

City of Oregon City
Planning Commission meeting of February 12th, 2018

RE: AN 17-0004 Annexation 92 Acres
ZC 17-0005 Zone Change

2018 FEB -2 PM 1:36

RECEIVED

Testimony of: Christine Kosinski, Unincorporated Clackamas County

I remain concerned over the City's plan to consider annexation of 92 acres, South of Holcomb Blvd and North of S. Livesay Road in the Park Place area due to unstable slopes, poor soil conditions, a plethora of landslides existing on slopes of as little as 5%, the homeowners inability to understand they are living in a landslide risk area where landslide insurance will be extremely difficult to obtain. Lastly, weak City regulations over steep slopes and landslides.

I have been an active participant in the Park Place Concept Plan from the beginning. I attended the PAC meetings, the Urban-Rural Reserve meetings, City and County meetings and so many others. I've personally testified to the City on numerous occasions, trying my best to represent the many concerns of the people of Holly Lane where many homeowners have lived here more than 50-60 years and had hoped to remain in their homes on Holly Lane to live out the rest of their lives. Their concerns are well known to you, through hundreds of testimonies from myself and from the people who live here. They remain highly concerned about the safety and livability for the people of Holly Lane. As the city has developed, these people have endured several years of heavy and speeding traffic, the area is noisy with traffic where the people find it difficult to have the peace and serenity in their lives that they once had here, after all, this is why they moved here.

As I have testified in the past, the land is unstable here, filled with many landslides and sink holes. Homes have been destroyed or heavily damaged on Holly Lane due to landslides, placing heavy financial burdens on some.

Please understand, the landslides on Holly Lane occurred on **Only 11% Slope!**. Several landslides, within the boundary of the 92 acres you propose to annex are only **10-15% Slope**, the Street of Dream homes, in close proximity to these 92 acres, occurred on as little as 5% and some on less, per DOGAMI. The entire Park Place Plan area contains quite a few landslides of only **5-10-15-20%**, and yet the City **Only regulates steep slopes of 25% or greater!** I ask, why isn't the City regulating slopes that are less than 25%? It makes one wonder if the City truly wants to regulate landslides.

Following is information to help you understand our concerns for considering these 92 acres for annexation and future development of as many as 522 homes.

See **Exhibit 1**, news article from 2003 about 20 acres Mark Handris tried to develop. The developer was fined for continuing to work without taking adequate steps to stop the slides, and as well, the project was shut down by Oregon City due to all of the slopes failing and slipping. This project is close to the 92 acres you are considering for annexation. Can the City have trust in this same developer for 92 acres and is the proposed Park Place Plan also in a same area of failing and slipping slopes?

See **Exhibit 2 Marked Draft Report** GRI Geotechnical and Environmental Consultants report of their "Preliminary geologic and geotechnical evaluation for proposed Park Place Concept Plan".

See **Exhibit 3 GRI Report – Not Marked**

One of GRI's reports has been stamped **DRAFT** while the other report has not. On Page 5 of the draft report, second paragraph under Conclusions and recommendations, it is stated "We also recommend that the City require a geotechnical evaluation/investigation as part of any future development in areas **with slopes of 15% or steeper.**

Now compare to the report that is not marked "draft." (exhibit 3) On the second page, first paragraph, it is stated "we also recommend that the City require a geotechnical evaluation/investigation as part of any future development in areas **with slopes of 25% or steeper.**

I ask, **which report is correct** and why didn't the City change it's hazard regulations to regulate slopes of 15% or steeper if this is the correct report from GRI?

In the Draft report, see Page 2 under Previous Work "This report identified **slopes of 10% to more than 50% within the study area**". Also, see Page 4, first paragraph of this report, "Several small roads intersect Redland Road and extend northward into residential developments. These residential developments are generally low density and established on **slopes of 5 to 15%**".

This validates previous remarks "that slopes in both the Park Place Plan and Holly Lane" are much less than the 25% slopes that the City is currently regulating.

In this same Draft report, see Page 4, third paragraph from the top, "development has occurred immediately outside the study area, in the Oak Valley area. Evidence of **soil creep** observed during the reconnaissance includes tilted and bowed trees around the perimeter slopes of the development". In this area, on Oak Tree Terrace, a new home was purchased in 2004. A few years later the back yard of this home began to sink, drifting towards a cliff. The value of the home took a huge drop until repairs were done, the home went back on the market at a much lower cost. This continues the concerns for the instability of this area for development, and when considering the fact that homeowners will find it almost impossible to get landslide insurance, should the government allow development in such a hazardous area, **Goal 7 says NO!**

The City cannot meet the **requirements of Land Use Goal 7,** as your current regulations "Do not protect people and property from natural hazards". As well, the City has not formally adopted Goal 7 requirements.

Planning Commissioners: I am enclosing the complete GRI Geotechnical and Environmental Consultants Preliminary Geologic and Geotechnical Evaluation for your review (Draft Report). I have highlighted sections of the report that I feel are extremely important.

See Exhibit 4 – Within the boundaries of the 92 acres, proposed for annexation, please note that the largest percentage of land is comprised of Slopes of 0-10 and 10-25% and yet the City only regulates slopes of 25% or more. I ask why?

See Exhibit 5 – There were a series of e-mails exchanged by the people of Holly Lane and Nancy Kraushaar. Question, was the second stage of the Geologic Hazards code ever re-written? If not, will these be in place before approving the 92 acre annexation for the Park Place Plan and will the template from the City of Salem be used (as developed by FEMA)?

See Exhibit 6 - For your review, I am enclosing the most important pages from an “Application for Landslide Insurance”. On the first page you will note the question “Is the building in a known landslide area or have there been any incidents of landslide within 1 mile of the property?”. It really does not matter if the applicant answers Yes or No since the underwriting agency uses Lidar Landslide maps to locate whether your property is within 1 mile of a previous slide. Therefore, every homeowner on Holly and every prospective buyer of a new home in the Park Place Concept Plan, will probably be denied Landslide Insurance and therefore will have to bear all losses personally. There are so many exclusions that these plans virtually do not pay. Again, I have highlighted important sections. I have included this exhibit in my testimony as I feel it is very important that our Planning Commission understand that landslide insurance pretty much does not exist, and yet Oregon City continues to build in these hazardous areas knowing the homeowners are purchasing homes in an area that is risking their lives and the lives of their families. Oregon City has the DOGAMI Lidar Maps, they know what lies beneath the ground homes are built on. The new homeowner does not have this knowledge, they cannot see beneath their new homes, but you can. Where is your responsibility to these homeowners?

See Exhibit 7 – Landslide in 2008 in Burlingame. First picture shows home before it slid down a slope onto another home and was destroyed. Although the homeowners took legal action, none of their insurance coverage would pay and they were not covered by Landslide Insurance. Total losses.

See Exhibit 8 - “Insurance won't pay” for landslide damage in Corvallis, OR home. Please see Pg 2. The homeowners had \$2 million dollars worth of insurance, it won't do any good as standard insurance will not cover landslides. Also, see Pg 2, last paragraph, “Homeowners insurance covers a whole lot of stuff, but earth movement isn't in there”. This is stated by Oregon's own, Ron Fredrickson who manages the consumer advocacy team for the Oregon Insurance Division. “It's specifically excluded, as are earthquake and flood”. Pg 3, first paragraph, Mr. Fredrickson states “landslide insurance is almost unheard of, it can be purchased only from highly specialized carriers and it's liable to come with a hefty premium. I've yet to come across anybody who has it!”.

Professor Scott Burns was interviewed by KUOW News after the devastating OSO, WA landslide. Dr. Burns states “It is rare that people will get landslide insurance. You can buy it through Lloyd's of London. They're the ultimate insurers, but it's so expensive, a minimum of \$1000 a year and it goes up from there. All those people who lost their houses in the Oso landslide have **lost everything, and there's NO INSURANCE covering them. We lost lives. That is the worst thing. But then property is the second thing**”.

These are just a few examples to help you understand the huge financial losses, and losses of life, people endure after landslides hit their homes. I have many, many more cases, just like these that I can give to you if you want to read more. I also have news articles from other States showing that homeowners are beginning to take local governments to task. They are asking, why weren't we told? They state the developer didn't warn them, sellers and real estate agents also never disclosed landslide problems.

There is much for the Planning Commission to consider regarding this proposal to annex and change zoning in an area where "susceptibility for landslides is "HIGH" and likely to occur", per DOGAMI Lidar Mapping. Consider as well that a home on Holly Lane remains **condemned due to landslides** and this is in an area where the City proposes to build the Swan Rd extension! Consider that in the Country Village Estates, some homes have been removed where water and mud invaded. Certain parts of Country Village are banned from future development. I also want you to consider the City's Hazard/Landslide regulations. Many other communities are strictly regulating steep slopes and landslide areas. **There is a City not too far from Oregon City** with a larger population. It's interesting to read their Landslide Regulations which are, for slopes of 25% or more, there will be absolutely no development. They regulate slopes of 15% and greater and they have in their regulations that their City supports the requirements of Goal 7 and that protecting their citizens is of the utmost importance to their government. Even Portland regulates slopes of 20% or more, so why is Oregon City only regulating slopes of 25% or more.

I do not believe Oregon City can continue to develop in hazardous landslide areas until their regulations are changed. Regulating slopes of 25% or more places the City in great jeopardy. Oregon City's topography is very difficult, there will be more landslides, will the homeowners take the City to task? Will they ask you, why weren't we told our property is in a landslide area and why weren't we told, before signing final papers, that we should check with our Insurance Agent to see if we would be covered for losses due to landslides?

For all the reasons I have given to you, for the protection and safety of the people and their families, for not meeting the requirements of **Goal 7**, for putting people and their property in harm's way, I cannot find it within myself to support this 92 acre annexation and zone change located in a dangerous and unsafe landslide area, where State Land Use **Goal 7** clearly states "Local governments shall adopt comprehensive plans to reduce risk to people and property from natural hazards." This cannot be accomplished by just regulating slopes of 25% or more when landslides are occurring on 5-10-15-20% and by withholding landslide information from the people.

Enclosing Exhibits 1-8

Enclosing my **denial for landslide insurance** because my property is within one mile of previous landslides

From: Jackie Goodman <jackie@huggins.com>

To: britenshin <britenshin@aol.com>

Subject: RE: Landslide and earthquake quote

Date: Wed, Oct 28, 2015 11:20 am

Hello Christine and John,

I received a response from the Underwriter and I am sorry to tell you that your application has been denied. Unfortunately you are ineligible for landslide coverage at this time. The comments from the Underwriter indicate the risk is surrounded by 6 large landslides and a recent fan of debris. The Catcoverage.com market is the only market that we have available for this type of coverage.

I am so sorry that I am unable to assist you. If you have any questions or concerns, please let me know.

Kindly,

Jackie Goodman

Account Manager

Huggins Insurance Services

jackie@huggins.com

South

MetroSouth News Bureau..... 503-656-0083
Calendar and information..... 503-294-5913
News tips..... 503-294-5920
Fax..... 503-656-2417
E-mail..... south@news.oregonian.com
Newspaper delivery..... 503-221-8240
Classified ads..... 503-221-8000
On the Web..... www.oregonlive.com/oregonian

Oregon City halts Holcomb Ridge project

The city stops construction at the subdivision because of landslides; the developer says he's making fixes

BY STEVE MAYES
 THE OREGONIAN

OREGON CITY — Concerns about erosion and landslides have prompted the city to shut down construction at a controversial subdivision.

The city issued a stop-work order on the 20-acre Holcomb Ridge subdivision on Nov. 25 and fined developer Mark Handris for continuing work without taking adequate steps to stop the slides or cover dirt piles.

Last summer, critics of the project warned that clearing trees and plants, cutting into hillsides and developing the sloped site could be risky. The 40-lot project is on South Holcomb Boulevard near South Longview Way.

"Pretty much all the slopes have started to fail," said John Burrell, Oregon City associate engineer.

When the project was approved earlier this year — over the objections of the Park Place Neighborhood Association — the city imposed conditions intended to limit erosion.

Handris complied, but the measures proved insufficient.

On Nov. 20, the city notified Handris that he needed to address the landslides and dirt piles, which had started to wash into a small

creek. When the work wasn't done by Nov. 25 and more slides appeared, the city shut down the project, said Burrell, who estimated about a half-mile of slope could slip.

Handris said the city has blown the situation out of proportion. The problem is "insignificant," he said.

Some people who live nearby don't see it that way.

"It's gone over the barrier and into the creek in some spots," said Tam Seasholtz, a neighbor who counted seven Holcomb Ridge landslides from her kitchen window.

The hillsides are stable, Handris said. The recent earth movement resulted largely from a loose layer of dirt, grass and plant material

that a contractor spread on top of compacted dirt, he said.

"Some of our silt fencing and jute netting on some of our slopes has started to wash away, so that's being repaired," Handris said.

Handris said the city-required work should be done by the end of the week. "We're out there making a heck of an effort to correct the problem," he said.

The city has fined Handris \$3,600, said Nancy Busch, an Oregon City code enforcement officer. Handris said he will fight the penalty.

Those who live around the project are skeptical that fences, matting and straw can stop the soil movement.

"It's not terrible yet, but there's still another four months of rain,"

said Tim Williams, who has lived in the neighborhood since 1990.

Oregon City Commissioner Doug Neeley said he has been concerned about the development since he first viewed the site last summer.

"I thought, 'Man, that was a steep area they've scooped out,'" Neeley said.

"I was hoping the developer would take appropriate erosion-control actions. Apparently, that didn't happen," said Neeley, who wants the city to adopt stricter standards for development on some slopes.

Steve Mayes: 503-294-5916;
 stevemayes@news.oregonian.com

EXM 1



Geotechnical & Environmental Consultants

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Portland, Oregon 97005-3364

PHONE 503/641/3478 FAX 503/644/8034

February 7, 2007

4584 PRELIM GEOTECH EVALUATION

SERA Architects
338 NW 5th Avenue
Portland, OR 97209

DRAFT

Attention: David Berniker

**SUBJECT: Preliminary Geologic and Geotechnical Evaluation
Park Place Concept Plan
Oregon City, Oregon**

At your request, GRI has completed a preliminary geologic and geotechnical evaluation for the proposed Park Place Concept Plan project in Oregon City, Oregon. This evaluation addressed the Park Place study area, which is shown on the Vicinity Map, Figure 1. The Park Place Concept Plan is being developed to identify the preferred long-term land use of the study area. The Concept Plan was developed by the design team and local community during a design charrette and series of community meetings.

The purpose of the evaluation was to identify, on a preliminary basis, the potential geologic hazards within the study area and provide geotechnical considerations for future development, to be included in the Concept Plan document for the City of Oregon City (City). This includes recommendations for site-specific geotechnical evaluations prior to development and general slope hazard management. The conclusions and recommendations provided in this report are based on a review of the previous work completed in the study area by others and other sources of information described herein.

The evaluation consisted of limited field reconnaissance; review of published geologic reports and maps, readily available geotechnical reports and subsurface information, and water well records on file with the Oregon Water Resources Department (OWRD); and examination of aerial photographs. The intent of this document is to serve as a practical guide to assist the City in their understanding and management of the short- and long-term geologic risks associated with future development in the Park Place Concept Plan study area.

PROJECT DESCRIPTION

The study area is located in Clackamas County, Oregon, east of Highway 213 and south of Redland and Holcomb roads. The total study area is approximately 470 acres; 180 acres of the study area are located immediately adjacent to Oregon City limits in the vicinity of Livesay Road, but have not been annexed as part of the City, and 300 acres were brought into the Urban Growth Boundary in 2002. The study area is composed of 138 individual property owners. The largest property under one ownership is approximately 48 acres, and nearly half the parcels in the study area are 1 acre or less.

EXH 2

The Park Place Concept Plan was developed to identify the preferred long-term land use of the study area. The Concept Plan identifies the general areas of different housing densities, commercial and industrial land uses, parks, open spaces, and schools.

The study area includes existing residential developments and a public middle school, but is generally rural and distinguished by steep slopes, several creeks, marsh areas, and wooded areas. The general topography of the study area is shown on the Slope Map, Figure 2, and the Landslide Geomorphology Map, Figure 3. The long-term development outlined in the proposed Concept Plan includes new mixed-use and residential development, new roads between Holly Lane and Highway 213 and Redland and Holcomb roads, and improvements to existing roadways. We understand the proposed Concept Plan has identified open space areas located in conjunction with environmentally constrained and natural areas, which will serve as undeveloped parks and natural resource areas for the study area. These open spaces include all areas with slopes of 25% or steeper within the Concept Plan study area.

GEOLOGIC SETTING

The study area is located in the Abernathy Creek drainage of the Willamette Valley. The Abernathy Creek drainage consists of a narrow meandering creek, fed by Newell and Holcomb creeks, which flows directly into the Willamette River immediately northwest of the study area. The drainage is characterized by steep canyons subject to ongoing slope processes. The local geology is dominated by the fine-grained facies of the Missoula Flood deposits (Madin, in press) primarily comprised of silt, sand, and gravel of late Pleistocene age, as shown on the Geologic Map, Figure 4. These deposits generally form terraces at the lower extent of the local creeks and mantle slopes up to about elevation 200 to 250 ft. In the low-lying areas within the floodplain of Abernathy Creek is alluvium and Pleistocene-age Willamette Silt, which consists of fine-grained sands, silt and clay with scattered lenses of fine- to medium-grained sand. At the north edge of the study area (along Holcomb Road, at the south end along Holly Lane and at the southwest edge, adjacent to Newell Creek Canyon), mudstone, claystone, and sandstone of the Troutdale Formation are present, typically in steep canyons and ridges. Geomorphic and geologic evidence indicates these tributary canyons of Abernathy Creek have been modified by ongoing, large-scale landslides. The Oregon Department of Geology and Mineral Industries' (DOGAMI) preliminary geologic map of the area indicates an inferred trace of the Oatfield Fault may extend into the northwest portion of the study area; however there is no direct evidence that the fault exists in this area (Madin, in press).

PREVIOUS WORK

Due to the presence of landslides in the Oregon City area, a number of geologic maps and geotechnical studies have been completed in the vicinity of the Concept Plan study area. DOGAMI Bulletin 99, "Geology and Geologic Hazards of Northwestern Clackamas County, Oregon," documents the initial study focusing on the geology and geologic hazards of the area (Schlicker & Finlayson, 1979). This report identified slopes of 10 to more than 50% within the study area. The report also identified hazards associated with flooding along Abernathy Creek and the potential for a high water table near Ogden Middle School, west of Holly Lane. Bulletin 99 did not identify landslide-specific hazards within the Concept Plan study area, but

identified landslide topography, local slumping, earthflow, mudflow, and debris flow in Newell Creek Canyon, immediately west of the study area, and in canyons on both sides of Holly Lane, south and east of the study area. Most of the landslide topography identified on the Bulletin 99 "Geologic Hazards Map of the Canby and Oregon City Quadrangles, Oregon" occurs on slopes of 10 to 20%.

Subsequent to Bulletin 99, Portland State University (PSU) evaluated geologic constraints for future development of Newell Creek Canyon (Burns and others, 1993). The study area included in this report is immediately adjacent to the Concept Plan study area, to the west. The report included evaluation of geologic, soil, and groundwater conditions within the canyon and included a landslide susceptibility map for the canyon, which identified existing landslides as high risk, and exposures of Troutdale Formation with slopes of 8° or more as having a moderate risk of landslides. The report identified over 50 existing landslides in Newell Creek Canyon and noted that 73% of the project area was at moderate risk for landslides. Several other site-specific geologic and geotechnical investigations have been conducted within Newell Creek Canyon to assess landslide hazards associated with residential development. In addition, two studies have been published following storm-induced landslides in 1996 and 1997, documenting landslides immediately adjacent to the study area (Burns and others, 1998; Hofmeister, 2000).

In 2006, DOGAMI developed a map identifying landslide geomorphology in the vicinity of Oregon City, including the Concept Plan study area, using light detection and ranging (LIDAR) surveys and air photos (Madin and Burns, 2006). This map identifies over 35 existing landslides and debris fans within the Concept Plan study area, as shown in Figure 3. DOGAMI is currently completing a geologic map of the Oregon City vicinity (Madin, in press). A draft version of this map is shown on Figure 4. At this time, the 2006 map is the most up-to-date source of information concerning landslides in the study area.

SITE RECONNAISSANCE

Methodology

A certified engineering geologist (CEG) and registered geologist (RG) from GRI conducted a general reconnaissance of the study area on November 29, 2006. The ground-level reconnaissance consisted of viewing the majority of the study area from roadway rights-of-way. Visual reconnaissance was limited to areas and facilities that were readily observable from streets or other public areas.

Study Area Observations

The study area lies on both sides of Redland Road, extending north toward Holcomb Road and south toward Maple Lane, primarily along adjacent creek canyons. Redland Road bisects the study area from east to west, and Holly Lane extends from Redland to the south end of the study area. There are no north-south connecting roads from Redland Road to Holcomb Boulevard. Between Redland Road and Holcomb Boulevard there are a number of separate residential developments with discontinuous streets. Significant portions of the study area include steep, wooded creek canyons and generally rural property.

Redland Road is a two-lane, minor arterial linking Highway 213 to residential areas to the east of Oregon City. Redland Road transects the Abernathy Creek valley and crosses Abernathy Creek four times within the study area. As shown on Figure 2, the slopes at creek crossings are typically steeper than 25%. We observed localized slumping and raveling along these stream banks. In addition, slopes greater than 25% were observed along much of Redland Road, as road cuts on the north side of the road and sloping toward the creek on the south side of the road. Several small roads intersect Redland Road and extend northward into residential developments. These residential developments are generally low density and established on slopes of 5 to 15%. Readily apparent and obvious indications of recent large-scale, deep seated slope instability were not observed in these developments.

Holly Lane is a local street that runs south from Redland Road to Maplelane Road and has steep grades and very narrow shoulders. There is a steep canyon to the east of Holly Lane and steep slopes (greater than 25%) along Holly Lane between Redland Road and Donovan Lane. Based on personal communication with property owners, GRI understands that localized slope failures have occurred at residential properties on the south east side of Holly Lane, just outside the Concept Plan study area (Moxley, personal communication, 2006).

There are no connecting roads between Redland Road and Holcomb Boulevard in the north portion of the study area. Development in this area is composed of isolated residential developments that have been constructed over the past 50 years. Swan Avenue and Livesay Road are residential streets that extend east-west through this portion of the study area. These residential developments occur on the relatively flat plateau above Redland Road. We did not observe any development adjacent to the canyon at the north edge of the study area; however, development has occurred immediately outside the study area, in the Oak Valley area. Evidence of soil creep observed during the reconnaissance includes tilted and bowed trees around the perimeter slopes of the development.

SUBSURFACE CONDITIONS

To provide a preliminary characterization of subsurface materials and conditions within the study area, GRI reviewed water well logs available through OWRD and available boring logs for sites adjacent to the project area. There are limited well logs available for the study area, as shown on Figures 2 through 4. Review of well logs indicates the study area is generally mantled with silt, which is underlain by weathered sedimentary rocks. This characterization is consistent with the conditions described in boring logs included in the study by PSU (1993) and in the preliminary mapping by Madin (in press).

Groundwater

It is anticipated that the groundwater level in low-lying areas of the study area, in the Abernathy Creek drainage, will fluctuate according to seasonal rainfall and may occur near the ground surface during wet, winter and spring months and during periods of prolonged or intense rainfall, and within several feet of the ground surface during drier months.

It is anticipated the regional water table occurs at depth in areas of higher elevation; however, shallow perched water can occur in and over the weathered sedimentary rock and fine-grained soil, particularly following intense and/or prolonged precipitation.

CONCLUSIONS AND RECOMMENDATIONS

Landslides have occurred within the study area and in adjacent areas with similar topography, geology, and groundwater conditions. With regard to slope instability, most of the known slope instability has occurred on the steeper slopes on ravines along streams and drainages. We understand the recommended Concept Plan developed by the design team identifies areas with slopes of 25% or more as open space that will remain undeveloped. Limiting development in these areas is an appropriate measure to limit the risk of slope instability and landslides impacting future development. In addition, for the purpose of this Concept Plan, GRI recommends further site-specific study be conducted for future developments, in accordance with the City's municipal code Chapter 17.44, for managing geologic hazards and in accordance with following recommendations.

It would be prudent for the City to expand the definitions included in the City of Oregon City Municipal Code, Chapter 17.44.020, to include the Portland State University study, "Landslides in the Portland, Oregon, Metropolitan Area Resulting from the Storm of February 1996: Inventory Map, Database and Evaluation" (Burns and others, 1998); the DOGAMI Open File Report O-06-27, "Map of Landslide Geomorphology of Oregon City, Oregon, and Vicinity Interpreted from LIDAR Imagery and Aerial Photographs" (Madin and Burns, 2006); and the upcoming "Preliminary Geologic Map of the Oregon City Quadrangle, Clackamas County, Oregon" (Madin, in press), as references for identifying "landslide areas," "unstable slopes," "unstable soils," and debris fans. We also recommend that the City require a geotechnical evaluation/investigation as part of any future development in areas with slopes of 15% or steeper. This would include all new construction, including additions to existing homes such as swimming pools and retaining walls, installation of underground utilities, new access driveways and/or roadways, and similar types of projects that require significant earthwork. The geotechnical evaluation/investigation should address the slope hazards in the development and specifically address how the proposed development will limit the risk of future slope instability, prior to issuing a building permit. The geotechnical evaluation/investigation should also address setbacks from existing slopes and recommendations for cut and fill and on-site stormwater management, as described in more detail below. In addition, the City should require special inspection by the geotechnical engineer during construction of soil- and foundation-related elements and a summary letter of compliance upon completion of the work.

The actual scope of the geotechnical evaluation/investigation will depend somewhat on the location within the study area and the proposed development. For example, for development in areas that will likely require little if any earthwork, a reconnaissance-level site evaluation may be adequate prior to issuing a building permit. However, if the new development requires cuts deeper than about 5 ft into the existing hillsides, the geotechnical engineer may need to consider performing subsurface explorations, such as test pit excavations and/or shallow borings, as part of their evaluation/investigation. For any

development within or adjacent to mapped landslide areas or debris fans, or any development that requires excavations deeper than about 10 ft into the existing hillside, it would be prudent to perform a more-detailed, comprehensive geotechnical investigation prior to issuing a building permit. An engineering geologist should provide site-specific geologic input for any development with proposed cuts deeper than about 10 ft and all evaluations within the limits of mapped landslide areas and debris fans.

To assist the City, GRI has prepared the following geotechnical-related considerations for future development in the Park Place Concept Plan area.

- 1) Require a development- and/or lot-specific evaluation/investigation and report by a Professional Engineer, registered in the State of Oregon, who by training, education, and experience is qualified in the practice of geotechnical engineering. The engineer should be assisted in the evaluation of mapped landslide areas and debris fans by a Certified Engineering Geologist (CEG) certified in the State of Oregon. The evaluation/investigation and report should include, but not be limited to, the following type of considerations, as appropriate for the type of proposed development:

General earthwork considerations, including recommendations for temporary and permanent cut and fill slopes and placement of structural fill,

Location of residence on lot,

Building setbacks from slopes,

Subdrainage and/or management of groundwater seepage,

Foundations,

Embedded/retaining walls,

Management of surface water and irrigation water, and

Impact of the development on the slope stability of the lot and the adjacent properties

- 2) The geotechnical engineer of record should review final grading, drainage, and foundation plans and specifications and confirm in writing that they are in conformance with the recommendations provided in their report.
- 3) For large complex developments on sites with challenging conditions, at the City's discretion, it may be appropriate to obtain a peer review of the geotechnical evaluation/investigation report for the development and/or

lot plans. Based on the finding of the peer review, the applicant's geotechnical engineer will need to respond to written comments provided by the City's peer review prior to issuance of building permit.

- 4 The applicant's geotechnical engineer should provide special inspection during construction to confirm that the subsurface conditions/assumptions made as part of their geotechnical evaluation/investigation are appropriate. This will allow for timely design changes if site conditions are encountered that are different from those anticipated. In addition, prior to issuing an occupancy permit, the City should require the geotechnical engineer to prepare a summary letter stating that the soils- and foundation-related project elements were accomplished in substantial conformance with their recommendations.

Concluding Remarks and Limitations

This report has been prepared to identify geologic hazards and geotechnical considerations associated with future development in the Park Place Concept Plan study area.

The opinions and recommendations stated in this report are based on a review of the previous work completed in the study area by others and other sources of information described herein. With respect to the work performed by others, GRI did not participate in the implementation of the work and did not independently verify the accuracy or completeness of the information provided. GRI makes no representations or warranty regarding instruments of service completed by others. The information presented in this report was developed by GRI in a manner consistent with that level of care and skill ordinarily exercised by members of the profession currently practicing under similar conditions. No other warranty, expressed or implied, is made.

It is important to note that GRI's work evaluated the study area as a whole and did not address individual properties. For this reason, property owners/developers should retain qualified engineers and geologists to assist in the evaluation of specific properties and to prepare associated development plans and designs.

This evaluation has been prepared to aid SERA Architects in the completion of the Park Place Concept Plan. The scope is limited by the fact that the actual plans for the study area are indefinite; hence, only preliminary opinions are presented.

Submitted for GRI,



Geotechnical & Environmental Consultants

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Portland, Oregon 97005-3364

PHONE 503/641/3478 FAX 503/644/8034

February 7, 2007

4584 PRELIM GEOTECH EVALUATION

(ISSUED 3-28-07)

SERA Architects
338 NW 5th Avenue
Portland, OR 97209

Attention: David Berniker

**SUBJECT: Preliminary Geologic and Geotechnical Evaluation
Park Place Concept Plan
Oregon City, Oregon**

At your request, GRI has completed a preliminary geologic and geotechnical evaluation for the proposed Park Place Concept Plan project in Oregon City, Oregon. This evaluation addressed the Park Place study area, which is shown on the Vicinity Map, Figure 1. The Park Place Concept Plan is being developed to identify the preferred long-term land use of the study area. The Concept Plan was developed by the design team and local community during a design charrette and series of community meetings.

The purpose of the evaluation was to identify, on a preliminary basis, the potential geologic hazards within the study area and provide geotechnical considerations for future development, to be included in the Concept Plan document for the City of Oregon City (City). This includes recommendations for site-specific geotechnical evaluations prior to development and general slope hazard management. The conclusions and recommendations provided in this report are based on a review of the previous work completed in the study area by others and other sources of information described herein.

The evaluation consisted of limited field reconnaissance; review of published geologic reports and maps, readily available geotechnical reports and subsurface information, and water well records on file with the Oregon Water Resources Department (OWRD); and examination of aerial photographs. The intent of this document is to serve as a practical guide to assist the City in their understanding and management of the short- and long-term geologic risks associated with future development in the Park Place Concept Plan study area.

PROJECT DESCRIPTION

The study area is located in Clackamas County, Oregon, east of Highway 213 and south of Redland and Holcomb roads. The total study area is approximately 470 acres; 180 acres of the study area are located immediately adjacent to Oregon City limits in the vicinity of Livesay Road, but have not been annexed as part of the City, and 300 acres were brought into the Urban Growth Boundary in 2002. The study area is composed of 138 individual property owners. The largest property under one ownership is approximately 48 acres, and nearly half the parcels in the study area are 1 acre or less.

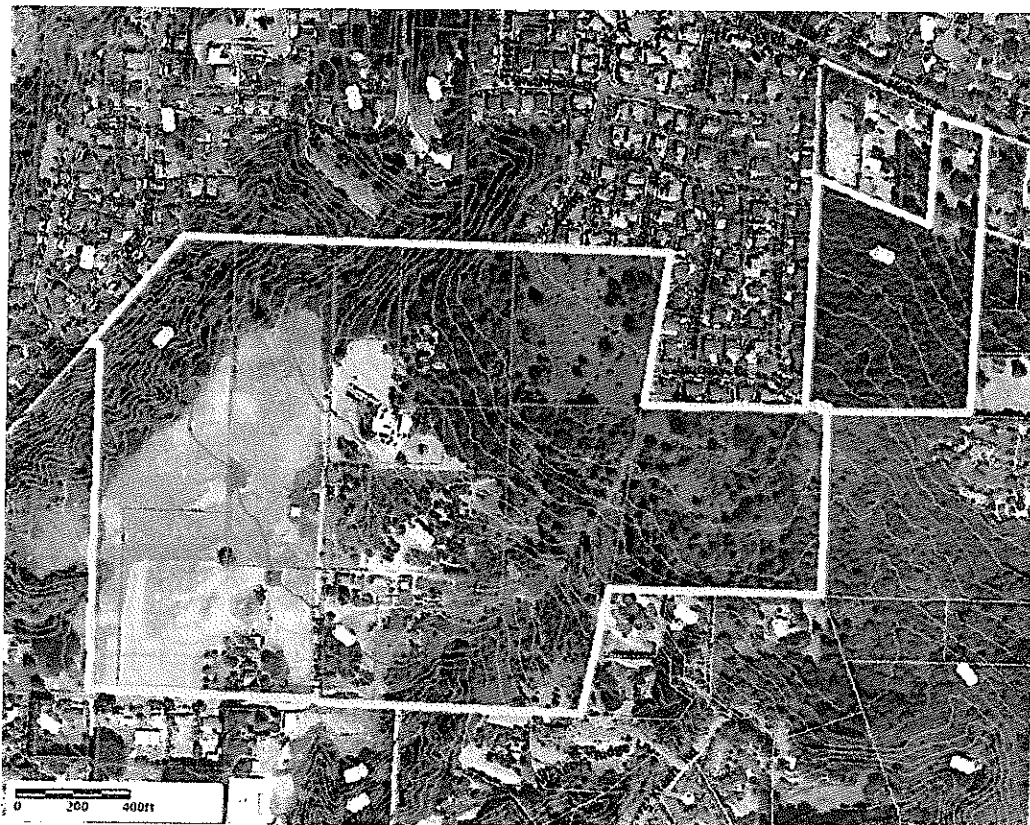
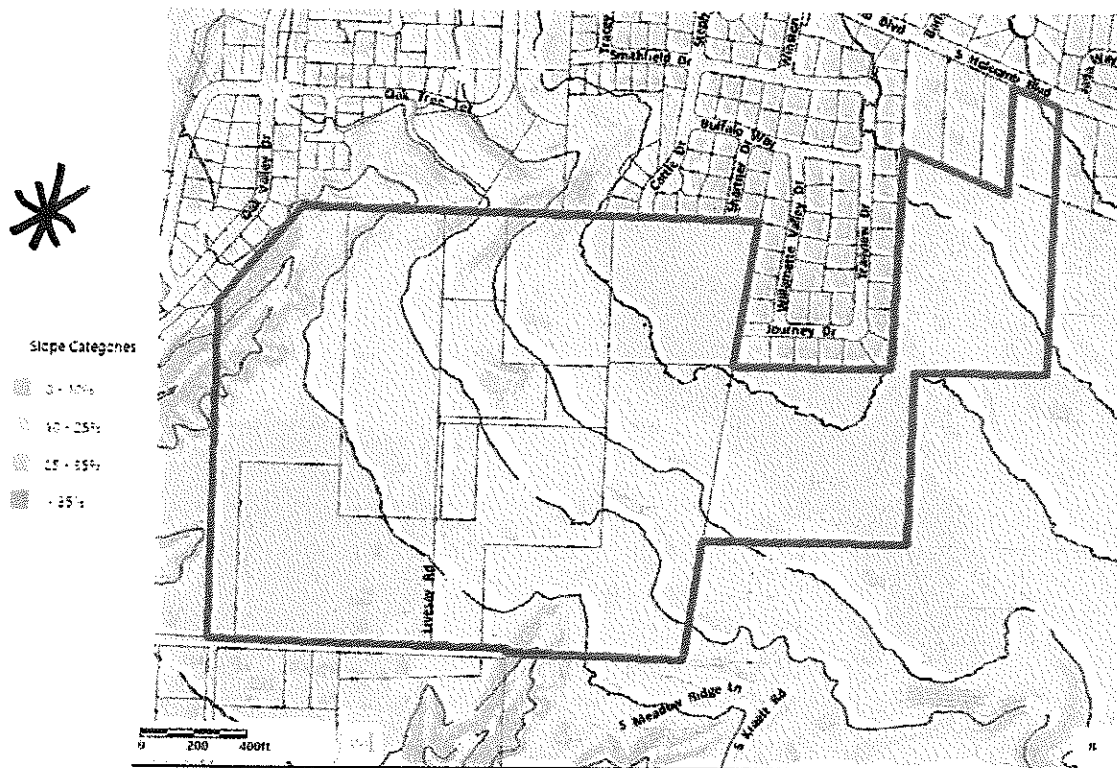
EXH 3

It would be prudent for the City to expand the definitions included in the City of Oregon City Municipal Code, Chapter 17.44.020, to include the Portland State University study, "Landslides in the Portland, Oregon, Metropolitan Area Resulting from the Storm of February 1996: Inventory Map, Database and Evaluation" (Burns and others, 1998); the DOGAMI Open File Report O-06-27, "Map of Landslide Geomorphology of Oregon City, Oregon, and Vicinity Interpreted from LIDAR Imagery and Aerial Photographs" (Madin and Burns, 2006); and the upcoming "Preliminary Geologic Map of the Oregon City Quadrangle, Clackamas County, Oregon" (Madin, in press), as references for identifying mapped landslides and landslide materials, "landslide areas," "unstable slopes," "unstable soils," and debris fans. We also recommend that the City require a geotechnical evaluation/investigation as part of any future development in areas with slopes of 25% or steeper and within a 200-ft setback of the crest and toe of these slopes, and in areas previously mapped as landslides. This would include all new construction, including additions to existing homes such as swimming pools and retaining walls, installation of underground utilities, new access driveways and/or roadways, and similar types of projects that require significant earthwork. The geotechnical evaluation/investigation should address the slope hazards in the development and specifically address how the proposed development will limit the risk of future slope instability, prior to issuing a building permit. The geotechnical evaluation/investigation should also address setbacks from existing slopes and recommendations for cut and fill and on-site stormwater management, as described in more detail below. In addition, the City should require special inspection by the geotechnical engineer during construction of soil- and foundation-related elements and a summary letter of compliance upon completion of the work.

The actual scope of the geotechnical evaluation/investigation will depend somewhat on the location within the study area and the proposed development. For example, for development in areas that will likely require little if any earthwork, a reconnaissance-level site evaluation may be adequate prior to issuing a building permit. However, if the new development requires cuts deeper than about 5 ft into the existing hillsides, the geotechnical engineer may need to consider performing subsurface explorations, such as test pit excavations and/or shallow borings, as part of their evaluation/investigation. For any development within or adjacent to mapped landslide areas or debris fans, or any development that requires excavations deeper than about 10 ft into the existing hillside, it would be prudent to perform a more-detailed, comprehensive geotechnical investigation prior to issuing a building permit. An engineering geologist should provide site-specific geologic input for any development with proposed cuts deeper than about 10 ft and all evaluations within the limits of mapped landslide areas and debris fans.

To assist the City, GRI has prepared the following geotechnical-related considerations for future development in the Park Place Concept Plan area.

- 1) Require a development- and/or lot-specific evaluation/investigation and report by a Professional Engineer, registered in the State of Oregon, who by training, education, and experience is qualified in the practice of geotechnical engineering. The engineer should be assisted in the evaluation of mapped landslide areas and debris fans by a Certified Engineering Geologist (CEG) certified in the State of Oregon. The evaluation/investigation and report should include, but not be limited to, the following type of considerations, as appropriate for the type of proposed development:



EXH 4

Nancy J.T. Kraushaar, PE
 City Engineer/Public Works Director
 City of Oregon City
 320 Warner Milne Road, PO Box 3040
 Oregon City, OR 97045

Phone: 503-496-1545
 Fax: 503-657-7892
 E-mail: nkraushaar@ci.oregon-city.or.us

From: Britenshin@aol.com [mailto:Britenshin@aol.com]
Sent: Tuesday, February 19, 2008 4:29 PM
To: Nancy Kraushaar; Alice Norris; Damon Mabee; Daphne Wuest; Trent Tidwell; Doug Neeley; Larry Patterson; Pete Walter; Christina Robertson-Gardiner; Tony Konkol; Dan Drentlaw; kat2kami@yahoo.com; rodmoxley@comcast.net; bigcozz@comcast.net; bobn2b@msn.com; gardengifts@juno.com; paintfx@juno.com; tgeil@comcast.net; steve@vanhaverbeke.org; Britenshin@aol.com; pauloedgar@qwest.net; HOGANSBLUFF@aol.com; rlp@hevanet.com; sha-z@earthlink.net; johnwilliams38@gmail.com
Subject: Steep Slope/Landslide Regulations

Nancy: Citizens of our neighborhood would like to be updated on the proposed policy changes for Steep Slopes and Landslides. When do you anticipate the new policy to be finalized and in effect, and will the new regulations be city wide?

We had hoped these would be in place prior to the adoption of the Concept Plan as it is felt difficult by the community to pass the Plan without having the knowledge of these new regulations. The City of Salem's Hazard/Steep Slope/Landslide policy (adopted in conjunction with FEMA) is considered to be the most comprehensive in the State if not in the entire Nation. A question I have.....Would it save you work to simply adopt these same criteria and codes thus keeping continuity within the State and being in alignment with FEMA regulations? Your Thoughts please.

Thank You
 Christine Kosinski
 Holly Lane
 e-mail:britenshin@aol.com

Delicious ideas to please the pickiest eaters. Watch the video on AOL Living.

EXH 5

Subj: RE: Steep Slope/Landslide Regulations
Date: 2/20/2008 11:34:39 A.M. Pacific Standard Time
From: nkraushaar@ci.oregon-city.or.us
To: Britenshin@aol.com, anorris@ci.oregon-city.or.us, dmabee@ci.oregon-city.or.us, dwuest@ci.oregon-city.or.us, ttidwell@ci.oregon-city.or.us, dneeley@ci.oregon-city.or.us, lpatterson@ci.oregon-city.or.us, pwalter@ci.oregon-city.or.us, crobertson@ci.oregon-city.or.us, tkonkol@ci.oregon-city.or.us, ddrentlaw@ci.oregon-city.or.us, kat2kami@yahoo.com, rodmoxy@comcast.net, bigcozz@comcast.net, bobn2b@msn.com, gardengifts@juno.com, paintfx@juno.com, tgeil@comcast.net, steve@vanhaverbeke.org, pauloedgar@qwest.net, HOGANSBLUFF@aol.com, rlp@hevanet.com, sha-z@earthlink.net, johnwilliams38@gmail.com

Christine:

Below you will find a summary of what staff *will be proposing* to the City Commission for their adoption. What is finally adopted may look a little different, but I have no way of knowing that now. What the City Commission ultimately adopts is their decision.

The public should expect two stages of code changes that will govern Geologic Hazards (or Steep Slopes).

The first stage will be included in the packet of code language changes that Planning has been working on. The primary revision to our existing code for Geologic Hazards (OCMC 17.44) will be to redefine "geologic hazard areas" to include area within 200 feet of the crest or toe of a slope that is 25% or greater. This expands the areas for which an approved permit is required before development is authorized. The permit could be obtained after a developer has submitted geotechnical and geologic reports and comprehensive documentation pertaining to the proposed development and the site geology. Another significant change to the existing code will be that the reports and documentation for the development will be subject to peer review. The peer reviewer will be selected by the City and shall have expertise in regional and Oregon City geology, slope stability analysis, landslides, and engineering mitigation for hazardous sites.

The second stage will be a re-write of the Geologic Hazards code to implement the new risk-based maps that DOGAMI is developing. We will be using the City of Salem's code as the template for our code. I agree that Salem's code will provide a very good model for us to use. We will not be able to propose this code for adoption until the DOGAMI maps are complete and can be adopted by the City Commission.

Regarding the DOGAMI maps - I met with Bill Burns about two weeks ago and he showed me the work he has completed so far. We are preparing to provide an in-house review of the work he has completed. He will also have others reviewing his work (I believe others from DOGAMI and Scott Burns).

Let me know if you have additional questions regarding this information.

Thank you for your inquiry.

-Nancy

Nancy J.T. Kraushaar, PE
 City Engineer/Public Works Director
 City of Oregon City
 320 Warner Milne Road, PO Box 3040
 Oregon City, OR 97045

Phone: 503-496-1545
 Fax: 503-657-7892
 E-mail: nkraushaar@ci.oregon-city.or.us

Building Information

Foundation Type:	Crawl Space
Dwelling Type:	Owner Occupied Primary Residence
Year Built:	1971
Roof Update:	1998
Construction Type:	Wood Frame
Dwelling Value Declared at 100% Replacement Cost:	\$200,000.00
Total Square Footage:	1,410
Do you own this property?	Yes
Select the option that best describes the building:	Single-Family
Is this a split level home?	No

General Questions

Does the building have additions or extensions supported by posts, piers, or beams?	No
Is there existing cracking of wall or foundation?	No
Is there a garage attached to the building?	Yes
Is the sill plate permanently bolted to the foundation of the building?	No
What year was the roof last updated?	1998

Earthquake Questions

Have any buildings or personal property located on the premises been damaged from an incident of Earthquake Shock?	No
--	----

Landslide Questions

Is the building in a known landslide area or have there been any incidents of landslide within 1 mile of the property?	Yes
Have any buildings or personal property located on the premises been damaged from an incident of landslide, earth movement, or land subsidence?	No

EXH 6

Surplus Lines Disclosure

The Insurance policy that you have purchased or are applying to purchase is being issued by Certain Underwriters at Lloyd's, London (Lloyd's). Lloyd's is a Nonadmitted Surplus Lines Alien Insurer. A Nonadmitted insurer is an insurance company is licensed and domiciled outside of the borders of state where the subject of insurance is located.

The Nonadmitted Insurance title of the Dodd-Frank Wall Street Reform and Consumer Protection Act, identifies Nonadmitted insurers domiciled outside the U.S. as eligible and otherwise approved to conduct business in any state in the U.S. so long as they are shown on National Association of Insurance Commissioners (NAIC) Quarterly Listing of Alien Insurers. Dodd-Frank Act, Title V, Subtitle B (§§ 511 et seq.)

In accordance with state law we are obliged to inform you that:

This evidence of insurance was procured and developed under the Oregon Surplus Lines laws. It is NOT covered by the provisions of ORS734.510 to 734.710 relating to the Oregon Insurance Guaranty Association. If the insurer issuing this insurance becomes insolvent, the Oregon Insurance Guaranty Association has no obligation to pay claims under this evidence of insurance. (ORS § 735.435)

**Confirmation and Signature**

By signing below, I acknowledge:

This application is for underwriting purposes only. This application is subject to final underwriting approval. Coverage will not become effective until the application has been approved by underwriting and the full total annual cost has been received by Poulton Associates, Inc. Applications approved by underwriting are valid for 30 days. The inception date of coverage may not predate payment of premium.

We reserve the right to change the rate and any resulting premium at any time. Payment of premium does not automatically attach coverage. There are waiting periods, as described in the insurance contract that applies. Coverage is not in effect until confirmed by an authorized representative. The terms of this application do not in any way alter the terms of any policy delivered. Please closely examine this application and contact your insurance producer immediately to request any needed corrections. If payment is tendered and is subsequently dishonored by the issuing financial institution, coverage will terminate on the date of inception.

To the best of my knowledge, the above questions are answered truthfully. I understand that any contract issued will be in full reliance upon statements and representations made in this application. This application will be made a part of the policy. False or misleading answers to questions could result in the policy being null and void.

Signature of Applicant_____
Date_____
Signature of Producer_____
Date

- b. Residential structures with basements that satisfy FEMA's standard published in the Code of Federal Regulations [44 CFR 60.6 (b) or (c)].
2. Limit of Liability. We will pay up to \$30,000 under this coverage Increased Cost of Compliance, which only applies to policies with **building** coverage as designated on the coverage declaration. Our payment of claims is in addition to the amount of coverage shown on the coverage declarations page under **building**. But the maximum you can collect under this Policy for both **building** and Increased Cost of Compliance coverage cannot exceed the limit of liability shown for **building** coverage. A separate deductible does not apply
3. Nothing contained in this Clause shall override any Seepage and/or Pollution and/or Contamination Exclusion or any Radioactive Contamination Exclusion or any other Exclusion applicable to this Policy.
4. Any provision within this Policy (or within any Endorsement which forms part of this Policy) which insures Debris Removal is cancelled and replaced by the above.

II. Definitions


A. ACT:

1. Refers to the The National Flood Insurance Act of 1968, as amended, and The Flood Disaster Protection Act of 1973, as amended, 42 U.S.C. 4001 et. seq. in effect as of the effective date of this Policy as evidenced on the Coverage Declarations.

B. Building(s) means:


1. The Dwelling where you principally reside, or your secondary residence and
2. Appurtenant Structures, being other permanent **buildings** or structures, with walls and a roof, on the **premises**.

C. **Catastrophic ground collapse** means geological activity that result in an abrupt collapse of ground cover causing a depression in the ground cover clearly visible to the naked eye that causes structural damage to the **building**, including the foundation.

D. **Earthquake shock** means physical damage caused by earth movement including landslide, mudflow, earth sinking or earth rising or shifting, only as a direct and immediate result of **earthquake shock**, but shall not include any consequential loss or damage from any other ensuing peril. 

Each loss by **earthquake shock** shall constitute a single loss hereunder, provided, if more than one **earthquake shock** shall occur within any period of 72 hours commencing during the term of this Policy, such **earthquake shocks** shall be deemed to be a single earthquake within the meaning hereof. Underwriters shall not be liable for any loss caused by any **earthquake shock** occurring before the effective date and time of this Policy, nor for any loss occurring after the expiration date and time of this Policy. The insured may select the time from which any such period shall commence but no two selected periods may overlap.

E. **Flood** means physical damage caused by a general and temporary condition of partial or complete inundation of normally dry land areas from surface water, waves, tidal water, overflow of a body of water, mudflow or spray from any of these whether or not driven by wind arising during any one period of 72 consecutive hours during the period of this Policy. Underwriters shall not be liable for any loss caused by any **flood** occurring before the effective date and time of this Policy, nor for any loss occurring after the expiration date and time of this Policy. The insured may select the time from which any such period shall commence but no two selected periods may overlap.

F. **Landslide** except landslide as covered by **earthquake shock** definition above, means physical damage caused by the sudden movement of earth and/or rock ("land"), including sliding of land, mudflow except mudflow as covered by the **earthquake shock** and **flood** definitions above, land sinking, rising or shifting but excluding normal settling, gradual subsidence, gradual slippage and processes of erosion that take place over time. 

G. Personal property means:




1. **Personal property** usual to the occupancy of the Dwelling and owned or used by you or permanent members of your household while such **personal property** is on the **premises**. We will also cover personal effects owned by a guest or servant while such personal effects are on the **premises**.
2. Materials, and supplies for use in the construction, structural alteration, alteration, maintenance or repair of the **premises** while such materials, and supplies are at the **premises**.
3. Foodstuffs, bedding, tack and other equipment while at the **premises**, which is used for the maintenance and care of pets and livestock, provided such pets or livestock are not kept for commercial or business purposes.

H.Premises means the real property at the address shown on the Coverage Declarations.

- I. Sinkhole** collapse means the settlement or systematic weakening of the land supporting the **building(s)**, when such settlement or systematic weakening results from movement or ravelling of soils, sediments, or rock materials into subterranean voids created by the effect of water on a limestone or similar rock formation.

III. Losses Excluded

A. This Policy does not insure against:

1. Loss or damage arising directly or indirectly out of nuclear reaction, nuclear radiation or radioactive contamination, however such nuclear reaction, nuclear radiation or radioactive contamination may have been caused.
 2. Loss or damage arising directly or indirectly out of war, invasion, acts of foreign enemies, hostilities (whether war be declared or not) civil war, rebellion, revolution, insurrection, military or usurped power or martial law or confiscation or nationalization or requisition or destruction of or damage to property by or under the order of any government or public or local authority.
 3. Loss, damage or increased cost arising directly or indirectly out of enforcement of any ordinance or law regulating the use, reconstruction, repair or demolition of any **building(s)** insured hereunder, nor any loss, damage, cost, expense, fine or penalty which is incurred, or sustained by or imposed on you at the order of any governmental agency, court or other authority arising from any cause whatsoever.
 4. Loss or damage arising out of acts or decisions, including the failure to act or decide, of any person, group, organization or governmental body relating to faulty, inadequate or defective:
 - a. Planning, zoning, development, surveying, siting; 
 - b. Design, specifications, workmanship, repair, construction, renovation, remodelling, grading, compaction;
 - c. Materials used in repair, construction, renovation or remodelling; or
 - d. Maintenance of all or part of any property on or off the **premises**. 
 5. Loss or damage arising out of normal settling, shrinking or expansion of land, **buildings**, structures or foundations; or erosion, gradual subsidence or the processes of erosion that take place over time, or any other gradually occurring loss or damage whether caused by **earthquake shock, flood or landslide** or not, or any loss or damage which commenced prior to the inception of this Policy.
 6. Loss or damage arising out of fire regardless of any other event which contributes concurrently or in any sequence to the loss or damage. 
 7. Loss or damage arising out of exposure to weather conditions where any **personal property** is left in the open or not contained in **buildings** which are on permanent foundations and capable of secure storage.
 8. Mysterious disappearance or inventory shortage, theft, fraud, or any kind of wrongful conversion or abstraction.
 9. The costs for reconstruction of electronic data or other data.
 10. Loss or damage arising out of cessation, fluctuation or variation in, or insufficiency of, water, gas or electricity supplies, or other public utility service supplying the **premises**.
 11. Reduction in rental value, reduction in market value or the saleability of property insured by this Policy, or any costs or expenses related thereto.
- B.** Notwithstanding any provision in this Policy to the contrary (or within any Endorsement which forms part of this Policy), this Policy does not insure:
1. Any loss, damage, costs or expense, or
 2. Any increase in insured loss, damage, cost or expense, or
 3. Any loss, damage, cost, expense, fine or penalty, which is incurred, sustained or imposed by order, direction, instruction or request of, or by any agreement with, any court, government agency or any public, civil or military authority, or threat thereof, (and whether or not as a result of public or private litigation) which arises from "any kind of seepage or any kind of pollution and/or contamination," or threat thereof, whether or not caused by or resulting from a peril insured, or from

This exclusion applies regardless whether there is (i) any physical loss or damage to insured property; (ii) any insured peril or cause, whether or not contributing concurrently or in any sequence; (iii) any loss of use, occupancy, or functionality; or (iv) any action required, including but not limited to repair, replacement, removal, clean-up, abatement, disposal, relocation, or steps taken to address medical or legal concerns.

This exclusion replaces and supersedes any provision in the Policy that provides insurance, in whole or in part, for these matters.

- I. This Policy does not cover any costs and expenses, whether preventative, remedial or otherwise, arising out of or relating to change, alteration or modification of any computer system, hardware, program or software and/or any microchip, integrated circuit or similar device in computer equipment or non-computer equipment, whether the property of the insured or not.
- J. Notwithstanding any provision to the contrary within this insurance or any endorsement thereto it is agreed that this insurance excludes loss, damage, cost or expense of whatsoever nature directly or indirectly caused by, resulting from or in connection with any act of terrorism regardless of any other cause or event contributing concurrently or in any other sequence to the loss.

For the purpose of this Policy an act of terrorism means an act, including but not limited to the use of force or violence and/or the threat thereof, of any person or group(s) of persons, whether acting alone or on behalf of or in connection with any organization(s) or government(s), committed for political, religious, ideological or similar purposes including the intention to influence any government and/or to put the public, or any section of the public, in fear.


This also excludes loss, damage, cost or expense of whatsoever nature directly or indirectly caused by, resulting from or in connection with any action taken in controlling, preventing, suppressing or in any way relating to any act of terrorism.

If the underwriters allege that by reason of this exclusion, any loss, damage, cost or expense is not covered by this insurance the burden of proving the contrary shall be upon the insured.

In the event any portion of this endorsement is found to be invalid or unenforceable, the remainder shall remain in full force and effect.

IV. Property Excluded

A. This Policy does not cover:

1. Land, land values, soil, water, air, or any interest or right therein.
2. **Building(s)** and other structures used in whole or in part for any commercial, farming or manufacturing purposes, other than residences on the **premises** held for rental.
3. Mobile homes; but this exclusion does not apply to modular or manufactured housing permanently attached to foundations.
4. Paved areas, including but not limited to parking lots, terraces, driveways, walkways, sidewalks, pavements, paths, curbing and swimming pools. 
5. Bridges, steps and stairs; wharves, piers and jetties, unless physically attached to any **building(s)**.
6. Retaining walls whether or not necessary for the continuing stability of any part of the **premises**, and whether or not attached to any **building(s)**.
7. Fences; embankments and earthen structures, tanks, wells, ponds, dams, and dikes.
8. Trees, shrubs, lawns, plants, landscaping costs, animals, birds or fish.
9. Any aircraft or other aerial device, watercraft and their trailers, motorized and non-motorized vehicles other than motorized equipment used to maintain the **premises**.
10. Accounts, bills, currency, money, medals, notes, credit cards, securities, deeds, bullion, books of account, evidences of debt or title, manuscripts, passports, tickets, stamps and valuable papers.
11. Jewellery, watches, precious stones, precious metals, silverware, silver-plated ware, gold-ware, gold-plated ware, and pewter ware, fine art, objects d'art, firearms, sculpture and statuary, furs and garments trimmed with fur.
12. Loss or damage to the basement and/or real property and **personal property** suffering loss or damage within the basement where the basement has not been declared within the Policy Application for this insurance.

3PFC0M1N

6436 SW Burlingame Pl, Portland, OR, United States
Address is approximate

Before

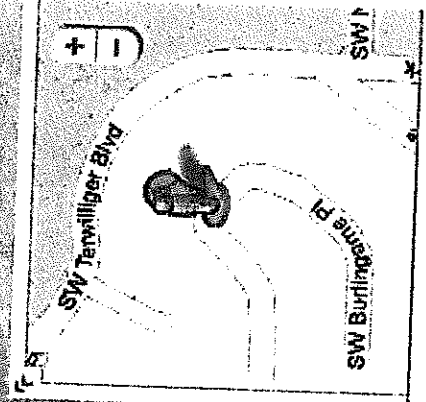
No Insurance!



SW Burlingame Pl

Report a concern

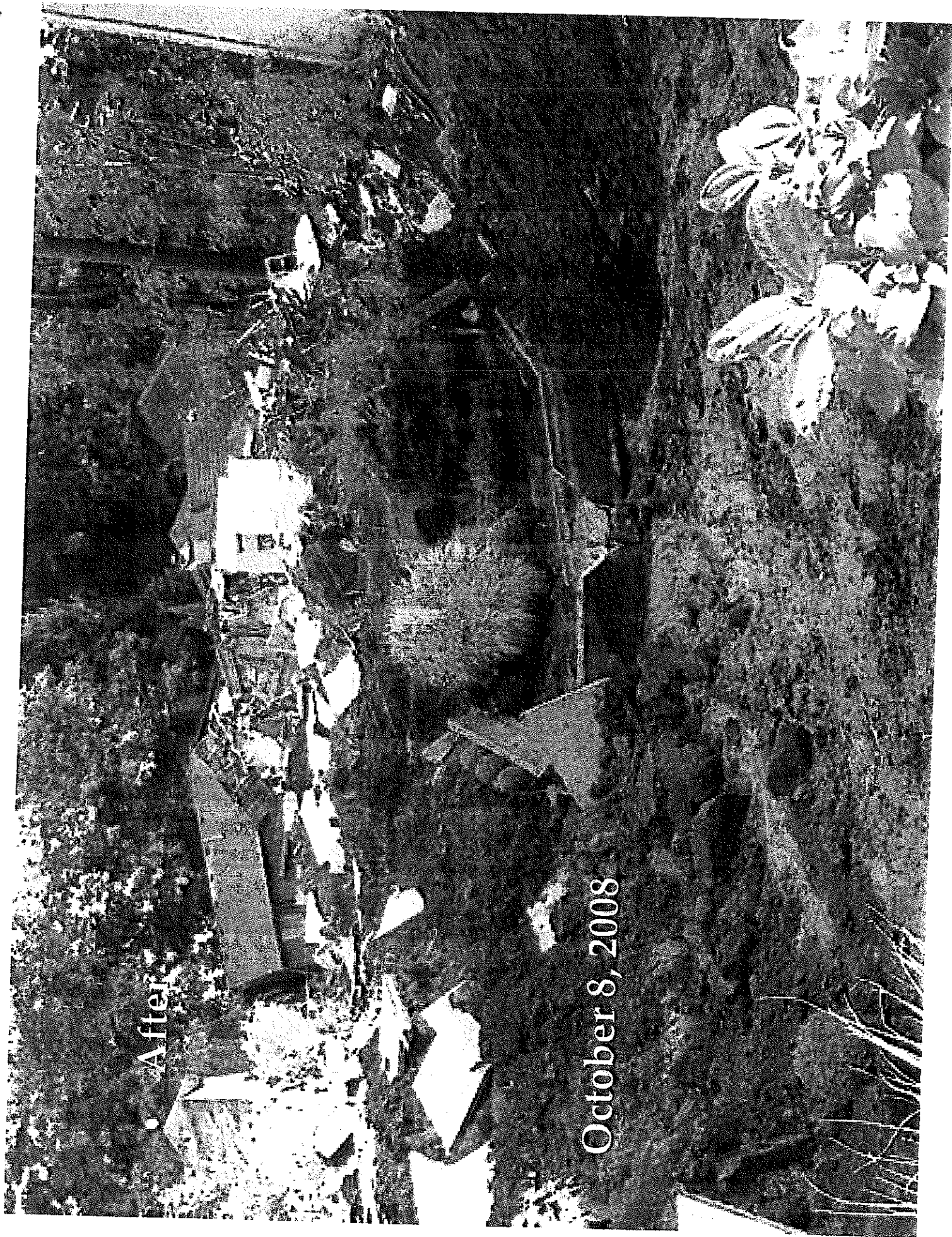
EXH 7



SW Burlingame Pl

After

October 8, 2008



http://www.gazettetimes.com/news/local/insurance-won-t-pay-for-landslide-damage/article_10c17900-5216-11e1-80fe-0019bb2963f4.html

Insurance won't pay for landslide damage

By Bennett Hall, Corvallis Gazette-Times Feb 8, 2012



A house on Vineyard Mountain shifted down the hillside Thursday morning. (Jesse Skoubo | Corvallis Gazette-Times)



Like most homeowners, Bob and Gayna Flake had no coverage slide that wrecked their house

The owners of a Corvallis-area house knocked off its

EXH 8

12/6/2016 3:07 PM



Neighbors question drainage



Rains send earth moving

foundations by a landslide last month have plenty of insurance but that doesn't mean they're covered.

"We have the same exclusion as everybody else," Bob Flake said. "At this point it looks like it's just a total loss."

Flake and his wife, Gayna, were awakened in the predawn hours of Jan. 19 by a call from their security company informing them that a sliding glass door was broken. A quick inspection revealed cracks in the walls, and soon the house at 5994 N. Rosewood Drive was breaking apart.

The couple got out before the structure failed completely, but now it's uninhabitable. The Flakes are staying at their daughter's house and wondering what they're going to do next.

"We have \$2 million worth of insurance, and it's not doing us any good," Bob Flake said. "And we've still got to pay the mortgage."

At first the Flakes, like many people, assumed their homeowners insurance would help them rebuild. As it turns out, however, landslides aren't covered by standard policies.

"Homeowners insurance covers a whole lot of stuff, but earth movement isn't in there," said Ron Fredrickson, who manages the consumer advocacy team for the Oregon Insurance Division. "It's specifically excluded, as are earthquake and flood."

And while it's possible to buy additional coverage to protect against loss from flooding or earthquakes, landslide insurance is almost unheard of. It can be purchased only from highly specialized carriers called surplus lines companies, and it's liable to come with a hefty premium.

"I've yet to come across anybody who has it," Fredrickson said.

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The reason landslide coverage is so hard to come by — and pricey — is simple, Fredrickson said. Relatively few homeowners are ever likely to need it, but when they do, the damage is apt to be catastrophic — meaning the individual claims could be quite high.

Not the kind of odds that appeal to underwriters.

"The chance of loss is very great for a small number of people," he said.

For the Flakes, the loss has been devastating, and they've retained an attorney to explore the possibility of a lawsuit to recover some of their investment. The couple believe Bento County should shoulder at least some of the blame for a drainage system that routed runoff from the January storm directly onto their property.

County officials say the drainage system was designed by a private developer and was built years before the county assumed responsibility for the road that runs through the