

**TOWN OF FAIRFAX
STAFF REPORT**

To: Mayor, Members of the Town Council

From: Michael Rock, Town Manager
Mimi Newton Chair, Fairfax Open Space Committee 

Date: September 7, 2011

Subject: Consider Adoption of Resolution No. 11- adopting the "Priority Criteria for Protecting Open Space"

RECOMMENDATION

Adopt Resolution 11-__ adopting the "Priority Criteria for Protecting Open Space".

BACKGROUND

The Fairfax Open Space Committee (FOSC) was created by Resolution No. 2334 and 2528 of the Town Council, subsequently replaced by Resolution No. 10-47 of the Town Council. Resolution No. 10-47 details the responsibilities of FOSC, which include the following: (a) to survey the lands within, and adjacent to, the Town of Fairfax in order to determine the availability of unique, threatened, or environmentally sensitive land parcels that may be appropriate to acquire to hold in perpetuity as dedicated open space for the public and (b) to consider long term planning of open space in and near Fairfax.

In addition, on December 1, 2010, the Town Council received and accepted the final Draft 2010 General Plan and directed staff to commence CEQA review thereof. The Open Space Element of the Draft General Plan 2010 requires that the Town prepare an "Inventory" of lands within the Town of Fairfax that contain open space resources which the Town should endeavor to protect and preserve. It is expected that FOSC will play a major role in creating this "Inventory" for the Town, consistent with its mandate.

DISCUSSION

Since its creation, on occasion FOSC has been called upon to assess various opportunities for the Town of Fairfax to purchase or otherwise preserve and protect open space lands. Over time, as FOSC has become more active in seeking out such opportunities, it became apparent that there is a need for a systematic method of determining the relative priority of protecting open space lands within the Town of Fairfax. A systematic and objective set of criteria to determine relative priority would enable FOSC to more effectively carry out its responsibilities and to address acquisition and related opportunities as they arise.

FOSC has participated in the development of the updated Open Space Element of the draft General Plan. One of the critical programs under the Open Space Element requires that the Town prepare and maintain an "Inventory" of lands within the Town of Fairfax that contain open space resources which the Town should endeavor to protect and preserve. It is anticipated that FOSC will be directly involved in that process, consistent with its responsibilities under Resolution No. 10-47. That process also would benefit greatly from a systematic and objective set of criteria by which the Town could rank the relative priority of

protecting and preserving undeveloped lands in and adjacent to the Town.

In early 2010, FOSC began the process of developing a set of "Criteria for Protecting Open Space" that would serve these roles. Since the initial draft was created, FOSC members have revised and refined the Criteria, in part through the application of draft Criteria to various undeveloped properties within Fairfax. Based on those experiences, FOSC has arrived at a final Criteria, which it has approved by vote of its members and which it recommends that the Town Council adopt.

The Criteria consists of two parts. The first part of the Criteria relates to the attributes of the property (natural and cultural resources, recreational opportunities and connectivity). The second part of the Criteria provides considerations that affect the desirability, urgency and benefit of protecting the property (the extent to which the property is threatened by potential development and relative costs of protecting the property). The second set of Criteria can affect the priority of a given property in one of two ways. It can result in a higher priority rating for a property that has some positive attributes but not ones that would alone create a high ranking, if, for example, the costs of acquiring were low, and the threat of development high. On the other hand, a property that has high costs to the Town of preserving and protecting it (for example, conditions on the property create serious and substantial risk of liability to the Town) and low development potential would rank low in priority even though its physical attributes would normally create a relatively high ranking.

Although these two sets of characteristics are comprehensive, it is not expected that the initial assessment of (or information about) any property will be complete. The proposed Criteria only provides a tool to make an initial rough assessment of the relative priority of protecting the property, based on readily available information. If the opportunity to protect the property arises, then the Criteria will be applied more rigorously as the full characteristics and information about the property are determined or obtained.

Finally, although FOSC has done some significant "field-testing" of the Criteria, FOSC believes that additional experience using the Criteria on a large scale will almost certainly result in some need to further revise and refine the Criteria. Any changes to the Criteria would have to be approved by the Town Council.

The Town Manager supports the recommendations of FOSC and, in turn, recommends that the Town Council adopt the Criteria through adoption of proposed Resolution 11-___, attached to this staff recommendation.

ATTACHMENTS

Exhibit A – Resolution No. 11-___

Exhibit B – FOSC Criteria for Priority Criteria for Protecting Open Space

RESOLUTION 11-

A RESOLUTION OF THE FAIRFAX TOWN COUNCIL ADOPTING "CRITERIA FOR PROTECTING OPEN SPACE"

WHEREAS, the Fairfax Open Space Committee (FOSC) was created by Resolution Nos. 2323, 2334 and 2528 of the Town Council, subsequently replaced by Resolution No. 10-47 of the Town Council; and

WHEREAS, under Resolution No. 10-47, FOSC has the responsibility to survey the lands within, and adjacent to, the Town of Fairfax in order to determine the availability of unique, threatened, or environmentally sensitive land parcels that may be appropriate to acquire to hold in perpetuity as dedicated open space for the public and to consider long term planning of open space in and near Fairfax; and

WHEREAS, in carrying out its duties, from time-to-time FOSC has been called upon to assess various opportunities for the Town of Fairfax to purchase or otherwise preserve and protect open space lands; and

WHEREAS, FOSC has determined that a systematic method of determining the relative priority of protecting open space lands within the Town of Fairfax is required in order for FOSC to fully and effectively carry out its responsibilities and to adequately assess opportunities to preserve and protect open space lands as they may arise; and

WHEREAS, the Town Council received and accepted the final Draft 2010 General Plan on December 1, 2010 and directed staff to commence CEQA review thereof; and

WHEREAS, the Open Space Element of the Draft General Plan 2010 requires that the Town prepare on an "Inventory" of lands within the Town of Fairfax that contain open space resources which the Town should endeavor to protect and preserve; and

WHEREAS, a systematic method of assessing the priority of protecting open space lands within the Town of Fairfax would also assist FOSC and the Town in preparing the "Inventory" of lands within the Town of Fairfax that contain open space resources which the Town should endeavor to protect and preserve; and

WHEREAS, FOSC has developed the "Criteria for Priority for Protecting Open Space", attached to this resolution as Exhibit A, that provides a systematic and objective approach for assessing the relative priority for protecting the undeveloped lands within the Town of Fairfax; and

WHEREAS, FOSC recommends that the Town Council adopt the "Criteria for Priority for Protecting Open Space" for use by FOSC on behalf of the Town in assessing the relative priority for protecting the undeveloped lands within the Town of Fairfax.

NOW, THEREFORE, BE IT RESOLVED that the Town Council hereby adopts the "Criteria for Priority for Protecting Open Space", attached to this Resolution as Exhibit A, for use by FOSC in its advisory role to the Town in assessing the relative priority for protecting the undeveloped lands within the Town of Fairfax; and

BE IT FURTHER RESOLVED that the Town Council delegates to FOSC the authority to revise, reorganize, further develop and improve the "Criteria for Priority for Protecting Open Space", as FOSC determines necessary based on its experience in using the Criteria to assess undeveloped lands in the Town of Fairfax. Before any such changes are made final, FOSC shall obtain the approval of the Town

Council to the proposed changes and subsequently provide a copy of the changes in writing to the Town Manager and to the Town Clerk for inclusion in the official records of the Town.

The foregoing resolution was duly adopted on the 7th day of September, 2011, by the following vote:

AYES:

NOES:

ABSTAIN:

Larry Bragman, Mayor

ATTEST:

Judy Anderson, Town Clerk

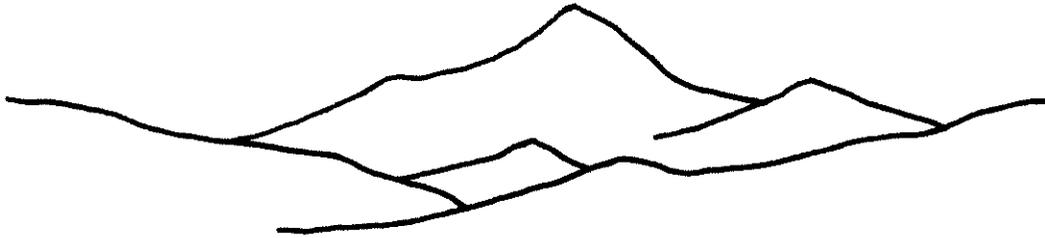


Exhibit B

FAIRFAX OPEN SPACE COMMITTEE

OPEN SPACE COMMITTEE MEMBERS:

Mimi Newton – Chair	
Michael Ardito	Jacob Feickert
Ted Bright	Ruth Horn
Barbara Coler	Jack Judkins
Chelsea Donovan	Linda Novy
Jolie Egert	Ryan O'Neil – Co-Chair

Criteria for Priority for Protecting Open Space

Fairfax Open Space Subcommittee

Adopted by Town Council: _____, 2011

SUMMARY

Introduction

Periodically, the Fairfax Open Space Committee (FOSC) has been informed or learned of the opportunity to acquire undeveloped land within or adjacent to the Town. In attempting to assess these opportunities for the Town, FOSC concluded that a systematic means of determining whether or not to take advantage of such an opportunity is needed. In addition, in 2010, the Town Council received and accepted the final Draft 2010 General Plan and directed staff to commence CEQA review thereof. The Open Space Element of the Draft General Plan 2010 requires that the Town prepare an “Inventory” of lands within the Town Planning Area that contain open space resources which the Town should endeavor to protect and preserve. It is expected that FOSC will play a major role in creating this “Inventory” for the Town, consistent with its mandate. A systematic and objective set of criteria for ranking open space lands would assist in this task as well. For these reasons, FOSC has developed and the Town Council has approved and adopted the “Criteria for Protecting Open Space” (Criteria), which includes this Summary, and the attached “Property Information”, “Priority Rating Sheet”, and “Priority Rating – Description of Criteria”.

Purpose of Criteria

The Criteria is intended as a tool for use in determining the relative priority for protecting undeveloped land within the Town of Fairfax Planning Area. “Protection” of undeveloped land may take one of many different forms, which may include but is not limited to: conservation easement or fee title donation or acquisition, development condition, deed restriction, or exchange for other property. The fact that a property may be a high priority for protection as

open space likewise does not require that it be protected, but provides information that will be available and determinable should the opportunity arise to do so.

Use of the Criteria

The Criteria provides a comprehensive set of characteristics that should be considered in determining the priority for protection of undeveloped property. These include attributes of the property (natural and cultural resources, recreational opportunities and connectivity), as well as additional considerations that affect the desirability, urgency and benefit of protecting the property (the extent to which the property is threatened by potential development and relative costs of protecting the property).

Although these characteristics are comprehensive, it is not expected that the initial assessment of (or information about) any property will be exhaustive. Rather, the Criteria provides a tool to make an initial rough assessment of the relative priority of protecting the property with known information, however inexact or incomplete that may be. Once the opportunity to protect the property becomes available, then the Criteria will be applied more rigorously as the full characteristics and information about the property are determined or obtained.

PROPERTY INFORMATION

Address: _____

Parcel No: _____

Owner/Agent Name and Contact Info:

Size of the parcel: _____

Zoning, including overlays and special protection areas (setbacks, ridgeline etc):

Potential development (houses/other residential or commercial units): _____

Preservation assistance available from non-town sources:

Parcel has potential for other public uses:

Encumbrances, easements etc. affecting (if available, e.g through Title Report):

Development Status:

PRIORITY RATING SHEET

Score: Assign 1-10 points for each of the follow categories

I. PROPERTY ATTRIBUTES

A. **Natural Resources** _____ [Score]

Notes: _____

B. **Cultural Resources** _____ [Score]

Notes: _____

C. **Recreational Opportunities** _____ [Score]

Notes: _____

D. **Connectivity** _____ [Score]

Notes: _____

Total Property Attributes Score _____ [Total Score]

II. ADDITIONAL CONSIDERATIONS

[Note: A particularly high or low score on one of these "Additional Considerations" would offset a high or low "Property Attributes" score]

E. **Level of Threat** _____ [Score]

Notes: _____

F. **Cost Related Issues** _____ [Score]

Notes: _____

PRIORITY RATING – DESCRIPTION OF CRITERIA

I. PROPERTY ATTRIBUTES

A. Natural Resources

1. Parcel contains a creek or stream that drains to Fairfax or San Anselmo Creeks, provides a vegetated buffer in a riparian zone, provides a water retention area, or otherwise provides benefits to the watershed.
2. Parcel contains large specimen or old-growth trees, especially natives such as live oak, valley oak, alder, redwood, madrone or other native tree species.
3. Parcel provides a significant area of native plant community habitat area (mixed evergreen forest, riparian, northern coastal scrub, chaparral, oak woodland and oak savannah).
4. Parcel provides smaller, relatively undisturbed areas of native plant communities that are rare.
5. Parcel is *known* to contain plant or animal species listed as threatened, endangered, fully protected or of special concern under the state or federal endangered species acts.
6. Parcel includes potential habitat suitable for plant or animal species that are or may be located within the Fairfax Planning Area in the foreseeable future and that are listed as threatened, endangered, fully protected or of special concern under the state or federal endangered species acts.
7. Parcel contains prime agricultural lands or soils of local significance.
8. Parcel supports a wide diversity of native plant and animal species.

B. Cultural Resources

1. Parcel contains important historic artifacts or structure, or is itself an historic cultural site or native American site or resource.
2. Parcel currently used for agriculture or in farm ownership and/or part of larger block of agricultural land.
3. Parcel contains important scenic views or vistas or is located wholly or partially within Town Visually Distinctive Areas or is located wholly or partially within a Ridgeline Scenic Corridor as defined on Town Visual Resources Map No. 9.

B. Cultural Resources (cont.)

4. Parcel contains a special place or a prime natural feature of the landscape that would likely be lost through development.
5. Parcel provides a buffer or greenbelt between developed and undeveloped lands.

C. Recreational Opportunities

1. Parcel provides existing or potential public access for passive recreational activities, such as hiking, biking, bird-watching, or picnicking.
2. Parcel provides a possible link to or significant spur of a Town, regional or State trail system.
3. Parcel contains part of an existing trail identified in the Town inventory or trails within and between open space lands in the Fairfax Planning Area.
4. Parcel contains the location of priority for a future Town, regional or State trail.
5. Parcel presents other appropriate recreational opportunities that are consistent with town open space plans and regulations.

D. Connectivity

1. Parcel is designated for prospective acquisition as open space in the Town "Inventory" of open space lands (see General Plan Open Space Element) or is designated as a priority for acquisition in other Town planning documents.
2. Parcel connects with other open space areas so as to provide a corridor or a segment of a corridor for wildlife
3. Parcel is important link in a planned open space corridor or greenbelt.
4. Parcel will link, extend or infill existing protected areas.
5. Parcel is accessible to residents.

II. ADDITIONAL CONSIDERATIONS

[High score would significantly increase acquisition priority;
low score would significantly decrease]

E. Level of Threat

1. Parcel is not protected by any existing adopted Town moratorium or other restriction on development
2. There is no need for significant development of access road, utility connections etc. before developing site (i.e. existing infrastructure is already in place).
3. Parcel is a large parcel, which has been legally subdivided and has potential for multiple unit development.
4. Parcel has few or no significant constraints to development, such as poor soils and landslide potential, steep slopes, creek or stream, need to develop utility infrastructure or difficult access.
5. Applicable zoning of the parcel makes development or further subdivision likely or possible.
6. Development of the site, even for a single home, would likely cause extensive disturbance or habitat fragmentation in an important natural area.

F. Cost Related Issues

1. Parcel is relatively free of conditions that may pose risk of cost or liability to Town (potential for litter problems, stream erosion issues, hazardous materials and related issues – old dump site etc., fire clearance and maintenance costs, landslide threat to other properties, tree-fall liability).
2. Purchasing parcel would eliminate Town costs associated with addressing proposed development
3. Cost of acquiring is low in comparison to market value.
4. Substantial funding assistance is available through non-Town sources.
5. Entity other than the Town (nonprofit, Open Space District) is willing to own/manage.