CITY OF CLAYTON

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MARCH 1999

OAKHURST GEOLOGIC HAZARD ABATEMENT DISTRICT

NEWSLETTER

FOR THE RESIDENTS OF OAKHURST DEVELOPMENT

These articles are intended to describe the actual and potential damage wrought by the "El Nino" influenced conditions and the GHAD's role in restoring our community to its original state for the benefit of current and future residents.

With the approach of summer, most Northern Californians would probably find it difficult to recall the fury unleashed by the winter storms of 1998. But areas within the City of Clayton's Oakhurst Development, hit especially hard by those systems, have begun showing the telltale signs of lasting devastation that storms of "El Nino's" magnitude often leave in their wake.

GHAD's Historical Beginnings

The first such means for geologic funding sprang from the Beverly Act of 1979 which allowed for the formation of the Abalone Cove Landslide Abatement District in Rancho Palos Verdes, which sought to protect over 100 homes on and adjacent to the 600-acre Abalone Cove landslide in Los Angeles County.

Over the next decade the Beverly Act would prove an invaluable tool in the financial recovery efforts of homeowners and municipalities across the state who had before been at the mercy of natural and unnatural geological acts. For the Abalone Cove homeowners, the Beverly Act launched a mechanism with which they could jointly finance abatement measures with the governing cities in which they resided. For public agencies the point was equally significant; the formation of GHADs would allow them to treat landslides as single physical entities, irrespective of property boundaries. A companion bill by Senator Beverly provided for liability exemption of local districts for actions taken to abate gradual earth movements.

Geological Hazard Abatement Districts or GHADs provide for the formation of local districts with the purpose of prevention, mitigation, abatement, or control of geologic hazards, broadly defined as "actual or threatened landslides, land subsidence, soil erosion, earthquake, or any other natural or unnatural movement of land or earth."

In other words, a properly-financed GHAD can act as an "insurance policy" to its residents for the protection of their properties and their properties' values.

As hillsides in this area during the past year and a half began heaving, sliding and shifting, City officials investigated the most suitable and cost-efficient financial mechanisms to fund the necessary repair work.

Concerns over the mounting damage served as the backdrop for the City of Clayton's recently held Geologic Hazard Abatement District (GHAD) assessment election. City Council members proposed the election for raising property assessments in order to sell 25-year bonds and raise $1.6 million to fund permanent restoration projects.

The election, held May 4, received approval by a 1 percent margin of the 90,000 votes cast out of a possible 160,000 votes; the assessment passed by 900 votes.

Sixteen of the ballots cast by Oakhurst homeowners indicated incorrect assessments. Counting the ballots at their correct assessment amount actually reverses the results of the election by a final margin of 38 votes.

Moreover, a portion of Oakhurst residents who had purchased homes in the last year (and were not listed in the current assessor's role) failed to receive a ballot. These homeowners who were unable to cast votes

Oakhurst GHAD — A Plan of Action

The problems associated with hillside developments have been well-documented in California. When the development of Keller Ranch started to become a reality, the City began seriously considering the issues associated with constructing in the surrounding hills. In order to off-set potential liability suits by affected property owners and successfully respond to public pressure to repair damaged roads and related properties, the City agreed with the Environmental Impact Report's recommendations to form a GHAD for the Oakhurst development project. The EIR's findings were too persuasive to dismiss: even if the district never funded more than regular inspection and minor preventative or repair work (routine maintenance of facilities), it would minimize risks for both the project property owners (developers and individuals who purchased lots) and the City.

The City Council's wariness over landslide mitigation required a geologic funding strategy be adopted prior to final plan approval of the Oakhurst Development. It would follow the basic principles specified in the Oakhurst Conditions of Approval:

- **Maintenance of Subdrains**
- **Repair of any Slope Failure or Landslides**
- **Enforcement of Plan of Control for the District**

Plan of Control

The Oakhurst GHAD sprang to life with the approval of its Plan of Control in February 1989 which described the existing geologic hazards as landslides (earth movement in excess of one foot per year); creep (earth movement of less than one foot per year) and erosion and sedimentation.

In June of 1990, the Plan of Control was amended to allow the GHAD to perform maintenance and repairs beyond its boundaries due to the grading of slopes that went outside of the Oakhurst property. In addition the definitions of landslides and creep were revised to change the movement limitations to three inches from the one foot originally approved. Following long-term negotiations between the City of Clayton and the developer Presley Homes, who feared over-assessment under GHAD for landslides on the Oakhurst Country Club, the City consented to leaving the golf course lots out of the GHAD. In return Presley agreed to repair any slides that occurred entirely on the golf course as well as those that began or ended on the course property.

The Oakhurst GHAD's Responsibilities

To varying degrees over the years, the duties and costs of the maintenance and inspection of the Oakhurst development have always been split between GHAD and Presley, due to the developer's on-going grading and/or ownership of lots. The City has now annexed all of the tracts into the GHAD in accordance with the original intent of the project's EIR and conditions of approval.

Last May City Council board members decided to formalize the priorities of the GHAD and adopted Administrative Policy 1 which states that the resources available to the GHAD shall be used first to secure public safety; secondly, to perform debris clean-up and some repair of public property; thirdly, to increase the reserves of the district; and for the repair of public and private property.

plaints shortly following the election.

In light of the concerns for equity amongst the homeowners in the Oakhurst GHAD and the 16 incorrect ballots, the Council has decided to suspend the election's results and hold another election in August, after the Assessor has published an updated roll.

A PLASTIC TARP (LEFT AND BOTTOM RIGHT) WAS LAID ON A LANDSLIDE ABOVE OBSIDIAN WAY IN ORDER TO MINIMIZE WATER INTRUSION AND LESSON THE CHANCE OF MOVEMENT.

A FAR MORE SINISTER AND LESS OBVIOUS THREAT IS THE CONTINUATION OF THIS SLOPE ABOVE TUSHYTAK, ANTELOPE AND WAWONA COURTS WHICH HAS BULGED, CAUSING SOME MINOR DAMAGE TO THE HOMES BELOW IT. LEFT UNTREATED THIS SLOPE COULD SLIDE AND CAUSE SIGNIFICANT DAMAGE TO THE HOMES ALONG THESE COURTS.

LANDSLIDE REPAIRS TARGETED UNDER GHAD ASSESSMENT FUNDING WOULD REPAIR THESE SLIDES BY REMOVAL OF DIRT AND REPLACEMENT WITH ENGINEERED FILL. IN BOTTOM PHOTO THE OBSIDIAN WAY SLIDE THREATENS TO ENGULF A V-DITCH INSTALLED FOR DRAINAGE BEHIND HOMES THERE.

City of Clayton
6000 Heritage Trail
Clayton, CA 94517

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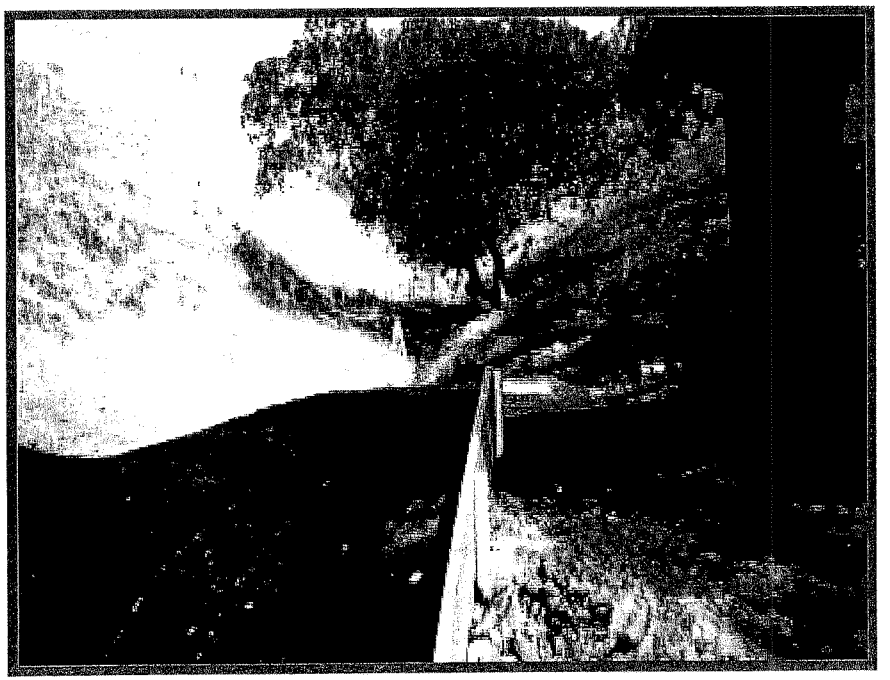


THE $65,000 REPAIR OF WINDMILL CANYON DEBRIS BASIN (BELOW) WAS DESIGNED AS AN EROSION CONTROL MECHANISM FOR CATCHING RUN-OFF FROM WINTER STORMS.

THE BASIN AND ADJOINING CHANNEL, WHICH ACTS AS AN ACCESS ROAD FOR MAINTENANCE PURPOSES, WERE INSTALLED TO ACCOMODATE HEAVY RAINS, SUCH AS THOSE DURING 1998'S "EL NINO" INFLUENCED WINTER. THE COST OF THIS WORK WAS TAKEN FROM THE GHAD'S RESERVE FUND WHICH IS TO BE REPLENISHED BY THE PROPOSED ASSESSMENT INCREASE.

The Devastation

During and immediately following the "El Nino" driven winter storms of 1998, the City began emergency work. More than $100,000 was subtracted from the City's reserves for emergency work including debris removal, clearing of roads, v-ditches and other improvements and for preventative measures such as installing plastic over slide areas to minimize water intrusion and lesson the chance of movement.

The City recently applied to the Federal Emergency Management Agency for reimbursement of these costs and expects to receive between 50 and 75 percent reimbursement. In keeping with the mandate of Administrative Policy 1, the City Council feels that the general and widespread nature of the damage calls for no more than $10,000 to be charged against the GHAD reserve for the non-reimbursable portion of this emergency work. But that clean-up work performed after the storms and strictly within Oakhurst should be reimbursed from GHAD reserve funds and future assessments. In addition several areas in Oakhurst, while not creating significant problems this year, continue to threaten residences and have the potential to create major problems in the future.

Clayton residents should call the District Manager, Rick Angrisani, at (925) 672-9700 with any questions

Proposed Bond Sale - Method of Spread

The following approved method of spread for assessing Oakhurst property owners recognizes the differences in housing types of single family, duet and multi-family homes (ranging from 5,000 to 10,000 square feet) within the GHAD:

Lot Type	Assessment Unit (A.U.)	Number of Lots	Total A.U.
SF – 10,000 sf lot	1.20	144	172.80
SF – 8,000 sf lot	1.10	275	302.5
SF – 6,000 sf lot	1.00	393	393
SF – 5,000 sf lot	0.9	108	97.2
Duets	0.75	226	169.5
Multi-Family	0.50	339	169.5

Probable Funding Sources

The method of treatment for this damage has been classified as *Like-New-Permanent*: the work necessary to return the damaged or moving areas to a like-new condition — estimated at a cost of $2,755,000. The only other funding sources available for the treatment beyond the GHAD reserve and GHAD assessment are FEMA, and the State Transportation Improvement Program.

FEMA: This federal emergency funding source has committed to incurring $10,000 worth of restoration of public improvements, such as street pavement but only **after** the hazardous landslides have been corrected.

THE STATE TRANSPORTATION IMPROVEMENT PROGRAM (STIP): This state and local transportation agency managed funding source experienced a windfall of funding this year with which to assist cities with road damage caused by1998's storms. The City expects to receive a grant in June worth the necessary $1,250,000 it needs to repair the slides above Clayton Road, south of Peacock Creek Drive.

Additionally, the City has approached the two oil companies with transmission lines in Clayton Road for funding of the design work prior to the STIP grant approval. These companies are not legally obligated to participate but have agreed to contribute some funding. The City is now preparing the landslide repair plans so that it may award a contract as soon as the grant is approved. Barring unforeseen circumstances, the City should be able to complete the repairs in one construction season rather than starting the new millennium with a large hole in the ground.

The proposed number of assessment units would make each assessment unit equal to $126.49. The following chart illustrates the anticipated assessment figures by lot size:

Lot Type	Assessment Calculation	Assessment Unit	Number of Units	Total Assessments
SF - 10,000 sf lot	1.20 x $126.49	$151.79	144	$21,857.76
SF - 8,000 sf lot	1.10 x $126.49	$139.19	275	$38,277.25
SF – 6,000 sf lot	1.00x $126.49	$126.49	393	$49,710.57
SF – 5,000 sf lot	.9 x $126.49	$113.84	108	$12,294.72
Duets	0.75 x $126.49	$94.87	226	$21,440.62
Multi-Family	0.50 x $126.49	$63.25	339	$221,441.75
Totals				$165,022.67

Sites Targeted for Permanent Restoration

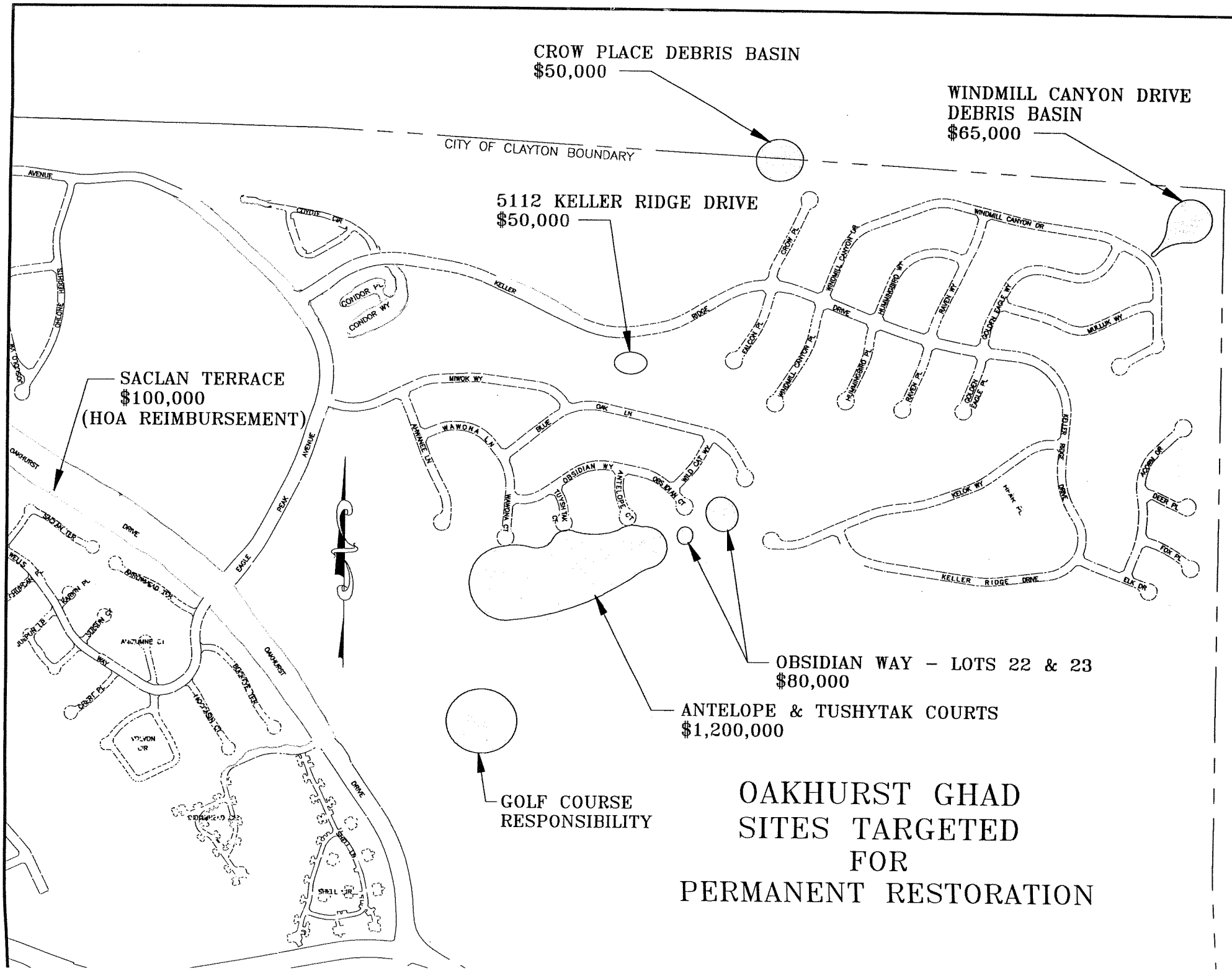
The board's commitment to the repair of the Windmill Canyon Drive Debris Basin ($65,000) plus the GHAD's normal operating and maintenance costs ($18,000) and its recommendation for GHAD's re-payment of $10,000 to the General Fund leaves approximately $182,000 in GHAD's reserve. That amount will not make a significant dent in the costs of permanent restoration of the remaining sites, one of which presents a significantly dangerous threat to homeowners along Antelope, Tushytak and Wawona Courts. Although the slide above Obsidian Way is covered with a plastic tarp, a less obvious but far more sinister slope above these courts is bulging and threatens the homes below it. Projects targeted for landslide repair are as follows:

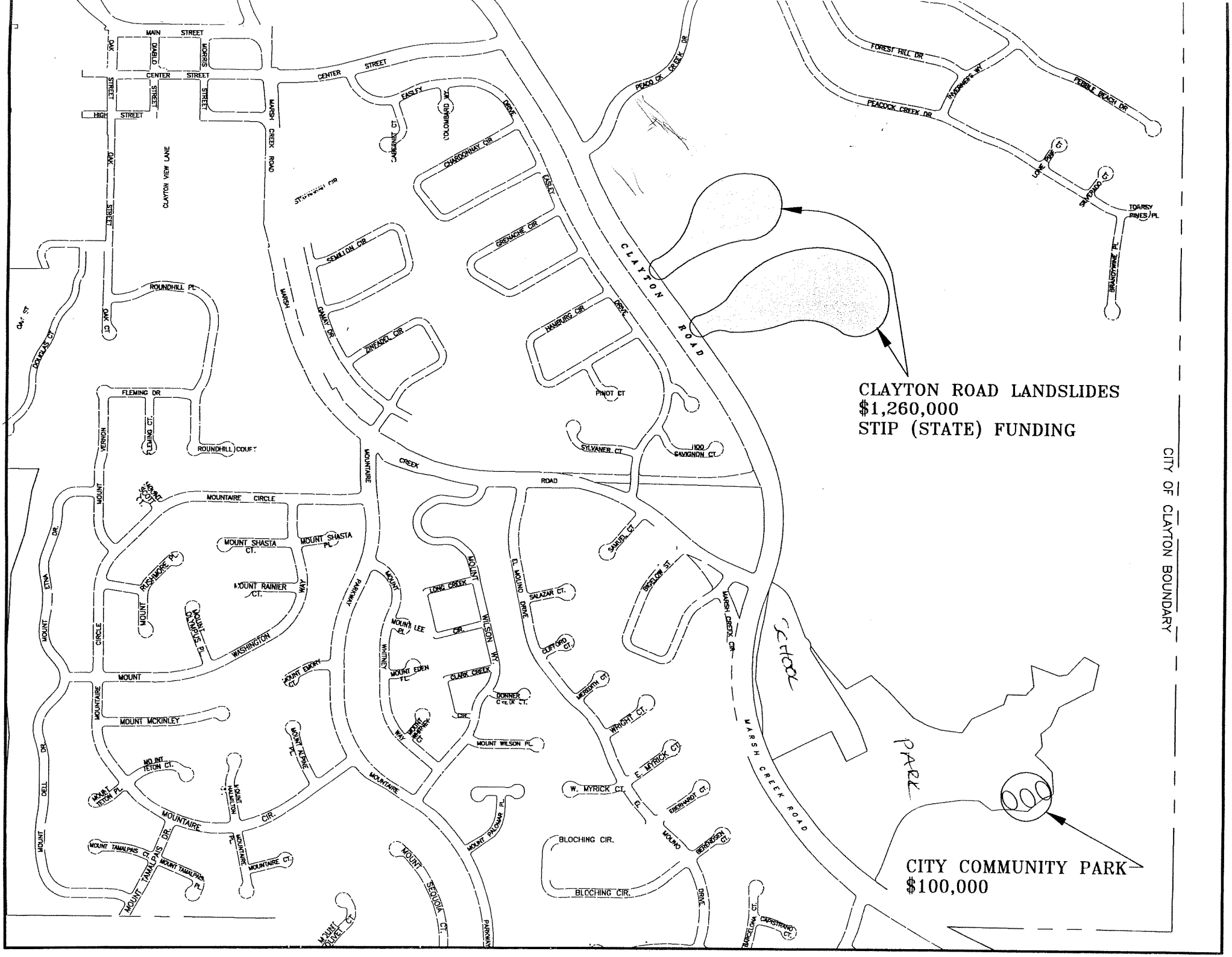
Saclan Terrace	$100,000	-	**Repair by removal and replacement with engineered fill**
Crow Place Debris Basin	$50,000	-	**Enlarge basin, install debris rack upstream of entry**
5112 Keller Ridge Drive	$50,000	-	**Repair slide by removal or buttressing**
Obsidian Way (Lots 22&23)	$80,000	-	**Repair by removal and replacement with engineered fill**
Antelope/Tushytak Cts.	$1,200,000	-	**Repair by removal and replacement with engineered fill**
City Community Park	$100,000	-	**Repair by removal and replacement with large rock**
Total	**$1,580,000**		

In order to generate the funds required to undertake this challenge for the permanent and safe restoration of our hillsides, the City will have to sell bonds backed by the GHAD's annual assessments. This crucial action will require a ballot approval by a majority as measured by the dollar amount of assessments of the Oakhurst property owners.

In August property owners involved in the GHAD – including those who purchased homes in the district within the last year or so – will be asked to vote on increasing the annual assessments which will permit the GHAD's selling of bonds to cover the $1,580,000 in required construction plus the cost of issuance. This board recommended action, yielding an annual assessment of $165,000, would entail:

- *annual repayments of approximately $125,000 over twenty years to GHAD's reserve;*
- *annual assessments of approx. $30,000 to cover GHAD's routine operating costs and maintenance responsibilities; and*
- *an additional assessment of $10,000 per year to replenish GHAD's reserve account*


CROW PLACE DEBRIS BASIN
$50,000
WINDMILL CANYON DRIVE
DEBRIS BASIN
$65,000
CITY OF CLAYTON BOUNDARY
5112 KELLER RIDGE DRIVE
$50,000
SACLAN TERRACE
$100,000
(HOA REIMBURSEMENT)
OBSIDIAN WAY – LOTS 22 & 23
$80,000
ANTELOPE & TUSHYTAK COURTS
$1,200,000
GOLF COURSE
RESPONSIBILITY
OAKHURST GHAD
SITES TARGETED
FOR
PERMANENT RESTORATION


CLAYTON ROAD LANDSLIDES
$1,260,000
STIP (STATE) FUNDING
CITY COMMUNITY PARK
$100,000
CITY OF CLAYTON BOUNDARY
CLAYTON ROAD
MARSH CREEK ROAD
MOUNTAIRE PARKWAY
MOUNTAIRE CIRCLE
MOUNTAIRE CIR.
MOUNTAIRE CREEK ROAD
MOUNT MCKINLEY
MOUNT RAINIER CT.
MOUNT SHASTA CT.
MOUNT SHASTA PL.
MOUNT RUSHMORE PL.
MOUNT OLYMPUS PL.
MOUNT EMORY CT.
MOUNT LEE PL.
MOUNT EDEN PL.
MOUNT WILSON PL.
MOUNT TETON PL.
MOUNT TETON CT.
MOUNT HAMILTON
MOUNT TAMALPAIS CT.
MOUNT TAMALPAIS DR.
MOUNT TAMALPAIS PL.
MOUNT PALOMAR PL.
MOUNT SEQUOIA CT.
MOUNT OLIVET CT.
MOUNT SCOTT
MOUNT VERNON CT.
MOUNT DELL DR.
WASHINGTON
WILSON WAY
LONG CREEK CIR.
CLARK CREEK CIR.
DONNER CREEK CT.
BOOTH HERITAGE WAY
MOUNT WHITNEY
EL MOLINO DRIVE
SALAZAR CT.
CLIFFORD CT.
MEREDITH CT.
WRIGHT CT.
E. MYRICK CT.
W. MYRICK CT.
EISENHARDT CT.
MOLINO
HENDERSON CT.
BLOCHING CIR.
BLOCHING CIR.
SAMUEL CT.
SIGSBEE ST.
MARSH CREEK CIR.
BARCELONA CAPISTRANO CT.
PINOT CT
SYLVANER CT.
100 SAVIGNON CT.
ROUNDHILL PL.
ROUNDHILL COURT
FLEMING DR
FLEMING CT.
OAK CT.
OAK ST
DOUGLAS CT
CLAYTON VIEW LANE
MAIN STREET
CENTER STREET
HIGH STREET
OAK STREET
OLIVE STREET
MORRIS STREET
MARSH CREEK ROAD
EASLEY DR.
CHARDONNAY CIR
GRENACHE CIR
SEMILLON CIR
ZINFADEL CIR
GAMAY DR.
HAMBURG CIR
DRIVE
PEACOCK CREEK DR.
FOREST HILL DR
PEACOCK CREEK DR.
PEBBLE BEACH DR
LONE PINE CT.
SAN MORADO CT.
TORREY PINES PL
BRANDYWINE PL.
PARK