

TO: Oregon Department of Land Conservation and Development  
635 Capitol St., NE Suite 150  
Salem, OR 97301-2540

EXHIBIT: 4  
LAND CONSERVATION & DEVELOPMENT  
COMMISSION  
DATE: 1-23-08  
PAGES: 9  
SUBMITTED BY: Christine Kosinski

RE: Poor Soils and areas of Landslide and Ancient Landslides

The part of Clackamas County which I live in has very difficult topography. It is filled with many areas of landslides and ancient landslides and is characterized by steep slopes and bluffs. I live on Holly Lane where (6) homes have been lost in the past 12-15 years due to landslides, and unfortunately because **insurance will not cover losses due to landslides**, the homeowner can easily be forced into bankruptcy due to high monetary losses.

In the 50's, 60's and 70's these landslide areas and steep slopes were comprised of several small Vineyards, Holly Farms and nurseries. This land contains much Troutdale soil which is extremely good for use as Vineyards and small farms. However, because these soils are often classified as "poor soils", it becomes far too easy to develop them rather than to see their AG potential, especially since the wine and grape industry is so prosperous to our State.

A "power point" presentation can highlight.....

1. The devastation which is wrought by Landslides
2. State Disclosure Laws which forbid the sale of property in areas of hazard and/or landslide without full disclosure to a prospective buyer.
3. The monetary losses to our citizens and families as well as concerns for litigation which has recently occurred in two Oregon City developments.
4. Then presenting a positive story for these areas of Steep Slopes and Landslides and the fact that "Troutdale Soils" which often are labeled as "poor soils" can be very productive, bringing positive cash flows, creating jobs for small farms producing local nutritious foods to our people living in Urban/Rural areas. Poor Soils should not be overlooked as important AG lands, they are detrimental to the vitality of urban/rural lands.
5. Therefore areas of Steep Slopes, Landslides and "poor soil" bring *A balance in the designation of urban and rural reserves that, in its entirety, best achieves livable communities, the viability and vitality of*

***the AG and forest industries and protection of the important natural landscape features that define the region for its residents.***

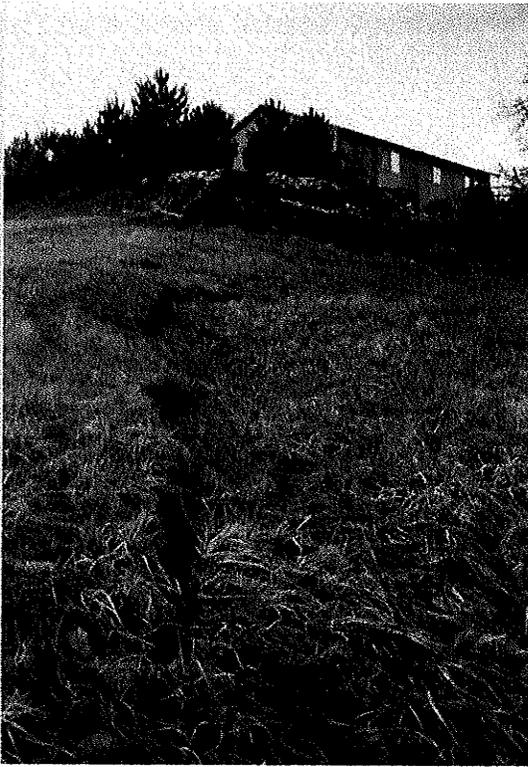
6. In my area, the Steep Slopes and areas of Landslides are situated in a large forest canopy, complete with fish, wildlife habitat, upland game migratory corridor, a protected "salmon spawning grounds", streams and underground springs critical to this region's air and water quality, historic and cultural features which define and distinguish this region as a corridor important for ecological, scenic and recreational connectivity.
7. These often overlooked areas of Natural Resources provide necessary open space, buffering shopping centers and commercial from residential. Metro is building densely, with citizens living on lots of only 3500 sq. ft. while not providing outlets for these people, ie, forest canopies, nature trails, community centers, libraries, areas of serenity where stresses can be alleviated, where children and families can play and recreate.
8. "Poor Soils" have an important place in the Urban/Rural Reserves Plan and should not be discounted as easy land to develop, but rather can be the balance in the Urban/Renewal Reserves program for all of the above reasons. Areas of "Poor Soil" can bring vitality to our regions and are a huge benefit to people living in Urban areas who long for sources of local organic foods as well as providing nature areas which have been overlooked since many of our Urban areas have been overdeveloped without providing outlets to areas of nature and natural beauty.
9. Currently, rules for Urban/Rural Reserves speak only to Foundation, Important and Poor Soils. We would seek to urge LCDC to include another category of soils and that would be "**Unstable Soils**" which should be taken out of Urban Reserves and placed into Rural Reserves since most of these areas are dangerous and undevelopable.

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DATE: January 14, 2008

Tova:

I tried sending these with a previous email, but the server kicked them back because of the size. Hopefully, this will get through to you....ROD MOXLEY



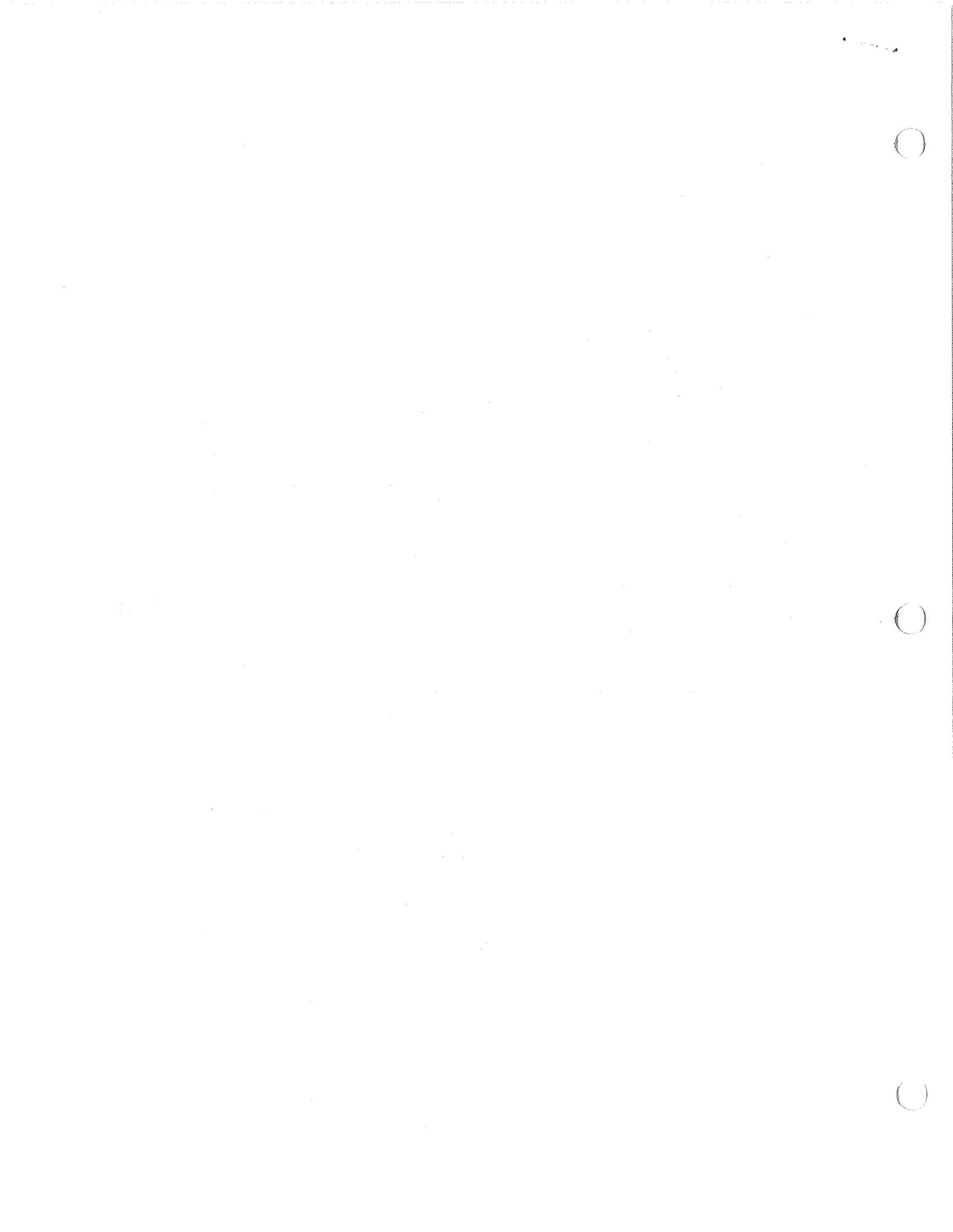
1. The photo on the left is looking toward the SE corner of the home we lost. The scarp entered the dwelling to the right of the SE corner, exiting out the middle of the north side (out of sight on right side of photo).

2. The photo below is looking south along the scarp from our neighbor's property (House No 2). Our house is about 25' on the other side of the fence.



3. The photo below is looking north along the scarp between our house and the fence marking the property line with House No. 2.





4. The photo below is looking south and east from the north end of our house. See photo 5. taken from the deck in the same direction.



5. Off to the right (out of the photo) is the east side of our house. This photo was taken from the wooden deck shown in picture No. 5.

This is the scarp leading SE away from the house. It was ironic that the septic tank (where the plywood and black hose are shown) stayed put. This could be that it is imbedded into stable land deep below the surface. Our drain field was entirely on the slide, so it was completely lost.



6. This photo was taken in the mid-80's looking north, showing the south end of our house (red arrow). Houses No 2 & 3 can be seen off to the upper right of our house.

As you can see from in this photo, the land is much less than 25% in grade. The slide includes all of the land to the right of the houses, and goes all the way to the bottom of the hill, which is out of sight on the right hand of the picture. It includes all of the visible land on north of the transmission lines/towers, and then some. The dotted circle shows the slide area.



SELLER'S PROPERTY DISCLOSURE STATEMENT

105.462 Definitions for ORS 105.462 to 105.490. For purposes of ORS 105.462 to 105.490:

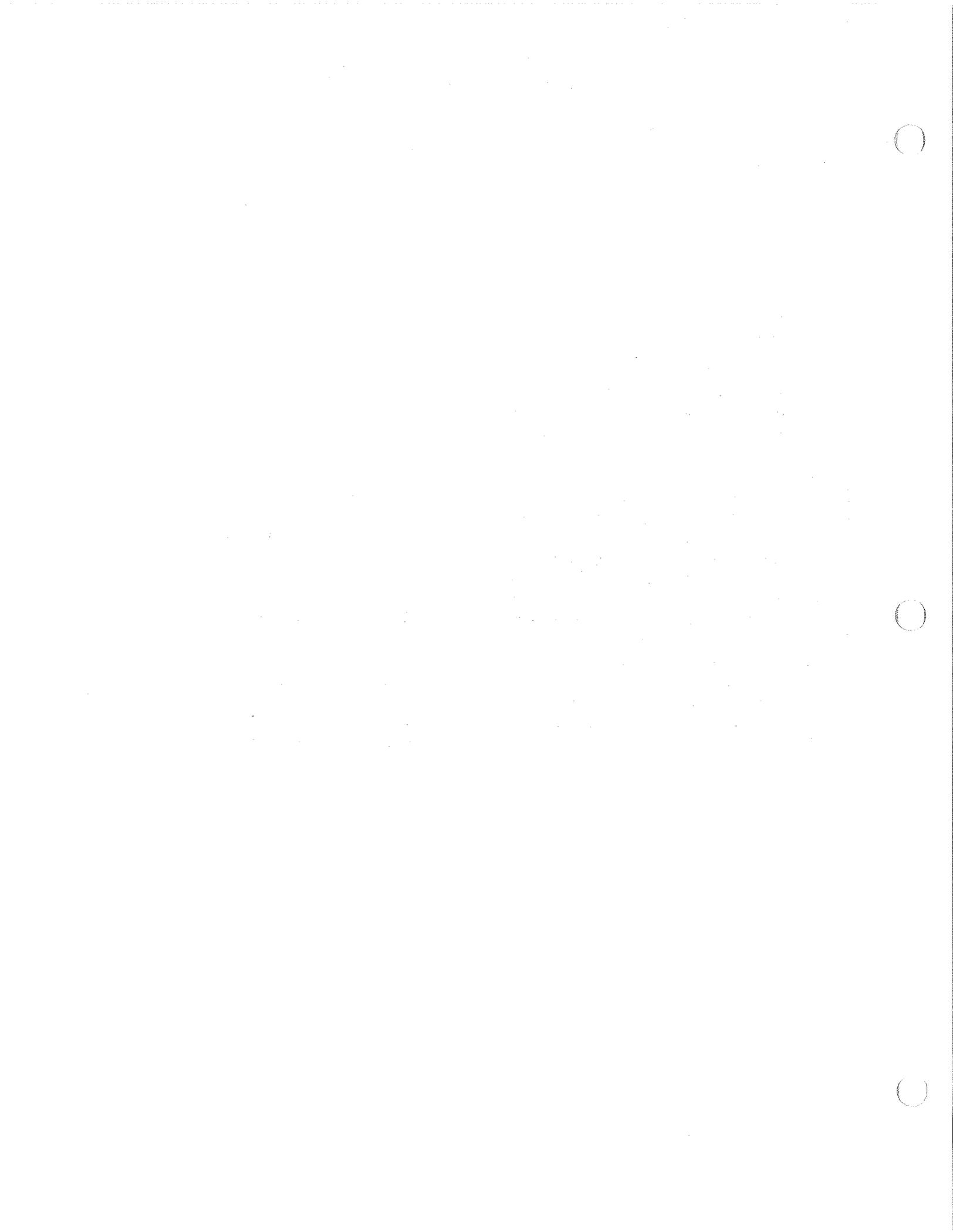
(1) "Financial institution" has the meaning given that term in ORS 706.008. "Financial institution" includes a:

- (a) Trust company, as that term is defined in ORS 706.008;
- (b) Mortgage banker, as that term is defined in ORS 59.840;
- (c) Mortgage broker, as that term is defined in ORS 59.840; and
- (d) Consumer finance company that is licensed under ORS chapter 725.

(2) "Real estate licensee" has the meaning given that term in ORS 696.010. [2003 c.328 §4; 2005 c.287 §1]

8. GENERAL

- A. Are there problems with settling, soil, standing water or drainage on the property or in the immediate area? [ ]Yes [ ]No [ ]Unknown
- B. Does the property contain fill? [ ]Yes [ ]No [ ]Unknown
- C. Is there any material damage to the property or any of the structure(s) from fire, wind, floods, beach movements, earthquake, expansive soils or landslides? [ ]Yes [ ]No [ ]Unknown
- D. Is the property in a designated floodplain? [ ]Yes [ ]No [ ]Unknown
- E. Is the property in a designated slide or other geologic hazard zone? [ ]Yes [ ]No [ ]Unknown
- \*F. Has any portion of the property been tested or treated for asbestos, formaldehyde, radon gas, lead-based paint, mold, fuel or chemical storage tanks or contaminated soil or water? [ ]Yes [ ]No [ ]Unknown
- G. Are there any tanks or underground storage tanks (e.g., septic, chemical, fuel, etc.) on the property? [ ]Yes [ ]No [ ]Unknown
- H. Has the property ever been used as an illegal drug manufacturing or distribution site? [ ]Yes [ ]No [ ]Unknown  
 \*If yes, was a Certificate of Fitness issued? [ ]Yes [ ]No [ ]Unknown



LCDC Meeting – Urban/Rural Reserves

January 23<sup>rd</sup>

Gresham, Oregon

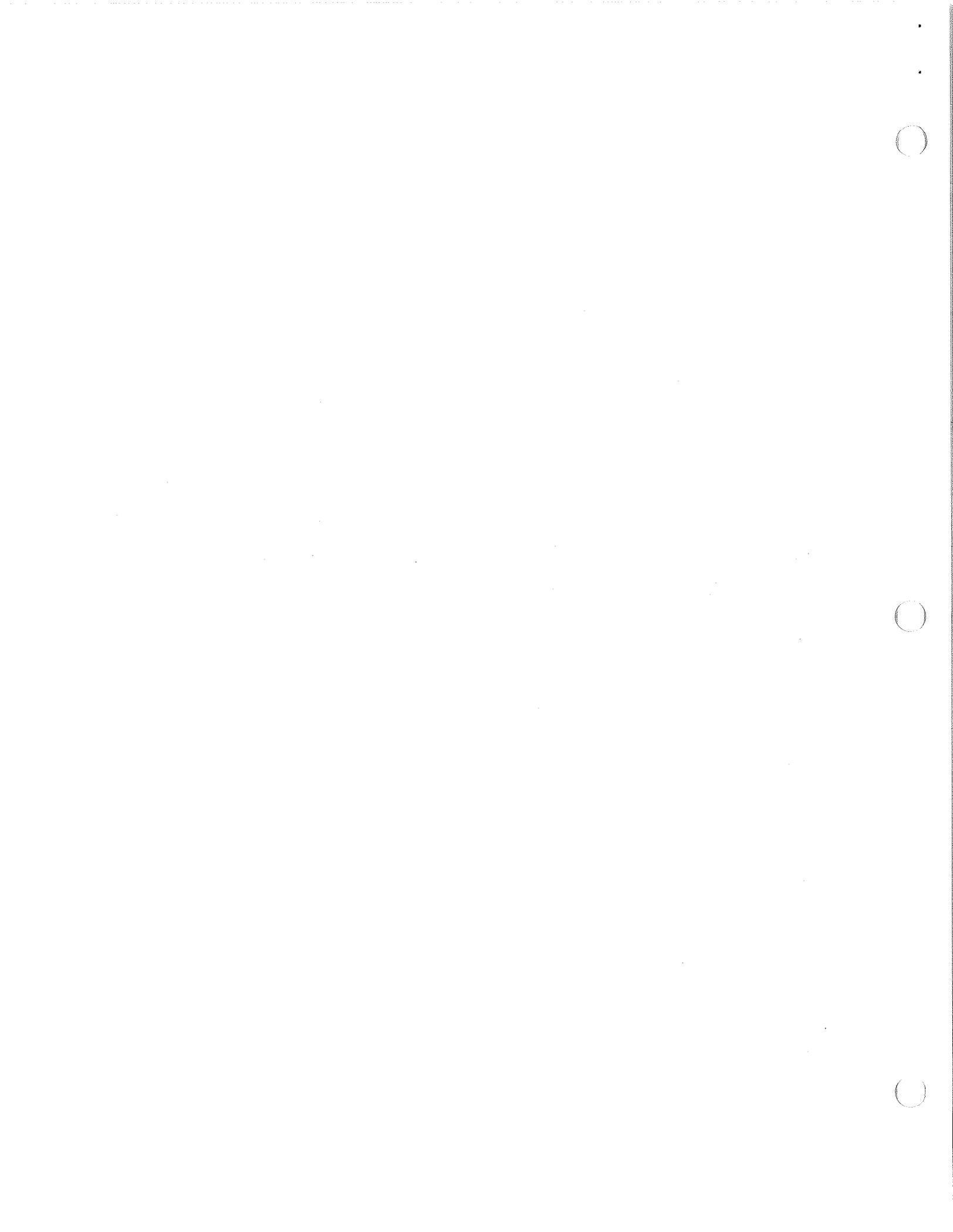
First Handout – Pictures showing the devastation of a deep-seated ancient landslide on a 14% Grade slope. This home was a total loss.

In Oregon, economic losses due to landslides for a typical year are estimated to be over \$10 Million. In years with heavy storms, such as 1996 where there were a total of 705 landslides, losses can exceed \$100 Million. The Department of Geology and Mineral Industries (DOGAMI) has conducted a limited survey to estimate losses incurred by landslide damage. It was found that direct damage costs reported are substantial, yet the actual costs are even higher. In their limited study, for example, following the February 1996 storm, additional heavy storms were experienced later in 1996 and again in early 1997. Costs from those storms are assumed to be significant, but were not included in the study since only 2 of the 36 counties reported losses.

Second Handout - ORS 105.462 to 105.490 (Section 8, Item E) - Seller's Property Disclosure Statement. Prospective home/property buyers are often not notified they are buying property in a landslide zone. They do not realize that Insurance will not cover any losses due to landslides.

### SOIL RELATIONSHIPS

There is an interesting relationship between the soils and the landslides. The two most common soil series developed on the Portland Hills Silt are the Goble and Cascade Soil Series, and they make up 48% of the soils under the landslides.

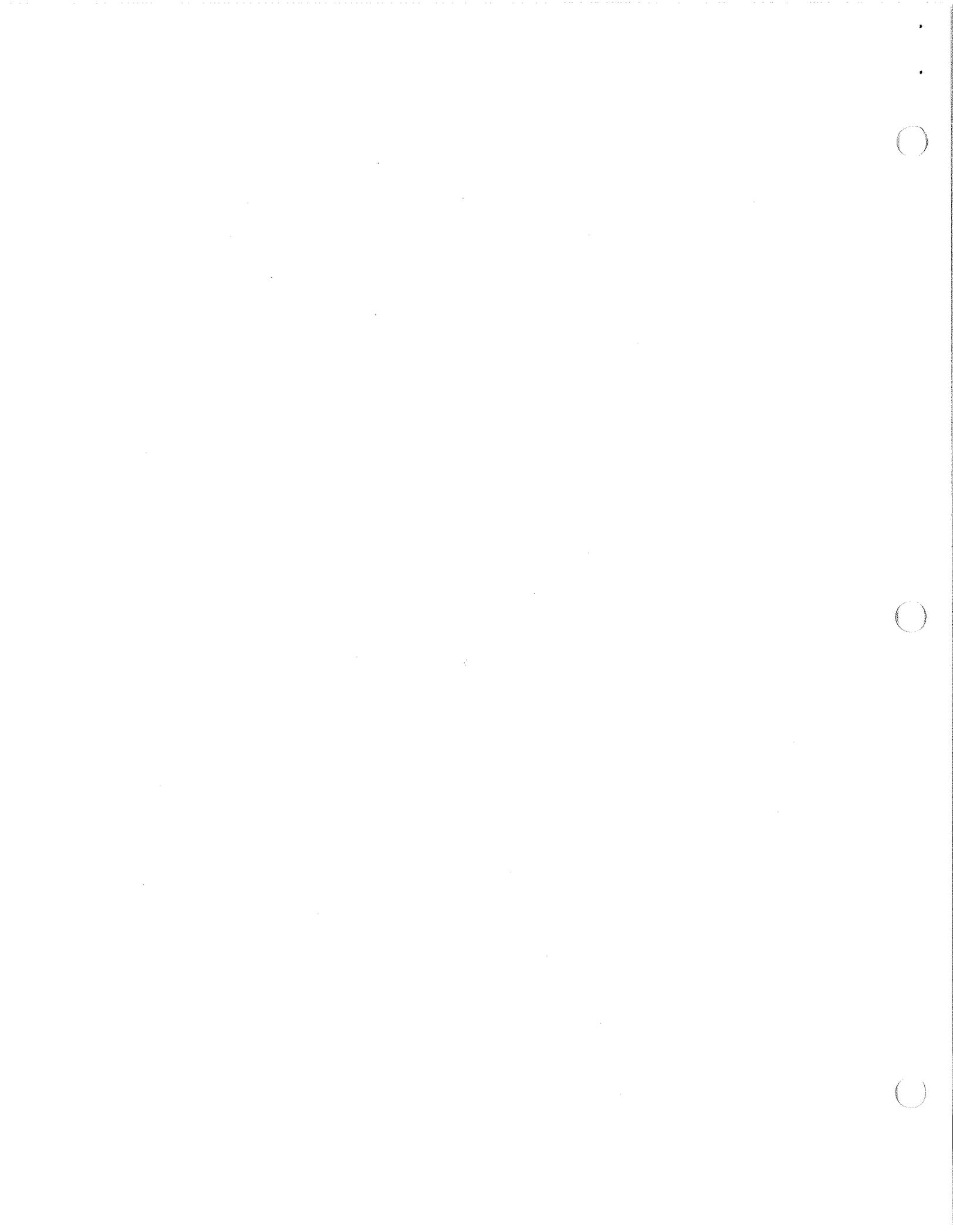


## POOR SOILS

Areas of Steep Slopes, Landslides and Ancient Landslides can contain Poor Soils, but should not be discounted and put into an Urban Reserve category (as developable land). Troutdale Soils, for instance, can be very productive. Basalt especially is some of the best soil for premium grapes such as “Pinot Noir” and in the past have been extensively farmed for Filbert Orchards, Hops and Holly. Poor Soils can be highly valued AG lands because you can grow “anything organic” on them. They can be a huge source for employment in small farms, producing local nutritious foods. Poor Soils can be found in areas of Steep Slopes and Landslides and often are located in or near areas of Natural Landscape and forest canopies complete with wildlife, migratory corridors, fish and streams, all of which are important components to our environment and can be developed as nature trails and large parks. These areas of open space and parks are detrimental especially to the densely built Urban population, many of whom will be living on 3500 Sq. Ft. lots with little space for families and children to play. Poor Soils are a big asset to Oregon’s vitality and they bring a balance in the designation of urban and rural reserves.

In closing, we must do a better job. Currently, our cities and counties have no clear guidelines for developing in areas of Steep Slopes and Landslides.

There is tremendous need for strength in our State Regulations and Building Codes to address the serious subject of development in these areas of Steep Slopes and Landslides. Our State and our citizens are losing huge amounts of money on an annual basis due to Landslides, but nowhere greater are the losses being borne than by our individual Homeowners and Families who **cannot get Insurance to cover losses due to landslides**. Our people are going Bankrupt, they are losing their homes, they often become displaced and



are forced to move with little resources to do so. In addition to the monetary losses, individuals and families suffer tremendous trauma and Emotional Losses, many of which are not overcome even during a lifetime.

### **Tools for mitigating losses due to Landslides in the future**

1. Mandatory State Regulations governing areas of Steep Slopes/Landslides.
2. Mandatory use of "Susceptibility Maps" by the State, cities and counties
3. Better Building Codes for building in areas of steep slopes/landslides.
4. Better reporting throughout the State regarding annual losses, by City, County, area and region.
5. Stronger support and further legislation for **ORS 105.462 to 105.490** – Sellers Property Disclosure Statement. Further legislation is needed.
6. Possible forming of "hazard abatement districts" such as in California.
7. Turn current losses into future gains for these areas by turning them into profitable areas of small organic farms, increase jobs and use of these areas as Natural buffers between cities and/or between areas of Commercial and Residential.

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January 23, 2008

encl: My Testimony

