

**AGENDA FOR THE MUIR BEACH COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS' PUBLIC HEARING ON WEDNESDAY,
MAY 20, 2003 TO BEGIN AT 7:00 P. M. IN THE COMMUNITY CENTER
LOCATED AT 19 SEACAPE DRIVE, MUIR BEACH, CALIFORNIA.**

Directors: President Steve Shaffer; Directors: Leighton Hills, Deborah Kamradt, Maury Ostroff, and Peter Rudnick.

- I. Open the public hearing:** President Shaffer will call the public hearing to order.
- II. Purpose of the meeting:** The single purpose of this meeting is to hold a public hearing prior to the Board of Directors final consideration for approval or rejection of proposed **RESOLUTION 2003-04-23-01 (attached hereto), Proposing Regulations for the Development and Maintenance of the District's Seacape Subdivision Park Area and the Pedestrian Trail Within the Park Area.** No other items of business will be discussed and all other items requested for discussion will be deferred to a future regular Board of Directors meeting.
- III. Public input:** Public input may be either by verbal presentation during the meeting or by written comment. Written comment must be submitted to the Board of Directors via the General Manager's office, prior to 5 pm on Tuesday, May 20, 2003.
 - A. To offer comment, a speaker should raise their hand to be acknowledged by the Board President. Once acknowledged, the speaker will stand, clearly announce their name and place of residence for the record. Following the proper recording of their name and residence, the speaker may proceed with their comments.
 - B. Verbal comment may be limited to no more than five (5) minutes per person and repetitious comment may be limited to a brief statement of support for a previous speaker's comments.
 - C. In order to assure reasonable hearing of each speaker's comments, unacknowledged speakers and comments causing distraction are discouraged.
- IV. Board's decision:** Following the public input, the Board of Directors may adopt, reject adoption, or defer the Resolution for future consideration. In the event the written communications are too extensive for the Board to take adequate time for their consideration, the adoption or rejection of the Resolution will be deferred for no less than five (5) days to allow the Directors to review the written communications.

ADJOURNMENT OR CONTINUATION

RESOLUTION 2003-04-23-01,

A Resolution of the Board of Directors of the Muir Beach Community Services District Proposing Regulations for the Development and Maintenance of the District's Seacape Subdivision Park Area and the Pedestrian Trail Within the Park Area.

WHEREAS, the District owns the parcel of land designated "Park" on the Map of Seacape, recorded in Book 13 of Maps at Page 54, Marin County, California Records (also known as Assessors Parcel 199-281-01), extending from the Community Center to the intersection of Seacape Drive and Starbuck Drive (hereinafter "Park Area"), and

WHEREAS, the District has the responsibility to maintain the Park Area for the benefit of the District Residents, and

WHEREAS, the Park Area is designated in the Marin County Master Plan as one of the many scenic trails for use by the general public, and

WHEREAS, the residents of the District have expressed their desire to have a useable pedestrian trail located in the approximate center of the Park Area, and

WHEREAS, the residents adjacent to the Park Area of the Seacape Subdivision have indicated their desire to maintain and/or landscape that part of the Park area adjacent to their property, and

WHEREAS, it is the determination of the Board of Directors that it is to the benefit of the District, its residents, and the general public to have a policy that establishes specific guidelines for the landscaping and/or maintenance of the Park Area while maintaining the unrestricted, free and useable access and enjoyment of the Park Area pedestrian trail, fire break, and scenic view for public use, and

WHEREAS, it is the determination of the Board of Directors that the most equitable and least offensive location for the pedestrian trail is the central ten (10) feet of the Park Area.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Muir Beach Community Services District as follows:

Section 1: The Board of Directors hereby establishes and reserves the center 10 feet of the Park Area described as a scenic pedestrian trail and fire break that shall be maintained for the use of the District residents and the general public with free and unrestricted access for their enjoyment. The extended Park Area located to the west of Seacape Drive and extending to the Muir Beach Overlook (also known as Assessors Parcel 199-162-09) is specifically excluded from this resolution.

Section 2: The individual property owners adjacent to the Park Area are given permission, subject to revocation, to maintain and provide landscaping to the area immediately adjacent to their properties within the Park Area in compliance to the following conditions:

1. The area permitted for resident maintenance and/or landscaping shall be the area adjacent to the residents property lines for a distance of no more than 20 feet into the Park Area and lying between their property sidelines as projected 20 feet forward into the Park Area, specifically leaving the center 10 feet of the Park Area for the public pedestrian trail and fire break, subject to the following variables:

- a. Where the ground slope is too steep to accommodate safe pedestrian access without the provision of stairs, the trail may vary back and forth within the central 30 feet of the Park area so as to provide a slope not exceeding 3 inches of fall per 12 inches of length (a 3/12 slope).
 - b. In the event the ground slope does not permit safe pedestrian access, as provided in the above paragraph (a), the trail will be enhanced with stairs (conforming to District standards) situated within the center 10 feet of the Park.
 - c. At the Southerly end of the Park, situated between Assessor's parcels 199-281-09, 199-281-10, 199-201-07 and 199-201-06 the location of the pedestrian trail shall remain in the location as it currently exists, including all existing stairs, steps and gravel paths.
2. The property corners of the subject adjacent owners lot and the Park Area shall be clearly marked by a protective post extending no less than 2 feet above the ground surface, and labeled M. B. C. S. D. property on the Park side of the post.
 3. Maintenance of the subject area shall either permit it to be left in its natural condition or maintained by mowing the native ground cover to a height adequate to preserve the life of the native ground cover. The existing native shrubs may be pruned to maintain views but shall not be removed without the specific approval of the District.
 4. In the event the adjacent landowner desires to landscape the subject adjacent Park area, the regulations governing the landscaping shall:
 - a. A landscaping plan must be submitted to the District for review and approval prior to any work being performed. Prior to commencing work on the landscaping, the owner shall record the approved plan, along with a copy of this resolution as an attachment to the property title.
 - b. All plants and ground covers proposed for use by the plan must be classified as native to the area and/or other suitable drought resistant plants and ground covers adaptable to the Muir Beach conditions. Invasive, non native plants such as German ivy, Scotch broom, etc. are prohibited for use. Irrigation, through the use of domestic water supplied by the District, of the landscaped area during the drought season is prohibited.
 - c. All plants shall be limited to a height, either by natural plant size or by pruning, of no more than 4 feet above the existing ground level at the base of the plant.
 - d. None of the landscaping shall be permitted to block or otherwise hinder the public use of the pedestrian trail.
 - e. No dumping of debris or other unsightly materials shall be permitted within the Park Area, and in the event such dumping does occur the adjacent property owners will be given thirty (30) days notice to remove the debris. In the event the debris is not removed, the District will remove it and charge the owner for the cost of removal. Failure of the owner to pay the cost will result in the District placing a lien on the property.
 - f. The maintenance and/or landscaping shall be implemented and/or installed by the subject adjacent owner, at the owners expense with the owner indemnifying the District from any and all potential liability applicable to the maintenance and/or landscaping.

Section 3: The accommodations described in this resolution are expressly permissive. Permission may be modified or revoked at any time. Any landscaping provided under the provisions of this resolution becomes the property of the District and may be altered or removed at any time by the District without compensation to any party.

Section 4: The adoption of this Resolution voids and replaces the previously adopted Resolution 2002-12-11-01 establishing regulations for the development and maintenance of the district's Seacape Subdivision park area and the pedestrian trail within the park area.

Section 4, Severability. If any section, subsection, sentence, clause, phrase, portion or part of this Resolution is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such section shall not affect the validity of the remaining portions of this ordinance. The Board of Directors hereby declares that it would have adopted this Resolution and each section, subsection, sentence, clause, phrase, portion or part thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, phrase, portion or part be declared invalid or unconstitutional.

PASSED, APPROVED AND ADOPTED at a regular meeting of the Board of Directors of the Muir Beach Community Services District on _____.

Ayes:

Noes:

Absent/Abstain:

Steven Shaffer, President of the Board

Attest:

Secretary for the Board