

County's Love Creek Abatement Order Put On Hold

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The Love Creek area of Ben Lomond, site of a tragic landslide in January that took 10 lives, will remain at peace for at least a year.

The county Building Appeals Board Thursday, faced with appeals by Love Creek homeowners of the county's order to abate their homes due to the chance of another slide, unanimously decided to continue the appeal hearing for a year.

The year's respite, board members believe, will give homeowners time to look into alternatives to tearing down or moving their homes without compensation.

The delay only applies to those who appealed the county's order. Of the 28 homes ordered abated, owners of 20 appealed the order.

Each appellant must contact the board in writing that he or she is in agreement with the continuance, board members directed. Anyone opposed to the delay will have a separate hearing before the board on his or her appeal.

Owners of 15 homes were at Thursday night's meeting and from the sound of the applause after the board's decision, it appeared most were satisfied.

During the year's respite, homeowners won't be able to move back into their homes.

"The abatement order remains in effect, so they can't live in their homes," Assistant County Counsel Jonathan Wittwer told The Sentinel. All the delay does, he explained, is put the abatement on hold.

Board members desired the delay to give more time for further studies of the area, to allow homeowners to try to get compensation from their insurance companies and to allow some to work out problems with mortgage companies that won't allow homes to be torn down.

There's also the problem with Love Creek Road. Appellant Clarence Anderson pointed out that the road is in such disrepair that homeowners can't move their homes.

And Attorney Don Hubbard, representing some of the homeowners, pleaded for time for "due process" to possibly take the matter to court before the homes are torn down.

But while given a year's delay, the appellants cannot yet breathe easier. Wittwer pointed out that a supervisor displeased with the board's decision can ask fellow supervisors to consider the appeals. The board majority would have to grant this request before actually considering the appeals, Wittwer explained.

While board members heard from geologists David Leslie and Gerald Weber Thursday on the dangers of another slide and were presented with a report on Love Creek by the Army Corps of Engineers, they made it clear they didn't have enough technical information to make a decision.

Alluding to the Army Corps of Engineer's report which supervisors used to decide on abatement, appellant John Pizzuti said, "This is a rag and we deserve more than that. I think you guys recognize that in your hearts."

"I know this particular report prepared by the Corps of Engineers is contentious and inadequate for making this kind of decision," Board member Gary Garman agreed. "I don't know whose responsibility it is — perhaps the homeowners — but I believe more study is needed."

Boardmembers Frank Thomas and Norman Lund, contemplating the possibility that nearby Loch Lomond Reservoir could have weakened the land, also agreed more information is needed.

Attorney Dan Cooper, representing some of the appellants, suggested that further study be done to determine if the potential landslide could be stabilized by lowering the water in the reservoir. However, he said, his clients don't have the money for such studies.

Weber emphatically contended that the reservoir has no relation to the susceptibility of the land to slide. He

noted that the toe of the landslide is 400 feet above the lake and there's no way for the water to flow uphill.

He noted that the mountainside above the 28 homes actually slid four feet during the Jan. 3-5 storm. Claiming this land is geologically identical to the fatal slide, Weber claimed it could slide at any time.

"The identical conditions exist in the abated area," Weber said. "It's like someone cut both of these areas out with a cookie cutter."

"It did slide, but only four feet," he added. "If it had done what the Love Creek slide had done and slid 1,500 feet, most of the people in this room wouldn't be here . . . It started to move, but stopped. Don't ask me why."