

HOWARD N. DASHIELL
County Service Area 3
Coordinator



TELEPHONE: (707) 234-2820
FAX: (707) 463-5474
EMAIL: csa3@mendocinocounty.org
www.mendocinocounty.org/government/transportation/csa-3

**COUNTY OF MENDOCINO
SERVICE AREA 3**
501 Low Gap Road • Room 1010
Ukiah, California 95482

September 26, 2023

RE: Costs and Practical Factors - Sherwood Firewise Community (SFC) Pilot Project to Maintain Access or Emergency Access Routes (EARs) - Status as of CoCO Update to BoS

This MEMO is presented to support my strong recommendation that the Board of Supervisors adopts a policy of purchase of durable recorded easements as a bases for any public services.

In 2018 the Brooktrails Township Community Service District (CSD) took down from their web page the attached Emergency Access Routes (EARs) map which apparently had been posted to their web page for many years based on verbal agreements between past CSD fire officials and private road owners for use in evacuation and that document was no longer accurate because most of the roads were not “ready” for use. In 2019 the CSD and Sherwood Firewise Communities (SFC) Steering Group negotiated unilaterally revocable "License Agreements" with property owners to use and maintain two EARs (#2A is commonly called the FirCo Haul Road & #3 is commonly called Willits Creek Trail with SPECIFIC assignment provisions to Mendocino County Service Area (CSA) #3 Zone of Benefit (ZoB) – today we learned this same project can be accomplished with “Benefit Assessment” without CSA #3 or any LAFCo processes to collect funds to maintain EARs so they stay “ready” for use.

During several meetings with the SFC, Steering Group Member, Keith Rutledge expressed the idea of adding the REST of the EARs shown on the pre 2018 Brooktrails Evacuation Routes, attached. There is no question that if the county does the first two ERAs, we will soon be asked to do ALL the routes as shown on the attached exhibit – and some not shown.

Furthermore, after receiving a 2019/20 Caltrans Adaptation Planning Grant, the Mendocino Council of Governments (MCOG) completed a 2020 Fire Vulnerability Assessment & Emergency Evacuation Preparedness Plan that identifies a *dozen or more* similar private roads for conversion to EARs. Thus, it is important that the subject pilot project establish solid polices & practices and not that short cuts just to get one or two EARs done quickly in my opinion.

I have searched the *Brooktrails Vacation Village* subdivision(s) and found no easement dedications for the EARs shown on the pre 2018 evacuation map or that the subdivision was approved with any such development conditions of approval. The County Maintained Road System is 90% same as it was when Brooktrails was created as well as many other areas of the County where there is just one good, surfaced road access and a second dirt road. Many subdivisions like El Dorado, Deerwood, Vichy, Russian River Estates, Mitchell Creek, etc. literally have JUST ONE access.

The Board of Supervisors Serving as CSA #3 Board of Directors

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Fifth District

For the record this is what state law (Subdivision Map Act) GOVERNMENT CODE SECTION 66475-66478 – DEDICATIONS says: 66475. *There may be imposed by local ordinance a requirement of dedication or irrevocable offer of dedication of real property within the subdivision for streets, alleys, including access rights and abutter's rights, drainage, public utility easements and other public easements (...).*

Mendocino County Code (MCC) Sec. 17-19 (c) *The parcel or parcels of land being divided have approved access to a public maintained street or highway (...).* Says “*approved access to a public maintained street or highway*” “not accesses... not two or more accesses... just access to a public street or highway.

I want to be clear my conviction on this matter is not about EARs themselves or the aspiration to improve traffic circulation conditions in Brooktrails or anywhere else in Mendocino County where a fire or other natural danger is documented to exist.

My reasons would be the same if a “Benefit Assessments” were used to improve any facility for public convenience or public safety anywhere – I came to truly believe in the Mendocino LAFCo Policy 9.8 ADEQUATE SERVICES says: *LAFCo shall consider the ability of an agency to effectively and efficiently deliver adequate, reliable, and sustainable services and shall not approve a proposal that has significant potential to diminish the level of service in the agency’s current jurisdiction. The agency will be required to provide satisfactory documentation of capacity to provide service within a reasonable period of time.* A durable easement is the only way to accomplish this in my opinion; because, written but unilaterally revocable access right is little better than the pre 2018 verbal agreements which failed. Voters need to be informed of costs which might start high for initial startup then possibly decrease for periods average maintenance then increase again under future conditions – that needs to be made clear in the voter’s guide.

In 2020 SFC through a grant did a study of what improvements were needed to keep the two subject EARs resilient and functional. These improvements addressed grading width for turnout-turnaround, drainage and surfacing etc. When considering a basis for assessment cost on which to base the required engineer’s estimate an approximate average of \$30 per year per 1,547 lots was proposed for ease of voter understanding. However, based on the experiences of other counties with “underfunded – refusals to vote higher benefit assessments” my original proposal was to “ballot” \$57.33 per year the first year and \$23.37 per year thereafter with the ability to make annual increases to the \$23.37 per year based on the Consumer Price Index (CPI) as necessary. Purchase of durable easements likely will require an initial “ballot” \$650 to \$750+ per year for the first few years to acquire easements. A professional appraisal would need to be funded and prepared first assessed year before an exact cost could be voted in successive years. I believe that is the most honest, transparent communication about the “Benefit Assessment” which requires realistic and larger initial “Benefit Assessment” and the expectation of increases for ongoing maintenance costs in the future and not an easy “round number” like \$30 per year which gives the false impression that we get a better evacuation benefit for \$30.

I will, of course, respond to any questions that you may have.

Respectfully submitted,

HOWARD N. DASHIELL
County Service Area 3 Coordinator

cc: Project 1910-HBKRTS

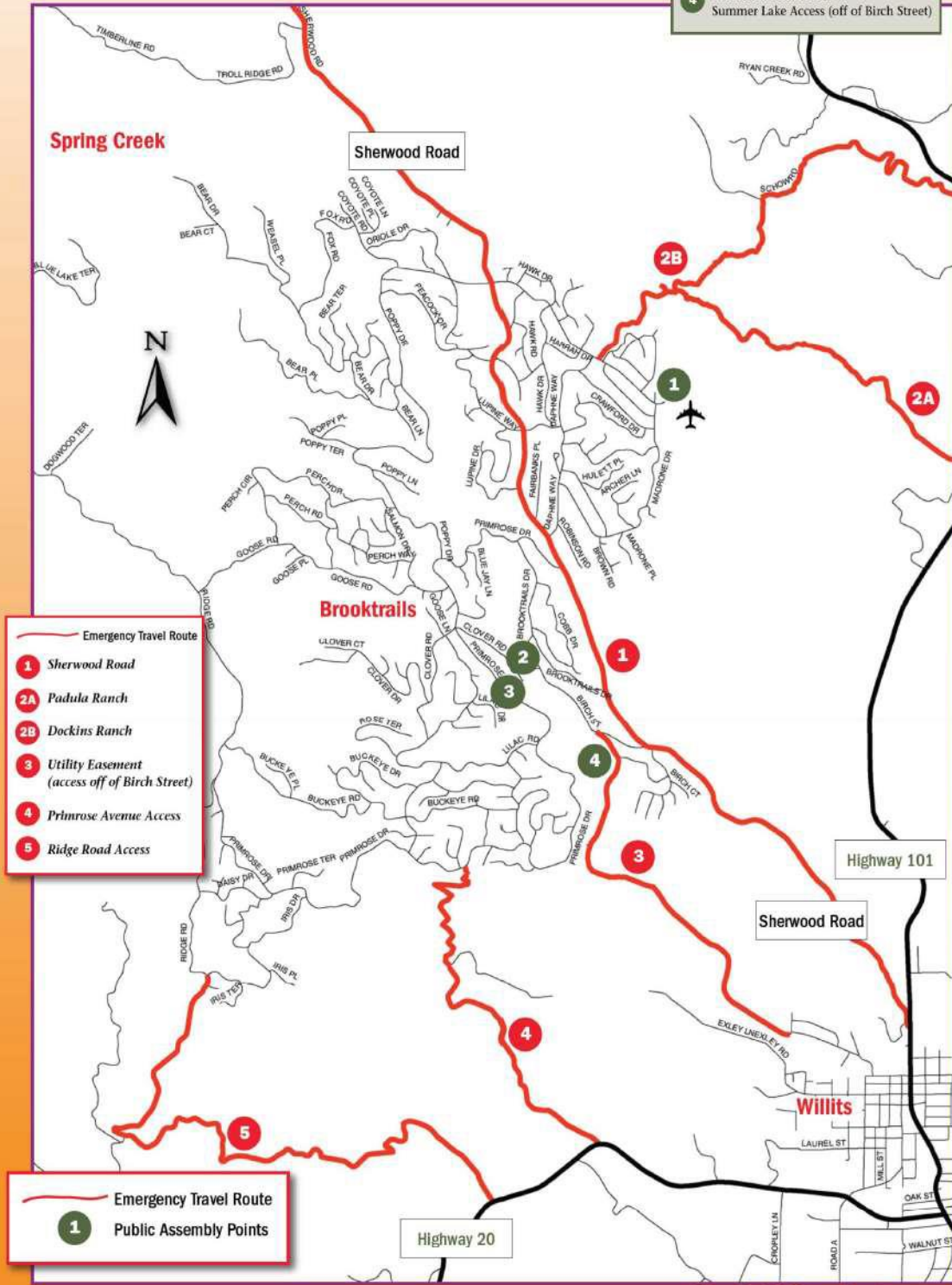
Brooktrails & Region

Emergency Travel Routes and Public Assembly Points

- Map of Spring Creek and Sylvandale on reverse.
- Take this map during an evacuation.
- Obey the directions of all public safety personnel.

Assembly Points for All Brooktrails Communities

- 1 Willits Airport
1300 Poppy Drive
- 2 Brooktrails Community
Service Complex • 24860 Birch Street
- 3 Ohl Grove Park
Intersection of Birch and Clover
- 4 Brooktrails Ball Field
Summer Lake Access (off of Birch Street)



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