

# **Supervisors lift Lakeside Heights emergency, discuss securing slide area for winter**

**Elizabeth Larson, Lake County News, 9-18-13**

LAKEPORT. – On Tuesday, five months after the Board of Supervisors declared a local emergency in response to a landslide that damaged a north Lakeport subdivision, board members voted to terminate the emergency.

The board held the vote during an update on the Lakeside Heights subdivision, at which time county officials also discussed options for stabilizing the slide area this winter.

Several structures were severely damaged by the landslide, which abruptly appeared in March in the 29-home subdivision perched above Hill Road. Since then, the ground movement has slowed to one-tenth of an inch in a six-week period, officials reported.

Public Works Director Scott De Leon, who also has served as incident commander during the local emergency, told the board, “With the impending winter rain, if things aren't done with this slide, it's going to end up on Hill Road.”

De Leon said he had contingency plans in place should Hill Road – the main entry point into Sutter Lakeside Hospital – be impacted.

Ideally, De Leon said he hoped to work with the subdivision's homeowners association to get the slide area secured against winter weather. He said he has plastic sheeting he would make available if the association was able to get volunteers to tarp the area. He said that was less expensive than having the county abate the slide.

Community Development Director Rick Coel said he was working on abating two structures – a home and a duplex – that, once gone, would make it easier to work on the winterizing and recontouring the soil.

Coel said it shouldn't cost more than \$45,000 to remove the two homes, plus another \$10,000 to shape and grade the soil. The total price tag will be closer to \$70,000, county officials said, if they needed to hire someone to tarp the area.

Special Districts Administrator Mark Dellinger said he is in the process of submitting to the state water board a request for supplemental funding for projects related to the slide, including moving utilities and installing piers for permanent stabilization, with construction to cost \$243,190. He said he wasn't particularly optimistic that they would receive the funds.

Randall Fitzgerald, president of the homeowners association, said the subdivision's residents aspire to be good citizens, and want to cooperate in whatever way possible.

“Within our limited budget, we will help, in whatever way we can,” he said.

However, Fitzgerald noted, “Every single homeowner feels that we are not responsible for the damage that has been inflicted on our neighborhood.”

The property owners in July filed tort claims with the county alleging that it was the county-managed public water system that was to blame for saturating the hillside, leading to the slide.

Those claims have since been rejected by the county's third party administrator, and the attorney for the

property owners told Lake County News last week that they are preparing to file a lawsuit against the county.

Fitzgerald said that the association, at its own expense, will put in a temporary storm drain bypass once it knows the status of the removal of the two structures. Without grading on part of the slide, Fitzgerald said they believe issues will continue even with the effort to keep the slide area dry with tarps.

“Obviously, we're all in an awkward position here,” he said of the homeowners, the board and the county departments.

Supervisor Anthony Farrington had liability concerns about having the subdivision's residents volunteering to put out the tarps.

County Counsel Anita Grant said the idea was to have a volunteer partnership. She went on to explain that the residents would not be county volunteers, and that it was a measure suggested to minimize the cost. “It may be a bit unusual in structure.”

Farrington asked Fitzgerald if the residents would prefer the volunteer approach or nuisance abatement.

Fitzgerald said they had an inherent limitation in the composition of the homeowners, many of whom are senior citizens. Only about half a dozen are physically able to do the work, and Fitzgerald said their preference would be for outside help.

Farrington asked if they would prefer outside help even if the county were to try to recover the costs. Fitzgerald said that, eventually, this is all going to come out “in the legal wash.”

Coel said they were suggesting a really temporary fix, and the bigger issue facing them was what to do with the soil there to keep it stable.

Grant suggested the board may want to direct staff to go back and look at all funding options for moving forward, which Supervisor Denise Rushing supported doing for a long-term fix, as well as bringing back alternatives. Staff said they would report back.

Farrington offered the resolution to terminate the local emergency. The vote was 4-0, with Supervisor Rob Brown once again recusing himself due to his daughter and son-in-law owning one of the subdivision's damaged homes.