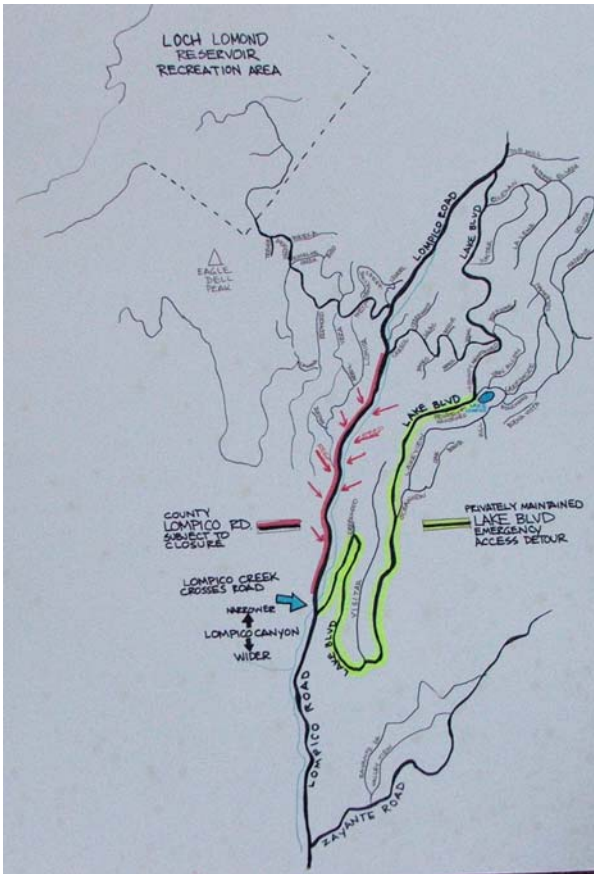


LAKE BOULEVARD



Morning of April 11, 2006



LOMPICO CANYON

Lompico Canyon is located in Santa Cruz County as a tributary to the San Lorenzo Valley and watershed. It is a box canyon with one county-maintained road access, which runs parallel to Lompico Creek in the narrow canyon.

LAKE BOULEVARD

Lake Boulevard is one of the major roads in Lompico Canyon. The north section of Lake Boulevard is county-maintained. The south section of Lake Boulevard from Lakeview at Lake Lompico, along the ridge and back to Lompico Road nearer south entrance is not maintained by the County.

The south section serves as a detour and emergency access to the canyon whenever Lompico Road is closed.

LOMPICO COUNTY WATER DISTRICT

The Lompico County Water District is an autonomous Special District, a public water company. Beginning in 1978, Lompico Water District as a public corporation installed water mains along the publicly maintained and privately maintained portions of most roads in Lompico Canyon to service residences. County Recorders office has on file a number of *eminent domain* documents citing “condemn and acquire for public use” the road right-of-ways et al “for the purpose of constructing, repairing, maintaining and operating” the water system, initiated on November 18, 1977. (*Superior Court of the State of California, County of Santa Cruz; Action in Eminent Domain: Lompico County Water District, a public corporation, plaintiff vs [Lompico tract property owners], defendants*).

The water district currently serves about 500 households and has an annual budget of approximately \$350,000. District decisions and operations are the responsibility of a five-member board of directors and district manager. The water board meetings are generally the third Tuesday of the month at 7 pm, held at the district office on Lompico Road. These meetings, as well as committee meetings, are open to the public. Regular agendas are posted in three areas about 72 hours prior to meetings. Agendas are also available by mail or fax upon request. District business is public and records open under the California Public Records Act. Each meeting has time available for public comment.

APRIL 2006: LAKE BOULEVARD DAMAGES

In the early morning of April 11, 2006, during heavy storms and after an especially wet winter season, a water main located at the outboard fill wedge outside of the road separated, causing a spill of approximately 250,000 gallons, major water storage for the district. The resulting erosion force of about 300 psi caused some undermining to the road, removed approximately 150 yards of the lower slope supporting the road, and saturated the entire area, causing further slumping. While the road itself remained intact, access was blocked for public safety reasons due to undermining and removal of lower slope support. Lower switchback ▶



Lompico Water District, Zayante Fire District, and County Public Works were all notified immediately of the situation. Homeowners mobilized on April 11th and 12th to assist Lompico Water district manager Mike Egelston in the installation of valves on either side of the main failure to allow repressurization of the entire canyon water system. Bypass of this loop reduces the flow of water to adjacent fire hydrants. Local homeowners were without water service for about six days. One fire hydrant is bypassed and remains out of operation. Zayante Fire District provided tank trucks for backup fire protection until the water district's tanks were refilled, about two days. Mud, rock and debris washed down below the main failure onto Lake Boulevard, which runs as a switchback, down the roadway and into Lompico Creek. Homeowners organized and carried out all immediate relief work to remove debris from the lower road, to allow access to five homes which had otherwise been cut off. Homeowners also contracted consultation with certified erosion specialist Steve Butler for advice on how to immediately protect the site, and also had a consultation with USDA soils specialist Richard Casale on other protective measures a few days later. The event was reported widely in local and national news.

FIFTH DISTRICT SUPERVISOR MARK STONE



Homeowners contacted County Fifth District Supervisor Mark Stone immediately for assistance. Mark Stone met with community members on site April 26, 2006, with his opinions and advice on procedure. Stone reiterated that any repairs to Lake Boulevard must be done via engineered requirements. At a Lake Boulevard community emergency meeting on April 27, 2006, followed up by email discussions, neighbors voted to use pooled funds to immediately start the process for road repair, as restoration of access was of

primary importance. This resulted in establishing contract agreements for services of a Soils Engineer, Civil Engineer, and topographic survey. These contracts were signed early to mid-May 2006. In mid-May both the soils engineer and the civil engineer had

reviewed the site and made some preliminary assessments. As of the end of May, soil core sampling had been completed. Lab work was in process in June, and the report was being prepared. The topographic survey was completed by early June. The civil engineer indicated that, contingent upon completion of topographic survey and receipt of soils report, he could present an estimate for final design within thirty days.

In April, Fifth district County Supervisor Mark Stone referred homeowners to Mike Dever, of Office of Emergency Services, for filing of a preliminary damage report. This information was necessary to add to County damages in appealing for State and Federal disaster relief. Mark Stone's office then organized a joint meeting of County administrators and the water district to come up with a road repair solution.

COMMUNITY MEETING MAY 22, 2006



Mark Stone organized a Community Meeting, held on May 22, 2006, with invitation to all Lompico Canyon residents. Present at this meeting was Tom Bolich, head of Department of Public Works; Dana McCrae, County Counsel; Susann Rogberg of Public Works; Susan Mauriello, County Administrative Officer; Lompico Water District as represented by board members Patrice Ballou and Sean Wharton, Lake Boulevard community represented by Lyle Fleming, Supervisor Mark Stone,

Lompico Water District manager Mike Eggleston, Zayante Fire District Chief Jeff Maxwell and ZFD grant researcher, Santa Cruz County Planning Department head Tom Burns; Mike Dever of Santa Cruz County Office of Emergency Services; Emergency response ambulance, Highway patrol, Sheriff, and State Office of Emergency Services. The community meeting was covered by local press and articles about it appeared in the newspapers.

County representatives heard testimony from Lompico Canyon and Lake Boulevard community about concerns on the closure of Lake Boulevard, as the privately maintained portion of Lake Boulevard serves as the only other access to Lompico Canyon when Lompico Road is closed. Testimony and statistics were presented to indicate the frequent closures of Lompico Road and long-standing use of Lake Boulevard for emergency access. The need for a timely repair and reopening of Lake Boulevard access was requested by Lompico residents.

County representatives at the community meeting revealed the "blueprint" of a plan formulated at their recent joint meeting with the water district manager. This plan was to apply for FEMA funds to allow Lompico Water to repair both their main and the resulting road damages under storm damage claims.

The County blueprint also called for formulation of a Joint Task Force (JTF) to carry out this plan, to be comprised of community members and Lompico Water district.

Five homeowners volunteered to serve on this Task Force. Lompico Water provided three representatives, composed of the district manager and two board members who were also the Facilities Committee for the water district.

The Joint Task Force met only a few times, and was subsequently disbanded without notice after their last meeting in September 2006 by the president of the board of directors of Lompico County Water District.

The neighborhood's engineering contracts were taken over by Lompico Water, as they accepted responsibility for the FEMA application. No engineering was completed, and in April 2007 the water district abandoned the road repair portion of their FEMA application

OVERVIEW OF ROAD HISTORY

The privately maintained one-lane portion of Lake Boulevard intersects with Lompico Road along canyon bottom creek level at about 1.2 miles from Zayante Road, climbs up the hillside and reconnects with the County-maintained portion near the top of the mountain at Lakeview Drive, adjacent to Lake Lompico. As typical for mountain roads, this portion of Lake Boulevard was originally built for logging, and was constructed by bulldozer and felling redwood trees for roadway support, in about the 1920's. Roads were mostly insloped with runoff controls and diversions, as standard for the time.

1926 LOMPICO TRACTS

In 1926, lands were developed by John Coleman, with parcels surveyed and lots laid out. Some roadways in Lompico Tracts were accepted by the County in 1926, while others were not. Roads within the subject community include Lake Boulevard and Visitar Street. Both are defined on parcel maps as roads, with 30 and 40 foot right-of-ways. Private parcel boundaries do not run to the center of the road. Investigation with the County Assessor's office concludes that no parcel numbers were assigned to described roadways in 1926, and acknowledged this was an error on their part. Initially, as were most roads in Lompico, both Lake Boulevard and Visitar were dirt roads servicing mostly vacation homes. As these homes became permanent residences, some road improvements began.

1975 NEIGHBORHOOD COLLABORATION

In about 1975, homeowners pooled funds and paved Lake Boulevard from the Lompico intersection at the bottom of the mountain, to the intersection of Visitar, about half way to the top. Over the years, various homeowners and developers have funded paving projects, so that now all of the non-County maintained portion of Lake Boulevard is paved, and most of Visitar.

Road Crew, circa 1981



Maintenance funds are generated by participation of about 40-50 volunteer homeowners out of a total 65 who have residences along the non-county-maintained portions. This maintenance fund is known as "Lake Boulevard Road Association" (LBRA) (aka Lower Lake-Visitar Road Association), although no formal road association has been formed. LBRA has existed since about 1975 and has continuously funded road maintenance through a strong community structure of volunteers.

1982 STORM AND EMERGENCY TAKEOVER

In 1982, when severe storms caused Lompico Road to be closed for an extended time, Santa Cruz County officials commandeered Lake Boulevard as the sole access for all Lompico Canyon residents. The County provided a letter to homeowners saying that the County would take responsibility for all damages as a result of their “emergency powers” action takeover of Lake Boulevard. The resulting commandeering of the road resulted in approximately 200-300 cars per hour using the one-lane road, effectively making all access for residents and emergency vehicles prohibitive. A traffic control system was initiated by use of Zayante Fire District firefighters, and later revised to an “odd-even” hourly traffic system. After the emergency use of Lake Boulevard ended, the County did not follow through on their letter of intent to restore the road to predisaster use condition.

Efforts requesting help from the Fifth District supervisor and County administrators were made and were denied. The neighborhood association then wrote letters to State representative Sam Farr and Senator Leon Panetta, to see if state or federal assistance was available in lieu of County funds. Homeowners also began proceedings via a claim for damages against the County, and hired legal representation.

Both Sam Farr and Leon Panetta agreed to investigate, and both assessed that road damage repair was deserved, and contacted local government to find a solution. Based on the significant intervention of these two representatives, and in particular the personal interest by Mr. Panetta, the County then agreed to perform some repairs. This was to be done using FEMA funds, and County funds. An Agreement between County Public Works and the road association was signed to move this plan forward. Included in the Agreement was a final paragraph, to address future use of Lake Boulevard by the County as an emergency access upon the closure of Lompico Road, and recognition of the need to assess those damages.

1985 – 1986

In 1985 Director of Public Works D. A. Porath states in a verbal interview that Lake Boulevard is a “non-County-maintained public road” that may not be gated. This is in response to Homeowners who wish to investigate the possibility of restricting access.

In a response letter dated August 27, 1986 to Fifth District Supervisor Joe Cucchiara, who has requested Public Works assistance for privately maintained Lake Boulevard, Director of Public Works D. A. Porath agreed that the damaged condition of the road was accurate, but in his opinion the County did not legally have any responsibility.

1995 STORM AND EMERGENCY TAKEOVER

In 1995, major damage to Lake Boulevard resulted from emergency access when Lompico Road repeatedly closed due during winter storms. In a letter to John Fantham, Director of Public works on March 23, 1995, regarding road damages caused by detours, then LBRA president Hans Nielson states “Property owners along Lake Blvd are then saddled with the adverse road conditions until we bear the costs..” “We do not think this is fair or reasonable...”. After describing massive traffic jams and a vehicle going off the edge of the road, Nielson says “This clearly illustrates our concerns and the need for action in order to upgrade the road IF IT IS GOING TO BE REGULARLY

COMMANDEERED FOR EMERGENCY ACCESS TO THE COMMUNITY OF LOMPICO” (Nielson’s caps). He further states, “We are not in a position to bear the financial burden of upgrading the road so that people who do not regularly use it can use it safely in an emergency”, and “ We believe that the County is liable because they are the ones who put up the ROAD CLOSED signs on Lompico Road just upcanyon of Lake Blvd with no traffic control nor control of any kind on Lake Blvd”.Nielson concludes with (his caps) “WE FEEL THAT WE ARE IN A DIRE SITUATION FROM WHICH OUR ONLY HOPE IS SIGNIFICANT HELP FROM THE COUNTY PUBLIC WORKS DEPARTMENT”.

Again, after letters and meetings, on May 8, 1996, an “ Agreement with Lower Lake-Visitar Road Association for Repair of Emergency Use Damage” was signed between County Public Works and the road association for repair of damages by both FEMA funds and County funds. It states “Winter storms in January and March 1995 again closed a portion of Lompico Road necessitating the use of Lower Lake Boulevard as a temporary detour, resulting in road damage”. The Agreement included the same paragraph as negotiated in the 1982 Agreement, to address the future use of Lake Boulevard by the County as an emergency access and to assess damages.

1998: STORMS AND EMERGENCY TAKEOVERS

On March 3, 1998, in a letter to Fifth District Supervisor Jeff Almquist, from Lake Boulevard Road Association president Lyle Fleming, assistance is requested following “increased traffic on the fragile surface of Lake Boulevard when Lompico Road is blocked, as has happened several times this year”, and when a decision was made by County agencies to “route traffic up Lake Boulevard for both entrance to, and exit from Lompico proper”. Fleming states “..short of barring access to Lake Boulevard, we, the caretakers of Lake Boulevard, are being forced to endure much financial and physical hardship, as we are the only people fixing and paying to fix damage on Lake Boulevard [following emergency detours]”. Fleming explains that road conditions have deteriorated as a result of heavy traffic to a point where the Zayante Fire District is unable to safely use the road to provide adequate fire protection to residents of Lake and Visitar. Help is requested to bring the roadway up to standard by the County to ensure public safety. No action is taken by the County. Homeowners via LBRA shoulder cost of restoring road.

2006 STORMS AND EMERGENCY TAKEOVERS

On January 2, 2006, a major storm caused the closure of Lompico Road for most of the day and County representatives placed barricades at the base of Lake Boulevard to divert traffic for emergency access to Lompico Canyon. No County traffic control was instituted, and major traffic jams and road blocks resulted. Lake Boulevard Homeowners contacted County representatives, as this condition was dangerous for public safety both in access, and in blocking the road for emergency vehicles. At the end of the day, and within only a short time of reopening Lompico Road, County officials were convinced to move the barricades to Lompico and Zayante Roads.

On January 22, LBRA wrote a letter to the County via Supervisor Mark Stone, citing the original 1982 Agreement requesting assessment of damages, review road condition, and asking for assistance in forming a traffic plan for future events. County Public Works responded negatively in February 1, saying in their opinion the Agreement no longer

applied, and referred it to County Counsel. The County thereafter, on at two or more occasions during winter and spring storms, diverted traffic onto Lake Boulevard as a result of Lompico Road closures. At no time after the New Years storm of 2006 did the County set up a meeting to review road damages. County Counsel did not provide a written statement of position.

This question was brought up again at the May 22 Community Meeting in which major County administrative officials were present. These County administrators came to the meeting saying that the 1982 Agreement was no longer valid, implying that it was dated and no longer applied.

A copy of the 1996 Agreement was then presented, which contained the same language addressing future use of Lake Boulevard as an emergency access. The Director of Public Works, County Counsel, and County Administrative Officer stated they were unaware of the existence of this later Agreement. County Counsel and County Administrative Officer both said that they were unprepared and asked for time to review this new information.

CAO Susan Mauriello and
County Counsel Dana McCrae

County Administrative Officer Susan Mauriello wrapped up the May 22 Community meeting by reviewing four items she and County Counsel would look into:

- 1) Find and review the 1995 Agreement and terms
- 2) Consider special declaration and recognition of Lake Boulevard as emergency access
- 3) How to incorporate “emergency use” damages with their recommended County Service Area (CSA) road tax solution
- 4) Creating a plan for emergency access when Lompico Road is closed; possible limited use agreement with private property owner at Lompico Road & Zayante Roads ; Use agreement with Lake Boulevard on remaining portion that will still be needed for emergency access and could sustain damages from that use.



A copy of the 1995 Agreement and relative documents were provided to the County. The County did not take any further action or recognize the Agreement.

NEWS REFERENCES

Valley Press, March 22, 1995 article :
Lompico frets over last-ditch road.

““Lompico Road is closed” That is something Lompico residents have heard repeatedly over the years and more importantly, repeatedly over the past two months.

“And, “can people get through on Lake Boulevard”? is usually the next question asked, “said Zayante Fire Chief Ken Boynton, whose volunteer department is called upon most often for traffic control in the area. Without access around Lompico Road, such



as over lower Lake Boulevard, Lompico is a boxed-in canyon with no way in our out for the residents”.

“Lake Boulevard is a privately maintained road, without County support for its upkeep, but in certain emergency situations –where people have to get in and out of Lompico—traffic inevitably gets diverted through the winding hillside neighborhood, and this creates a problem for the residents who live along the route.”

Bookwalter, Genevieve. Santa Cruz Sentinel, article:

“County seeks disaster declaration” April 13, 2006.

www.santacruzsentinel.com/archive/2006/April/13/local/stories/04local.htm.



“County leaders are asking Gov. Arnold Schwarzenegger to declare a state of emergency in Santa Cruz County, after recent storms inflicted about \$6 million in damage on unincorporated roads.

“These rains are coming too close together, there’s no breathers,” said Tom Bolich, director of Santa Cruz County Public Works. “Things are just saturated.”

“Some of the hardest-hit roads include Lompico Road...., said civil engineer John Swenson. As of Wednesday evening, six roads in the county were closed.

▲ Supervisor Mark Stone, Zayante Fire Chief Jeff Maxwell, Battalion Chief John Stipes, and concerned homeowners on site.

“In the Valley is where it always hits pretty hard,” Swenson said.

Bookwalter, Genevieve. Santa Cruz Sentinel, article:

Lompico Residents stranded by fallen tree” July 13, 2006 www.santacruzsentinel.com

“About 1,500 residents were stuck up Lompico canyon Wednesday morning after a tree fell on phone lines and blocked the only road in and out of the area.

“The tree fell about 2 am...crews had the road open again about 9:30 am”.

“Wednesday’s stranding could play out many more times when rains return this fall.

Residents worry that could hamper access to fire trucks, ambulances or other emergency responders”.

Stone, Mark [Fifth District County Supervisor] . The Valley Post, article:

“How Should the County Spend Road Funding?”

October 24, 2006. www.thevalleypost.com.

“No one needs to tell me how much we need resources to repair and maintain roads in the Fifth District. In fact, on of the hottest constituent issues for me as your supervisor since the storms last March and April has been related to roads. I am always interested in finding responsible ways to bring appropriate resources to bear on this issue.”