

**TOWN OF FAIRFAX
STAFF REPORT**

To:	Mayor, Members of the Town Council
From:	Jack Judkins, Co-Chair Fairfax Open Space Committee
Date:	September 5, 2012
Subject:	Approval of Open Space Committee Recommendation That Town Accept Offer of Donation of Property: Assessor's Parcel No. 001-22-04

RECOMMENDATION

The Fairfax Open Space Committee recommends that the Town Council adopt the proposed resolution No. XX-XX, attached as **Exhibit 1**, accepting the donation of Assessor's Parcel No. 001-22-04.

BACKGROUND

The Town created the Fairfax Open Space Committee (FOSC) by resolution in 2004. Under that resolution, FOSC is charged with the responsibility "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".

In February 2012, FOSC was contacted by Elena Court, the owner of Assessor's Parcel No. 001-022-04 (the "Property"), who offered to donate to the Town the parcel owned by her. At its meeting of February 28, 2012, the Fairfax Open Space Committee voted unanimously to recommend to the Town that it accept the proposed donation of the Property. The "ranking criteria sheet" is attached as **Exhibit 2**.

DISCUSSION

The Property is located on an undeveloped, "paper" street – "Scenic Trail", which is between Scenic Road and Redwood Road, and is located near the intersection of Scenic and Bay Roads. Maps showing the location of the Property are attached as **Exhibit 3**. The Property is entirely unimproved. The Property is steeply sloped and populated with underbrush and trees. Satellite photographs of the property are attached as **Exhibit 4**.

To the west of the Property are other, similarly landlocked and undeveloped parcels on Scenic Trail. Immediately to the north of the Property there is an open space easement that is on a large privately-held piece of land and to the west there are two vacant and undeveloped parcels. The third parcel to the west of the property is developed with a

single family home.

FOSC recommends that the Town accept the donation of the Property for several reasons. First, the Property is undeveloped, and offers, along with the other undeveloped parcels and the adjoining open space easement, a natural setting, wildlife habitat and a corridor for travel and preservation of the scenic values on a hillside. Second, the Property is being donated, so it will cost the Town nothing to acquire the property. Further, since the property remains in its undeveloped and unimproved state, the potential for liability is reduced. Finally, although difficult to develop under current requirements and as a single lot, development under different requirements in the future or in conjunction with other parcels remains a possibility.

Through Town staff FOSC obtained a Preliminary Title Report for the Property, a copy of which is attached as **Exhibit 5**. The taxes have been brought current by the property owner. There are no encumbrances on the Property which might adversely affect the ownership of the Property by the Town.

Planning Staff Comments

Staff has reviewed the general location, slope and available access for APN # 001-022-04 and has determined the following:

- The site is zoned single-family residential RS 6.
- An accurate location in the field can only be made by a licensed land surveyor.
- The site has a steep, 49% average slope based on Marin County Marin Map GIS system database.
- It is located in a wildfire hazard zone on the Fairfax Wildland Urban Interface Zone Map and has unstable slopes as shown on the slope stability map utilized by the Town in reviewing development projects (Interpretation of the Relative Stability of Upland Slopes in the Upper Ross Valley and the Western Park of the San Rafael Area, Marin County, California, by Theodore C. Smith, Salem Rice and Rudolph Strand).
- The property is landlocked and does not have frontage on a public road. The only available access is 135 feet of a 10 foot wide easement known as Scenic Trail. The topography of Scenic Trail is too narrow and the topography too steep to provide vehicular access that would comply with Fire Department and Town access in compliance with safety regulations (Assessor's Map is attached as **Exhibit 3**).

Due to the lack of adequate emergency access, it would be difficult to impossible for Town Staff to make findings so that the parcel could be developed in compliance with the Town's Hill Area Residential Development Ordinance (Town Code Chapter 17.072).

FISCAL IMPACT

The acceptance of the donation of this property to the Town would result in the elimination of \$607.88 property taxes annually (see **Exhibit 6** for itemized taxes).

ATTACHMENTS

Exhibit 1 - Resolution No. XX-XX

Exhibit 2 - Ranking Criteria Sheet

Exhibit 3 - Maps, including Assessor's Map

Exhibit 4 - Satellite Photographs

Exhibit 5 - Title Report

Exhibit 6 - Property Tax Details