

1 **MUIR BEACH COMMUNITY SERVICES DISTRICT**
2 Minutes of the Board of Directors' meeting held on
3 Wednesday, **October 27, 2021**
4

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6 **OFFICIAL MINUTES ONLY UPON APPROVAL**
7

8 Prior to approval of these minutes by the Board of Directors in a public meeting, these minutes
9 are draft only and subject to change. Upon approval by the Board, these minutes become the
10 Official Minutes of the meeting.
11

12 **Item 1: Call to Order**

13 Steve Shaffer called the meeting of the Muir Beach Community Services District Board of
14 Directors to order at approximately 7:03 pm.
15

16 Directors present: Steve Shaffer (Board President), David Taylor (Board Vice
17 President), Lisa Eigsti (Director), Leighton Hills (Director), Paul
18 Jeschke (Director)
19

20 Staff present: Mary Halley, District Manager
21 Chris Gove, Fire Chief
22
23

24 **Item 2: Approval of Agenda**

25 Item(s) not included in this agenda: Mia Monroe (Item 6) will not be able to join, and it is
26 proposed that an emergency item about Charlotte's Way be put in its place as Item 6.
27

28 MOTION: To approve the agenda, with replacement of Item 6 from NPS update to
29 emergency Charlotte's Way discussion

30 Moved: Hills, seconded by Taylor

31 Vote: AYES: Unanimous
32
33

34 **Item 3: Consent Calendar**

- 35 A. Approval of Draft-Minutes from Regular Board Meeting of 9/22/21.
36 B. Approval of Quarterly Financial Reports dated 9/30/21.
37 C. Approval of Resolution 2021-2: To Adopt Assembly Bill AB 361 allowing to hold
38 meetings by teleconference for the next 30 days due to ongoing State declared
39 emergency (see attached Resolution 2021-2).
40 D. Reinstatement of CSD Equipment Use Policy: We haven't been able to locate a copy of
41 the policy passed in 2014 limiting the use of CSD equipment (such as the tractor,
42 trailers, and every other item of CSD equipment) to projects of the CSD, and not for any
43 personal use. As such, the following motion is contained as part of the Consent
44 Calendar: Moved, that all equipment owned by the CSD and all of its departments shall
45 be used only for CSD projects, and not for any personal use.
46

47 Taylor would like to remove D from the consent calendar and discuss in more detail separately
48 in Item 4.
49

50 MOTION: To approve the consent calendar minus Item D.

51 Moved: Hills, seconded by Taylor

1 Vote: AYES: Unanimous
2
3

4 **Item 4: Items Removed from Consent Calendar**
5

6 We haven't been able to locate a copy of the policy passed in 2014 limiting the use of
7 CSD equipment (such as the tractor, trailers, and every other item of CSD equipment) to
8 projects of the CSD, and not for any personal use. As such, the following motion is
9 contained as part of the Consent Calendar: Moved, that all equipment owned by the
10 CSD and all of its departments shall be used only for CSD projects, and not for any
11 personal use.
12

13 Taylor says that the issue is complicated with respect to Fire Department equipment. The issue
14 will be discussed in more detail in the next meeting
15

16
17 **Item 5: Supervisor Dennis Rodoni**

18 Dennis Rodoni, District 4 Supervisor, is joined by Tom Lai, Director of Community Development
19 Agency, and Senior Planner Jack Liebster, who will discuss the Local Coastal Plan,
20 amendments that are approved, and amendments still being worked on, namely the
21 Environmental Hazards. DM Halley has been very engaged in the environmental hazards work
22 both here and in Marshall.
23

24 Rodoni begins with a county update: Covid pandemic, high vaccination rates, booster,
25 vaccinating children. Emergency services in full operation with pandemic, fires, and flooding.
26 County budget is looking good, no cuts, better off than predicted. \$50 million of stimulus funds
27 coming from Federal Government in two instalments; looking at ways to spend that one-time
28 money.

29 Important measures coming up next year: Parks renewal Measure A in June, and library parcel
30 tax in November. Both renewals will likely be renewed to continue that good work.

31 Continued quarterly meetings with GGNRA. Today received information from Laura Jost, the
32 General Superintendent, about a PG&E tree trimming project in Muir Woods.

33 Continue to look for funding for the Pacific Way bridge; "we haven't found that magic pot yet but
34 we're continuing to shake the bushes"; Frank Valley Road has been scheduled to get a 60%
35 design to us but has been delayed; Federal people are delayed in all their designs because of
36 Covid and other reasons; we're also looking for extra funds for that project which is already
37 over-budget. Good news for both is that if the stimulus package passes, we believe both of
38 those projects are in good positions to get federal funding.

39 Fire station in MB: Chris Gove was happy to get entitlements done early; Rodoni is excited to
40 help and be part of that project.

41 Redistricting at the county, following census: Muir Beach will still be in District 4, but there will
42 be some adjustments because District 4 is a little low in population.
43

44 Tom Lai: After 12+ years of hard work, the Local Coastal Program (LCP) was put into play by
45 the Board of Supervisors this past summer. Still work to do on the Environmental Hazards
46 section, but I am proud of the program.

47 Terminology: The Local Coastal Program (LCP) is made up of a policy document, or Land Use
48 Plan (LUP), and a set of regulations, or the Implementation Program (IP). Those include the
49 zoning and subdivision regulations that implement the policies in the LUP.
50

1 Jack Liebster, Long Range Planning Manager, oversees the LCP, gives high-level overview of
2 some of the changes being implemented as part of this.
3 Implemented last August. There was a lot of change, but some of that change was fending off
4 even more radical changes proposed by the Coastal Commission. For example, under
5 agriculture, we have a new land use for agricultural home stays to help with economic stability
6 of farms. For example, the Agricultural Dwelling Cluster allows for intergenerational succession.
7 New flexibility in ag processing and retail sales, section for ongoing ag which does not require
8 coastal permit, we provide for educational tours, etc. For environmental resources,
9 Environmentally Sensitive Habitat Area (ESHA) comprises valuable habitat types; we provide
10 for initial assessment screening, and where that indicates the possibility of an ESHA within 100'
11 of a project, we require a site assessment to be submitted to proceed with a permit. This could
12 happen in Muir Beach. Another new LCP policy allows for ESHA buffers to be reduced, and
13 some encroachment, to allow some flexibility. The buffers (Terrestrial ESHA) are set at 50' but
14 may be adjusted as appropriate. We also have buffers for periphery of wetlands at min. 100'
15 and for streams and riparian vegetation which are 50' landward. Changes in coastal permitting
16 framework allows flexibility in processing, including a De Minimis Coastal Permit Waiver, and
17 emergency coastal permits that we didn't have before. A De Minimis Waiver is a minimal kind of
18 action and the director may determine that a project is eligible if (1) it doesn't adversely affect
19 coastal resources, (2) is consistent with LCP, and (3) is not located where an action would be
20 appealable to the Coastal Commission. Also have allowance for non-public hearings, Public
21 Waiver for Minor Development. Provisions for categorical exemptions and exclusions are
22 continued, though all of these require enhanced public notice and often direct notice to the
23 Coastal Commission. One important change is that where before any kind of permit would
24 trigger the LCP, now the only thing that triggers the LCP is the LCP itself. We established a
25 Mapped Village Core commercial area, where commercial is identified as the "principal
26 permitted use" (not appealable to CC) and residential as a "permitted use".
27

28 Environmental Hazards Policy still in progress. Working with local communities, and DM Mary
29 Halley has been a valuable contributor to that process. Schedule has been pushed back. Issues
30 there include the idea of what constitutes an "existing structure", because only those can qualify
31 for a shoreline protective device like a seawall or abutment. This is becoming an issue in MB
32 with the Groneman project. We just completed a feasibility study looking at green alternatives
33 such as dunes, which would be a viable alternative to building more seawalls in our coastal
34 areas.
35

36 Tom Lai: New LCP updates to be comparable to others in the state, gives new tools such as
37 emergency permitting, using languages consistent with other jurisdictions (such as ESHA).
38 More protective of resources, with flexibility in permitting process. The Environmental Hazards
39 has a potentially big impact on MB, e.g. the existing application appealed to the Coastal
40 Commission, a lot of which hinges on questions of what is a "bluff" and a "bluff edge". If the CC
41 staff's interpretation of our definition of a bluff is validated by the CC then that would require a
42 deep review of how we're going to craft Environmental Hazards policy, because in MB most of
43 the developed areas would be considered bluffs and be subject to very restrictive policies,
44 certainly regarding shoreline protective devices or bulkheads that might be necessary to hold up
45 the toe of the cliff that sits below many of these homes. Encourage you to monitor and
46 participate as these develop early next year.
47

48 Questions:

49 Pacific Way Bridge – subject to discussions on the infrastructure bill in congress.

50 Chris Gove asks about the length of approval periods in the new LCP. Initial approval period is
51 extended by a year; overall maximum duration is still six years.

1 Linda Lotriet asks about how best to be involved in the ongoing process. Liebster replies that
2 people can come to meetings, and that their office would also like to come to interested
3 community members for discussions.

4 Christian Riehl thanks Tom and Jack, and asks about a prior version of the EH, where work
5 done on a house that was 50% of the (possibly decades-old) value of the house would trigger
6 LCP requirements. Liebster replies that it's not 50% of the value of the house, but 50% of any
7 structural component of the house, that would cause you to have to meet the LCP requirements.
8 There is still a pitched battle on that question. Voices of local folks should be heard on that, but
9 whether the CC listens is another question. We are developing a set of policies that exclude that
10 particular requirement; as we work them up through the public process, we hope voices can be
11 heard at the commission level. Our draft has not yet been released, because Commission staff
12 hasn't had a meeting with us for a long time, due to staff turnover etc. Discussion continues on
13 this topic *[at 45:00 in the recording]*. Rodoni adds that there's an equity issue in that 50% is
14 reached much faster on a smaller home than a larger home.

15

16 Another speaker emphasizes the equity issue, where a local firefighter can't get a permit but a
17 newcomer 20' up the road can and asks how she can support the efforts. Lai mentions
18 meetings, the webpage, and that people can subscribe by email to get updates. Search "Marin
19 LCP" to find the webpage, which is
20 <https://www.marincounty.org/depts/cd/divisions/planning/local-coastal-program> .
21 She also asks about solar microgrids.

22

23 Tayeko Kaufman asks about whether all of MB is now considered on a "bluff" according to the
24 new LCP. Lai clarifies that it's not everything west of Shoreline Highway, but everything west of
25 Sunset. Groneman's situation is different in that it's a new home on a lot that has a seawall
26 device. The same doesn't apply to existing homes elsewhere in MB. The CC has delegated the
27 responsibility to issue permits for most of the projects to the county, except for more sensitive
28 lands like beaches etc. However, most county decisions are appealable to the CC, and that's
29 the situation Groneman is facing, where the CC disagreed and forced an appeal to the CC.

30

31 Graham Groneman encourages everyone to read the staff report, and thanks Tom and Dennis
32 for support in that project. He says to take the staff report with a grain of salt. It tells a definitive
33 story that is not consistent with the info the county was provided or with the regulations in effect
34 when I applied. For example, a pier foundation is what they consider a coastal armament, where
35 we know it's a preferred construction technique in an area like this. He asks about septic
36 systems and EH. Conversation continues about such issues *[at about 1:00:00 on the recording]*.

37

38 Elliot asks about undergrounding utilities with PG&E, and Rodoni responds. Elliot comments
39 that if the community is interested in putting a microgrid in MB, he would be happy to dedicate
40 some resources from his company to do that; they are installing microgrids throughout the Bay
41 Area. Rodoni is interested in following up.

42

43 Leighton Hills asks about how the state government had taken away local control for duplexes,
44 lot splits, and so on, and how that relates to the Coastal Zone.

45 Lai responds *[starting at 1:06:40 on the recording]* that he's referring to SB9 and SB10 signed
46 by the governor this year. While such laws can be construed as taking away local control,
47 usually these do not strip away the protections given under the coastal act in the coastal zone.
48 He proceeds to discuss in detail the permitting process for ADUs inside and outside the coastal
49 zone.

50

1 Rodoni wraps up the conversation with final thoughts from 1:10:00 – 1:15:00 on the recording.
2 DM Halley asks a final question about septic systems, and Tom Lai responds. Discussion ends
3 at 1:21:00.
4
5

6 **Item 6: NPS Update – Emergency on Charlotte’s Way**

7 Hills provides a summary [*beginning at 1:21:40 on the recording*]: In the recent storm, an
8 enormous amount of mud had flowed down Sunset and Cove after clogging a culvert outside of
9 the CSD’s road easement on Don Cohon’s property and caused the water from Cove Lane
10 creek to come out of the creek, up onto the driveway and flow down along Sunset, causing
11 damage to the Somers’ house. The source of the mud was a landslide on Charlotte’s Way,
12 where half of the dirt under the width of the road is simply gone and came down the hill. At this
13 point, the residents on Charlotte’s way are faced with about 5’ pathway for car, and emergency
14 vehicles can’t reach that, nor can propane or garbage trucks etc.
15

16 John Schick continues and reiterates the seriousness of the situation. It is a scary situation and
17 seems financially out of reach for the residents. Residents are asking for help from the CSD in
18 terms of planning, and resources, and project management.
19

20 Conversation continues about how to pay for the work, and to what extent the CSD will take
21 responsibility or assist.
22

23 Schick: Soils engineer was dismissive of the idea of cutting into the easement into the uphill
24 side, because even if you do that, you still need to shore up under the road where there’s the
25 vertical cliff currently completely unsupported. So, the project would still be to build a wall under
26 the road to shore it up. Schick recalls a time in the 1990s when a culvert failed, and the CSD
27 came in and repaired it. By history and by precedent, the CSD should also come to help in this
28 case.
29

30 Hills [*1:30:00*] describes the level of participation of the CSD as varying over the years. He
31 wants the CSD to explore possibilities with FEMA. He says that the reason the CSD doesn’t
32 take Charlotte’s Way, as like Sunset and so on, is that it’s not a road but a shared driveway, of
33 which there are several others in Muir Beach that the CSD does not maintain.
34

35 Schick says it’s a 1200-ft road, not a shared driveway.
36

37 Robin Collier [*1:35:20 on the recording*] says that a committee decided that any road that had a
38 turnaround, a fire truck turnaround, was a CSD road, and we met for over a year with lots of
39 discussions. He points out that this part of Charlotte’s Way actually serves seven houses,
40 because you can’t really get a propane truck to Ted Elliot’s house and turn around, you have to
41 continue to the end to turn around. He holds that it’s a CSD road, and asks why the Board, the
42 majority of whom live on Sunset, would pay for work on Sunset but only 1/7 of the cost for
43 Charlotte’s Way. He says that it serves the whole community and affects the whole community if
44 a fire truck can’t get out there, not just those that live there. He asks the Board to check the
45 history.
46

47 Hills says it’s the first he’s heard of that policy about the turnaround.
48

49 Conversation continues about what the historical and present role of the CSD is, and how this
50 urgent problem can be addressed. One option to pursue is whether there is insurance money

1 available. The CSD and DM Halley will begin pursuing all options for coordinating resources.
2 Conversation ends at 2:35:30
3
4

5 **Item 7: District Manager Report**

6 District Manager Mary Halley will present brief highlights from her DM report, a written
7 document which (as always) is included with the monthly meeting packet available online at
8 <http://www.muirbeachcsd.com/meetings>.
9

10 Because the meeting is running long, we will come back to this item at the end of the meeting if
11 there's time.
12
13

14 **Item 6: Fire Department SCBA Expenditure – Fire Chief Gove**

15
16 The Board is being asked to approve a Fire Department expenditure to replace expired Self-
17 Contained Breathing Apparatus (SCBA) cylinders (15-year useful life), which were originally to
18 be paid for by a West Marin Fire grant at a cost of \$10,425.60. These new (in this case
19 reconditioned) cylinders are needed to keep the fire trucks in compliance. Funds will come out
20 of Fire Department funds, but amount is over the current fiscal year approved budget limit for
21 equipment purchases, so needs approval for separate allocation.
22

23 MOTION: To authorize the FD to use FD funds to pay for these reconditioned SCBA
24 bottles.
25 Moved: Taylor, seconded by Eigsti
26 Vote: AYES: Unanimous
27
28

29 **Item 9: Water Connections for ADUs**

30 *[begins at 2:39:45 on the recording]*

31 A Muir Beach resident is processing an application with the County for an Accessory Dwelling
32 Unit (ADU), being a smaller secondary housing unit that typically results in more affordable
33 rents than the rents for full homes. The County is requiring a separate water connection for the
34 ADU, and we have been asked to provide a Will-Serve letter confirming water service for the
35 new ADU.
36

37 A question before the Board is whether the connection fee for an ADU should be the same, or
38 less, than that for a standard water connection. At \$6,500, Muir Beach's standard connection
39 fee is a fraction of that charged by other water districts in Marin. Connection fees are regarded
40 as "buy ins" to our existing water system, where a new connection pays for its share of the
41 existing extensive infrastructure that has already been constructed by the rest of the community
42 – such as the water tanks, water mains, water wells and the like.
43

44 A second question comes up because this particular resident is one of the highest water users
45 in the district: if, in order to qualify for a new water connection, the resident must demonstrate
46 an intention and ability to conserve, for example by using an amount of water that is less than
47 that specified in the Water Conservation Ordinance for the avoidance of penalty rates under that
48 ordinance. Not qualifying for a new water connection could be considered an additional penalty
49 that's not contained in the Water Conservation Ordinance. As such, Hills doesn't believe such a
50 restriction is appropriate. But Water Conservation Ordinances haven't been looked at for over
51 ten years, so the Board could consider amending the Water Conservation Ordinance at some

1 future date to provide for additional penalties for water usage specified in the conservation
2 ordinance or other conditions it believes are appropriate. It could also encourage use of grey
3 water systems at Muir Beach.

4
5 Hills suggests that rather than withholding this ADU connection, we revisit the policy in the
6 future to allow for future conservation measures.

7
8 Shaffer wonders why we only charge \$6,500, rather than something like \$15,000, for a new
9 water connection.

10
11 Paul Jeschke thinks additional ADUs in MB is quite possible, especially in upper MB where
12 there is more space. The problem is that we don't have a policy of limiting water, of deciding
13 how many permits we can issue, how many houses we can service. Water is a precious
14 commodity, but it may be a finite amount of water, and the situation is getting more critical every
15 year. We do not have an unlimited amount of water. This particular homeowner however acts as
16 if we do, having been among the very highest water uses for more than a year, even following
17 promises that he would conserve water. So, do we reward him with an additional permit?
18 Jeschke points out that our 2014 resolution on water is pursuant to the California Water Code
19 Section 350, which says that we already have the right and the ability to restrict water
20 connections. Section 356 reads,

21 *"The regulations and restrictions may include the right to deny applications for new or*
22 *additional service connections, and provision for their enforcement by discontinuing*
23 *service to consumers wilfully violating the regulations and restrictions."*

24 It gives us the power and the authority, and in this case, he thinks there is no reason to reward
25 this homeowner with a new water permit.

26
27 Hills acknowledges that we do have limitations that we're not adequately enforcing, such as
28 limitations on outdoor watering, like that resident are supposed to water only two days a week.
29 We should monitor that for our largest water users. He asks Halley if this user's usage has
30 come down since recently installing a Flume device, and she responds that there has been a
31 reduction just in this cycle for the first time ever, perhaps as much as 50%. Hopefully that's due
32 to being able to monitor via the Flume.

33
34 Hills feels that refusing the permit would be an additional penalty that's not included in our
35 ordinance and as such would not be fair.

36
37 Jeschke feels that it's important that we do establish a policy for ADUs and more broadly one
38 that establishes how much water we can provide. We don't want to have a system where
39 anyone can build an ADU and have carte blanche to use as much water as they want – it's not
40 sustainable. Victoria Hamilton-Rivers agrees. She recommends looking into what guidance the
41 county is currently coming up with regarding ADUs to be one step ahead of that.

42
43 Taylor agrees that right now our policy has a lot of holes in it, and those need to be addressed,
44 but that right now current policy, as he interprets it, does not allow any other action than to
45 approve the Will Serve.

46
47 Discussion continues. Hills and Taylor interpret current policy to give the board no choice but to
48 issue a Will Serve letter upon being asked for it.

49
50 Halley agrees that we are bound by current policy in this case, but that we need to revisit and
51 revise it going forward. There are interesting solutions and concepts that other water districts

1 are using, for example for Marin Water, to get an ADU you have to demonstrate “neutral
2 impact”, by adding a greywater system to the main house as well as to the ADU, so that you’re
3 reducing water usage so that it balances out. These are the kinds of things we should think of
4 going forward.

5
6 *[3:17:00 on the recording]*
7

8 A an additional question is whether this means an additional meter, and Hills would say yes, so
9 that we have separate knowledge and control over both usages.

10
11 MOTION: To approve the issuance of a Will Serve letter for an additional water
12 connection, with the requirement that there be a separate physical meter.
13 Furthermore, we shall proceed to develop a policy that amends our Water
14 Conservation Ordinance, to include more than just penalty rates for Muir
15 Beach. In doing so, we should also pursue other options such as
16 hydrology studies and so on.

17 Moved: Hills, seconded by Taylor

18 Vote: AYES: Shaffer, Taylor, Hills

19 NAYES: Eigsti, Jeschke

20 The motion passes.
21
22

23 **Item 10: Public Open Time**

24 Victoria Hamilton Rivers brings up something from the chat, which is the fact that the roads
25 above Charlotte’s Way are county roads, and so could the county be brought into the situation.
26 Halley says she did that a few years ago, and Rodoni put her in touch with Jenna Brady, and
27 she gave reasons why the county has no responsibility for the water that drains down through
28 Muir Beach, but she could still go back and ask again now that things have intensified.
29

30 Chris Gove asks about the timeline for working on Charlotte’s Way. Shaffer summarizes.
31
32

33 **Item 11: Recognitions & Board Member Items**

34 Halley gives kudos to the MBVFD for their response on the recent storm.

35 Hamilton Rivers acknowledges everyone who’s been impacted by the storm and the mudslide
36 and praises the way everyone is handling it.
37
38

39 **Item 11: Adjournment**

40 Under current rules for remote meetings rather than in-person, because the next meeting will be
41 beyond 30 days from this one, a special meeting must be held for the single purpose of passing
42 a resolution to have the next meeting within 30 days. That special meeting is scheduled.
43

44 Next Agenda Meeting Date: Wednesday, December 1, 2021

45 Next Board Meeting Date: Wednesday, December 8, 2021.
46

47 There being no further business to come before the board, the meeting is adjourned.
48

49 Meeting adjourned at 22:40.