

LATE
DIST

Brianda Negrete *Public Comment*

A-30

From: Aaron Lee Arndt <aarndt@foleybezek.com>
Sent: Monday, February 27, 2023 2:20 PM
To: sbcob
Cc: Jaqueline Navarrete
Subject: Comment Submittal for Feb 28, 2023 CBOS Meeting
Attachments: Moore CBOS Public Comment 022723.pdf

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Hello,

My name is Aaron Arndt. I am the attorney for Debbie Moore and Peter Moore, the owners of the property located at 915 Park Lane in Montecito. This property is impacted by matter A-30 of the agenda (page 16) for the February 28, 2023 meeting of the County Board of Supervisors.

Since my clients are traveling, they asked me to submit the attached comment in advance of tomorrow's meeting.

Please let me know if there are any issues opening the attached document.

--
Aaron Lee Arndt
Partner

Foley Bezek Behle & Curtis, LLP
15 West Carrillo Street
Santa Barbara CA 93101
tel (805) 962-9495 / fax (805) 962-0722

This email (including any attachments) is intended to be a confidential communication to the person or entity to whom it is addressed. If you are not the intended recipient, or the employee or agent responsible for delivering the email message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this email communication is strictly prohibited. If you have received this email in error, please notify us immediately by reply email and delete the original email from your system.

Dear Members of the County Board of Supervisors,

I am sending you this email as a written comment to the Santa Barbara County Flood Control District's proposed Buena Vista Debris Basin Project (the "Project"). I also plan on attending the February 28, 2023 public meeting via Zoom to discuss the Project. The Project is listed as item A-30 on the agenda for the public meeting.

My husband and I are the current owners of 915 Park Lane, on which a majority of the proposed Project will be located. We purchased our home in October of 2020. Only after we purchased the property did we learn that the Flood Control District (the "District") was planning to construct the debris basin. This information was not disclosed to us when we purchased our home. In fact, had we known that nearly half an acre of the property would be appropriated by the Project, we would not have gone ahead with the purchase of 915 Park Lane. Moreover, we have been informed by several real estate experts in Santa Barbara that our home is currently unsellable because of the shadow the Project places upon the property.

For more than a year, we have met multiple times with County Counsel Brian Pettit, along with both Matthew Griffin and Walter Rubalcava from the District, to voice our concerns about the Project and its impact on our property. The Project covers a significant portion of our property. Yet, to this day, we do not have a clear understanding of how the County intends to compensate us for the taking of 0.4 acres of our property, the diminished value of our overall property, as well as the subterranean easement required to insert the soil nails into our property.

Instead, we have been informed that the question of how the County will address these concerns is an issue to be addressed only after the Project is approved by the County Board of Supervisors. Therefore, we are placed in a situation where the County is continuing to move forward with a Project while telling us that we need to wait until it is fully approved before we can discuss how the County plans to deal with the fact that the Project is located on our property. How can this fact not be included in the analysis of the viability of the basin Project?

Importantly, we have been planning a renovation to our property and have had to expend significant time and money to conduct studies concerning the environmental impact of that renovation. This is frustrating because now we know that the impact that our renovation will have on the local flora and fauna is made irrelevant by the fact that the County is planning to construct a massive concrete structure near the same area. It is undeniable that the basin will have a massive impact on the surrounding area and will likely cause many trees on our property to fail—trees that we were told we had to insure would provide screening for our planned renovation. This manifestly appears to be a double standard for the County's planning and how private citizens are treated.

We are not biologists or environmental engineers. Thus, our ability to fully assess the accuracy of the Mitigated Negative Declarations ("MND") issued by the Flood Control District is limited. And hiring experts to independently assess the MND would be unduly burdensome on us as

private citizens. That being said, even in the limited time we have had to review the MND, there are multiple questions that we believe have not been answered concerning the environmental impact of the Project.

For example, the MND states that there will be yearly herbicide application on the basin area during the months of August through November. The MND speaks generally to concerns about the application of these herbicides and potential contamination of surfaces, water, and public access way. Absent from this analysis is the fact that our pool and pool area are located directly adjacent to the proposed location of the basin.

In addition, the MND provides that “[a]lthough Park Lane is the only access road to the residential properties adjacent to the Buena Vista Debris Basin, construction and staging of the proposed project would occur on District-Owned Property.” Based on our knowledge of the area, we have no idea how this is possible. Currently, there is only available parking along Park Lane for 2-3 standard-sized vehicles near the proposed basin area. Does the County intend to use 915 Park Lane to stage its vehicles? If so, this is not discussed at all in the MND.

In addition, we were informed on October 27, 2022 that the currently planned debris basin would not be able to prevent the type of event that occurred in January 2018. At the same time, there is no determination of the type of event the debris basin would prevent. How is it possible to assess whether the environmental impact of the basin is justifiable given the benefit of the basin when there is no disclosure of how large of an event the basin would be able to mitigate?

In the end, we need to obtain a clear and direct resolution as to whether the Project will proceed, and what compensation the County intends to provide us as homeowners for both the 0.4 of an acre of land we will lose, the diminished value of our overall property, as well as the subterranean easement required to insert the soil nails into our property.

Sincerely,

Debbie Moore
915 Park Lane
Montecito, California