

Steve –

A team from the Oak Lodge Community Council (OLCC) is reviewing Pavel Dubinstov's application for 1-year time extension for his 5-lot minor subdivision at 4610 SE Whipple Ave. An issue has emerged regarding this subdivision as well as future partitions and subdivisions along Oatfield Ridge and other areas that may be prone to landslide. A member brought to our attention the article the Oregonian published on its front page on January 20, 2008. Michael Milstein reported on the availability of landslide hazard maps and the reluctance of some cities and counties to use them. The big slide at Clatskanie prompted the investigation. Some direct quotes:

“...a little known state board quietly withdrew the maps from official use in 2003 after city and county officials complained that they labeled too much area as hazardous and might restrict developments and hurt property values, according to state documents and interviews with people involved. The state law that called for the maps included mandates that made local officials see it all as a regulatory headache.”

“A few cities and counties refer to the landslide maps when permitting new development, but many do not.”

“The maps were meant to show cities and counties where they should more carefully review new development to make sure it wasn't in danger from landslides.”

“The maps outlined areas with landslide risk, and then rated land inside those areas – through colors – from ‘extreme’ to ‘low’ hazard.”

“But the state legislature attached a mandate to the maps: Cities and counties had to adopt regulations requiring extra scrutiny of development in landslide zones. So the Department of Geology presented it to local officials in 2002 only as the broad outline of the hazard zones – without the colored ratings.”

Then the state withdrew the maps, but their originator posted them to www.coastalatlantlas.net, where “Even geotechnical engineers don't know its there.”

Mr Milstein then reports on “very, very strong bias” to relieve regulations on development. Economic development need to be encouraged. He also reports on the potential for a new generation of maps based on laser measurements.

I don't expect any of this to be news to you. The County must have responded to it internally. The sequence of events of the Dubinstov subdivision causes us to consider the credibility of the geotechnical report. My understanding of the events may not be exact: Initially, the county found reason to deny the development, identifying a slide hazard that was too severe for the proposed density, until a geotechnical report could satisfy that concern. Mr Dubinstov proposed using a geotechnical report that had already been filed

for a piece of ground in the general vicinity. The County would not accept that report and held to the requirement for a report specific to the subject ground. Mr Dubinstov requested that his application move directly to the Hearings Officer. HG Schlicker's geotechnical report, funded by Mr Dubinstov, was submitted to the Hearings Officer who approved the application with the conditions that the developer adhere to the construction standards defined in the geotechnical report.

The OLCC wants confidence that the County staff and geological engineers doing business in the County are using the best available analytical tools and processes when determining which land should be defined as "buidable" and "not buildable" in a time of increasing stress for residential density. Are you able to describe why you initially decided to deny the application for a minor subdivision (Z1024-05)? Can you describe how you evaluated the geotechnical report from HG Schlicker & Assoc? Do you agree that the construction standards delineated in the report are appropriate and sufficient for the subject property, as stated by the Hearings Officer?

Ultimately, can you and your colleagues provide the OLCC with the confidence to accept professional analyses and recommendations for land use developments on our slopes as the best available, using the best available analytical tools, and with the willingness to forgo economic development wherever the hazard is too severe?

Sincerely,

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