



**COUNTY OF MENDOCINO
DEPARTMENT OF TRANSPORTATION**

340 LAKE MENDOCINO DRIVE
UKIAH, CALIFORNIA 95482-9432
VOICE (707)463-4363 FAX (707)463-5474

August 10, 2009

Mr. Brian Corzilius, Secretary
Skyview Willowbrook Association for Road Maintenance (S.W.A.R.M.)
P. O. Box 869
Willits, CA 95490

Re: Request to Extend the Paving on Deerwood Drive Extension CR215BX

Dear Mr. Corzilius:

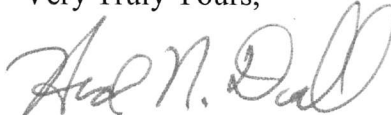
The Mendocino County Department of Transportation (MCDoT) thanks you for your letter addressed to "Manager of County Roads" dated July 29, 2009. Pursuant to your questions concerning private subdivision roads with public easements for parcels accessed by such road I have the following responses:

- 1) The subdivision roads you describe are consistent with the rules of the "Subdivision Map Act" and are in fact private roads, requiring county approvals (record maps and/or certificates of compliance), and which provides access subject to the expectation of public use by residential owners as regulated under state law and County Code. A private road may have a public easement granted over it to satisfy a parcel development but it is still a private road – and that road is not accepted into the County Maintained System. I realize it appears odd that such a road be subject to public regulation but is not eligible for public finance – yet that is the case for hundreds of miles of private subdivision roads in Mendocino County.
- 2) Your property tax analysis is common. Real property taxes are disbursed primarily to the public schools, special districts, and cities in the County, with only twenty-nine (29%) going into the County general fund. MCDoT receives about 33% of its road maintenance budget from the "road tax" portion of the counties share of property tax (e.g. about 0.28% of your property tax goes to county roads). Most of the department's budget comes from federal and state gasoline taxes that are disbursed to local agencies through federal highway bills and state appropriations based primarily on the number of registered vehicles in the county and to a much lesser extent the 1019 miles of road MCDoT maintains. Your taxes - both property and gas – go to keep the county roads leading to your private road maintained so you do derive a benefit from your tax money, just not to your driveway as people who have property on county maintained roads do – people who bought parcels on private roads knew they were not publicly funded.

- 3) It has been the policy of MCDOT since 1971 (when the Subdivision Map Act first required counties have road subdivision standards) to allow a lesser but acceptable standard for private roads. MCDOT only recommends adding roads to the County Maintained System that meet all current standards – width, alignment and surfacing for the traffic served. The county issued you certificates of compliance because your project met the private road standards in place at the time.
- 4) MCDOT would not recommend any road segment be added to the county system without improving the travel way, drainage ditches and banks to at least current minimum standards. This is done not only for public safety but also for ongoing maintenance costs to MCDOT.
- 5) I fully understand and have no objection to you and your neighbors wanting to come into the public maintained system. However, sub dividers in consideration of their marketing plan for their developments built the subdivision(s) in question with private roads. I invite you and your neighbors to hire an engineering consultant to work with MCDOT on an acceptable road improvement design if you so desire. MCDOT is willing to cooperate with you in making improvements to the private road and would support conversion to a county maintained road. It is S.W.A.R.M. financial responsibility to prepare the design proposal for consideration and approval by the county and then to re-construct the road to the agreed standard. Any new subdivder desiring to have public maintained road today must meet this same standard

Again, thank you for the input. Please contact me with any further question or comments.

Very Truly Yours,



Howard N. Dashiell

HND/acm

Cc: Tom Mitchell, Chief Executive Officer
John Pinches, 3rd District Supervisor
Jeanine B. Nadel, County Counsel
Tom Peters, Deputy Director Land Improvement
CR311X File

S.W.A.R.M
P.O. Box 869
Willits, Ca 95490
www.sherwoodgates.org

July 29, 2009

Mendocino County
Department of Transportation
340 Lake Mendocino Drive
Ukiah, CA 95482

Subj: Sherwood Hills and Willowbrook Hills Subdivision Road Maintenance

Attn: Manager of County Roads

Dear Sir or Madame;

I am inquiring about the status of the roads that lie within the Sherwood Forest Hills and Willowbrook Hills subdivisions.

The Sherwood Forest Hills subdivision lies roughly 7 miles out of Willits on Sherwood Road and contains the roads *Third Gate*, *Skyview* and *Boogie Woogie*. The Sherwood Forest Hills division was approved December 19, 1969 and its Certificate of Compliance was recorded September 15, 1975 (record: Book 1013, page 204).

The Willowbrook Hills subdivision encompasses *First Gate*, *Pine Crest*, *Second Gate* and *Metzler Ridge* Roads. The Willowbrook Hills division was approved January 8, 1971 and its Certificate of Compliance was recorded September 15, 1975 (record: Book 1013, page 206).

Collectively the subdivisions' roads are governed under the association known as SWARM (Skyview-Willowbrook Association for Road Maintenance), which represents the **130 properties** and their owners.

Questions have arisen within the community regarding the county taking over road maintenance of the 2 subdivisions. Being a Remote-Rural designated region with little in the way of traditional services, the county maintenance of the divisions' roads seems reasonable in consideration of the substantial property taxes paid.

It is reported that in the late 1980s the county was approached regarding incorporating the divisions' roads into the county maintenance program. From the recollection of members attendant at that time, the county refused, saying our roads were not in compliance. We would like clarification of this.

Specifically, the county approved the creation of these divisions based on the parcel division and the creation of suitable roads to access all parcels within the division. If these roads are not in compliance, why was the Certificate of Compliance (CoC) issued? Was it a scenario where the roads may have been in compliance at the time of the CoC, but later rule changes made them out-of-compliance (if so, is that legal)? Given that CDF and the Brooktrails fire department have been working with us over the past few years to ensure adequate access for emergency vehicles, what *is* required to bring the roads into county compliance (and into the county's road maintenance program)?

We hope your response will be detailed and informative and we look forward to hearing from you soon. Thank you for your time.

Sincerely;

Brian Corzilius
Secretary, SWARM
(Skyview Willowbrook Association for Road Maintenance)