

## **Bolinas Community Public Utility District**

**A Meeting Of The Mesa Septic, Flood Control and Roads Committee of the Board Of Directors  
November 17, 2015 270 Elm Road, Bolinas**

### **1. Call to Order.**

11:07 a.m.

### **2. Roll.**

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

### **3. BCPUD Ordinance 30: *BCPUD/Bolinas Fire Protection District Survey of Obstructinos and Encroachments in the Public Rights-of-Way on the Bolinas Mesa.***

Director Comstock said that he is drafting a notice to be published in the Hearsay News to inform the community about the survey. To that end, it would be helpful for the committee to further clarify the scope of the survey and how broad it should be – for example, does the survey need to include any areas of Bolinas that are not on the Big Mesa? Fire Chief Anita Tyrrell-Brown said that she is worried about *all* rights-of-way in the Bolinas community from a fire/emergency vehicle access standpoint, but she recommends that the districts begin with a survey of the Big Mesa as it is highly populated and most of the obstruction and encroachment problems are there. Discussion ensued about other areas of town and Anita said the areas of the most concern after the Big Mesa are the various roads off of Terrace Avenue between the Mesa and downtown. In response to questions from director Comstock, Bill Pierce confirmed that many of the so-called “paper roads” (i.e., undeveloped public rights-of-way) have BCPUD infrastructure located within them and therefore should be included in the survey, as well. In response to further questions from the committee, Bill recommended that several of the “paper roads” (a term he does not feel it is appropriate to use) that have been closed by residents over the years should be opened up.

Director Comstock said that from his perspective, the districts’ efforts should be limited to removing the obstructions and encroachments needed to ensure fire/emergency vehicle access and access to BCPUD’s infrastructure; he would not go further than that as the districts already have enough to do with the ordinary press of business. Stacey Henderson urged the committee to consider drainage issues when establishing the scope of the survey; she advocated that the rights-of-way should be cleared of obstructions and encroachments widely enough for a two-lane road to be developed with drainage on both sides. Discussion ensued and Lewie Likover confirmed that there are many rights-of-way he has identified for drainage projects that have been encroached on by residents, primarily by the planting of trees and/or shrubs, but sometimes also via the erection of fences or other structures. Director Comstock concurred that if the BCPUD has valid, identifiable reasons for enforcing Ordinance 30 for drainage improvements, it should do so, but he is reluctant to embark on a sweeping effort as the districts have more than enough to deal with as it is.

Bill Pierce said that over the years as the district has endeavored to assist residents with drainage projects, he has seen ditches and culverts installed as much as 15 – 20 feet into the public rights-of-way due to existing encroachments; as a result, these ditches and culverts are not where they should be (i.e., not on the edges of the public rights-of-way). He urged the Board to take a firm stand against the egregious obstructions and encroachments; otherwise, staff will not be able to effectively enforce the public’s use of the rights-of-way. Staff noted that when drainage infrastructure is located in or near the middle of the rights-of-way, that leaves even less room available for water system improvements.

Discussion turned to the apparent replanting in the Alder and Cedar rights-of-way that was recently observed and reported to the Board. The committee members said they prefer to deal with this property in connection with the survey as the property owners feel they are being singled out and have convinced their neighbors of this, as well. Staff noted that Board-approved policy was followed (as it has been vis-à-vis other property owners in town) and the committee members agreed that it was; director Smith said that although the Board did approve the form of letter that was sent, it is “harsh” and once the survey is complete, he believes the district (and he volunteered to take the lead) should go out in the community and talk with property owners about their encroachments and obstructions before letters are sent. Staff noted that attempts were made to talk with the property owners on-site in the Alder and Cedar right-of-way case, but that was not well-received by the property owners.

Stacey Henderson suggested that perhaps local neighborhood committees should be formed to talk about drainage and work together to clear encroachments as was done in the past. Director Comstock said that many people will think that they don’t need to bother participating in such a committee (because they don’t realize they might benefit). Steve Marcotte said that while neighbor committees seem like a great

idea, there is the potential for such committees to turn into “NIMBY” groups seeking to ensure that projects do not happen in their neighborhoods.

Director Smith said that an important attribute of the survey and resulting projects is consistency: the districts need to determine a minimum reasonable width for the public rights-of-way across the Big Mesa to accommodate roads, drainage, parking, utilities and emergency response. He noted that this width will be less than the 40-60 feet depicted on the subdivision map for the Big Mesa, but the districts would receive intense community opposition if they tried to enforce the full width of the rights-of-way. Director Comstock agreed; he said that the issues are not easy, but the districts have a responsibility not to allow the encroachments and obstructions to continue and pose a threat to public health and safety. As such, he said, the survey needs to focus on the problematic obstructions and encroachments that are inarguable insofar as they inhibit BCPUD access to its infrastructure and/or BFPD emergency response access.

Staff suggested that the districts consider reaching out to the County Planning Department to clarify the County’s jurisdiction/authority over projects on the Big Mesa and its enforcement authority vis-à-vis encroachments and obstructions in the public rights-of-way. Discussion ensued, with the committee members in agreement that that the districts should reach out to the County so that residents are not misinformed. Staff agreed to do so and report back to the committee.

**4. Minutes of the October 14, 2015 committee meeting.**

This item was deferred.

**5. Community Expression**

None.

**6. Adjournment**

1:15 p.m.