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To: All Interested Parties

From: Newport Planning Commission

Date: April 12, 2010

**RE: Updates to the City Geologic Hazards Inventory and Rules**

Dear Members of our Community,

Thank you for the input you have provided on our effort to update the Geologic Hazards section of the Newport Zoning Ordinance. We understand that this is a very emotional issue and appreciate your constructive feedback so that we can improve the work that we are doing.

In letters, and testimony at the March 8, 2010 public hearing we heard loud and clear that it would be inappropriate for the City to impose specific construction limitations for new development in high risk geologic hazards areas without a more thorough vetting of how those changes might impact the character and underlying economics of our community. An analysis of this nature is not something we are prepared to ask the City to undertake, so we have decided to proceed with a draft set of changes that do not contain construction limitations beyond the recommendations made by a certified engineering geologist hired by an individual who is building on their property. Several individuals testified in favor of site specific evaluations, and this change is responsive to those comments. It is also consistent with the city's existing policy. We think it is prudent to suggest that people building in high risk areas consider future removal of the structure in the event of slope failure, so language of that nature is included in the draft.

We continue to believe that updates are needed to the maps the city uses for identifying when site specific evaluations are warranted. The city's policy is to require site evaluations in areas of known hazards and to maintain and update its ordinances, as needed, to ensure this occurs. The State Department of Geology and Mineral Industries (DOGAMI) conducted a comprehensive study of coastal hazards in 2004, and have advised that this study and its maps are more accurate than the maps and study the city currently uses which date to the 1970's. They have also advised that it is appropriate for the City to use their maps as a tool for identifying when site specific analysis is needed. It costs thousands of dollars for a property owner to hire a certified engineering geologist, so we want to make sure that when the city is asking someone to undertake this work it is done for the right reasons. Our sense is that there is confusion about what the 2004 maps represent, so we have invited DOGAMI to make a public presentation. They have graciously agreed and will be at City Hall on April 26, 2010 at 6:00 pm, which is the hour before the next public hearing.

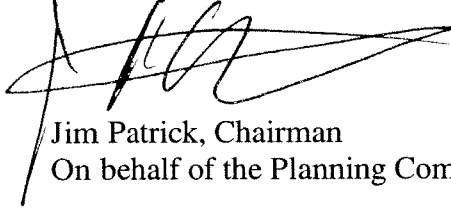
Several people have expressed concerns about proposed language that requires individuals record a hazard disclosure and liability waiver prior to building permits being issued for new development. We have heard that it will make it impossible for individuals to obtain



financing and insurance and that it will adversely impact property values. Some folks are also confused about whether or not the disclosure and liability waiver applies if they simply want to sell their property rather than develop it. The disclosure and liability waiver is intended to apply only to new development that requires geologic review, and we are prepared to make whatever changes are needed to make that clear. Our interest in requiring this statement be recorded is that we feel it is important that people who are building in high risk areas acknowledge the associated risks, accept the liability, and disclose the geologic reports to future buyers. Disclosures of a similar nature are required by other local jurisdictions. While it is our sense that banks and insurance companies will not respond adversely to this and other provisions of the draft code, we have asked city staff to solicit comments by preparing a questionnaire and inviting them to attend the April 26<sup>th</sup> hearing.

We are open and willing to make further changes to the draft, but wanted to share with you our initial impressions of the feedback we have heard and our response to concerns that have been raised. This has, and will continue to be a deliberate process and we look forward to your continued assistance and dialogue to create a package of updates to the city's Geologic Hazards rules that best addresses current and future needs of the community.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Patrick', is written over a horizontal line. The signature is stylized and somewhat cursive.

Jim Patrick, Chairman  
On behalf of the Planning Commission

**The current draft of the proposed changes to Section 2-4-7 (“Geologic Hazards Overlay”) of the Newport Zoning Ordinance is available on the Community Development Department page of the City of Newport website at: <http://www.thecityofnewport.net/>.**