



TOWN OF FAIRFAX

STAFF REPORT

April 5, 2017

TO: Mayor and Town Council

FROM: Garrett Toy, Town Manager *GT*

SUBJECT: Approve a Memorandum of Understanding with the Marin County Open Space District consenting to the construction of two bridges in the Elliott Nature Preserve within Cascade Canyon Open Space Preserve

RECOMMENDATION

Approve a Memorandum of Understanding (MOU) between the Town Of Fairfax and the Marin County Open Space District (MCOSD) consenting to the construction of two bridges in the Elliott Nature Preserve within Cascade Canyon Open Space Preserve.

DISCUSSION

At its December 7, 2016 meeting, the Council discussed a proposal from MCOSD to construct two non-vehicular bridges across San Anselmo Creek along the Cascade Fire Road, designate a portion of the Canyon Trail for multiple use, and decommission the High Water Trail within the Cascade Canyon Open Space Preserve. The MCOSD was required to seek Town approval of the proposed improvements because of a grant deed restriction. Specifically, the Elliott Nature Preserve is located within the Cascade Canyon Open Space Preserve. When the Town transferred the Elliot Nature Preserve property to the Marin County Open Space District (MCOSD) in 1987, the grant deed contained a clause that states that the MCOSD "will not sell, trade or exchange said property or construct any improvements thereon without the express consent of the grantor."

MCOSD and Town staff agree that at least one of the bridges is within the Elliott Nature Preserve. Rather than trying to delineate the property boundaries for the bridges, the Town is being asked to approve the construction of both bridges. MCOSD also would like the Town's approval to replace the bridge across Carey Camp Creek, if needed, in the future.

After much consideration of public comment and the MCOSD's report, the Council assigned Vice Mayor Lacques to work the County and Town staff to develop a project that would address the Council's concerns regarding issues such as bike racks, trash, pedestrian and bicyclist safety, and the environment. The Council requested this item be continued to its December 12th meeting. However, due to the short turnaround between Council meetings, the item was pulled from the Agenda and continued to the Council's January 18th meeting to allow sufficient time for staff and Vice Mayor Lacques to meet with the MCOSD as well as provide more opportunity for residents to submit comments on the project.

At its January meeting, the Council approved the key provisions for the MOU and assigned Vice Mayor Lacques to work with the County on the MOU. Attached is the proposed MOU identifying the improvements requested and agreed to by MCOSD.

FISCAL IMPACT

None: MCOSD is responsible for all costs of the proposed improvements.

ATTACHMENT: Memorandum of Understanding

AGENDA ITEM # 6

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE TOWN OF FAIRFAX AND
THE MARIN COUNTY OPEN SPACE DISTRICT
CONSENTING TO THE CONSTRUCTION OF TWO BRIDGES IN THE ELLIOTT NATURE
PRESERVE WITHIN CASCADE CANYON OPEN SPACE PRESERVE**

THIS MEMORANDUM OF UNDERSTANDING is made and entered into on this ____ day of _____, 2017, by and between the Town of Fairfax, California, and the Marin County Open Space District (MCOSD).

1 RECITALS

- a. The Town of Fairfax transferred the "Elliott Nature Preserve property to the Marin County Open Space District (MCOSD) in 1987 through a grant deed 1987-17275 (GRANT DEED).
- b. The GRANT DEED contains a clause that states that the MCOSD "will not sell, trade or exchange said property or construct any improvements thereon without the express consent of the grantor."
- c. The MCOSD manages the property for open space purposes including the protection of natural resources and enhancement of public recreational opportunities.
- d. The MCOSD's adopted Road and Trail Management Plan (RTMP) provides for a process for the public to submit proposals for road and trail improvements.
- e. The MCOSD received a proposal from the Friends of the Corte Madera Creek Watershed and the Marin Bicycle Coalition to construct two non-vehicular bridges across San Anselmo Creek along the Cascade Fire Road, replace one bridge across Carey Camp Creek, designate a portion of the Canyon Trail for multiple use, and decommission the High Water Trail (PROJECT).
- f. The MCOSD determined that the proposal to construct two bridges would provide safe access across the stream for all users, including people with disabilities.
- g. The MCOSD determined that the decommissioning of the High Water Trail would reduce harmful sediment in San Anselmo Creek, improve habitat for salmonids, including federally listed steelhead, residing in Cascade Canyon Open Space Preserve and elsewhere in the Corte Madera Creek watershed consistent with the National Marine Fishery Service's Coastal Multispecies Recovery Plan, and remove an unsafe and unsustainable path.
- h. At least one of the bridges is within the Elliott Nature Preserve.

2 AGREEMENT

Town of Fairfax

Consistent with the reversionary clause in the GRANT DEED, the Town of Fairfax expressly consents to the proposal to construct two non-vehicular bridges across San Anselmo Creek along the Cascade Fire Road, replace one bridge across Carey Camp Creek, designate a portion of the Canyon Trail for multiple use, and decommission the High Water Trail. within the Elliott Nature Preserve portion of the Cascade Canyon Open Space Preserve.

Marin County Open Space District

The MCOSD agrees to implement the following actions as part of the PROJECT (as depicted on the attached map, entitled "**Exhibit A: Multiuse Bridge Improvements**").

- a. The MCOSD will install "No Bike" signs at the intersections of the redesignated portion of Canyon Trail, where bicycles will be allowed, at the intersection with the Carey Camp Trail, at intersection of the unaffected portions of the Canyon Trail upon which bicycles will not be allowed, and any other trail where bicycles are not allowed. The signs will inform users that bicycles are not allowed on these other trails. The MCOSD will also install a sign at the west end of the Canyon Trail where it intersects with the Cascade Fire Road informing users that they are on a shared-use trail and requesting that bicyclists ride slowly.
- b. The MCOSD will install bicycle speed-control measures, including chicanes, along the re-designated portion of the Canyon Trail.
- c. The MCOSD will install a bike rack near the main entrance of the preserve, at the end of Cascade Drive.
- d. The MCOSD will implement project design features or signs that will direct users away from the creek fords and towards the new bridges.
- e. The MCOSD will monitor trail visitation following implementation and employ an adaptive management strategy to any issues that may emerge.

SIGNED:

John Reed
Mayor, Town of Fairfax, California

Date: _____

Judy Arnold
President, Marin County Open Space District Board of Directors

Date: _____

