



March 14, 2013

To: Members, Formation Commission

From: Martha Poyatos, Executive Officer

Subject: Update on the Los Trancos County Water District – Information Only

The Commission completed a municipal service review and sphere update on the Los Trancos County Water District in 2006 which determined that the District had no active powers because it had transferred the District's water system to CalWater and the Commission reaffirmed the District's sphere of influence as that of dissolution. The report also stated that if a district determined it would activate services authorized by enabling legislation but not previously provided, such activation required application to LAFCo and Commission approval (Government Code Section 56824.10). Since that time the District has undertaken a variety of activities including water conservation, fire safety and watershed management described by the District as "water movement control" without applying for LAFCo approval.

The District's annual budget includes property tax revenue of approximately \$270,000 referenced in the District budget documents as "direct public support". Budgeted expenditures for the 2011-12 Fiscal Year (the most recent available to LAFCo) included categories of water use efficiency (\$21,000), Emergency preparedness (\$92,000), Offset Program (\$40,000), Lands (\$23,000), Water Movement Control (\$165,000), Contract Services (\$60,900), Operations (\$12,251), Other (\$11,480) and Travel and Meetings (\$600.00) for a total of \$426,231, drawing down on District fund balance.

Since the municipal service review and since the District undertook new services, District representatives met with LAFCo and LAFCo legal counsel and LAFCo renewed the position that provision of any new powers requires application to LAFCo. The District has not applied to LAFCo. The application process would require the District to apply by resolution and include a budget and plan for providing service. Analysis would include the agency's fiscal capacity to provide service as well as other agencies sharing the territory that could provide proposed service. These agencies include the Woodside Fire Protection District, Midpeninsula Regional Open Space District, West Bay Sanitary District and the County of San Mateo. The LAFCo process would include a noticed public hearing so that District voters and tax payers could provide input.

Most recently LAFCo received the attached correspondence with photos of severe stormwater runoff and flooding in Los Trancos Woods which underscores the magnitude of stormwater runoff and the need for a comprehensive effort to address it.

This information is provided to the Commission as information and staff will provide updates on future discussions with the District regarding compliance with the requirement to obtain LAFCo approval to expand services.

C:      Los Trancos County Water District  
         San Mateo County Department of Public Works and Parks  
         Woodside Fire Protection District  
         Midpeninsula Regional Open Space District



March 5, 2013

Mr. Joe LoCoco, PE  
Deputy Director of Public Works  
San Mateo County Department of Public Works  
752 Chestnut Street  
Redwood City, CA 94063

Re: Encroachment Permit Ramona Road Inlet Structure  
Los Trancos County Water District  
Application Submitted: September 12, 2012  
Application Approved: November 6, 2012

Dear Mr. LoCoco:

This letter will document for the record that the LTCWD was unable to satisfy special condition #1 of the above-referenced permit (see *enclosure #1*). As you may recall, that condition required that prior to initiation of the proposed basin improvement work, a license agreement with adjacent property owners Robert and Anne Baldwin, 1243 Los Trancos Road, was to have been negotiated. A copy of the proposed license agreement (see *enclosure #2*) as well as Mr. and Ms. Baldwin's response (see *enclosure #3*), are enclosed. We have also enclosed photos of the residential flooding caused by the subject basin's December 2, 2012, catastrophic failure and overflow onto and down Ramona Road. We regret that the District was unable to satisfy the referenced condition and timely implement the proposed basin repairs. Significant road and residential damage might have been avoided.

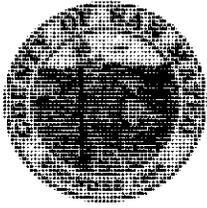
Thank you for your attention to this letter. Please feel free to contact me if we can further assist with the Ramona Road repairs, or if you have questions regarding the contents of this letter or its enclosures.

Sincerely,

Steven Marra  
Program Coordinator

Enclosures (4)

Cc: Mr. Chris Hunter  
Mr. James Porter



# COUNTY OF SAN MATEO

BOARD OF SUPERVISORS  
DAVE PINE  
CAROLE GROOM  
DON HORSLEY  
ROSE JACOBS GIBSON  
ADRIENNE J. TISSIER

## Department of Public Works and Parks

JAMES C. PORTER  
DIRECTOR

555 COUNTY CENTER, 5<sup>TH</sup> FLOOR • REDWOOD CITY • CALIFORNIA 94063-1865 • PHONE (650) 383-4100 • FAX (650) 381-8220

November 6, 2012

Mr. Steve Marra, Program Coordinator  
Los Trancos County Water District  
162 Los Trancos Circle  
Portola Valley, CA 94028

**Subject: Request for Encroachment – Ramona Road Inlet Structure – Plan Check Comments  
1243 Los Trancos Road, Portola Valley (APN 080-101-230)**

Dear Mr. Marra:

Thank you for sending us a request for Encroachment at the subject location. Staff has reviewed your request to modify the existing inlet structure at 281 Ramona Road per project plans submitted as:

Los Trancos County Water District  
Ramona Road Downslope Protection Initiative Demonstration  
Erosion Control and Grading Plan  
Dated September 12, 2012 by Schaaf and Wheeler

Our comments are summarized below. Where additional information is required, please revise your work plans or work description to include this information.

- 1) The plans show that the work to be done is located on Mr. Baldwin's property in the drainage easement for Ramona Road and within the Ramona Road road easement along Mr. Baldwin's property frontage. As such, the permit application for the work proposal presented must be submitted by Mr. Baldwin or his contractor.
- 2) The application form submitted is not complete. In addition to what has been submitted, please provide a USA underground survey (required for excavation and grading work), indemnification, and proof of insurance.
- 3) As this work requires grading, and is in an intermittent stream please provide the necessary CEQA documents and Fish and Game streambed alteration documents or exemptions as required by law. If you are not sure, please contact our Planning and Building Department and they can walk you through the necessary steps to complete your environmental review. There may be additional fees involved with this process.

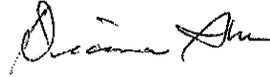
- 4) As this is work in an area with previous geological disturbance, please provide site specific geological information regarding your proposal for re-grading and any potential impacts this will have to the adjoining properties and slopes. Please provide documentation identifying the benefits that these improvements will provide to the existing inlet structure. Please note that absent such documentation, re-grading of the slope will not be permitted.
- 5) Staff noted that there are several large trees located within the grading area. Please identify the location of these trees on your plans and note the type and size of the trees. If the trees are 12 inches in diameter or larger at 4 feet above grade, then a tree removal permit may be required and this can be obtained from the Planning Department. The plans show that trees are to be protected. Please note that this must include tree roots that are exposed during construction and that your plans must reflect this.
- 6) Plans show that the existing inlet structure is to be exposed and modified by drilling a series of holes (potentially cutting existing rebar) through the structure. Such an operation could adversely impact the integrity of the inlet structure. However, if you wish us to further consider this work component, you must have a structural engineer review these plans to determine if additional modifications are needed to ensure the structural soundness of this structure under storm and seismic conditions. Absent such a plan, drilling holes into the existing drop inlet will not be permitted. If you wish to continue to propose a weephole system, we require that you specify the backfill material that is to be used to provide adequate drainage and methods to minimize clogging of the holes and hence long term maintenance and operation of these structures.

**Please note the existence of multiple subdrains which currently provide a direct connection to the inlet structure. We have discussed this with your Engineer of Record and believe we are in agreement that the existing subdrain system design adequately allows for the collection of subsurface drainage in the vicinity.**

- 7) Please provide the size or weight of the proposed trash rack on the plans. As the trash rack is below grade, it is likely that physical strength would be required to lift the rack from time to time to get behind the screen. Trash racks in excess of 150 pounds will not be permitted due to the difficulty of maintenance at this location several feet below the road grade, with limited accessibility.
- 8) The project proposes to grade the site between October 1 and April 30. Please note comments 3 and 4 for work within the gully. Outside of the gully, please show how the slopes will be protected during and after the project from erosion and soil loss, both temporarily and permanently.
- 9) Plans propose relocation of the berm on the opposite side of the road. We actively monitor the roadway and do not agree that a need for road realignment exists. We therefore do not agree with this component of your work proposal. We will continue to actively monitor roads in the Los Trancos community with our crews and manage the roadway in the future, as conditions necessitate.
- 10) Please revise and resubmit your project plans to address the above comments.

If you have any questions, please let me know, 650-599-1414 or via email at [dshu@smcgov.com](mailto:dshu@smcgov.com).

Sincerely

A handwritten signature in black ink, appearing to read "Diana Shu". The signature is fluid and cursive, with a large initial "D" and a long, sweeping tail.

Diana Shu  
Road Operations Manager

DYS:ev

cc: Joe LoCoco, Deputy Director of Public Works  
Michael Schaller, Senior Planner  
Mark Chow, Principal Civil Engineer  
Mark Marelich, Construction Inspector II  
Joe Costa, Road Maintenance Manager  
Richard Lee, Associate Engineer  
Hector Carlos, Public Works Technician II

## Los Trancos County Water District

### LICENSE AGREEMENT FOR WATER MOVEMENT CONTROL IMPROVEMENTS

This License Agreement for water movement control improvements (“Agreement”) is entered into by and between the Los Trancos County Water District, (“District”) and Robert and Anne Baldwin (“Owners”), effective as of the latest date of execution by any party hereto.

#### RECITALS

- A. Owners own that property (“Property”) commonly known as 1243 Los Trancos Road, Portola Valley, CA 94028, a portion of which lies adjacent to the San Mateo County-owned and maintained water movement control catchment basin and below grade culvert system located within the road right of way, and directing storm runoff under Ramona Road below #281, and down-slope towards Los Trancos Creek.
- B. District conducted a study entitled “*Phase I: Water Movement Control*” to identify and evaluate storm and other drainage patterns and effects into, through and out of its Los Trancos/Vista Verde Woods subarea, and determined, among other things, that it would be advisable to further evaluate the operating efficacy of the catchment basin and culvert system referred in paragraph A., above.
- C. District conducted a supplemental study entitled: “*Geotechnical Engineering Investigation and Slope Stability Evaluation Adjacent to #281 Ramona Road,*” and determined, among other things, that:
  - the catchment basin and culvert systems referred to in paragraph A., above, are inadequately sealed to prevent the migration of storm runoff into the non-compacted, adjacent road fill mass, and the potential consequent destabilization and catastrophic failure of that mass and corresponding portion(s) of Ramona Road.
  - catchment basin storm runoff is being directed through an approximately 24-inch diameter opening into an approximately 19-foot deep, concrete drop-box, and that entry-way opening is unprotected against the accumulation and entry of water-born debris sufficient to cause catastrophic failures of the outlet system, consequent ponding of runoff within the aforementioned basin, consequent overflow of water and debris from that basin onto and down Ramona Road, and final deposition of those materials inside and around several District residences near the bottom of that road.

- slopes surrounding the aforementioned catchment basin are over-steepened, unstable and loaded with organic and other potentially system-clogging debris.
  - the above-referenced unprotected entryway opening and 19-foot deep, concrete drop-box likely pose attractive and potentially lethal hazards for District children and small animals.
- D. Based on the findings and recommendations contained in the aforementioned supplemental study referred to in paragraph C., above, District developed a proposed plan for improving the water movement control system created by the referenced catchment basin and appurtenant drainage structures. The proposed improvements include:
- Sealing/grouting of all catchment basin and other structural cracks and separations creating leakage into the road fill mass.
  - Debris cleanup of catchment basin, drop box and appurtenant structures.
  - Installation of engineered “trash rack” at basin discharge opening into 19-foot deep, concrete drop box.
  - Installation of drilled “weep holes” on uphill side of 19-foot deep, concrete drop box to capture and safely direct subsurface water flows, and to reduce hydrostatic pressure on up-slope side of box.
  - Re-grading of adjacent areas to reduce potential for debris migration into catchment basin and appurtenant discharge system, and implementation of stabilization measures needed in re-graded areas.
  - Necessary cleaning of main downhill, drainage outlet pipe.
  - Other required improvements.
- E. On a one-time, urgency basis, District has offered to assume sole responsibility for the conduct and cost of implementing above-described improvements, and has submitted a proposed improvement plan, and accompanying encroachment permit application, to San Mateo County Department of Public Works (“County”) for review and approval.
- F. In response to District’s offer and request described in paragraph E., above, County has indicated that final approval needed for District to proceed with implementation of the proposed improvement plan will not be given unless and until Owners formally indicate their concurrence and willingness to cooperate through execution of this agreement.

NOW, THEREFORE, the parties agree as follows:

1. Concurrence With Proposed Improvements. Owners have reviewed all above-referenced District reports and plans and agree that the proposed improvements within the County road right of way appear to be fully justified and urgently needed to protect the health and safety of District residents. However, as regards the proposed grading and stabilization of adjacent slopes in the “utility easement” and “special easement” areas on Owners’ property, Owners are not yet fully convinced of their necessity
2. Willingness to Fully Cooperate. With exception of the currently proposed slope grading and stabilization plan for the “utility” and “special easement areas”, Owners agree to fully cooperate with District to help facilitate District’s full and timely implementation of County-approved plan otherwise. Slope grading and stabilization authorization will be considered separately by Owners in accordance with the paragraph 4.5, below.
3. Grant of License. Owners hereby grant a revocable license to District, including any contractor (“Contractor”) hired by District, to enter the Property solely for the purpose of performing the work needed to resolve the drainage related problems described in paragraph C., above, by accomplishing the drainage system improvements described in paragraph D., above, other than those related to the proposed plan for slope re-grading and stabilization with the utility and special easement areas. This license will be granted from the date originally signed by both parties for a period not to exceed six (6) months, unless otherwise agreed to in writing by both parties.
4. District Obligations.
  - 4.1 District shall notify Owners 72 hours in advance of District and/or Contractor access to Property. In the event of the need for emergency access, District shall give notice to Owners as soon as possible in advance of District or Contractor entry onto the Property. Notice shall be given by telephone or email.
  - 4.2 District shall repair any damage to the Property caused by the presence or activities of District and/or the Contractor conducted pursuant to the provisions of this Agreement.
  - 4.3 District shall indemnify and hold harmless the Owners and their heirs, successors and assigns from and against loss, liability, damages, expenses, claims, and demands for injury or death to any person, or damage to property which may arise out of, or occur by reason of any act on its part, or the part of any of them, in exercising the rights granted to

District pursuant to this Agreement, except to the extent caused by Owners' negligence or misconduct.

4.4 District shall maintain comprehensive, broad form, general public liability against claims and liabilities for personal injury, death, or property damage, providing protection of at least \$3,000,000 for property damage, bodily injury, or death for any one accident or occurrence, and at least \$3,000,000 aggregate.

4.5 District shall not undertake any slope grading or stabilization measures within the "utility" or "special easement" areas unless and until Owners have indicated their approval through their execution of a supplemental license grant for that specific purpose.

DISTRICT:

Date: \_\_\_\_\_, 2012

By: \_\_\_\_\_  
Name: David T. Smernoff  
Title: Board Member

By: \_\_\_\_\_  
Name: Thomas V. Uridel  
Title: Board Member

OWNERS:

Date: \_\_\_\_\_, 2012

By: \_\_\_\_\_  
Name: Robert Baldwin  
Phone: 650-851-0954

By: \_\_\_\_\_  
Name: Anne Baldwin  
Phone: 650-851-0954  
E-mail: baldwina@stanford.edu

Received via email Dec. 10<sup>th</sup>, 2012

Dear David,

We appreciate your efforts to save Ramona Road. However, the agreement you would like us to sign presupposes that we have some responsibility for the storm drain which the County built in 1966. We do not accept that we have any such responsibility. The County took our land by eminent domain (without compensation), and built their own structure on the storm drain easement. We therefore believe that only the County can license the Water District to do any work on that structure.

We still believe that any grading, beyond what the County did to remove silt from the catch basin, would make the problem worse rather than better, by destabilizing our slopes. Moreover, we do not think that drilling holes into the concrete box would have done anything to prevent the recent flash flood of December 2. Screening placed over such holes would readily clog with silt, and the holes themselves could destabilize the whole concrete structure.

Sealing cracks in the catchment basin would seem to us a good idea, but this should be carried out by the County, in accordance with their responsibility for the storm drain system.

Thank you for explaining what you have in mind, and helping to focus the attention of County Works people on the threat of the road failure.

With best regards,

Anne

On Dec 7, 2012, at 1:55 PM, David Smernoff wrote:

[Dear Anne and Buzz –](#)

Thank you again for taking time to meet with me last week. I appreciate your willingness to review the attached draft license agreement. We have crafted it based in part on standard language we use for other District license agreements, and the front sections based both on the exact nature of the proposed improvements, and on your input and concerns.

I hope that it addresses your concerns, and helps to establish clear boundaries for resident, County and District obligations. We are especially cognizant of the need to ensure that the County remains the owner and retains maintenance responsibility for this, and all other, public water movement infrastructure.

Our legal counsel, Sandy Sloan, has reviewed the document, and she is available to answer any questions that you or your attorney may have, at our expense. In addition we would like to offer payment for any legal expense you incur in reviewing the document.

Finally, the County has already made repairs to the curb along Ramona, and excavated the debris from the inlet box, in effect, beginning to make some improvements specified in our engineered plans.

Please feel free to contact me with any questions. We would like to bring this matter to the full Board at our January 10th, 2013 meeting, should we all agree to move forward with the necessary, and critical repairs to the inlet basin.

Regards,

David

<LTCWD Baldwin license agreement draft.doc>











