

Bolinas Community Public Utility District

A Meeting Of The Mesa Septic, Flood Control and Roads Committee of the Board Of Directors

October 14, 2015 270 Elm Road, Bolinas

1. Call to Order.

11:00 a.m.

2. Roll.

Directors Comstock and Smith present; General Manager Jennifer Blackman also present. In addition, Fire Chief Anita Tyrrell-Brown, Assistant Fire Chief Steve Marcotte and BCPUD Chief Operator Bill Pierce also present.

3. BCPUD Ordinance 30 and BCPUD Board of Director's Policy Concerning Obstructions and Encroachments in the Public Rights-of-Way on the Bolinas Mesa.

Fire Chief Anita Tyrrell-Brown expressed her strong concern about the public health and safety implications posed by encroachments in the rights-of-way for residents of the Bolinas Mesa. She noted that nearly 20 years ago the community drafted a traffic plan for the Mesa, but a lot has changed since then – specifically, the encroaching vegetation and structures in the public rights-of-way. Trees have grown much bigger and bushes have extended far into the rights-of-way, rendering some of them virtually impassable for fire trucks and/or other emergency vehicles; in addition, fences and other structures have been erected. Combined with the current drought, the conditions on the Mesa are dangerous – a fire like the recent Valley Fire would devastate Bolinas. She noted that all of Bolinas is subject to state law and is within the “SRA” (“State Responsibility Area”); per the state fire code, all roads are supposed to be *at least 10 feet wide in each direction*, and this width requirement is *in addition to* the space needed for parking, walking paths drainage, etc. The state is placing high priority on access/egress; Anita noted that 24 of the 25 people who died in the Oakland Hills fire died trying to leave their neighborhoods. Anita said the BFPD no longer will allow neighborhoods to “close” roads and she urged the BCPUD to do everything it can to work with residents to mow and otherwise open up the rights-of-way, for the safety of the residents of the Mesa.

Director Smith inquired whether the traffic plan should be updated and Anita emphasized that it should be. She said she attended a meeting the prior evening regarding the wildfire plan for Marin County and the roads in Bolinas were identified as a big problem. Discussion ensued and director Comstock suggested that the BCPUD and BFPD conduct a survey of the Bolinas Mesa to document the current conditions and prioritize the problems to be addressed. BCPUD staff will focus on utility (water and drainage) access and the BFPD will focus on emergency vehicle access; results will be shared between the two districts. He said that the districts need to “make the case” to the community that action is needed to address the encroachments in the rights-of-way. Anita said there are two pieces to the problem: (1) existing encroachments, which will require a tremendous amount of effort by the districts to document and require their removal, and (2) new encroachments, which may be easier to address – she emphasized that the BCPUD and BFPD should be extremely vigilant and not permit the current (already dangerous) situation on the Bolinas Mesa to get any worse. Discussion ensued about recent and very significant encroachments and obstructions on the Mesa. Anita stressed that the Elm, Alder, Poplar and Evergreen rights-of-way are key thoroughfares and must be kept as wide open as possible.

Chief Operator Bill Pierce underscored the need for staff to be able to quickly and safely access the BCPUD's infrastructure. He mentioned several examples where the BCPUD encountered significant time delays and difficulties accessing its water lines due to encroachments in the rights-of-way. Bill said that a consistent difficulty with regard to enforcement arises when BCPUD attempts to stop new encroachments from occurring: the property owners point to their neighbors and say, essentially, “they are doing it, why can't I?” Director Comstock concurred that enforcement is a policy issue that needs to be decided by the Board; the Board previously directed staff to prioritize the removal of new encroachments, but that has created a perception of unequal or unfair enforcement in the community. He noted that it is easier (relatively) to stop new encroachments from proceeding vs. to require the removal of existing encroachments (which in some cases have been in place for decades).

Discussion continued about director Comstock's suggestion of a survey of current encroachments and obstruction in the public rights-of-way on the Bolinas Mesa. Assistant Fire Chief Steve Marcotte expressed his support and said such a survey will jump-start a discussion in the community. All present agreed that the survey needs to take into consideration the need for vehicle access, parking, drainage and fire hydrants in the rights-of-way, among other things. Anita suggested that the districts also contact the Marin County Planning Department to request consultation on proposed building projects in Bolinas with regard to the potential impact on the rights-of-way; she noted that this might prevent problems down the road for residents who may be unaware that the County does not have jurisdiction over the non-County rights-of-way in Bolinas. Steve Marcotte said that if the community wants to preserve Bolinas the way it is, the rights-of-way need to be enforced because there is no way that many of the houses will be allowed to be rebuilt as they are now if the Mesa is destroyed by a wildfire.

At the conclusion of the discussion, the committee members agreed to recommend to the BCPUD Board that the BCPUD work jointly with the BFPD to conduct a survey of the current obstructions and encroachments

in the public rights-of-way and report back to the respective Boards. The committee members also agreed that new encroachments should be dealt with as soon as possible and that the BCPUD Board should articulate and communicate its policy in this regard via a public education and outreach effort to the community.

4. Letter from S. Hodge re: BCPUD Enforcement of Ordinance 30.

Bill Pierce said that the water meter serving Steve Hodge's property was installed several years ago in the Alder public right-of-way. He said that a fence was in the right-of-way when Steve bought the property, although part of it was dismantled to bring in a house that was relocated onto the property. Bill said that he and another BCPUD staff member spoke with Mr. Hodge when the water meter was installed about the fact that the fence would need to be moved back to the property line when his building project was complete so that the BCPUD would have access to its meter. Unfortunately, this never happened. As for the Cedar right-of-way, Bill said that the BCPUD topped several pine trees at the intersection with Alder to take the sail out of the trees as the movement of the trees/roots during storm events were causing leaks on the nearby water main. He agreed that the BCPUD should have completed that job and removed the "sticks"; as such, he had no objection to reimbursing Mr. Hodge for his cost of removing the "sticks".

Discussion ensued between the committee members about an appropriate response to Mr. Hodge's letter to the BCPUD. They agreed with staff that the BCPUD should reimburse Mr. Hodge the \$1,050 he incurred to remove the pine tree "sticks" in the right-of-way. They discussed Mr. Hodge's request to be reimbursed for the \$1,700 he expended to remove plants he had installed in the Alder and Cedar rights-of-way; the committee concluded it would not be appropriate to reimburse Mr. Hodge for this cost as he knew these plants were being installed in the right-of-way (not his property), he had planted them on top of the BCPUD's water main in the Cedar rights-of-way, and he had no permission to plant these encroachments. Finally, with regard to Mr. Hodge's fence, the committee members concluded that while all concerned agree this fence is located substantially into the Alder right-of-way, there is disagreement over whether he was given permission to leave it there by the County of Marin when he received his building permit. The committee members do not agree with Mr. Hodge's interpretation of the County permit language and will state as such in the BCPUD's response. The committee members concluded that although the fence eventually will need to be moved back to Mr. Hodge's property line, staff first should proceed with the survey of the Bolinas Mesa and deal with the enforcement of this encroachment per the priority schedule established as a result of the survey. The committee members agreed to draft a letter to Mr. Hodge for consideration by the full Board at its October meeting.

5. Community Expression

None.

6. Adjournment

1:05 p.m.