found here <https://www.cityofseaside.us/planning-commission> and as follows:

“The Seaside Planning Department strives to ensure sustainable, responsible, growth and development in the Seaside community. The Planning Director serves as the staff liaison to the Seaside Planning Commission. Planning Department staff conducts research and prepares reports and findings to support land use decisions made by the Planning Director or the Planning Commission”

The proposed development in this application is not sustainable and is an irresponsible approach to being good stewards of Seaside’s limited natural resources.

4. Section 1.020 – “Purpose. The purpose of this Ordinance is to further the objectives and goals of the Comprehensive Plan and to provide the public health, safety and general welfare of the citizens of Seaside through orderly community development with considerations for: Desirable concentrations of population; protection of property values; aesthetic, recreational and economic development; limitation of dangerous or offensive trades or industries; maintenance of adequate open space for light and air and emergency access; provisions for access and privacy; facilitate community utilities such as transportation, power, water and sewage; and to adequately provide for community facilities such as schools, parks, community centers, and other public requirements.”

The application does not meet these standards:

- a. “Provide for the health, safety, and general welfare of the citizens of Seaside.”

The application may put citizens in harm’s way. Also see SZO 3.115(4)

- b. “Protection of property values.”

The application will reduce property values in the surrounding neighborhoods. The variances requested and many other deficiencies of this application will each individually, and cumulatively, reduce property values. Also see SZO 3.115(1)

c. "Aesthetic."

There will be nothing aesthetic about clearcutting portions of this land and building a road to nowhere. A road which would provide access to 17 speculative houses crowded onto difficult terrain creating a new R-2 neighborhood in an otherwise R-1 zone. Also see SZO 3.115(4)

d. "Maintenance of adequate open space for light and air and emergency access."

The application unnecessarily fragments the existing open space from the hills above Sunset Hills and Vista Ridge 1, suggests that the remainder "open space" may still be developed, and may create conditions where emergency services are unable to access certain lots. Also see SZO 3.115(4)

e. "Transportation"

The application did not include any provisions for transportation plans for 50,000 trucks in and out of the adjacent Sunset Hills neighborhood. It will require the city to incur the economic burden of the maintenance of the new streets, utilities, and potential remediation to the Sunset Hills infrastructure. Also see SZO 3.115(3)

f. "Parks"

The application provides for no publicly available lands, despite a shortage of parkland within the Seaside city limits. Also see SZO 3.115(4)

5. Section 3.025(1) – "Minimum Lot Size."

The application does not meet this standard. Twelve (12) of the seventeen (17) lots are proposed to be less than 10,000 square feet with some under 7,500 square feet. An exception to this standard will reduce property values.

6. Section 3.025(1) – "Average Lot Width."

The application may not meet this standard. Since there are no houses proposed, it is not possible to know how the 70 feet measurement was calculated. However, there are seven lots with widths of less than 70 feet – four of which are 50 feet, smaller than any other lot in the immediately adjacent neighborhoods. An exception to this standard will reduce property values.

7. Section 3.025(3)(4)(5) – "Yard Setbacks."

The application does not meet these standards. Since there are no houses proposed, it is not possible to know if the yard setbacks meet the city standards. Those setbacks will be further challenged by some of the lot shapes and steep terrain. They may also be challenged by the requirement of a buffer by the Planning Commission. An exception to these standards will reduce property values.

8. Section 3.025(7) – “Maximum Lot Coverage.”

The application does not meet this standard. It requests an increase of the maximum lot coverage area and, along with the lot size variance requested above, effectively changes the zoning for this parcel from R-1 to R-2 without make a zoning change request. This will reduce property values.

9. Section 3.111 – “Planned Development - Purpose.”

This application does not meet the standards of either of the following two elements of the purpose:

- a. It is not "compatible with the surrounding areas." The undeveloped lots with speculative houses and numerous variances will make it incompatible with the surrounding neighborhood. Since there are no houses proposed it cannot ever meet this standard. Also see SZO 3.115(1)
- b. It does not create a "... healthy, efficient, and stable environments for living, shopping, or working." Building standards that are insufficient or not indicated will create hazardous conditions that will affect the health and stability of prospective homeowners. SZO 3.115(4)

10. Section 3.111(4) – “More attractive and usable open space.”

The application does not meet this standard. Clearcutting this land will not create “more attractive and usable open space.” None of the open space that will be created will be usable.

11. Section 3.111(5) – “Advances in technology, architectural design, and functional land use design.”

The application does not meet this standard. There is nothing uniquely identified and no mention of any approach that make use of advances in technology or architectural design. There have been so many remarkable advances in technology and architectural design in this application that the absence of anything that is envisioned by this standard is a glaring omission. The application itself doesn't make use of any advances in technology.

12. Section 3.111(7) – “Flexibility of design in the placement and uses of buildings and open spaces, circulation facilities and off-street parking areas. It is not the intention of this section to be a bypass of regular zoning provisions solely to allow increased densities nor is it a means of maximizing densities on parcels of land which have unbuildable or unusable areas.”

The application does not meet this standard. It attempts to bypass regular zoning provisions solely to allow increased densities and to maximize densities on parcels of land which have unbuildable or unusable areas. Also see SZO 3.115(1)

13. Section 3.112(4)(J) "Contour lines at two-foot intervals."

The application does not meet this standard. A topography map at 2' intervals was not provided. A detailed topography map has been prepared by the public to provide clarity to this response and a review of the new map will change many aspects of the application and might require all new lot configurations.

14. Section 3.113(8) "Development Standards – Buffering: The development shall be provided with sufficient buffering such that the proposed use will be compatible with existing adjacent uses. Where buffering is not proposed, the development shall be designed to include features that are found on adjacent uses."

The application does not meet this standard. No buffering is proposed other than the very small lot setbacks proposed. The Planning Commission can require changes to the lot configurations and/or a no-cut zone between properties to ensure a development meets the standards of this ordinance. Without buffers, the application will reduce property values.

15. Section 3.114(1) "Pre-application (stage one)." – The application does not meet this standard.

The staff report of the original application was inconclusive and highlighted many missing pieces of information. A public review of the application and the original staff report identified these items that were not included:

- a. Details about the ownership of the remainder of the open space and the streets, nor how they will be maintained
- b. The engagement of a state licensed architect or landscape architect
- c. Sidewalks that do not meet city standards
- d. Street and driveway widths that are less than required by city ordinances
- e. The nature and size of the building envelopes
- f. A detailed grading and erosion control plan (GECP) and drainage plan
- g. Any landscaped areas
- h. A detailed Hazard Mitigation Plan (HMP)
- i. All drawings submitted were below the minimum standards. The requirements are 1":20' and the submission was 1":40'
- j. A formal conclusion as to whether or not the site is safe for building

Since that time, additional information has been provided, however the revised staff report notes that many items are still missing and does not provide an approval recommendation.

16. Section 3.114(2)(A)(3) "Preliminary Approval (stage two)."

The application does not meet this standard. No stage development schedule was included that "demonstrates that the developer intends to commence construction within one year after approval of the final development plan and will proceed pursuant to an approved time schedule."

17. Section 3.115(4) – "Permit Criteria."

The application does not meet this standard. It will not "result in a ... healthful, efficient, and stable environment." The building standards indicated, and/or lack thereof may create hazardous conditions that may affect the health and stability of prospective homeowners.

18. Section 3.141 – "Purpose." "...within the Urban Growth Boundary, occasional selective harvesting of timber is not considered to be a primary use and the use will be subjected to rigorous requirements should a permit be applied for and granted."

The application does not meet this standard. Although not in an A-3 Zone, the language used in this section is not written to be exclusive to this zone. There has been no application made and no conditional use permit granted by the city (SZO 6.142).

Separately, the conditional use permit language inadvertently notes that the "...harvesting of timber shall be according to a timber removal plan approved by the Oregon Department of Fish and Wildlife..." The agency who would approve that plan is the Oregon Department of Forestry.

The Department of Forestry has waived the requirement for a written plan because the operation is not within 50' of the east stream. As a result, this application avoids the requirement for any timber removal plan and governance by the Forest Practices Act (FPA). A plan would include a tree count, basal calculations, and other evaluations.

It is the intention of the FPA that trees that are not harvested as part of the FPA are to remain in place after the land is no longer under jurisdiction of the FPA. The trees that remain on these lots will eventually be logged through stripping and sold for timber. All proposed logging activity on the land and the individual lots will, essentially, be an unregulated harvest.

19. Section 4.143(1)(2)(3)(4) and Section 4.144 – "Geologic Hazard Areas – Standards."

The application does not meet this standard. No Grading and Erosion Control Plan (GECP) or Hazard Mitigation Plan (HMP) were included in the original application. The erosion control map subsequently submitted is inadequate and there is still no HMP included that meets city ordinances. The submission of a geotechnical report from 2004 for Vista Ridge 1 does not provide details for this land and indicates that it may only be used by personnel who are not part of this proposed development. A detailed description of the challenges with these two ordinances is found in the Hazard Mitigation Plan section later in this report.

20. Section 7.010, 7.020, 7.031, 7.032 - "Variances."

The application does not meet these standards as follows:

- a. Any variance that might be granted for a "hardship" will grant "special privileges which give added advantage over neighbors." The application will change the character of the Sunset Hills neighborhood.
- b. There is no "undue or unnecessary hardship." A limit on over-development is not an undue or unnecessary hardship. It is noteworthy that the 2004 geotechnical report subsequently provided only called for 12 lots, not the 17 specified now.
- c. The variances requested by the application are not the minimum variances necessary for development in this area.
- d. The use of Vista Ridge 1 to grant a variance is inappropriate as it does not conform to the standards of the R-1 zoning ordinances. It is the only neighborhood in any R-1 zone in Seaside that does not conform to those standards.
- e. No written application has been submitted for the seven variances needed.
- f. The variances requested will not "be in harmony with the comprehensive plan."

21. Clatsop County Multi-Jurisdictional Natural Hazards Mitigation Page 278 "Plans and Policies. CERT"

The application does not meet these standards. There are no details provided to address the impact of the proposed development on the disaster readiness plans which include the CERT efforts and Emergency Operations Plan.

Over the course of the rest of this document, detailed narratives will be provided that describe the challenges of the application. Also included are examples of professional works and graphics that visually describe the challenges and deficiencies. All of these are provided to serve the public interest that has been unfulfilled by the application.

This review has been written for the benefit of the Planning Commission, the City Council, and the residents of Seaside.

PROJECT DEFICIENCIES

Despite the requirements set out in the ordinances and the sensitive nature of the terrain, the original application did not include a wetlands delineation, a hydrology report, a detailed grading and erosion control plan, a hazard mitigation plan, and many other required site-descriptive details.

This site has topographical challenges that make most of the land unsuitable for building. These challenges include steep terrain, unstable soils with signs of previous slide activity, a late successional forest, and two streams that lead into the wetlands and the Neawanna estuary below. At least one of the streams provide water for salmon habitat.

The application calls for "... the development of 17 lots on this 6.62-acre site." A few pages later it states that: "A single-family home is being proposed for each lot at the completion of the subdivision development. Each home plan and lot shall be reviewed separately at the time of construction of each lot." No houses are being proposed, so it cannot also be the case that a single-family home is being proposed as part of the application regardless of the "the completion of the subdivision" language included.

This approach may create a scenario in which 17 different contractors and hundreds of subcontractors will be required to make various on-site decisions about how to responsibly build in this sensitive ecosystem. This would be far worse than a single, cohesive proposed development that includes actual houses that may better address the safety, character, and long-term survivability of structures in this environment.

Because the boundary survey and topographical maps were made 17 years ago, and as they were made for a different project entirely, they should have not been submitted with this application. Although the application declares that the map is from that previous project, it does not disclose its inaccuracies and its age to the new members of the Planning Commission and the public who may not have historical knowledge of the area.

Topographical features have most certainly changed in the last 17 years and as will be demonstrated later, the topographical maps are inadequate to be used in a Planning Commission review.

The graphic on the next page is entitled "Negative Conditions" and is from the Seaside Urban Growth Boundary and high school proposals and was created in 2016. It provides a strong warning about the hazards of building in this area:

- "Steep Slopes. Slopes equal to or greater than 25 percent are typically considered unbuildable when determining growth capacity."
- "The most pronounced negative condition is the wetland areas identified by the County Comprehensive Plan ... followed closely by topography."

A significant percentage of the land has slopes in excess of 25 percent and/or wetlands.

The city relied on this map to provide guidance for where not to locate the new school. It is reasonable to conclude that the use of this same map would provide guidance for where not to locate future houses.

Negative Conditions

These conditions are related to several of the location factors as well. GIS mapping allows them to be examined and combined to find the highest coincidence of conditions that inhibit urbanization. The presence of a negative condition does not preclude development. Rather, this mapping has been done to collectively examine elements that may limit development potential or hinder provision of public infrastructure including safety.

The map below shows the overlapping occurrences of these positive conditions:

- ➡ • Steep Slopes. Slopes equal to or greater than 25 percent are typically considered unbuildable when determining growth capacity. The map below shows two ranges of slopes, 20-30 percent and slopes greater than 30 percent as an illustration of topography that is easier to read than topographic map layers. The combination of these two ranges was considered in the locational factors evaluation; when a preferred boundary amendment is developed, capacity will be calculated based on the 25 percent standard
- ➡ • Streams, with 50 foot riparian buffers
- Wetlands from the Oregon Spatial Data Library (includes National Wetland Inventory [NWI] plus a compilation of other local data)
- Tsunami Inundation Area (SB 379 mapping)



Map: Negative Conditions

The most pronounced negative condition is the wetland areas identified by the County Comprehensive Plan as Conservation Other Resources and from the Oregon Spatial Data Library, followed closely by topography. The wetlands, combined with the SB379 tsunami inundation line limit the ability of the southern and southeastern most areas in regards to safe and sustainable urbanization. The steep sloping lands to the northeast also limit the ability for urbanization, both in terms of capacity and safety.

Contrary to the description in the application, there are two streams on this land, both of which run year-round, and both of which are healthy. Both streams have carved out steep canyon measuring 30'-40' tall in some areas. The western stream enters the Sunset Hills neighborhood above Alpine St and then is channeled, along with stormwater runoff, into the streambed that flows along the backside of 2080 Aldercrest and also onto the undeveloped property at 2040 Aldercrest.



Oregon Department of Geology LIDAR Viewer

Source: <https://gis.dogami.oregon.gov/maps/lidarviewer/>

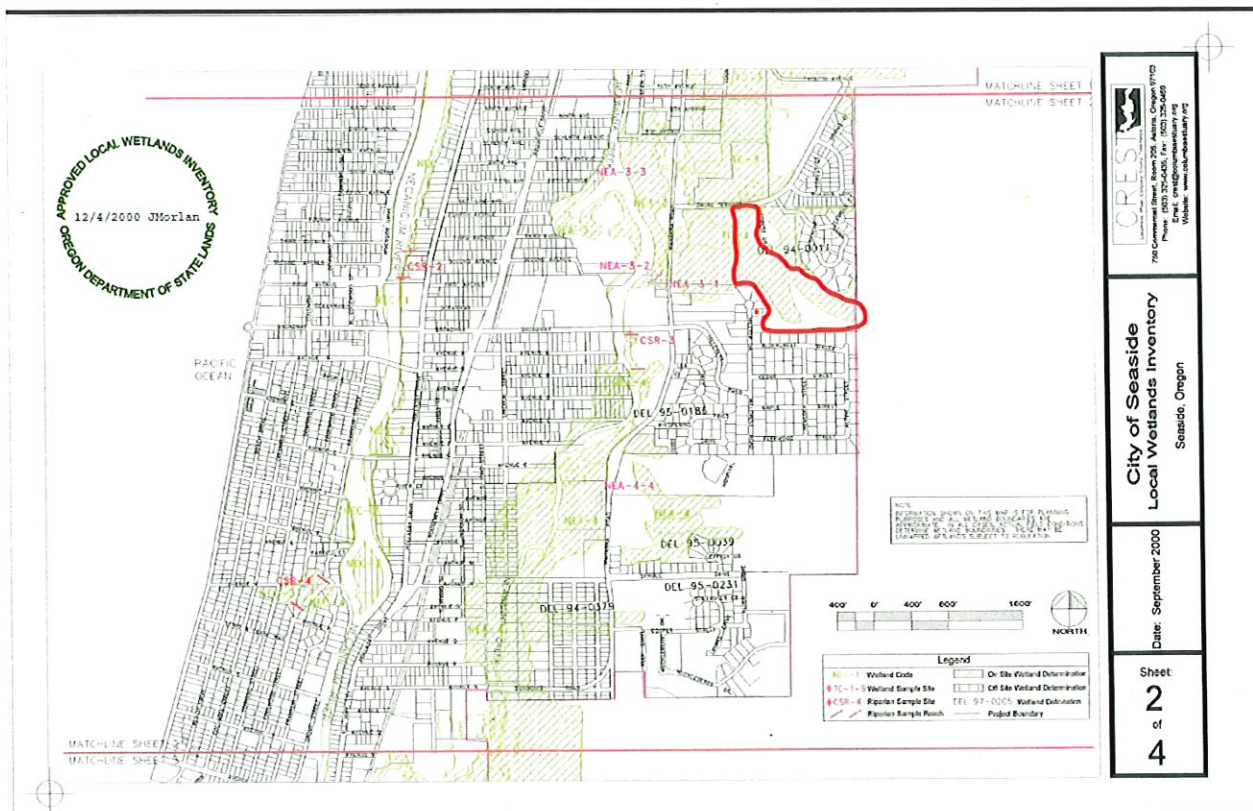
Appendix C2 – Site and Zoning

Although a minor point, referring to the west stream as a “swale” in the application is incorrect. A swale is a “slight depression, sometimes filled with water, in the midst of generally level land.” Source: <https://water.usgs.gov/water-basics/glossary.html>. The west stream is not a swale. It has an average gradient of 10% and runs all year round. The use of that term in the application understates the value of the waters of the state.

As an additional note, Vista Ridge 1 to the east currently has landscaping runoff that flows directly into the fish-bearing stream and into the wetlands below. Similarly, the application does not indicate the proposed development will put non-sourcepoint runoff into both streams, both during and after construction. Under all circumstances, both streams would suffer from further water quality and temperature degradation.

The presence of springs on the property was described as “assumed to exist” in the application. A spring has also been directly observed by an immediately adjacent property owner at 27 Hilltop Dr. That spring area is ten feet above the streambed. Other neighbors have also observed springs in the immediately surrounding area, possibly including directly underneath Aldercrest. Without specific knowledge of where springs might exist, the speculative houses may or may not be able to be built and leave prospective homeowners with valueless property.

The application did not include two maps that describe the wetlands on the property. Those wetlands are either reflected in the “Major Freshwater Wetlands Map” which is on file with the city or the State Local Wetlands Inventory (LWI), which is available online. The LWI is included here:



City of Seaside Local Wetland Inventory

Source: <https://docs.dsl.state.or.us/PublicReview/0/doc/863323/Electronic.aspx>

Appendix C4 – Site and Zoning

Both indicate wetland areas on or directly below the property. These are important as they are used to determine the precise locations of setbacks for development activity. As an important side note, the Major Wetlands Map was hand drawn in 1980 and hasn't been materially updated in the 40 years since that time.

These types of maps are now easily created and maintained using sophisticated mapping tools that include both current and historical perspectives to support Planned Development reviews

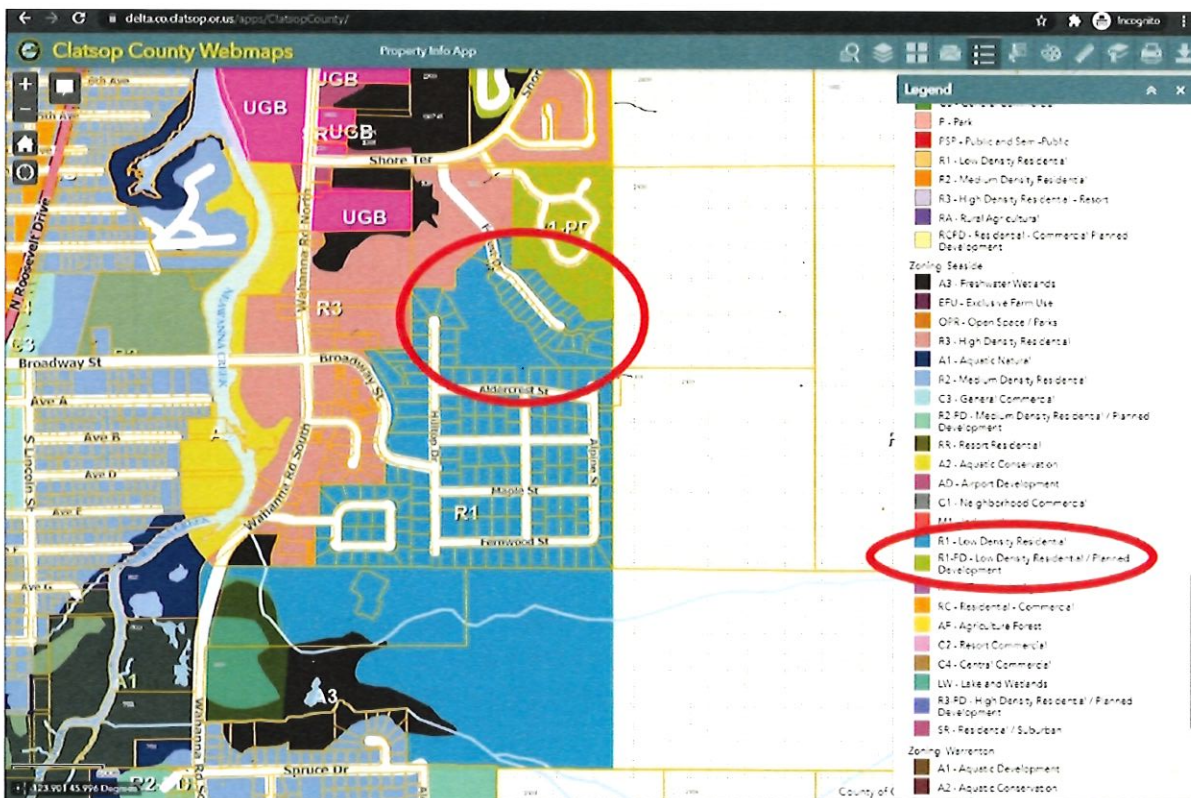
As a result of the public review process to-date, the applicant contracted for and submitted a wetland delineation study. That study the same outdated and inaccurate contour maps contained in the original submission and appears to have only inspected parts of the west stream. As a result, it may not be sufficient.

Given the advanced technology capabilities available today, depending on 17-year-old contours and 40-year-old hand-drawn maps is irresponsible. In the meantime, every stream and every acre of wetland lost is another blow to the salmon habitat.

SITE AND ZONING

In the adjacent Vista Ridge 1 development only four of the 24 lots are greater than 10,000 sq. ft. effectively changing the zoning from R1 to R2. It has been “rezoned through development.” That approach is inconsistent with Seaside’s Zoning Ordinances.

This graphic shows the zoning for this area. It is visually obvious that the lot sizes of Vista Ridge 1 are uniquely small.



Clatsop County Zoning Map

Source: <https://delta.co.clatsop.or.us/apps/ClatsopCounty/>

Appendix C5 – Site and Zoning

Below is a tabulation of the lot and house square footage for the three developments that are being discussed in this document. Although not required by ordinance, it is a best practice to include this data as part of an application for a planned development or subdivision application. It was included in the Vista Ridge 1 application.

| Sunset Hills - Immediately Adjacent Properties | | | Vista Ridge 1 | | | Vista Ridge 2 | | |
|--|---------------|--------------|----------------|--------------|--------------|--|--------------|----------------|
| Address | Lot Sq. Ft | House Sq. Ft | Address | Lot Sq. Ft | House Sq. Ft | Lot # | Lot Sq. Ft | House Sq. Ft |
| 2150 Aldercrest | 14,810 | 2,400 | 2008 Forest Dr | 13,681 | | 1 | 14,825 | * |
| 2130 Aldercrest | 13,939 | 1,706 | 2022 Forest Dr | 7,840 | 2,076 | 2 | 9,779 | |
| 2110 Aldercrest | 11,761 | 2,337 | 2048 Forest Dr | 9,247 | 2,000 | 3 | 7,387 | |
| 2080 Aldercrest | 11,325 | 2,200 | 2066 Forest Dr | 9,247 | 2,550 | 4 | 7,736 | |
| 2060 Aldercrest | 11,325 | 1,672 | 2082 Forest Dr | 9,116 | 2,056 | 5 | 7,888 | |
| 2020 Aldercrest | 11,325 | 2,540 | 2106 Forest Dr | 8,609 | 1,698 | 6 | 8,585 | |
| 99 Hilltop | 11,761 | 3,178 | 2118 Forest Dr | 7,840 | 2,605 | 7 | 10,246 | * |
| 77 Hilltop | 10,018 | 2,641 | 2134 Forest Dr | 9,662 | | 8 | 10,144 | |
| 49 Hilltop | 10,018 | 1,598 | 2152 Forest Dr | 9,035 | | 9 | 14,148 | |
| 35 Hilltop | 10,018 | 2,500 | 2168 Forest Dr | 8,712 | 3,194 | 10 | 8,987 | |
| 27 Hilltop | 11,761 | 2,557 | 2228 Forest Dr | 8,164 | | 11 | 7,310 | |
| 15 Hilltop | 11,761 | 4,368 | 2246 Forest Dr | 7,843 | | 12 | 8,802 | |
| 12 Hilltop | 19,602 | 3,932 | 2257 Forest Dr | 17,201 | | 13 | 11,607 | |
| Average | 12,263 | 2,587 | 2231 Forest Dr | 11,365 | | 14 | 9,374 | |
| * Every lot is over 10K sq. ft. | | | 2187 Forest Dr | 10,776 | | 15 | 8,868 | |
| | | | 2169 Forest Dr | 6,534 | 3,114 | 16 | 7,542 | |
| | | | 2143 Forest Dr | 7,405 | 3,068 | 17 | 7,557 | |
| | | | 2129 Forest Dr | 8,276 | 3,554 | Average | 9,458 | ** 1629 |
| | | | 2079 Forest Dr | 6,788 | | *Most of the land is unbuildable **House sq. ft. proposed is ~900 sq. ft. less than both Sunset Hills and Vista Ridge 1 | | |
| | | | 2079 Forest Dr | 6,491 | | | | |
| | | | 2051 Forest Dr | 6,511 | | | | |
| | | | 2033 Forest Dr | 6,969 | 2,026 | | | |
| | | | 1989 Forest Dr | 8,797 | | | | |
| | | | 1975 Forest Dr | 8,734 | 2,254 | | | |
| | | | Average | 8,952 | 2,516 | | | |

Square Footage Tabulation
Source: Prepared for this review
Appendix C6 – Site and Zoning

Although it shares the common title of Vista Ridge, this proposed development is not an extension of the Vista Ridge 1 subdivision. The entrance to the property is through Sunset Hills and as a result the characteristics of the Vista Ridge 2 development should not be used as a basis to justify variances to the zoning ordinances. Some observations after a review of the tabulation are as follows:

1. The average lot size of Sunset Hills is 2,800 sq. ft. larger than those proposed in the application for Vista Ridge 2. Only four of the 17 lots are larger than the minimum of 10,000 sq. ft. and of those four lots, over 50% of the land on three of the lots is unbuildable.
2. As an unfortunate parallel, only four of the 24 lots in Vista Ridge 1 are larger than the minimum of 10,000 sq. ft. and most of those also have sizeable usable area reductions. Also, four of the lots have been declared unbuildable and/or unfillable.
3. In contrast, almost all land on every adjacent lot, and almost every lot in the Sunset Hills neighborhood is usable area.

4. The building coverage area is compounded as many of the lots include significant square footage that is not buildable as they are at the top of the ridge at the back of the lots. The removal of the trees at the crest of the slope will be a destabilizing event and so significant setbacks will be required. These challenges will create a building coverage ratio that far exceeds those other lots in the Sunset Hills neighborhood.
5. There are no details to suggest that the size of the houses or the average of the size of the houses will be, or ever could be similar to both Vista Ridge 1 and Sunset Hills.

As to timing, after 17 years, only 10 houses have been built on the 24 lots in the Vista Ridge 1 development. The Blue Heron Pointe project on S street also has many undeveloped lots after the clearing of the land long ago. With no builders who have availability and the very high cost of materials, the application will have similar undeveloped lots for another decade – or forever.

VARIANCES

Below are the details that describe the six requested and unrequested variances in the application. Some of these are repeated here from the Ordinance Objections section above but are included here for quick reference. There are also six additional ordinance concerns for additional review. Cumulatively they represent a departure from the intentions and standards of the city ordinances. They will impact zoning, change the character of the adjacent communities, and devalue property. A list is as follows:

1. A reduction of the lot size for 12 of the 17 lots to less than 10,000 square feet.
2. A reduction of the lot size width requirement. The standard is an average of 70', however some of the proposed lot widths are as small as 50 feet, smaller than any lot in Vista Ridge 1 and Sunset Hills. It is not possible to calculate lot widths without houses proposed.
3. An increase to the maximum lot coverage area. Since there are no houses proposed, it is not possible to know the lot coverage proposed. However, the application requests an increase of the maximum lot coverage area so it is assumed it will not meet the ordinance standard.
4. A reduction of the length of the cul-de-sac serving the location from 620' to 400'. "A cul-de-sac shall be as short as possible and shall have a maximum length of four hundred feet (400') and serve building sites for not more than eighteen (18) dwelling units. A cul-de-sac shall terminate with a circular turnaround." SZO 74-36 - Section 34 – "Streets – Grades & Curves"
5. A change to the 30-foot easement for the west stream. The top of bank cannot be determined with the contour map submitted. The map also provides cause for concern that lots 12-15, along with the hammerhead of Fern Ct, may be closer than the 30' easement indicated. SZO 74-36 – Section 39 – "Water Courses"
6. A lack of sidewalks on Fern Ct and on one side of Hemlock Ct.
7. Lots #12 and #13 have less than a 20' front yard. SZO 3.025(3)

8. An increase to the allowable grade percentage for the cul-de-sac from 12% to 13%. SZO 74-36 – Section 34 - “Streets - Grades & Curves” NOTE – The applicant submitted a new street grade profile reducing the grade percentage from 13% to 12%.

Six other notes about the application that should be considered by the Planning Commission:

1. There are no large format landscape elements. The application didn’t include a single tree. The Planning Commission has authority to determine “the number, kind and location” of “street trees” SZO 74-36 – Section 44 – “Improvement Requirements”
2. The application did not evaluate or include any “improvement of easements,” as they may or may not impact adjoining property, or for “appropriate drainage.” SZO 74-36 – Section 44 – “Improvement Requirements”
3. The application does not contemplate any land for public purposes. The Planning Commission can review applications to “require the reservation for public acquisition ... [of] appropriate areas within the subdivision. They also “may require the dedication of suitable areas for ... parks and playgrounds ...” SZO 74-36, Section 40 – “Land for Public Uses”
4. The Planning Commission can require a larger construction bond. Since the construction activity may create significant risk for the neighboring properties, a higher bond should be considered. SZO Section 3.118 – “Adherence to an Approved Plan and Modification Thereof.”
5. The Planning Commission should require a “no harvest” buffer around the west stream. Although not required by ordinance, the Necanicum Watershed Council recommends that all streams, including non-fish bearing streams, should be buffered to protect water quality, reduce accumulation in streams, and reduce sediment transport.
6. The buildable area shown in the newly submitted information titled “Lot Building Areas,” and the application states that a building could be placed within five feet of the top of slope. Five feet of erosion will occur over the expected lifetime of the speculative houses. That amount of erosion could happen in the first few years.

The standard set for the Vista Ridge 1 development as described in the 2004 geotechnical report was a 20’ setback for any foundations from the crest of slopes. It is unclear as to why this application would need less of a setback. The building area may be further challenged by some of the lot shapes and steep terrain and the poor quality of the map submitted.

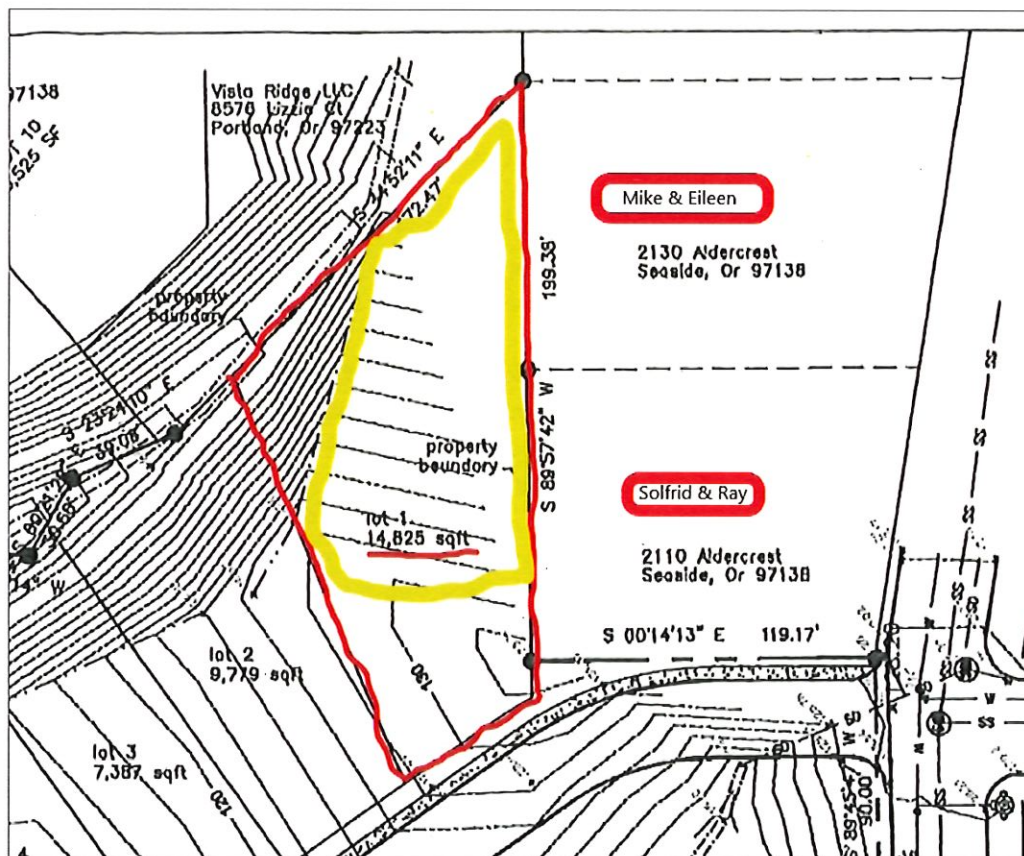
Any variances granted as part of this application will confer special privileges to the applicant as they functionally change the zoning of the neighborhood from R1 to R2. Also, the variances requested by the application are not the minimum variances necessary for development in this area. SZO 7.032(1) and 7.032(2).

The Planning Commission has broad authority to influence site design, placement, and aesthetics. It is common to spend 15 minutes of public discussion time for a single vacation rental application. A far greater amount of time should be allotted to publicly evaluate this far larger proposed development.

DRAWINGS AND CONTOURS

All drawings and maps included in the application were below the minimum standards. The drawing scale requirement is 1":20' and the submission was 1":40'. The ordinances requirement for the contour maps calls for details at 2' intervals. The application does not meet that standard. The maps in the application are misleading and do not provide a true representation of the terrain to the Planning Commission and the public.

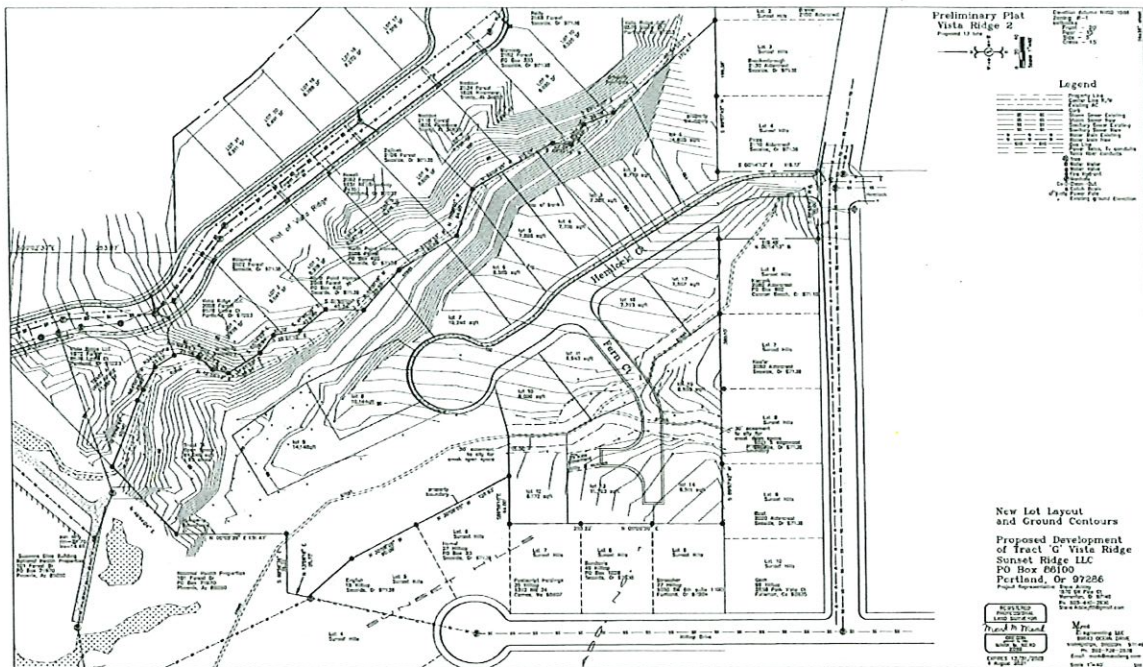
The application also does not include contours on the adjacent properties. QQQQ SZO Those contours are important to for Planning Commission and public evaluation of an application to understand if and how neighboring properties might be affected. Here is one snippet from the contour map that was included in the original application with markup and a brief comment:



Lot #1 in Red, the slope lines in yellow do not portray the actual slope
Source: Applicant's report with markups (No high-res version available)

Appendix D1 – Contour Maps and Site Plans

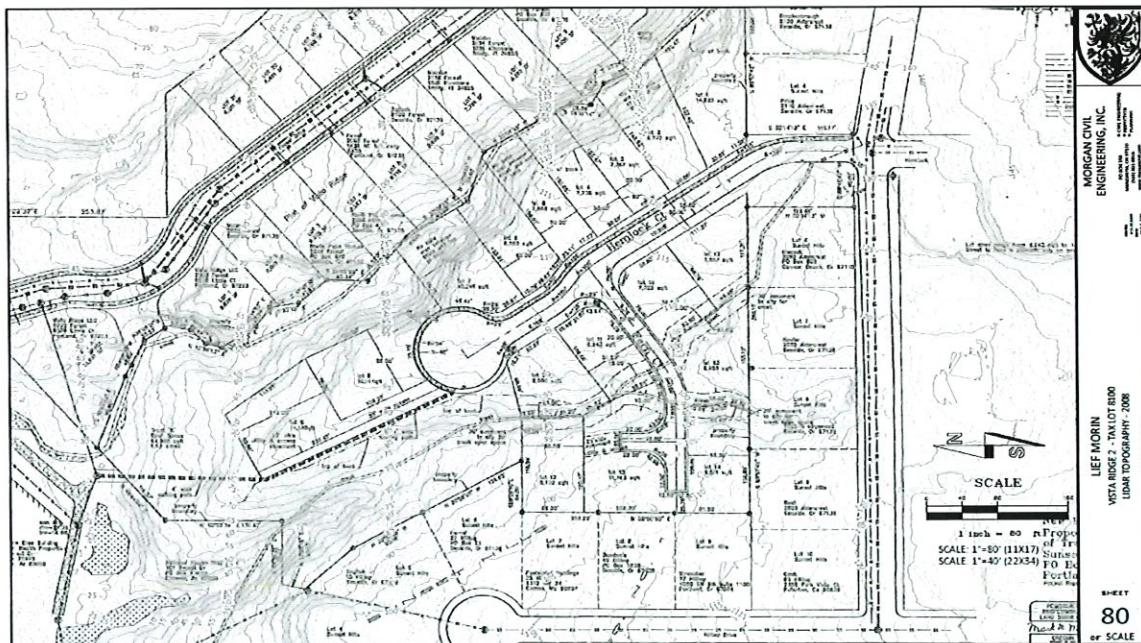
For comparative purposes, below is the contour map submitted that is used for all maps in the application and a contour map commissioned for this report with 1' intervals. For ease of visual reference, they are aligned. The difference in the level of detail is remarkable.



Lot layout with ground contours

Source: Original application

Appendix D2 – Contour Maps and Site Plans

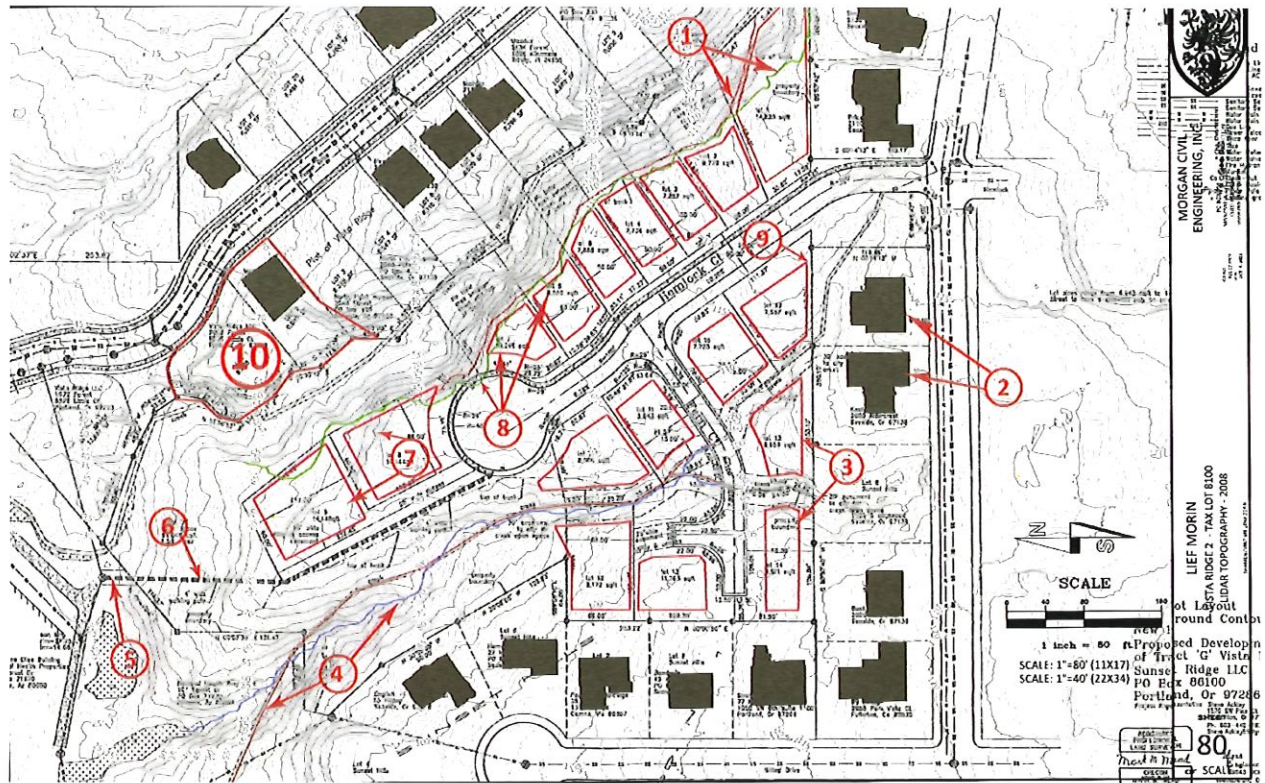


1' contour map

Source: Morgan Civil Engineering - prepared for this report

Appendix D3 – Contour Maps and Site Plans

A review of the new map and the 2004 geotechnical report for Vista Ridge 1, along with a physical inspection of the land has led to many concerns shown in this graphic and described in the list below:



1' contour map with house projections and numbered concerns

Source: Prepared for this review

Appendix D4 – Contour Maps and Site Plans

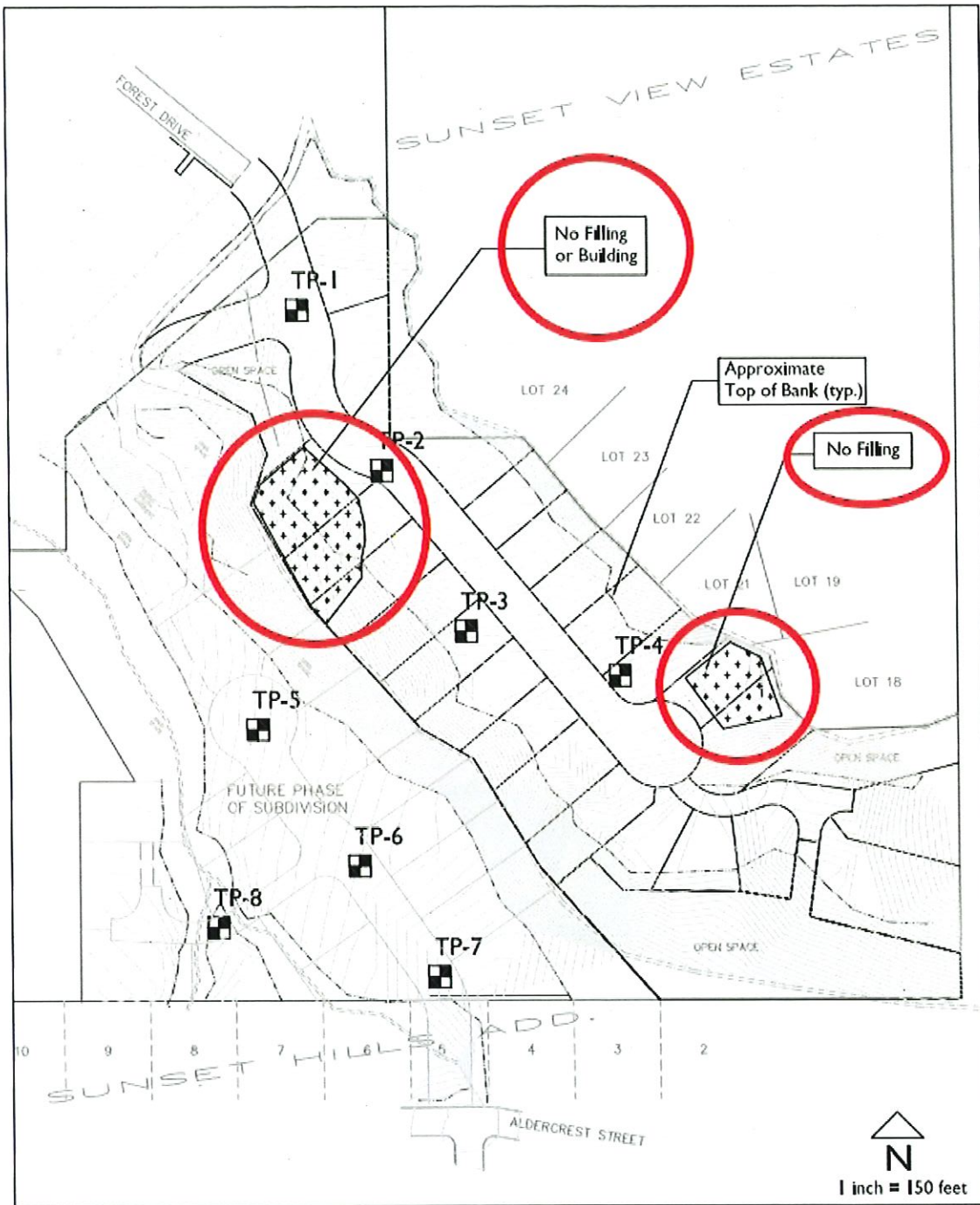
1. The top of bank for the east stream is not where it is indicated in the application. The corrected top of bank line is shown on the map above in green. This correction impacts at least seven of the buildable areas on the lots as currently drawn.
2. The house footprints, along with the property setbacks shown, in the Sunset Hills neighborhood are significantly larger than any of the speculative houses (not shown).
3. Specifically, the odd shapes of both lots #14 and #15 cannot support houses that would be in keeping with the character of either of the adjacent developments.
4. The west stream (in show red) does not follow the contour lines and shows the water in that stream flowing uphill.

5. The path and sewer line are shown traversing private property. No discussions with, or permissions given from the landowner have been mentioned on public record. There is reasonable cause to doubt that Suzanne Elise would want a path that directly connects to the back of the property where elderly residents live on the first floor. They would also likely object to the significant construction activity adjacent to and on their property.

More importantly, the clearing of trees and the operation of equipment in that area will likely be in violation of the Forest Practices Act as they occur within 50' and 35' respectively of the fish-bearing stream. ORS 660-023-0090

6. The path would have an average of a 10% grade slope down to Suzanne Elise and include many steps. It would not be an ADA accessible walkway. No provisions are included in the application for any disabled access to this proposed development at all.
7. Lots #7 and 8 have approximately 20' of fall across the land. This is far more than the 4-8' described in the report and will require significant earthwork.
8. The top of bank intrudes into the cul-de-sac and its position may require alteration. Also, construction of the cul-de-sac and any speculative houses on lots #1-8 will be impossible without cutting every tree along the top of bank of the eastern stream. There are no erosion control measures proposed for these lots. Any clearing activity along the ridge will damage the fish-bearing stream, destabilize the slope areas, and degrade the privacy and view of the properties in Vista Ridge 1.
9. Lot #17 has a side yard of 10' despite it being the only lot that backs up to an existing private property without a 15' setback. Also, there is a very large old spruce tree on that same existing property which leans over the fence. It would require removal and no discussion with the property owner has occurred.
10. Two lots (and part of a 3rd lot) in Vista Ridge 1 that are shown on the site plan were designated as a No-Build / No-Fill zone in the 2004 geotechnical report for that project. Since then, a house has been built on one of the lots and the other is actively being marketed as buildable land.

As a result, there is reasonable cause to doubt the technical accuracy of the data in this application and the subsequent adherence to the Planning Commission approved development recommendations for construction activities.



**Geotech
Solutions Inc.**

SITE PLAN

Maltman-04-01-g1

Vista Ridge 1 Site Plan

Source: 2004 Geotechnical Report prepared for Mike Maltman

Appendix D5 – Contour Maps and Site Plan

A few additional notes that are not shown on the graphics above are as follows:

1. As indicated above, lots #12 and #13 have less than a 20' front yard. SZO 3.025(3).
2. Lot #1 had no shading of the buildable area on the site plan included with the new submissions, so it is unclear if any building is now planned for this lot.
3. Easements are granted to the city for 15' on either side of the west stream for open space. However, there is no indication of what entity would be responsible for future maintenance. If the city is to be responsible, no estimates of the economic impact is included in the application.
4. As a result of possible construction activity around the west stream, Lot #14, and Lot #15, no details are provided in the application as to the impact to the empty Lot #8 of Sunset Hills which is private property and one of the two tributaries for that stream.
5. Most importantly, two of the empty lots shown in the map above as being either unbuildable or unfillable are currently listed for sale. Neither listing indicates that the properties have those restrictions. **Appendix D6**

For comparative reference, a site plan that included house profiles was submitted for the recently approved 18-unit hotel development along the 101 here in Seaside. Unfortunately, it also didn't meet the standards of the city ordinances. Here is an example of a site plan that is what should be expected and is commonly included with proposed development applications of this scale.



Sample Site Plan

Source: <https://www.chicagotribune.com/suburbs/northbrook/ct-nbs-anets-woods-passed-tl-0421-20160414-story.html>

Appendix D7 – Contour Maps and Site Plans

BUILDING STANDARDS, CONSTRUCTION, AND PERMITS

Although the application does not propose to build houses, it uses language to describe the speculative houses in an attempt to meet the standards of the ordinances for a Planned Development. It does not meet those standards. As indicated in the ordinances section above, these concerns are described in more detail in Appendix A.

All of the hillside terrain sits on land that is inherently unstable with previous specific indications of landslide activity. A lack of consistently applied standards may result in expensive property damage and repairs ... or worse.

Discussions with the neighbors discovered that there are at least six adjacent properties that have required significant foundation repairs. These repairs required Ram Jacks to lift segments of their homes in order to conduct repairs. There are hundreds more along the North Coast that have required equivalent services. Many homes with basement areas have mold problems due to water intrusion from average building practices.

While these conditions and repairs are not uncommon, they represent huge costs and disruptions for prospective homeowners of the speculative houses. These types of costly repairs can be reduced and sometimes avoided entirely by applying upgraded building standards. The city can require those upgraded standards for difficult and/or sensitive terrain.

A public review of the original application, new application, both staff reports, the maps submitted, and all of the supporting documentation reveal that there are many items that are under-engineered, omitted or overlooked. Those items are as follows:

1. A stage development schedule including both the construction of the infrastructure and the development of the speculative houses.
2. House elevation and cross-section drawings and a landscape overview that conform to the city ordinances.
3. A proposed driveway location for each lot
4. An indication of public or private usage for the proposed open space
5. An indication as to the ownership of the proposed two streets
6. Any mention of project oversight, written consultation reports, and investigations that should be required of a geotechnical engineer during construction. Nor is there mention of a requirement to have the final plans reviewed by a geotechnical engineer prior to completion.
7. Any mention of working time restrictions (e.g., Mon-Fri, 8-5), a safety plan, or privacy and noise abatement fencing during construction for the adjacent properties
8. Foundation drains and/or standards for the foundation drains

9. A requirement for waterproofing of all below-grade foundation
10. A requirement for a below-grade vapor flow retardant
11. A prohibition of all outbuildings that would further encroach upon the setbacks specified
12. Details about the construction activity for the sewer system through the wetlands
13. An overview of the lighting and electrical requirements, including temporary construction lighting as may be required during the winter months and how that might impact the adjacent neighborhoods
14. Any provisions for aesthetically appropriate retaining walls and/or privacy fences to reduce the earthworks and noise impacts to the neighbors that immediately border the property entrance
15. Any landscape items at all
16. Any discussion about Low Impact Development (LID) as it might pertain to road construction, house construction, and landscaping.
17. Details about compaction, rock and fabric base, and other construction notes for the roadways
18. Curb and gutter profiles and details
19. Details about the construction of the transition from the existing street to new proposed street
20. Street, parking, and fire lane signage and indicators (since addressed)
21. Street grade profiles (since provided)
22. Street lighting plan (since provided)
23. GPMs for fire hydrants (since provided)
24. The application proposes to build a road (Fern Ct.) over the two tributaries to the west stream near the southern edge of the property. There are no drawings, elevations, stream details, or plans included about the culverts that would need to be constructed to cross those areas.
25. As a directly related observation, a review of the submission for Vista Ridge 1 indicated that "An open-bottom culvert is proposed for the only stream crossing." What was installed was a polymer pipe. It is unknown if a formal stream evaluation was performed at that time, but any deviation is cause for reasonable concern to the Planning Commission and the public.
26. There are no drawings, notes, or details regarding the water flows around and on the immediately adjacent private property prior to, during, and after the construction activity

27. The original application referred to the slopes being "between 2 and 10 percent." The revised application now indicates a road grade of 13% - and now 12% with a further submission. These errors and the many revisions submitted demonstrate the challenges of using topographical maps that are over 17 years old and at the wrong scale.
28. The geotechnical report in the original application includes recommendations for pavement construction that is in conflict with the newly submitted geotechnical report from 2004. No reconciliation has been submitted.
29. There are no sidewalks on Fern Ct and only one sidewalk proposed on Hemlock Ct.
30. The right of way width originally specified on Fern Ct was 25'. This did not meet the minimum standard of 26'. It has since been updated to 26'.
31. Although the roads proposed in the application are (or will be) 26' and meet the minimum code, the surrounding neighborhoods have 32' streets and no hammerhead streets. This would represent a departure from the character of the neighborhood.
32. Although mentioned in the original 2004 geotechnical report for Vista Ridge 1, the current application for the proposed development did not include the possibility of needing to elevate the building pads above existing grades that would "require [sic] a few feet of rock fill." This is a critical detail that is not mentioned or reviewed in the current application and contradicts the geotechnical report submitted with the application that only a limited amount of fill would be required.
33. Although mentioned in the original 2004 geotechnical report, and as indicated above, the current application for the proposed development does not include a requirement for any foundation work to be a minimum of 20' from the crest of the slopes.
34. The geotechnical report in the original application includes a recommendation for a footing cover of 6" which is in conflict with the newly submitted geotechnical report from 2004 which states that 24" of cover is required. No reconciliation has been submitted.

Several permits are required for the proposed development. None of these permits and their required purposes were mentioned in the original written application. A partial list is as follows:

1. Oregon Department of State Lands
2. Army Corps of Engineers
3. Department of Fish and Wildlife
4. Department of Environmental Quality

CC&RS

There were no CC&Rs originally proposed that would have governed the character of the neighborhood to ensure compatibility with the surrounding area. There have been two subsequent submissions that provided CC&Rs, however there are still many concerns that don't allow the Planning Commission and the public to adequately evaluate the application. Below is a list of the 26 concerns identified:

- Section 1.7 At the current street width of 26', there is no prohibition of street parking on one or both sides of Hemlock Ct. and Fern Ct. to ensure safe passage of emergency vehicles at all times.
- Section 1.9 There is no prohibition of all oversized vehicles that due to their length or width will block any portion of the street required to ensure safe passage of emergency vehicles at all times.
- Section 1.10 There is no prohibition of all structures (temporary or permanent) within the yard setbacks, including hot tubs and swimming pools. A discharge of chemicals into the streams would cause irreparable harm to the environment.
- Section 1.11 There is no prohibition of the removal of any tree except in the case that the tree is immediately threatening a property, and provided that a permit for the tree removal is applied for and granted by the city.
- Section 2.0 There is no provision included to ensure an annual service and city inspection for fire sprinklers.
- Section 2.2 There is no minimum house size is declared.
- Section 2.3 There are no lots declared for height restrictions.
- Section 2.4 There is no requirement to create, nor authorities defined for the architectural committee mentioned in this clause after the two-year period expires.
- Section 2.4 The hold-harmless clause in the last sentence essentially removes all liability from the declarant once the 30-day timeline is expired. The Declarant could ignore all requests and the homeowners can similarly ignore seeking all necessary approvals.
- Section 2.5 There are no lots are declared. The one-year limitation is unachievable given contractor availability on the coast. This application will result in a decade (or more) of building and noise in the canyon. There are no penalties specified so this clause could be completely ignored. There are no remediations indicated for the city or adjacent neighborhoods.
- Section 2.7 Cedar shake and cedar shingle roofs are prone to fire damage.
- Section 2.8 There is no requirement for the Declarant to be responsible for the installation of the sidewalks.

- Section 2.9 There is no provision for pavers included for the driveways to provide for initial biofiltration of urban runoff for the driveways.
- Section 2.1 There is no prohibition on all outbuildings within the yard setbacks.
- Section 3.1 There is no Exhibit included to describe building envelopes. The setbacks indicated are far less than the building setbacks required in city ordinances. Prospective homeowners will only have access to the CC&Rs, and they won't read them anyway. The setbacks are not highlighted at the beginning of the CC&Rs, nor do they appear to be part of the title process as easements.
- Section 3.2 There is no prohibition of all pesticides and weed killers to protect the streams.
- Section 3.2 There is no requirement to landscape a certain percentage of the land. There is no requirement to use native vegetation or other guidelines around landscaping in the riparian areas.
- Section 4.1 There is no indication that the Declarant will be responsible for the maintenance of walkways and public landscaping.
- Section 4.1 There is no indication of street ownership.
- Section 6.1 There is no prohibition of any and all future development of any remainder portion of this land in perpetuity. There are no restrictions for future easements or utilities declared to support that prohibition.
- Section 6.2 There is no procedure for requirement for a review and approval by the city engineering department prior to the proposed topping or removal of any tree to ensure slope stability.
- Section 7 There is no requirement for the establishment of a homeowners association with rules, elections, positions, dues, responsibilities, authorities, and/or financial penalties. Without this oversight there will be no requirements for the prospective homeowners to adhere to any portion of these CC&Rs.
- Section 7.1 There is no specific declaration or amendment that would prohibit the removal of the CC&R restrictions without a 75% majority.
- Section 7.1 There is no requirement for the environmental restrictions that are included to remain in perpetuity.
- Section 7.1 The tract where the signage might be located is not declared.
- Section 7.2 Since no legal proceedings may be initiated, it is not possible to enforce compliance. A homeowner can ignore the rules and never be subject to penalties for building or environmental damages.

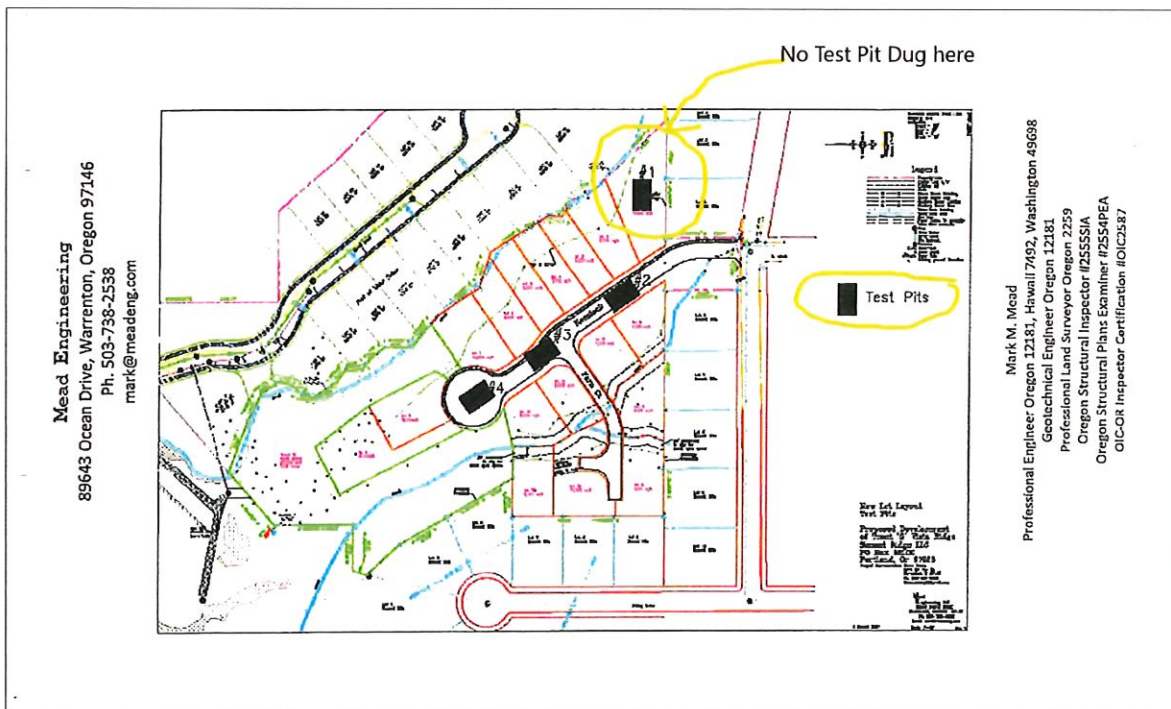
GEOTECHNICAL AND GEOHAZARD REPORTS

No commentary is included in this response in regard to the 2004 geotechnical and geohazard report that was recently submitted. That report explicitly states that it was prepared “for use by Mike Maltman ...”. Mike Maltman is not a party to the Vista Ridge 2 proposed development.

A professional engineer has provided a critique of some of the elements of the originally submitted geotechnical and geohazard report. That critique is attached as **Appendix B**. It speaks volumes. The following comments are a narrative of some elements of the critique along with other observations:

TEST PITS, BORING LOGS, AND SOIL DESCRIPTIONS

Most importantly, Test Pit #1 could not have been dug in the location indicated. It may not have been dug at all. The narrative in the application indicates it was done with a “small excavator.” No excavator could dig in the location shown on the map as a result of the steep terrain. Further no disturbances in the vegetation, streambed, and soil were observed upon a physical inspection. It is also not indicated as a test pit location in the original 2004 report.



Test pit location graphic

Source: Applicant's report with markups

Appendix E1 – Geotechnical and Geohazard Narrative

Since the test pits were potentially not dug, only dug along the road path, and/or dug over 17 years ago, the conclusions contained in the application should not be considered reliable. As described in the geotechnical critique only one test pit was reportedly dug on a building site and that approach is “substandard in the extreme.”

There were no boring logs included with the original application and the test pit details in the 2004 should be considered unreliable after 17 years. As a result, it is premature to recommend specific soil bearing values. Also, recommendations may change as conditions change during construction activity and no recommendation for further geotechnical consultation was made.

For visual reference, here is a sample of a boring log prepared with current technology:

| | | | | | | | | |
|----------------------|--|--|--|----------------------------|--|--|--|-----------------------|
| Drilling Start Date: | | | | Boring Depth (ft): | | | | 20.0 |
| Drilling End Date: | | | | Boring Diameter (in): | | | | 8 |
| Drilling Company: | | | | Sampling Method(s): | | | | CO, SS |
| Drilling Method: | | | | DTW During Drilling (ft): | | | | 10.0 |
| Drilling Equipment: | | | | DTW After Drilling (ft): | | | | 8.0 |
| Driller: | | | | Ground Surface Elev. (ft): | | | | 102.15 |
| Logged By: | | | | Location (X,Y): | | | | 112,121800, 36,055300 |

| DEPTH (ft.) | LITHOLOGY | WATER LEVEL | BORING COMPETITION | COLLECT | | | | SOIL/ROCK VISUAL DESCRIPTION | REMARKS | DEPTH (ft.) |
|-------------|-----------|-------------|--------------------|-------------|-------|-------------|---------------|--|--|-------------|
| | | | | Sample Type | Time | Blow Counts | Recovery (ft) | | | |
| 0 | | | | | | | | (0.0) CONCRETE | | 0 |
| | | | | SS | 09:15 | 2 | 1.5 | (1.0) Silty SAND (SM), mostly fine grained sand, trace fine gravel, some silt, loose, dry, light brown | (1.0) PID = 0.0 ppm | |
| | | | | | | 2 | | (1.0) SILT (ML), trace fine sand, mostly silt, trace clay, low plasticity, hard, wet, very dark gray | | |
| | | | | | | 3 | | | | |
| 5 | | | | SS | 09:30 | 5 | 0.6 | (5.0) Lean CLAY (CL), few fine-medium sand, trace silt, mostly clay, medium plasticity, stiff, moist, very dark greenish-gray, slight odor | (5.0) S-6 Soil (5.0) PID = 10.0 ppm | 5 |
| | | | | | | 6 | | | | |
| | | | | | | 7 | | | | |
| 10 | | | | SS | 09:45 | 10 | 1.0 | (10.0) SILT (ML), trace fine sand, mostly silt, trace clay, low plasticity, hard, wet, very dark gray, slight odor | (10.0) S-10 Soil (10.0) Pocket Pen = 5.0 TSF | 10 |
| | | | | | | 15 | | | | |
| | | | | | | 20 | | | | |
| 15 | | | | SS | 09:00 | 20 | 1.5 | (15.0) ORGANIC SOIL (OL), trace silt, medium plasticity, hard, saturated, black, shrun, strong odor | | 15 |
| | | | | | | 25 | | | | |
| | | | | | | 30 | | | | |
| 20 | | | | CO | 09:15 | | 1.5 | (16.5) IGN ROCK (DIOXITE), fine grained, massive, fresh, very hard, slightly fractured, dark gray | (16.5) rough drilling = top of rock? (16.6) Joint: 0.5 in Spacing (True). Surface (Planar). Filling (Iron Oxide). (group of joints) (18.0) R-18 Rock | 20 |

NOTES: Hole precleared to 5' on 10/13/2015 08:00 by Borehole Clear Co. using Hand Auger.

Sample Boring Log

Source: <https://logiteasy.com/img/content/boring-log-templates/LogitEasy%20-%20Geotech%20Boring%20Log%20Logiteasy.pdf>

Appendix E2 – Geotechnical and Geohazard Graphics

SLOPES AND CUT/FILL ACTIVITY

The application includes brief narratives for these topics that do not adequately inform the Planning Commission and the public about the suitability of the building sites and anticipated construction activity. Some concerns are as follows:

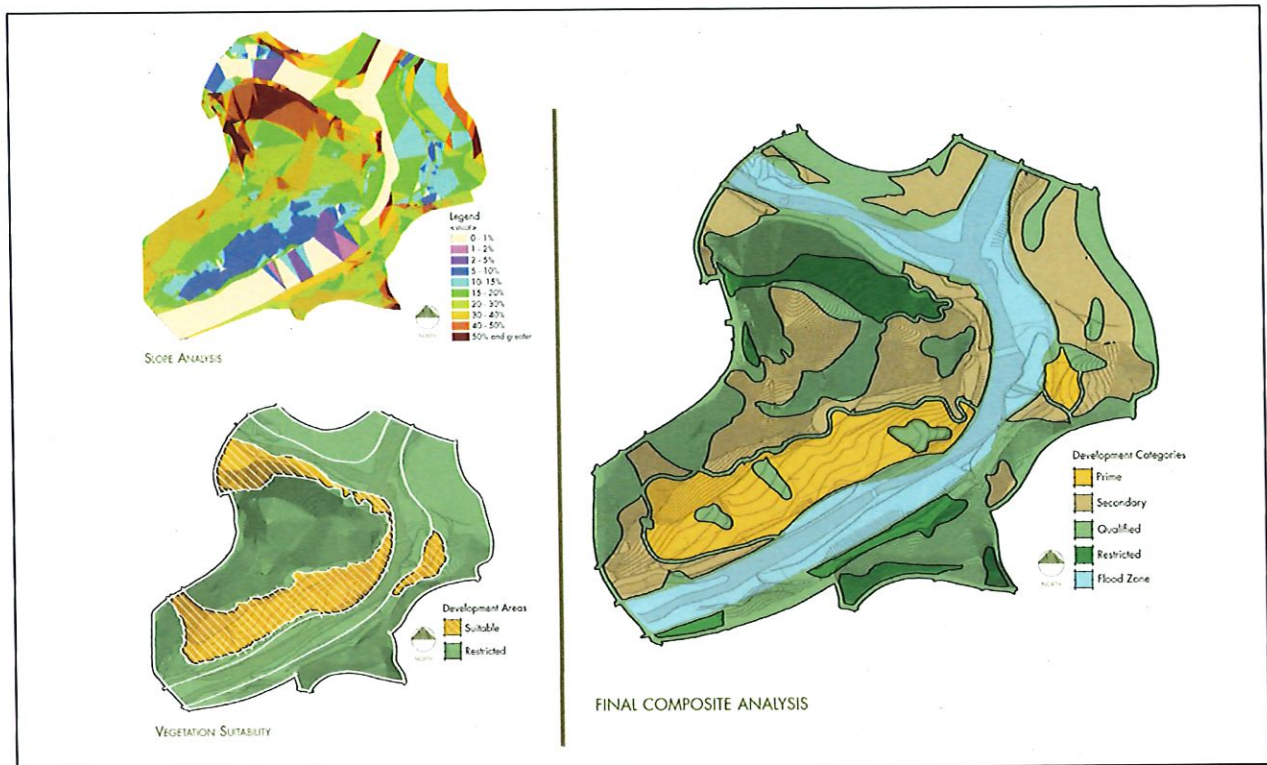
1. The use of the phrase: “expecting the rear section of the East lots along the top of the ‘creek swale’ to have this same [soil] formation at the same depth,” is not a substitute for physical investigation. Without specific testing, recommendations about the land are not reliable.
2. The application includes the statement that “no houses are assumed to be built on the eastern slopes.” No mention is made of the southern tip, yet that location has equal if not steeper slopes.
3. The inclusion of a 100 percent foundation support surface that is found in the original application is unjustified in this terrain and likely dangerous for clay-silt soils.
4. The footing requirement included in the application may not be adequate for soils if springs are encountered in the course of geotechnical analysis or construction activities. Consideration should also be included given the seismic and landslide hazards in the immediate area.
5. The cut-and-fill narrative included in the original application is a single sentence: “Since most of the lots only have 4-8 feet of fall across the building area, it is assumed that only minor excavation and filling will be require for the foundation construction.”

This sentence is vague and is unsupported by the contour map included with the application. It is further challenged by the new contour map submitted by the public. Of the 17 lots, only eight have between “4-8 feet of fall,” and five of those are at the upper limit of 7’ or 8’. The other nine lots exceed those thresholds, and three of those have 20’ of fall across the building area. These lots would need more than “minor excavation and fill.”

Also, no accommodation was included in the application for the possibility of needing an additional 3’ of rock fill for the building pads in the western portion of the future phase as described in the 2004 geotechnical report.

6. No Lot Building Area map was submitted with the original application. A Lot Building Area map was subsequently submitted in November, but it does not meet the contour standards of the ordinances.
7. Seaside’s Comprehensive Plan and Ordinances discourages construction activity that involves cut-and-fill activities. This application is not “discouraged” from more than minor cut-and-fill activity. SZO 4.143(3)(A) and Comprehensive Plan Section 11.1(2)(a)
8. The application uses the phrase “It is assumed that no building would be occurring in the steep slope ...” in the brief hazard mitigation narrative. The application does not include a complete visual representation that identifies all areas contemplated in the application as “no build.”

An example of a slope analysis map is below for comparative reference. It provides a technical and visual representation as to where, and where not, building should take place.



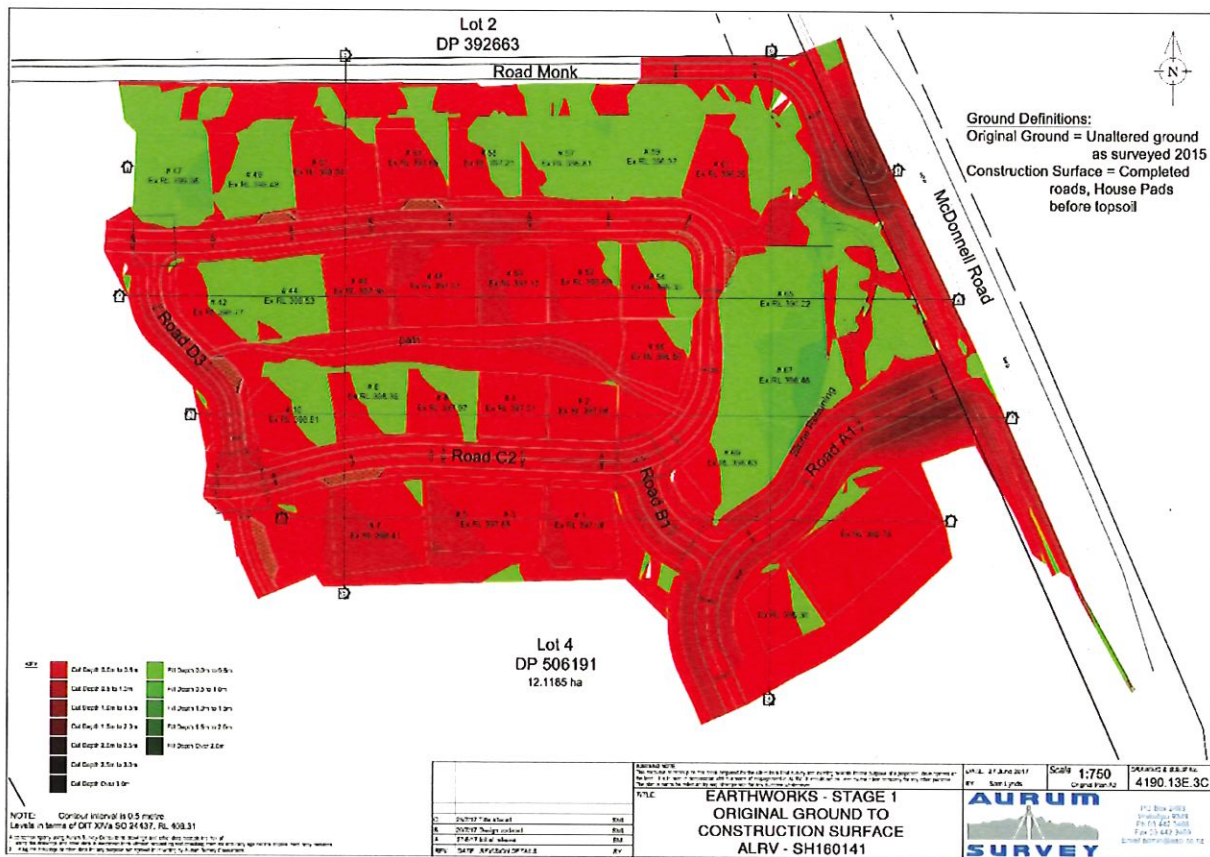
Slope analysis

Source: American Society of Landscape Architects

<https://www.asla.org/2010awards/370.html> - Photo 5

Appendix E3 – Geotechnical and Geohazard Graphics

An example of a detailed visual cut-and-fill plan is below for comparative reference. It provides a technical and visual representation as to the nature and scope of cut and fill activity:



Sample Cut and Fill plan

Source: <https://forum.vectorworks.net/index.php?topic/50865-ability-to-display-the-depth-of-cut-and-fill-in-plan-view/>

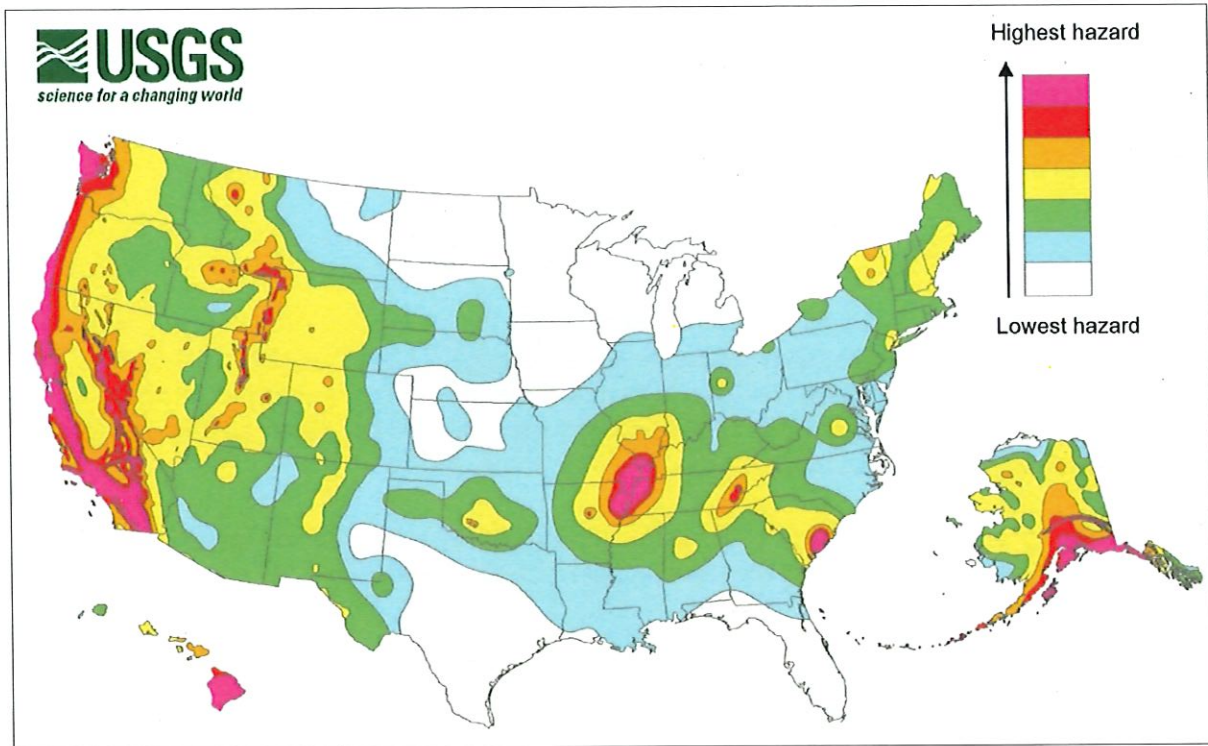
Appendix E4 – Geotechnical and Geohazard Graphics

There is no reasonable explanation that an application for a proposed development of this scale should not include these types of detailed reports to ensure that the Planning Commission and public have the ability to conduct a rigorous review.

Most importantly, nothing should be “assumed” in the context of possible construction of infrastructure and buildings for a 17-lot planned development on sensitive terrain. The recommendations for engineering standards, lot sizes, and other items described in the concerns above are unsupported by the technical data contained in the original application.

SEISMIC

The geotechnical critique details extensive concerns about the description of the seismic risks included in the application, but it is enough to say that Seaside is in the highest hazard zone for exposure to earthquakes. While this risk is understood as a part of life here coast, all development activities and reports should treat this threat with the utmost seriousness. Earthquakes don't kill people, buildings do.



USGS Earthquake Hazard Zones

Source: <https://www.usgs.gov/media/images/2018-long-term-national-seismic-hazard-map>

Appendix E5 – Geotechnical and Geohazard Graphics

In addition to the graphic above, tools are available to produce a site-specific earthquake profile. No profile or professional review of that profile was included with the application. An example is included in Appendix E – Geotechnical and Geohazard Graphics.

Contrary to the narrative in the application, an earthquake could happen anytime between right now and anytime in the future. In addition, the application's characterization of a 6.0 earthquake inflicting major damage on most structures here on the North Coast directs the reader into thinking that this section of the application is irrelevant. This approach to this serious risk does not serve the public interest and the boiler plate language is obsolete and inappropriate.

Areas that contain a large percentage of sandy, saturated, and/or backfilled areas are specifically prone to liquefaction during seismic activity and this site has all three.

The 1989 Loma Prieta earthquake measuring 6.9 resulted in extensive property damage all across the bay area, including the total loss of 75 buildings in San Francisco's Marina District. That location was 60 miles from the epicenter and the damage was a direct result of the liquefaction of the soils. Seaside is well within 100 miles of the Cascadia Subduction Zone which has been researched as being capable of producing earthquakes as large as 9.0.

While it is impossible to entirely prevent damage and loss of life from major seismic events, reasonable diligence must be used to minimize those potential impacts.

An application that provides an insufficient geotechnical investigation, does not include a slope analysis, and makes cut-and-fill recommendations that are unsupported by technical data will increase the destructiveness of an earthquake to the speculative houses in this proposed development.

RAINFALL AND LANDSLIDES

An extended La Nina or a large Cyclone are the kind of events that will create the volume of rainfall for a flash flood. Those events have the power to create locally disastrous conditions. One such La Nina year in 1997 brought so much rain it moved the Necanicum River 1000 feet to the south towards the wastewater treatment plant. One storm in 1998 brought over five inches of rain in a 24-hour period and the great gale of 2007 brought six inches of rain over a three-day period.

Compounding the concerns described in the seismic section above, a deep seeded (and/or shallow rapid) landslide, is more likely to occur with rainfall than with an earthquake.

Abstract

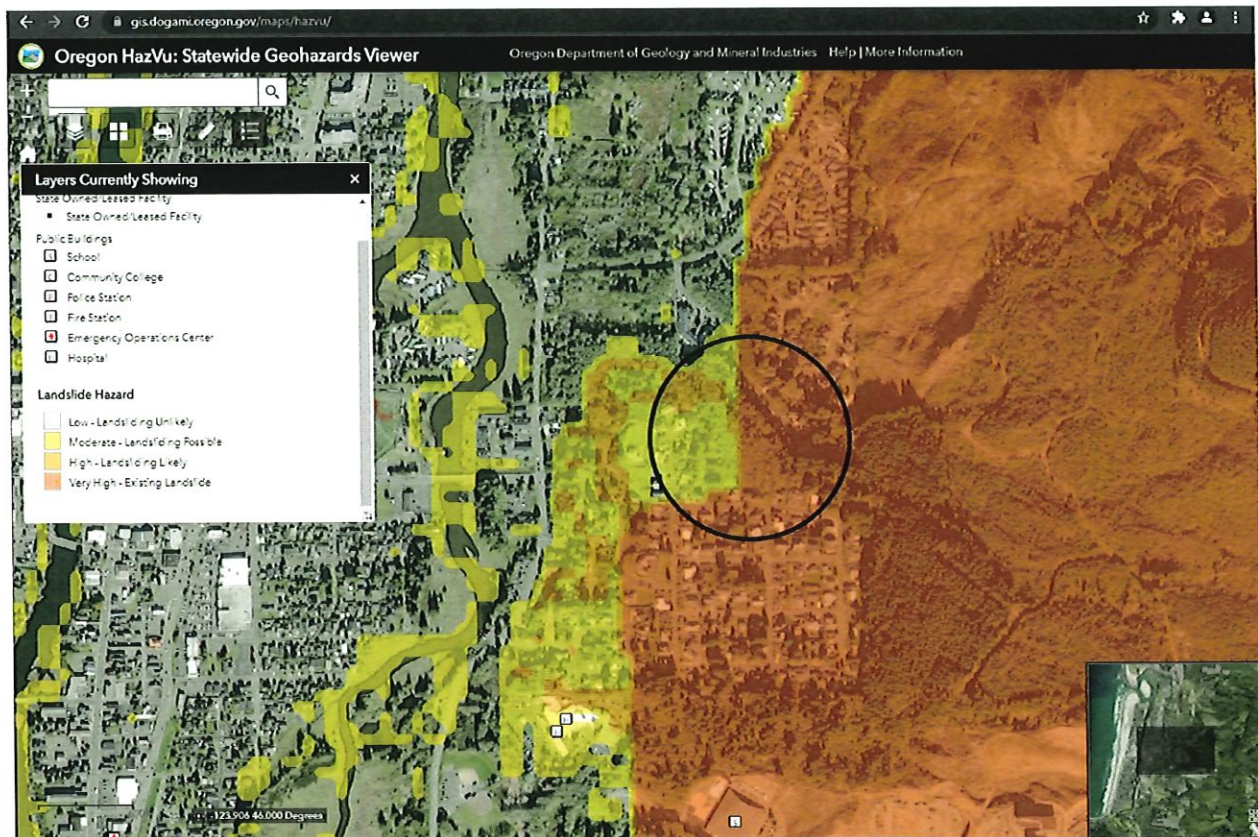
The coastal Pacific Northwest USA hosts thousands of deep-seated landslides. Historic landslides have primarily been triggered by rainfall, but the region is also prone to large earthquakes on the 1100-km-long Cascadia Subduction Zone megathrust. Little is known about the number of landslides triggered by these earthquakes because the last magnitude 9 rupture occurred in 1700 CE. Here, we map 9938 deep-seated bedrock landslides in the Oregon Coast Range and use surface roughness dating to estimate that past earthquakes triggered fewer than half of the landslides in the past 1000 years. We find landslide frequency increases with mean annual precipitation but not with modeled peak ground acceleration or proximity to the megathrust. Our results agree with findings about other recent subduction zone earthquakes where relatively few deep-seated landslides were mapped and suggest that despite proximity to the megathrust, most deep-seated landslides in the Oregon Coast Range were triggered by rainfall.

"Rainfall triggers more deep-seated landslides than Cascadia earthquakes in the Oregon Coast Range"

Source: <https://www.science.org/doi/10.1126/sciadv.aba6790>

The primary risk to the speculative houses is from slope failure that may cause structures to slide into the canyon. Also, cut and fill activity will increase the risk to landslide activity for some of the existing homes upslopes of the proposed development.

The application did not include the DOGAMI State of Oregon landslide hazard map that describes the hazards for the property location. It is here:



Landslide Hazard Map

Source: <https://gis.dogami.oregon.gov/maps/slido/>
Appendix E6 – Geotechnical and Geohazard Graphics

As described many times in this report, the proposed development is located in a canyon with saturated soils and steep terrain in many places. The terrain is prime territory for a local slide. This is in addition to the regional risk of the landslide potential for all of the hills above Seaside. These risks are real.

Further, if the land is clearcut, the roots of the mature trees and all of the native vegetation which absorbs and filters almost all of the rainwater it receives will be replaced by impervious asphalt and concrete surfaces which do neither. A substantially larger volume of stormwater runoff will be directed into both streams and the wetlands below.

The geotechnical and geohazard reports omit vital data and understates the conditions in which building might take place. It did not include a current physical investigation of the site to understand the potential for a landslide hazard.

Most importantly, the staff report indicated that there is “no declaration from the engineer that the site could not be built upon.” This is reverse logic. The application doesn’t include a positive conclusion from the geotechnical engineer as to the suitability of the general site and each individual building site.

ADDITIONAL REQUIRED REPORTS

HAZARD MITIGATION PLAN

As described above, the brief narrative regarding an earthquake and resulting tsunami that was included regarding the potential hazards is not a Hazard Mitigation Plan. It does not meet the standards of the ordinances as follows:

1. It does not describe the “extent and severity of the ... erosion hazard(s), the capability of the site and adjacent affected areas to support the proposed development, and the recommended techniques/safeguards that could be used to adequately protect life, property and environment on and adjacent to the site.” SZO 4.143(1)
 - a. There are no descriptions of any erosion hazards.
 - b. There are no descriptions of the capability of the site and adjacent affected areas to support the proposed development. In fact, there are no descriptions of the adjacent areas at all.
 - c. There are no recommended techniques and/or safeguards included for any areas of the proposed development at all.
2. The application does not include a Grading and Erosion Control Plan (GECP) for the proposed development. See below for detailed concerns. SZO 4.143(2)
3. The application does not include an HMP and does not consider any of the below items. SZO 4.143(3)(A-D):
 - A. “Cut and fill methods of leveling lots shall be discouraged. Structures should be planned to preserve natural slopes as much as possible.”

This application is not “discouraged” from more than minor cut-and-fill activity. SZO 4.143(3)(A) and Comprehensive Plan Section 11.1(2)(a)
 - B. “Access roads and driveways shall follow the slope contour whenever possible to reduce the need for grading and fillings.”

The diagrams included are insufficient to determine if the roads and driveways will follow the slope contour whenever possible. Crossing three tributaries would not be considered “follow[ing] the slope contour.” Further, with the exception of Lots #8, #9, and #13, there are no driveways indicated on any map. SZO 4.143(3)(B)

- C. "Removal of vegetation shall occur only for those areas to be improved by the proposed development."

The application includes language for the development of houses but does not intend to build any houses so the areas documented will always be incorrect.

Documents submitted to the Oregon Department of Forestry included in the application indicate that the removal of all trees will be conducted for the roadways and every lot are planned. However, the application includes a recent submission that describes the clearing area as being limited to the roadway areas only. It cannot be both.

The potential for no-harvest areas at the ridge of the east stream, possible buffering required by the Planning Department, and the riparian zone protections that may now be required at the bottom of the property near Suzanne Elise provide further confusion as to the clearing activity that may or may not occur. SZO 4.143(3)(C)

- D. "No development shall be allowed to block stream drainage-ways in any area or to increase the water level on adjacent property."

The application will block three stream areas during construction. There are no dewatering plans or culvert designs included in the application. The application does not include stormwater management details to address the potential increase of water levels on the 2080 and or 2040 Aldercrest properties. SZO 4.143(3)(D)

4. The application did not include any safeguard and construction techniques, nor indicate agreement to "to provide the safeguards and construction techniques recommended in the HMP." SZO 4.143(4)

Lastly, the city can require a bond to "[e]nsure that safeguards recommended in the HMP are implemented." The application did not include any provisions for or agreement with providing bond for the requested activities. SZO 4.144

The application includes narratives about grading and erosion control but does not include a GECP (Grading and Erosion Control Plan) that meets the standards of the Seaside Ordinances. It also does not meet the guidelines included in the erosion control sample found on the City of Seaside's website. They are here:



Appendix F1 – Additional Required Reports

[illegible]

<https://www.cleanwaterservices.org/media/1773/1200-cn-plan-set.pdf>

Appendix F2 – Additional Required Reports

A review of the original application and subsequent revisions reveals many concerns as follows:

Grading

There was no grading plan submitted with the original application as required by Seaside Zoning Ordinance 4.202. Taken alone, the absence of this plan is disrespectful to the Planning Commission and the public. The subsequent submission of the street grade profiles is not a grading plan. The application does not include the following items:

1. A "site plan at a scale of one (1) inch equals ten (10) feet." SZO 4.202(3)
2. Any "... measures to protect vegetation from damage." SZO 4.202(3)(D)
3. An "Accurate location, size, and shape of proposed and existing structures." SZO 4.202(3)(E)
4. The "Direction of surface water flows." SZO 4.202(3)(F)
5. An "Indication of slope steepness of existing and proposed contours at intervals of two (2) feet." SZO 4.202(3)(G)
6. The "Location of ... designated vehicle parking area(s)." SZO 4.202(3)(H)
7. The "Location of soil stockpiles." 4.202(3)(I)
8. An adequate representation of the "type and location of temporary and permanent erosion control measures (slit fencing, straw bales, mulching, seeding, sodding, etc.) 4.202(3)(J)
9. A "schedule of construction operations and phasing." 4.202(3)(K)
10. The identification of "...the person responsible for placement and maintenance of temporary and permanent erosion control measures." 4.202(3)(L) – See Erosion Control concerns below
11. The "general slope characteristics of the adjacent property." 4.202(3)(M)
12. Any indication of "avoid[ing] winter rainy season construction." SZO 4.202(3) – "Soil Erosion Guidance" published by CREST. Also, there is no indication of a "dry season grading" requirement as was specified in the 2004 geotechnical report.
13. Any requirement or procedure to "cleanup soil tracked onto streets by vehicle traffic ..." SZO 4.202(3) – "Soil Erosion Guidance" published by CREST.

Erosion Control:

The entire narrative regarding erosion control in the original application was two paragraphs and the only items included on the recently submitted erosion control map were mulch berms and silt fences. That length is insufficient in general and more specifically for a proposed development of this scale.

14. The inclusion of the newly submitted 2004 geotechnical report do not change the application as that report is not intended for use for this proposed development.
15. The newly submitted erosion control map also does not materially change the application as follows:
 - a. The legend does not provide clarity about the location of certain berms and silt fencing. In one instance it appears that a silt fence is located directly in front of three properties on Aldercrest.
 - b. There are no indications for berms, silt fences, hay bales, or any erosion control measures specified for any of the individual lots, along the property lines for any of the adjacent properties, and along most of the crestlines of both streams.
 - c. There are no references to, or locations specified for the following reasonable BMPs:
 - i. Secondary silt screens within 50' of the waters of the state
 - ii. Inlet protections for drains on existing streets
 - iii. Sediment tracking prevention and maintenance
 - iv. Erosion control matting
 - v. Bioswales on the public roadways to reduce runoff velocity and increase filtration
 - vi. Biobags for property area drainage
 - vii. Orange construction fencing to identify and protect the sensitive riparian areas
 - d. Since the contour maps included with the application are of insufficient detail, there is no specification or location of any hay bales (and staking) where a mulch berm may not be adequate for steep slopes.
 - e. There are no arrows indicating the direction of sediment flows.

The application did not include several additional items of concern that are not referenced in the ordinances as follows:

16. Details about the long-term oversight of the erosion control and grading activity.
17. Locations indicated or specifications described for retaining walls on any map.
18. Discussion about not operating any machinery within 35' of the fish bearing stream as required by the FPA and how that might impact the ability to perform grading for the cul-de-sac and lots along the eastern edge of the proposed development.
19. As a related note, silt screens remain in position on the east stream downslope behind the existing homes in Vista Ridge 1. This is either because they are still necessary or because of a lapse in construction diligence for their removal. Either are causes for concern.
20. As an example of leadership, the City of Cannon Beach includes this phrase in their ordinances: "Under no conditions shall sediment from the construction site be washed into storm sewers, drainage ways or streams." 17.62.050(14)

STORM WATER REPORT CRITIQUE

Grading and Erosion control plans are only one part of a complete Stormwater Pollution and Protection Plan (SWPPP) which is required by the State of Oregon Department of Environmental Quality. An SWPPP is required for all construction projects over one acre in size and there is a mandatory 14-day public review process for all construction projects over five acres in size. This application requires both.

Seaside requires a Grading and Erosion Control Plan, but the original application included only a site map with catch basins and imprecise language describing grading and erosion control. The submission did not qualify as either a GECP or SWPPP. An example of a detailed SWPPP is not included as it is lengthy, however is found on the State of Oregon Geology website - <https://www.oregongeology.org/>.

The "Storm Water Report" that was subsequently submitted attempts to combine a hydrology report and elements of a detailed stormwater management plan. It falls short of a robust submission for either and has the following challenges:

1. Is full of grammatical and spelling errors.
2. Uses language that describes houses being included in the report, however, the application proposes no houses to be built.
3. Indicates that the "streets have been designed to flow to catch basins," however provide no details about the street designs mentioned.
4. Provides no recommendations as to the nature and sizing of the catch basins other than to indicate that those details will be provided "when the final construction plans are completed."
5. Notes that "this will usually reduce the flow rate from the site," but is unclear as to what "this" might be and provides no technical data to support the use of the term "usually."
6. Examines the BMPs solely from the perspective of the "roads," yet describes the report as including all 3.6 acres of the developed land.
7. Does not address on-going maintenance for the roads or landscaping.
8. Does not require a "no dumping – drains to waterway" placard near the drain inlets.
9. As described in the Building Standards section above, does not include the use of any low impact development practices for the road construction or the homesites to reduce the run-off flows and prevent first flush contaminants from reaching the streams. It directs all of the street and lot run-off water directly into the west stream without the use of any biofiltration constructs.
10. Save for the description of "rock," does not indicate the location or describe the details, characteristics, and/or sizing of the energy dissipater.

11. Provides no details about the electrical service requirements for the sediment sump pumps and/or alternative stormwater provisions in the case of electrical failure.
12. Does not indicate how existing stormwater flows that exist and will be impacted for properties on Aldercrest and Hilltop. There are no plans to prevent additional water from being directed onto the 2080 Aldercrest and/or the undeveloped "Lot 8 of Sunset Hills" properties based upon proposed street configuration changes. Verbal testimony was given at the hearing in September which included the phrase "It isn't that much additional water." Any additional water that is directed to those properties is not permissible by the city ordinances.
13. References "attached charts" that are not attached and presents data and calculations that are difficult to read, interpret, and replicate.

Since there was no drainage plan submitted with the original application and the newly submitted Stormwater Management plan has many deficiencies, there is reasonable concern that any speculative houses might be at risk.

Also, there may be specific risk posed to the Suzanne Elise building at the bottom of the east stream. If the trees are removed from the top of the banks as part of this proposed development, significant additional water will flow into the east stream in heavy rains.

The backup generator and several resident units are on ground level at the same elevation as the bottom of the stream and are directly in the path of the stream elbow. No berms are indicated in the original application to protect those areas. The newly submitted erosion control map also does not address this concern.

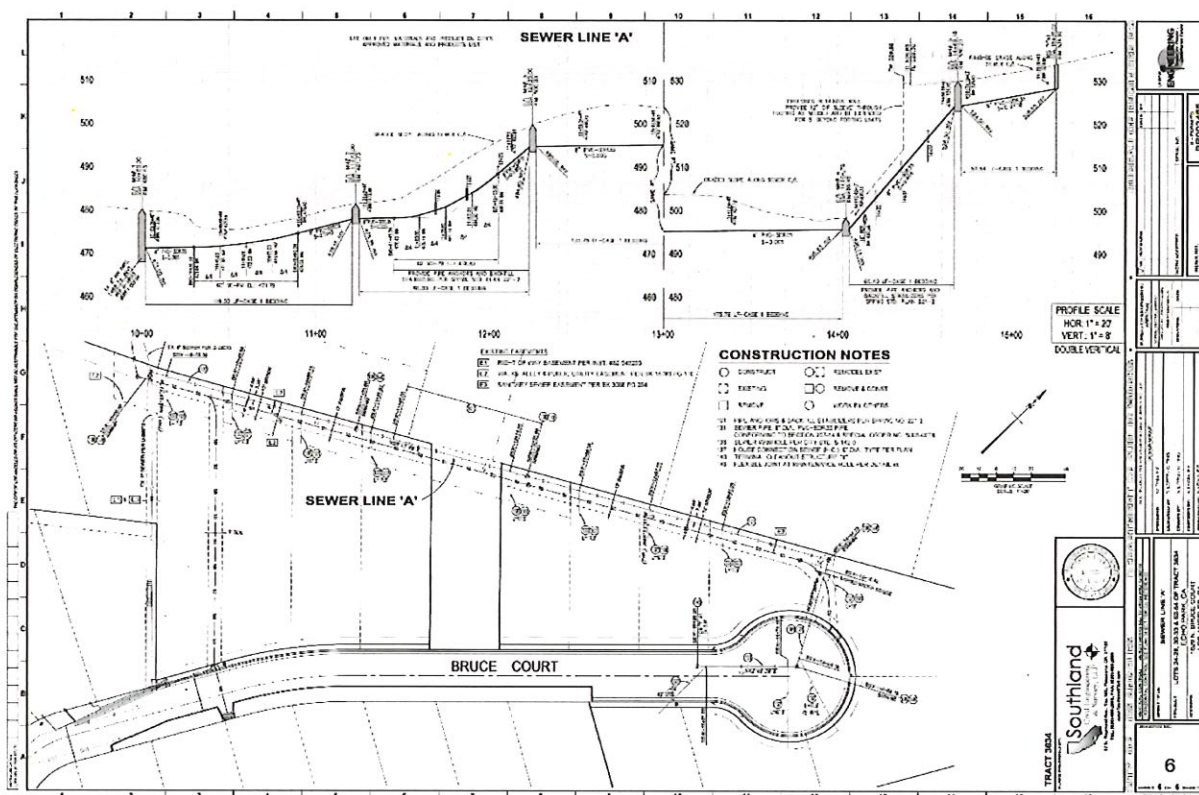
All of the stormwater reports, used in conjunction with a wetlands delineation, a geotechnical report, a geohazard report, a cut-and-fill plan, along with other observational data are used to define suitability for a building site and provide assurances that proper due diligence has been completed.

PUBLIC WORKS

The efforts of the Public Works department on behalf of all of the residents of Seaside is appreciated. Any additional workload for large, proposed developments such as this should be carefully reviewed prior to Planning Commission approval for the impacts to the personnel and/or infrastructure investments.

SEWAGE, ELECTRICAL AND LIGHTING

The original application did not include grade details regarding the sewer system. Here is an example of a plan that is required in other jurisdictions that, along with detailed grades that provide details about the projected land disturbances for the Planning Commission and public to review:



Sample Sewer Line Plan
Source: <http://www.southlandcivil.com/sample-work/>
Appendix G1 – Public Works

A subsequent submission included a sewer profile with the street grade profile, however included no construction notes. For proposed developments of this scale, sewer profiles and street grade profiles are commonly separate documents for clarity of purpose.

Below are additional public works concerns identified in a review of the application:

1. The construction of the sewage line is cause for reasonable concern. The approximate route shown on the map show the line dug through the wetlands in order to connect to the city sewage system at Suzanne Elise. This is also true of the proposed walking path.

A sewage line is typically dug at depths between 8-12 feet, so the excavation works alone to build that line and the walking path will destroy the wetland areas it will traverse. The application does not include any comments or techniques to minimize the impacts to the wetlands. Critically, the operation of any equipment within 35' of a salmon bearing stream is prohibited by the FPA. The clearing of any trees is similarly prohibited.

2. There were no details included in the original application that describe the impacts to Seaside's existing sewage system. One of the pump stations that is responsible for moving sewage from the East hills to the treatment plant is already hundreds of homes above its volume capacity. As a result, raw sewage flows have been seen on public streets. It is assumed that the proposed development will connect into that same system.
3. The application did not include the approximate location and sizing for the electrical system for this proposed development. An estimate of the transformer needed is between 600-750KVA – which includes provisions for electric vehicles. The placement of the transformer in this scenario may be visually or audially aesthetically detrimental to the immediately adjacent neighbors of the entrance to the proposed development depending on the location selected.
4. The recently submitted Street Light Locations map provides for three streetlights. The street length between the corner of Aldercrest and Hemlock and the proposed light at Hemlock Ct. and Fern Ct. is approximately 375 feet, a fourth streetlight may be required along that run. An intermediate streetlight is present on Forest Dr.
5. The potential for service interruptions (electrical, water, sewer) that may occur as part of the installation of the utilities and any economic effects to the city.

While it is understood that many of these details are provided to the city after the preliminary approval. Because of the certainty of incredible negative impacts to the surrounding communities and the immediately adjacent properties, these details should be provided to Planning Commission and public for review prior to any decision.

TRANSPORTATION AND NOISE ABATEMENT

The application did not include details about the transportation and noise impacts of the proposed development. A transcript of a transportation hearing held in August was included in the application and the application was briefly discussed. A small handful of the public were able to attend as they had been unofficially alerted about the proposed development.

It is unknown if the proposed development has been discussed publicly in the transportation meetings since that time. The only feedback provided at that August transportation hearing was that “stop signs would be installed.” It is understood that the transportation director is aware that the level of detail provided was insufficient to support a Planning Commission and public review for a proposed development of this scale.

As an important and related note, there was no agenda or minutes published for that transportation hearing. As of this writing there are no published agendas or minutes for any transportation hearings at all. Also, the Seaside Transportation System Plan (TSP) is now 10 years old and according to the city’s transportation department website, it is supposed to be updated every five years.

Source: https://www.oregon.gov/ODOT/Planning/TPOD/tsp/city/city_of_seaside_tsp_2011.pdf.

As a backdrop to the rest of the comments, below is a table that provides a broad stroke estimate of potential construction traffic flows into and out of this area if this application were to be approved.

| LARGE OR HEAVY TRUCKS | |
|-----------------------------|---------------|
| Truck Type | Qty. |
| Logging trucks | 50 |
| Truss trucks | 25 |
| Grading equipment | 200 |
| Concrete and asphalt trucks | 125 |
| Delivery trucks | 300 |
| Others not included | 300 |
| Total | 1,000 |
| CONSTRUCTION TRUCKS | |
| Category | Qty. |
| Supply deliveries | 5,000 |
| General contractor | 24,000 |
| Subcontractors | 10,000 |
| Other | 10,000 |
| Heavy equipment from above | 1,000 |
| Total | 50,000 |

Traffic Estimation
Prepared for this review
Appendix G2 – Public Works

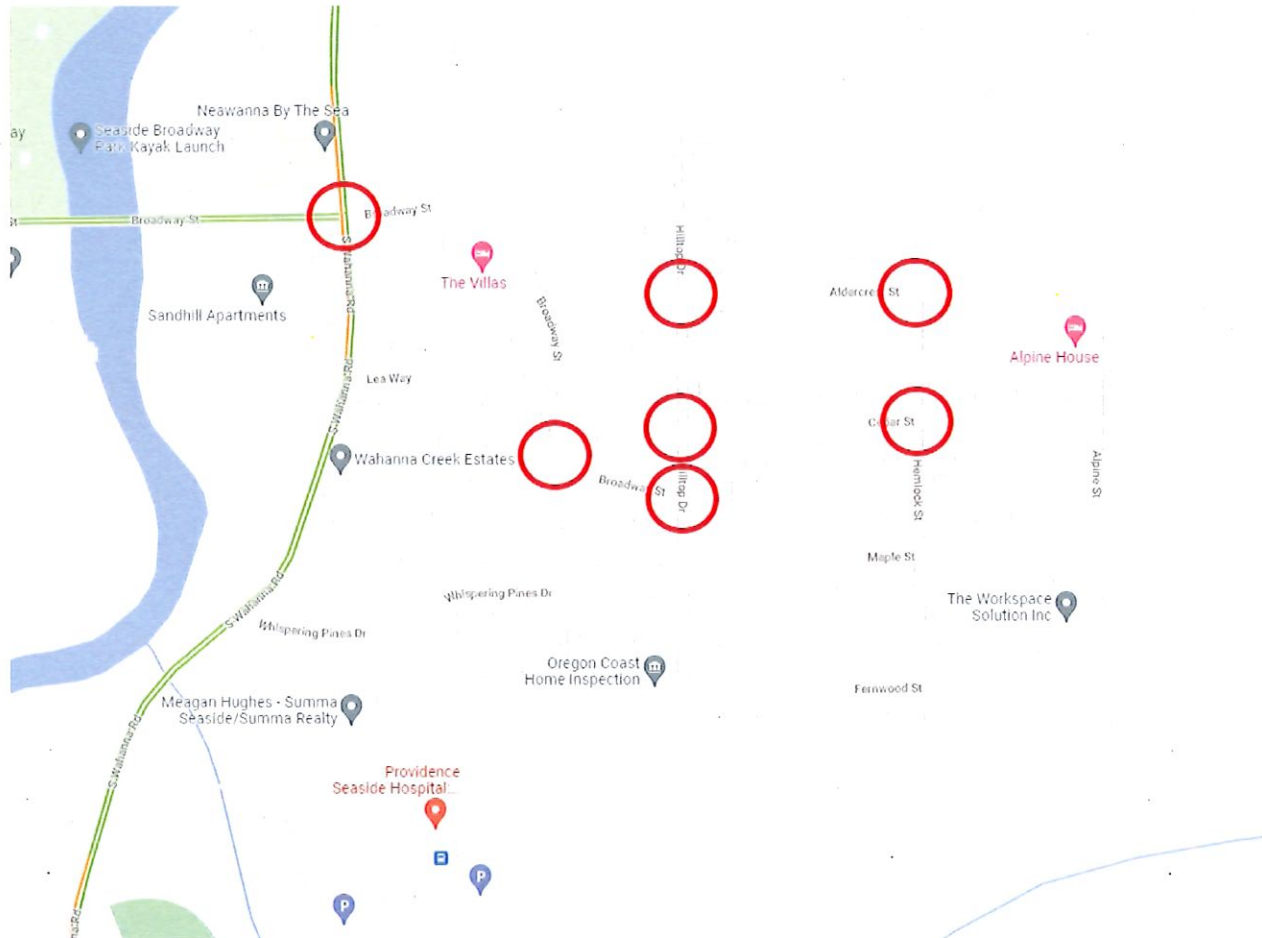
The map below shows the heavy traffic flows during the non-tourist season, and the main intersections that will be affected by additional traffic (from above) along Wahanna and/or Broadway.



Prepared for this review
Source: Google Maps
Appendix G3 – Public Works

The traffic will pass in front of the hospital, library, pool, and both schools during peak hours. The community is aware that those roads are already heavily congested, and the addition of heavy equipment and a huge volume of construction traffic will further impact that congestion and do so in locations where visibility is limited, and the risks are high.

This map shows the “pinch points” where large trucks will block all traffic as they make turns travelling through the Sunset Hills neighborhood and into and out of the proposed development.



Prepared for this review
Source: Google Maps
Appendix G4 – Public Works

Below is a list of additional concerns that are not addressed by the application and are not readily available for Planning Commission and public comment and review:

1. The proposed continuation of Hemlock Ct. (26') is of a smaller width than the existing Hemlock Ct. (32') and as a result represents a departure from the character of the neighborhood.
2. Review and commentary regarding the intersection of the 101 and Broadway and Wahanna and Broadway as it relates to pedestrian, bike, and auto traffic.

3. Concerns about corner visibility zones along the possible construction equipment travel path and that trees on private lands might require removal. Specifically, the properties that are at the intersection of Aldercrest and Hemlock, both current and future.
4. Consideration of the possibility of painted pedestrian crossings and bike lane markings in the entirety of the Sunset Hills neighborhood including the proposed development.
5. Consideration of additional speed signs in the neighborhood, a lower speed limit, and traffic calming speed humps. Twenty is plenty.
6. The impacts to the streets in the Sunset Hills neighborhood and the aging infrastructure below them. They are already showing wear. The addition of tens of thousands of additional trucks will further damage the streets shown in the maps above.
7. The evaluation of an alternative route into and out of the proposed development at the bottom of the property. This is technically possible but would include the construction of a bridge, impact to the fish-bearing stream including dewatering operations.
8. **Mayor Barber rejected logging trucks using Seaside streets for a proposed timber harvest on State forestlands that were contemplated above the Cove. The Mayor and City Council should apply that same standard to this proposed development.**

This list of potential noise sources from traffic and construction activity is incredibly long and is not included here. Most importantly, those noise sources will represent a nuisance and disturb the adjacent property owner's right to quiet enjoyment of their property. The application did not include a construction noise mitigation plan which might include the following items:

1. Noise barriers and screens. The removal of all the trees will remove all sound buffers.
2. Sequence of operations to concentrate noisy activities at the same time
3. Restriction of work schedules to weekdays and business hours

The most serious impact will be to the residents who currently work from home, which is now, and will remain forever, commonplace as a result of the pandemic. The concept of ten years of construction noise impact from the proposed development will make that work nearly impossible. People's jobs may be impacted from the constant noise, and the harm will be irreparable.

The application is entirely disrespectful to the community that includes a long-established and quiet neighborhood with a single roadway in and out. There is no reasonable, safe, or responsible traffic and noise abatement plan to enable the proposed development to move forward in any capacity.

Because of all of the challenges above, the neighbors who reside along these streets will see a decrease in their property values. This is prohibited by the Seaside Zoning Ordinances. SZO 1.020(b).

DISASTER READINESS

The proposed development is located in one of the very few tsunami evacuation locations and the application should be evaluated on how it might impact the Disaster Readiness plans for Seaside.

The concerns include direct impacts to prospective homeowners, the speculative houses, and indirect impacts to surrounding communities from traffic and infrastructure stress. Most importantly a concern about the diversion of money and resources to implement and maintain the utilities needed to support the proposed development. A partial list of concerns is as follows:

1. Emergency vehicle access to the speculative houses on the proposed Hemlock Dr and Fern Ct may be completely blocked if cars are parked on both sides of the roads. A no-parking zone is both out of character for the neighborhood and unlikely to ever be respected or enforced.
2. Tsunami rehearsals already create a parking lot on all of the streets in the East hills. The addition of two dead-end streets may create conditions on those streets that may completely block all access to all residents and emergency crews.
3. Upgraded seismic standards have not been reviewed or specified for proposed utilities.
4. The impact to cellular communications has not been reviewed in that canyon area. Emergency calls may not be able to be made or received by prospective homeowners.

Every new development has an impact disaster preparedness, and the application should be reviewed for both economic and personnel impacts in the context of the mitigation actions below:

Mitigation Actions

Table II-88. City of Seaside Mitigation Actions

| Hazard | City of Seaside 2021-2026 Mitigation Actions | Priority | Timeline | Status & Explanation | Partners/Funding Sources |
|--------------|---|----------|-------------|--|-----------------------------|
| Multi-Hazard | Conduct a seismic upgrading and of water supply chains and infrastructure in the City. | H | 0-24 months | Ongoing, see completed components below. | Seaside Public Works Dept. |
| Multi-Hazard | Continue efforts to replace aged bridges with newer structures. | H | 0-24 months | Ongoing, see completed components below. | Seaside Public Works Dept. |
| Multi-Hazard | Implement an all-hazards education and outreach campaign. Continue to explore ways to provide additional public education. | H | 0-24 months | Ongoing, see completed components below. | Seaside Planning Department |
| Multi-Hazard | Identify areas where undergrounding utilities may be appropriate | M | 2-5 years | Coordinate with power companies as needed. | Astoria Public Works Dept. |
| Multi-Hazard | Evaluate the vulnerabilities of the water system (including the transmission main, water pipes and dam) and mitigate to ensure disaster resiliency. | H | 0-24 months | Ongoing, see completed components below. | Seaside Public Works Dept. |
| Multi-Hazard | Maintain and enhance efforts around Community Emergency Response Teams (CERT). | H | On-going | CERT team reorganized and training | Seaside Planning Department |
| Multi-Hazard | Improve shelter locations and provide adequate equipment and supplies | H | On-going | Shelter locations being identified as new structures are being established outside CZ. | Seaside Planning Department |
| Multi-Hazard | Relocate EOC | H | 2-5 years | Location identified; building shell in place. | Multiple departments |

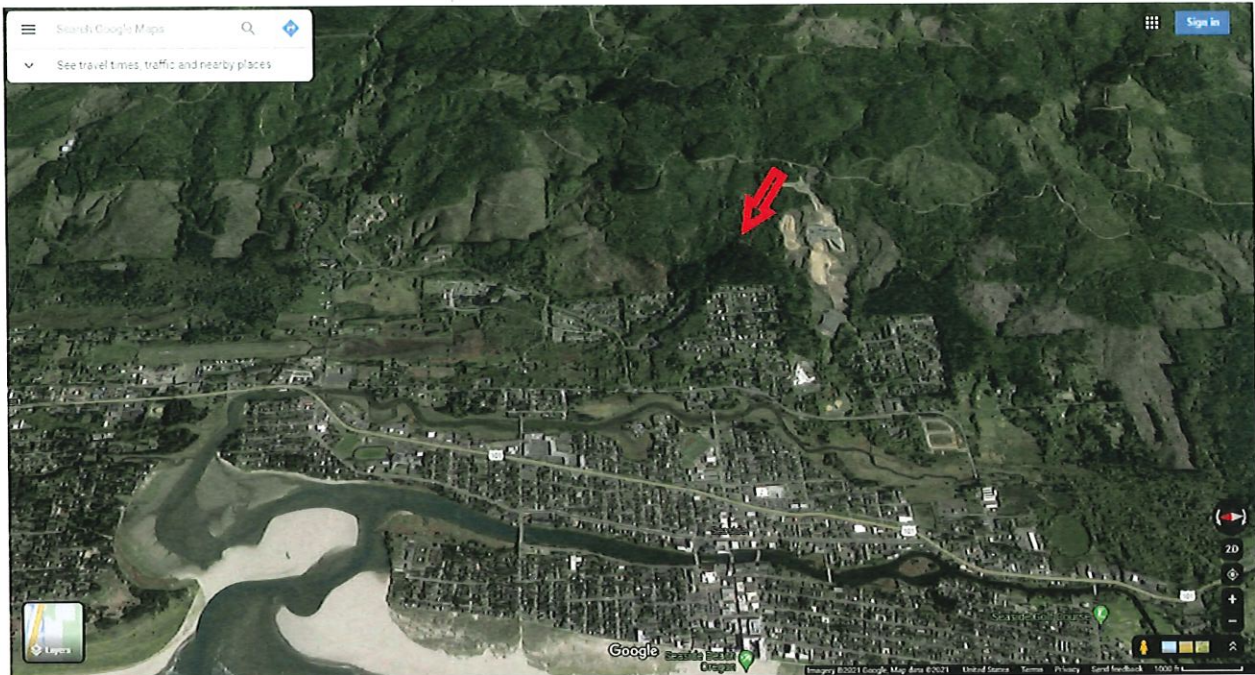
“Seaside” section of the Draft 2021 Clatsop County Hazard Mitigation Plan – Page 279:

Source: <https://www.co.clatsop.or.us/media/2811>

Appendix G5 – Public Works

ENVIRONMENT

The application offers no tangible value to Seaside in exchange for the destruction of the land, the trees, the waterways, and all of the wildlife supported and protected by the ecosystem. This is one of the very last untouched lands in Seaside. Despite the unique nature of the land, the application did not include a conservation review or tree study.



Source: Google Maps
Appendix H1 - Environment

The Seaside Comprehensive Plan - Section 14 Urban Growth Boundary suggests that all lands have been identified and protected: "Environmental, Energy, Economic, and Social Consequences: Major marshes and other valuable estuarine resources have been protected in accordance with the Necanicum Estuary Plan. Significant wetland and biological sites have been identified within the UGB and have been placed in appropriate protective zones."

Nothing could be further from the truth and these protective zones haven't been updated since 1980. In the intervening 40 years, there is nothing to suggest that these zones have been revisited using updated mapping tools, to ensure the environment is not adversely affected.

Our world has changed since 1980 and climate change is driving planning decisions and major infrastructure projects all over the world. To ignore these threats is irresponsible and Seaside should review and update the zoning map as soon as practicable to protect life, property, and the environment.

Most importantly, there are no other developments located in a canyon area in the immediate coastal area of Seaside. The recently built high school was controversial in its impact to the environment but was justified by serving a public interest.

TREES AND WILDLIFE

The trees on this land are between 50 and 150 years old. It is a late-successional stand and is one of only a very few that hasn't been harvested in a very long time.

This application is not to conduct a timber harvest on forestlands which serve the purpose of providing lumber for the benefit of our economy. This is a timber harvest proposed within the city limits to offset construction costs for the development of the infrastructure.

As described in the ordinances section above, the clearcut operation is subject to the regulations of the Oregon Forest Practices Act (FPA) for the road infrastructure. However, once the initial roads are built, the rest of the clearcut operations will be conducted without a permit from the State. Tree felling isn't always perfect and with nothing but 80'-100' trees, there is a danger to the adjacent residential properties. This will be no "light touch" logging operation and there will be no requirement to reforest any portion of the land.

The original application included "the [removal of] major trees from the lot areas." What the original application left out is there are nothing but "major trees" on the land and that the only open space that will be left are the unusable steep canyon, streams, and wetland areas.

A new map was submitted that include the area to be cleared and the area to remain uncleared. However, that map is misleading as every lot will eventually need to be clearcut if a house is to be built. It is further unclear as it conflicts with the ODF documentation included with the application that describes the clearing area. The public has submitted a revised map which is in alignment with the ODF document that accurately describes the areas that will be clearcut if this application were to be approved.

Seaside has a Tree Board. Goal #4 is to obtain the annual "Tree City USA" designation by the National Arbor Day foundation. Seaside would deserve to be stripped of that designation if this clearcutting operation takes place within the city limits and the Seaside Tree Board might as well be disbanded.

The only mention of the word tree in the application is in the context of removing them. There is only a single tree included on any map included in the application. That is insufficient for a proposed development of this scale. The application also doesn't mention that the Planning Commission can require street trees for a proposed development. About 500 trees should suffice. SZO 74-36 Section 44

If this land is developed, all of the wildlife in it will disappear. Extensive development has driven wildlife farther into the hills and there's no relief in sight. The forests above the community have already been logged and clearcutting this land will take away perhaps the last continuous forested animal corridor down to wetlands and the Neawanna Estuary.

As an historic note, a former representative for the Vista Ridge 1 development was once quoted in the Daily Astorian describing that development as “being between two salmon streams and a blue heron rookery.” It is unknown if salmon still spawn in the waters now or if they have been eradicated by development around and below the streams. No further encroachment should be allowed.

The Blue Heron Rookery still exists and a reference to it is made on the Oregon Department of Forestry report (ODF) included in the application. It specifies that the critical period of use ends on July 31. There is no beginning date indicated, but it is assumed to be sometime in March. As no stage development plan was submitted, the application for the proposed development does not provide details about the requirement for construction to be halted during these periods.

Source: https://www.dailyastorian.com/news/new-home-sites-ready-in-seaside/article_0e6b6bc1-7c79-5f5d-bc45-9728bef178ef.html included in Appendix H - Environment

The application does not include a conservation strategy for any portion of the land except for the mandatory and minimum buffer zones around the streams as required by state law. This habitat is almost certainly home to some “sensitive species” as defined by the State of Oregon, but without an environmental survey those details won’t ever be known.

Source: https://www.dfw.state.or.us/wildlife/diversity/species/docs/Sensitive_Species_List.pdf
(Not included for length)

The trees and habitat for the wildlife in the city limits should not be sacrificed for a road to nowhere and speculative houses. The preservation of the trees in these riparian lands is a critical priority in the protection of wildlife, the salmon, the enhancement of water quality, and the survival of the natural ecosystem here on the North Coast. Every acre counts. Every 6 acres counts.

SALMON AND WATER

Water quality is particularly essential for salmon. The temperature of the water plays a huge role in survival of salmon eggs, alevins, and fry. The removal of the trees on this land will result in a temperature increase in the water flows and further impact the salmon that already are under pressure. Without strong riparian protections, the salmon in these waters will be lost forever. They may have already been lost.

Source: <https://www.opb.org/article/2021/06/27/hot-salmon-heat-wave-brings-concern-over-river-water-temperatures/> included in Appendix H - Environment

As described in the Stormwater Management section above, there is no current plan for management of construction runoff and pollutants that will spare these waters from the effects of the proposed development.

Coho and Steelhead both live and spawn in the Necanicum, the Neawanna and waters that feed them. Both are rapidly declining in population and are listed as threatened and endangered species respectively.

methods used to interpret the data, have varied over time and that there is some dispute about the reliability of these estimates. It is important to understand that NMFS did not use these estimates in setting the recovery goals and delisting criteria described in Chapter 4.

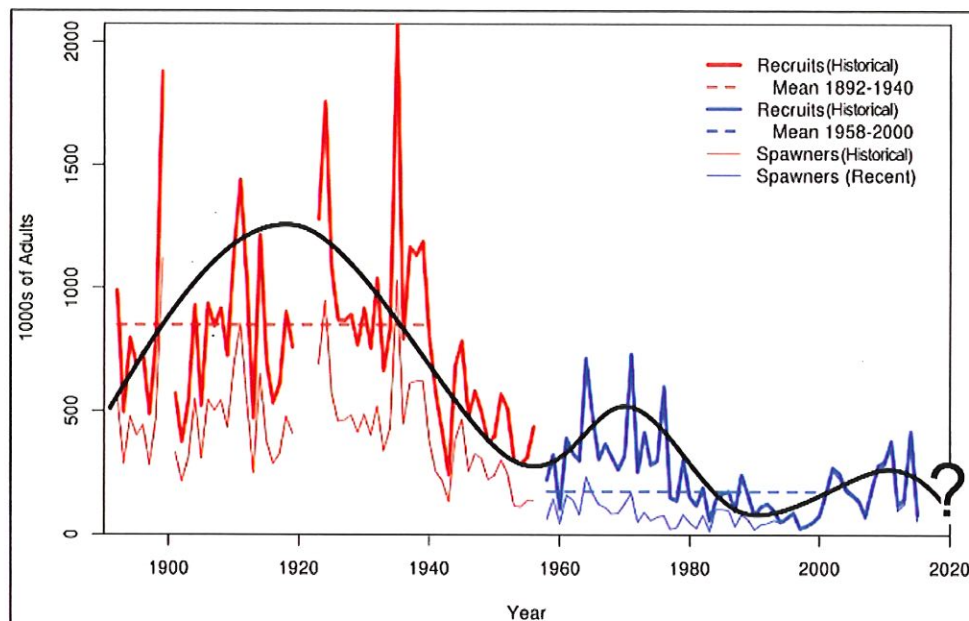
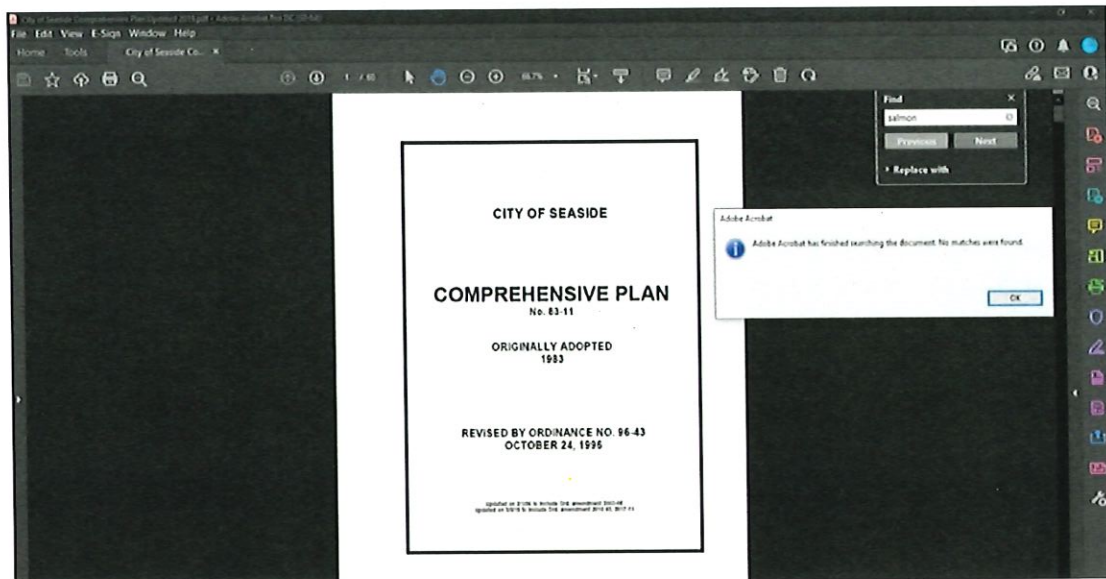


Figure 2-1.⁹ Comparison of historical (1892–1956) and recent (1958–2015) estimates of spawner abundance and pre-harvest recruits. Horizontal dotted lines are the geometric mean recruits for 1892–1940 and 1960–2009. Analysis based on data from Cleaver 1951, Mullen 1981a, and Mullen 1981b; recent data from Wainwright et al. 2008 and ODFW 2016. Dark line is one interpretation of the long-term trend.

Source: <https://www.beaverinstitute.org/wp-content/uploads/2017/08/NMFS-ORCohoRecoveryPlan2016.pdf>
Appendix H2 - Environment

Despite the entire economy of the entire North Coast being originally built on salmon fishing, there is no mention of Salmon in any of Seaside's published official documents:



Seaside Comprehensive Plan
Source: City of Seaside website
Appendix H3 - Environment

To their credit, Clatsop County's logo includes a salmon and has guidelines on how to provide protections for habitat and salmon in their comprehensive plan. Unfortunately, the application does not meet any of the standards for the protection of these endangered and protected species.

"23. Acknowledging the importance of sound ecological practices on forest lands: The preservation of fish, biologically significant wildlife resources, watershed, and clean air and drinking water in the County is dependent upon retention of natural habitat and sound ecological practices on forest lands.

24. Preservation of Forest Habitat for Salmon: The preservation of fish, including anadromous species such as salmon and steelhead, and biologically significant wildlife resources in Clatsop County is dependent upon retention of natural forest habitat, clean air, and clean water.

25. Watershed Protection/Maintenance of Clean Air and Water: Clatsop County will discourage activities which cause the substantial degradation of the air, water, or land resource quality on public and private forests.

26. County intention with respect to development/forest uses by private landowners: Clatsop County strongly encourages the retention of wildlife habitat and the protection of streams on private land through active habitat preservation and restoration as carried out or allowed by the landowner. Efforts to improve wild salmon and steelhead habitat in Forest lands are supported by Clatsop County."

Clatsop County Goal 4

Source: <https://www.co.clatsop.or.us/media/13901>

Seaside and all the cities on the coast will have few or no options for salmon fishing in the near future if the populations don't rebound and that will impact tourism. Without immediate change, that future is almost guaranteed, and the proposed development is exactly the opposite of what is needed to save the salmon habitat.

The streams and particularly the wetlands at the bottom of this land flow into the Neawanna are and already challenged by the Vista Ridge 1 development and the changing climate. There does not appear to be any active restoration efforts for these streams, or any, waterways here in Seaside.

This application does not meet the objectives set out in either the Clatsop County Comprehensive Plan or the State of Oregon's Water Vision:

Goals

Each goal below is important. No single goal can be fully realized independent of the others. Recognizing that tension, we need to invest in a range of innovative solutions that work in balance for our shared water future.

- ◆ **Health: Clean water for all who live in Oregon**
Water should be fishable, swimmable, and drinkable. Investments in ecosystem health, and built and natural infrastructure will provide reliable access to clean water.
- ◆ **Economy: Sustainable and clean water to support local economic vitality**
Diverse and resilient agricultural, timber, fishing, hi-tech, energy, and recreation economies require a reliable and clean water supply. Investments in built and natural water infrastructure will support high quality jobs across all Oregon communities.
- ◆ **Environment: Adequate cool, clean water to sustain Oregon's ecosystems for healthy fish and wildlife**
Cool, clean water and healthy forests, wetlands, riparian areas, streams, and estuaries provide essential natural processes that maintain and enhance water quality for fish and wildlife. Investments in ecosystems also provide recreational opportunities for those who live in and visit Oregon.
- ◆ **Safety: Resilient water supplies and flood protection systems for Oregon's communities**
Natural and built water systems designed to protect communities, and increase their resiliency to disasters like earthquakes, wildfires, floods, drought, and sea level rise, are important for all Oregon communities. Investments in those systems will help create safer communities and healthier ecosystems.

Call to Action

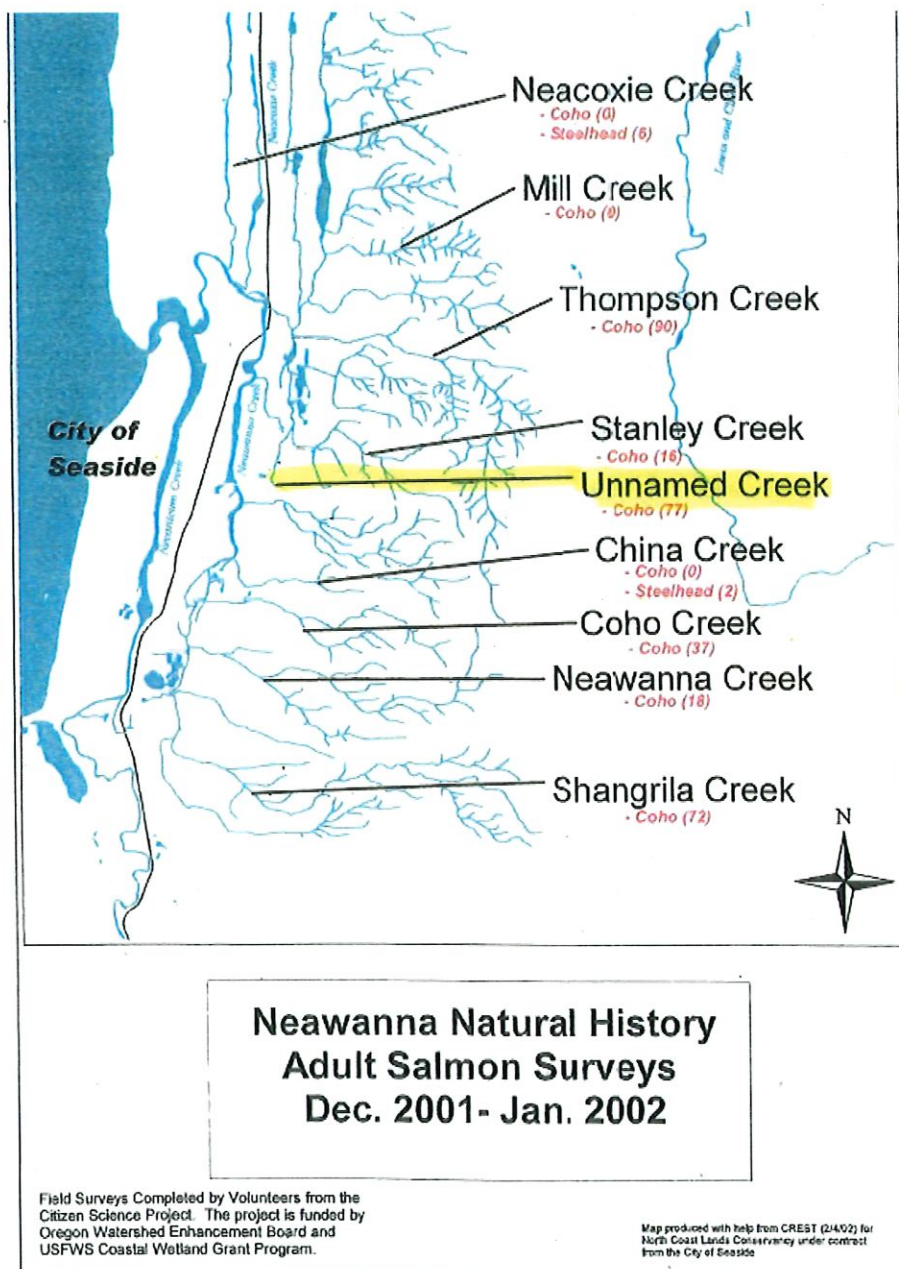
Oregon's limited water supplies are already being shaped by climate and population changes. We must both act now and plan for the long term. How we choose to care for our water will determine if we pass a legacy of clean and sustainable water to future generations.

State of Oregon Water Vision

Source: <https://www.oregon.gov/oweb/Documents/OWV-Water-Vision-Call-to-Action.pdf>

This graphic describes the mapped salmon runs here in the Seaside area. There are many unmapped streams including the one in the proposed development. As described above, there are a number of people who have described seeing Salmon run in these specific streams. Human development and unrestricted physical development have eliminated all but just a very few salmon spawners.

The way this works is: This is the latest survey. This holds until someone does at least 2 years of surveys to confirm there are no salmon today.
Survey Manager, Neal Maine



Adult Salmon Surveys – 2001-2002
Source: Neal Maine
Appendix H5 - Environment

It is unknown if another comprehensive survey of all the creeks on the Seaside immediate hills has been completed in the intervening 20 years.

There are countless websites, documents, and articles that describe the extensive activities that are taking place in order to save the salmon – and all of the habitat that they thrive in. They are impossible to include or summarize here but are taking place all around the world, and specifically all along coastal Oregon. Seaside should adopt a progressive stance on this topic and denying this application is a very good place to start.

These activities are bringing together unlikely partners – ecologists and fisherman to unite in a common cause. Similarly, this application has brought together groups from every demographic, all united against the approval of this application. Silt screens and mulch berms will not save this sensitive ecosystem for future generations and without city, county and state protections, this habitat will be destroyed.

MONITORING AND REPORTING

The application included no provisions for monitoring and reporting of concerns that might occur during any proposed construction activities. There are many folks who keep watch over this land, and they have asked for the details regarding reporting violations.

The Necanicum Watershed Council (a local organization) has a webpage that describes how to report violations to the State of Oregon. <https://www.necanicumwatershed.org/other-conservation-resources>. In addition, there are reporting structures within the City of Seaside and other state and Federal organizations.

These reporting structures are included here to provide the public with these details and to enhance the opportunity for compliance with all appropriate city, county, and state regulations.

IMPACTS

This is no forest clearcut operation that requires reforestation under the FPA. The removal of the forest and the installation of asphalt and concrete will create a heat island around the thin buffer zone that remains and will eventually kill the remaining trees and chase out the wildlife. This effect may take place within just a few years.

The deforestation and subsequent pollutant runoffs will directly and effectively destroy the aquatic habitat. The root bundles and native vegetation will be gone and unavailable to provide their filtration protections. That heat island will also warm the temperature of the waters which will then contribute to the warming of the waters in the Neawanna estuary. Every tenth of a degree counts for the salmon.

The human impacts will be significant. Many stories have been provided about the how wrong this proposed development is for the city of Seaside. One of the most impactful phrases was “Who would be so irresponsible to take on this project?”

If this application were to be approved, the resulting construction activity would destroy one of the last forestlands, one of the last animal corridors, and one of the last remaining watersheds on Seaside’s immediate coast which is home to one of its last salmon habitats.

RISKS

The city should deny this application because of the extensive concerns expressed during this Planning Commission process, but also the legal exposures that the city might face. A partial list of those are as follows:

1. The application does not propose building houses. It will clearcut the land and sell the undeveloped lots leaving the immediately adjacent neighbors with views that are dramatically deteriorated. This will cause an irreparable decline in property values for existing property owners.
2. Adjacent properties enjoy protection from trees falling onto their homes because of the windbreak that the rest of the forest to the South provides. Removing even some of those trees for street construction will remove that windbreak and create conditions that may topple the remaining trees into a home (or homes). This will be intensified by a disruption of the soils.
3. Adjacent properties enjoy substantial ground vegetation and mature tree root systems that provide for stable soils on steep and saturated land. A removal of those trees and their associated root structure and vegetation, along with a disruption of soils for grading and excavation work will create conditions far more prone to landslides.
4. The unintended application of building practices that are substandard to the terrain will yield the potential for property damage for the speculative houses and the existing homeowners in the immediately adjacent neighborhoods of Vista Ridge 1 and Sunset Hills.
5. Some current homeowners were informed that the lands behind the area were "permanently conserved." Other homeowners were told that a development had once been proposed but was denied by the city as it considered the land undevelopable. This designation of "undevelopable" is bolstered by a 2016 map as part of Seaside's annexation of lands for the school (See UGB boundary map included above). An obvious concern is the unbuildable lots that now have structures. Continued confusion may yield unanticipated legal action.
6. The development on Forest Drive is in an area zoned R-1 but has been developed with exceptions that essentially rezone it as R-2. This is challenging as it reduces property values for those current homeowners who have bought properties under different assumptions. Property owners have reasonable concern about the oversight that has been provided.
7. The website (www.dontclearcutseaside.org) and all of this documentation will remain available online and searchable by the development name and numbers, lot #s, tax map #s, and individual addresses. Prospective homeowners, banks, insurance companies, and attorneys will have access to all of the materials to review in the course of their professional duties.

The community has brought attention the inadequate information was submitted, the use of maps and documents that weren't created for this application, the omission of vast amounts of data, recommendations that do not meet the standards of the terrain, and many more deficiencies that gave rise to this extensive set of documentation.

Homeowners in the surrounding neighborhoods, and any prospective homeowners in the proposed development that sustain property damage or injury as a result of ignoring these detailed concerns will have ample documentation to initiate legal action.

This article describes the risk profile for Astoria. It is certain that the same risk applies here in Seaside and communities all along the North Coast.

https://www.oregonlive.com/pacific-northwest-news/2013/10/sophisticated_3d_mapping_progr.html
Included in Appendix I1 - Risks

This second article provides a view of what has happened – and very well could happen here – when the challenges listed in this report are discounted.

<https://www.koin.com/news/woman-survives-astoria-landslide-were-still-homeless/>
Included in Appendix I2 – Risks

This third article describes what Astoria has contemplated doing about it:
https://www.dailystorian.com/news/local/astoria-might-tighten-geotechnical-standards/article_4fd5407e-84c9-11ea-b7ae-77b374298917.html
Included in Appendix I3 – Risks

CONCLUDING THOUGHTS

The application and supporting documentation are misleading and deeply flawed. It proposes to clearcut the forest and build a road to nowhere for imaginary houses. It would do so regardless of the impact to the community and sensitive ecosystem that this land serves and feeds.

Growth should be controlled in a way that doesn't risk life, property, and the environment. This proposed development is in the wrong location and risks all three.

This is such an incredible piece of land and should not be lost to over-development. There is no benefit to Seaside that could ever outweigh the impacts and the risks posed to the community and the natural environment.

The application has a vast number of omissions and deficiencies and doesn't meet the standards and intentions of over 100 city, county, and state regulations. As a result, we respectfully request that this application be denied.

"The greatest threat to our planet is the belief that someone else will save it."

Robert Swan, Explorer – Founder 2041 Foundation www.2041foundation.org

Don't Clearcut Seaside!

Respectfully,

Lief and Sani Morin
Residents of Sunset Hills and Vista Ridge 1
100+ petitioners (Appendix J)

Cc: RJ Marx, Daily Astorian/Seaside Signal

Footnote:

The preparation of this document could not have been possible without the input and support from the community and all of the people who will be affected by the proposed development. We are grateful.

