

August 29th 2021

Michael & Shaun Haner
2021 Aldercrest Street
Seaside, Oregon 97138

RECEIVED
9/2/21

City of Seaside
Planning Commission
989 Broadway
Seaside, Oregon 97138

Commissioners,

As homeowners on Aldercrest Street, our family has serious reservations regarding the proposed Vista Ridge 2 (17) Lot Residential Development Subdivision (6.62 Acre)proposed by Sunset Ridge LLC and Mark Mead item 21-061 PBSUB.

Listed below are some of the issues and/or concerns regarding this development passing the Planning Commission's inspection list:

1. Threat of landslide due to removal of selected trees along a waterway run-off currently in place on Aldercrest Street and adjacent land behind Kleczek (Lot 6), Keefer (Lot 7), Liu (Lot 8) and Boat (Lot 9). This removal of trees would remove root base that secures the stability of the ground from erosion.
2. Failure of a sinking waterway drain system currently on Aldercrest due to unstable ground. (Roadway between Keefer (Lot 7), Liu (Lot 8), Boat (Lot 9) **(See Attached Picture 1)**).
3. Aldercrest Street pavement tells the story all the way up to the top of the hill where Alpine turns the corner. There is a failure of a waterpipe in the middle of the road. Even on the hottest days of summer, a leak is visible on the roadway surface from under the ground in front of Brackenbrough (Lot 3) **(See Attached Picture 2)**. Cracks and areas of concaved surfaces litter the roadway as a testament of what the winter water runoff does to the ground underneath the roads in the entire development and focused on the lowest, least developed portion on the north side of Aldercrest.
4. We have been homeowners on Aldercrest dating back to April of 2013. In the winter, we can hear the runoff of a large stream across from our house on the east side of the Boat's yard where a ravine is present and has increased in size approximately 1 foot each year in width and depth along with a more powerful stormwater run-off.

5. The roadways of the Sunset Hills Development are not stable enough to support additional traffic and pedestrians due to the clay/sand mixture that is currently under most of the structures on Sunset Hills and the deteriorating roadways due to water run-off. On Mark Meads Engineering Report, it states the soil composite samples were only taken in (4) locations within the Vista Ridge 2 Development and there were no other core samples taken throughout the remainder of the Sunset Hills development. Though Mark Meads engineering report cites no ground water was found during their (4) digs in the development, this should not constitute that the ground throughout the rest of the current development is sound and has no basis of causing further erosion to the rest of the Sunset Hills and to the immediate area of the Aldercrest Street homes.
6. In Mark Meads Engineering Report dated August 6th 2021, it states that the plan is to tap into a storm water system that is currently experiencing more water than it can handle and causing current homeowners Kleczek (Lot 6), Keefer (Lot 7) and Boat (Lot 9) to lose parts of their existing property due to erosion. According to the engineering report, straw bales and grass seed are our last line of defense to stop soil erosion within the proposed Vista Ridge Development. Good luck with that when you buy your first home!
7. Consideration of current natural habitat that occupies the space where the intended development is being proposed including birds of prey, eagles, hawks and owls that may have refuge in the area of the intended development along with deer, bear, coyotes, racoons, rabbits and other wildlife none of which have been a nuisance to the current residents of Sunset Hills.
8. Traffic would be an issue on Aldercrest which is the most likely street to be used to exit to the bottom of Sunset Hills. Speed bumps should be considered to prohibit speeding as people leave the Vista Ridge Development and turn right on Aldercrest. Walkways and proper curbing along with engineering of the current waterway within the Vista Ridge Development should be advised to mitigate any further slide factors for nearby homes adjacent to the new development.
9. If the Vista Ridge Development was given permission to proceed, no other access to roads in the Vista Ridge Development or Sunset Hills should be granted for school traffic and used as an exit for the Seaside Public School system.
10. A water substation should be mandatory for the new development so that a lack of water pressure by the current residents is not felt by the new development being given the go ahead. Water pressure needs should be addressed prior to approval of the Planning Commission.
11. Sewer needs should be handled the same way and addressed prior to approval of the Planning Commission.
12. If a wetland delineation has not been performed on the 6.62 Acre Site, I would encourage the Planning Commission to seek out that valuable information along with a study by the Fish and Wildlife biologists regarding native species that may be present in the current waterway.
13. Notes should be made to check off with the Fire Department and EMS responders regarding proper access with all vehicles to the Vista Ridge 2 site, water support for fire danger and protection of structures and surrounding wildland in the development.

RECOMMENDATIONS AND SUMMARIES

Recommendations: The Seaside Planning Commission Members visit the site of Kleczek (Lot 6), Keefer (Lot 7), Liu (Lot 8) and Boat (Lot 9) and inspect all roadways on Sunset Hills for signs of water disturbance under the roadways visible by cracks in the pavement and dips in the asphalt. Viewing should take place after a major rainstorm or purposing a setback of the proposed project until after winter when viewing of the waterway and runoff at its peak time will occur.

Summary:

Finally, as a commissioner representing the people of Seaside, please ask yourself this: "Why is the developer of the Vista Ridge 2 site not giving a warranty implied or expressed of his workmanship?" He knows the answer, the vulnerability of this development is the current waterways that have carved their way through Sunset Hills and he cannot guarantee anything because he knows water ways don't change direction overnight. All the residents adjacent to the proposed Vista Ridge 2 (17) Lot Residential Development Subdivision have all expressed concerns regarding erosion, sliding and sinking of property, traffic issues and all the overall egress of a development that is entangled with a waterway. We do not want to end up like Astoria's excavation across from Safeway. (see attached Hauke Wilkins vs. Allen's Lawsuit)

Sincerely,



Michael Haner



Shaun Haner

Hauke Wilkins vs. Allen's Lawsuit

Homeowner seeks a \$375,000 settlement for damage to home. The first lawsuit stemming from the destructive land movement in Uppertown has been filed against Skip Hauke and Jim Wilkins by one of the affected homeowners, who said he was "backed into a corner" by the refusal of the two to discuss a possible settlement.

Larry and Nancy Allen filed suit Dec. 12 in Clatsop County Circuit Court against Wilkins and his construction company, and Skip and Sara Hauke. The Allens seek \$375,000 for the loss of their home at 3204 Grand Ave., which they say has been made uninhabitable by the landslide they blame on the excavation work performed by Wilkins for a commercial development planned by Hauke on Marine Drive.

The suit claims that **Hauke and Wilkins ignored evidence that the land in and above the construction site was unstable and that Wilkins failed to follow regular building codes, the engineers' recommendations "or even common sense in an area known for destructive land movement and/or landslides" when excavating the area and building a retaining wall last May.**

The Allens' home is among several on the hillside above the project site between 31st and 33rd streets, along with streets, sidewalks, driveways and utility lines, that were damaged by land movement blamed on the excavation. In August, the couple moved out of the house, which sits immediately behind the excavation site, and took up residence in an apartment. Several other residents in the area have abandoned their homes.

Allen said he's tried to pursue some type of settlement with Hauke and Wilkins, but that exchanges between his lawyer and their attorneys have gotten nowhere.

Calls to the attorneys for Hauke and Wilkins were not returned by presstime today.

In October, the Allens' attorney, Charles Hillestad, gave Hauke and Wilkins an ultimatum demanding that they take one of several options - buy the Allens' property, agree to mediation, provide proof the danger of further land movement was gone, or show they indeed were not responsible for the land movement - or face a lawsuit.

Allen wouldn't say how much he was asking for the purchase of his property, but said it was less than the \$375,000 he and his wife are now seeking through the lawsuit. "We were willing to consider a lesser amount," he said.

The \$375,000 covers the cost of replacing the house, plus moving, storage and other expenses the couple has faced, Allen said.

Located just above the hill cut, his home has suffered extensive damage to the structure and foundation, although it's not immediately apparent to a casual viewer, Allen said.

"It's still standing, which is misleading to people - they drive by and think 'it looks all right,'" he said.

The land movement has slowed considerably since fill material was placed back in the hill cut. But Allen said he still sees continuing cracking and settling in his home. At this point, he and his wife don't plan to try and return - there's too much uncertainty about whether the land will continue moving, he said, to invest in repairing the structure or building a new house. "I'm not inclined to go back."

The Allens have also filed a tort claim, in essence a notice of intent to file suit, against the city of Astoria, but haven't decided whether to pursue legal action yet. A group of 20 other landowners has also filed a tort claim against the city.

The Allens' suit claims Hauke and Wilkins embarked on the project even after their own engineering studies showing low soil strength and a high water table at the project site, and that they did not consider other, less risky methods of preparing the property for development.

The suit also says Wilkins left the excavation, at some places 16 feet high, exposed for several days without support or cover to divert water, and did not begin construction on the retaining wall "until after he had received multiple notices that destructive earth movement had already commenced on the Allen Home."

The wall itself, according to the suit, was an inadequate type for the size of the cut, and was not built according to the project plans and city permits.

Studies by two different geotechnical firms paid for by Allen's insurance company blamed the excavation work for the slides.

Last month, Wilkins issued a statement claiming that his company followed all the specifications drawn up by the project's engineering firm in excavating the hill and building the wall. A day later the firm, Geotechnical Solutions of Oregon City, responded through its attorney to dispute Wilkins' claim and argue that he failed to follow its recommendations by cutting away the entire length of the base of the hill, instead of doing it in shorter sections.

Only after the hill began moving after the excavation did Wilkins contact Geotechnical Solutions for assistance, the company said.

PICTURES OF ALDERCREST STREET



1. Across From Mike Brackenbrough Property (Water on Roadway 24/7 due to failure/shifting roadway water pipe or sewer leak).



2. More cracking from foundation under roadway unsettled due to excessive water run-off on street.



3. More pictures of lower portion of road where water runoff has eroded under pavement and has caused sinkage of concrete easily visible of shifting ground.



4.Failure of culvert between Boat Property and Keefer, directly in front of Liu Property



5.Horizontal cracks in roadway due to failure of culvert and shifting of earth due to excessive yearly winter run-off



6. Looking west on Aldercrest in front of Boat's House, more visible cracking in pavement which extends to the corner.