

# Town of Fairfax Land Use Element

## Town of Fairfax General Plan

### Land Use Element (jmm1)

Historic development patterns in Fairfax created a town with a distinct center, providing a good public transit hub within walking and bicycling distance of most of the town's inhabitants. Fairfax has retained a village-like quality, with distinct neighborhoods and large areas of surrounding visible open space.

This Land Use Element seeks to preserve these qualities by providing policies and programs to guide future development. Interestingly, modern humanistic trends in urban development support many of the planning choices made by the Town over the last hundred years. The current town center creates a lively mixture of businesses and residences, and supports a wide variety of transportation choices. The intent of this document is to retain this character, while guiding evolution of the town center area over the next few decades.

# Town of Fairfax Land Use Element

## Introduction

The Land Use Element is the nexus of the General Plan. As its name implies, the Land Use element describes the land uses that define our community, our town, and the area. All other plan elements are supported by the Land Use element.

This Element conveys a sense of the uniqueness of Fairfax; the Town's robust, village-like character, as seen in the small businesses, quaint neighborhoods and busy streets where many residents bicycle and walk. Framing and dominating the town is its natural setting – a perceived vast open space of oak-studded hills to the north and west, and the forested shoulders of the Coastal Range to the south. Fairfax is a special place, loved by residents as well as visitors.

The General Plan, and specifically the Land Use Element, creates a framework for maintaining the character of the Town, regardless of future events. For instance, if a catastrophic event occurred, how would Fairfax be rebuilt? The severe destruction caused by the 1991 Oakland Hills fire wiped out unique and diverse neighborhoods, and many of these areas were rebuilt with homes of greater scale and differing appearance, changing the nature of the area. This element includes policies to address the issue of future development, even in the event of a disaster.

One of the greatest problems facing Marin County relates to population growth. Traditional solutions to that problem can be seen on the land in the form of compromise, if not complete loss, of natural areas; it can be seen in skies that are not as blue in the day and have fewer stars in the night; and it can be heard in the increase in traffic sounds and the decrease of natural sounds or the distance that sound travels. Where and how growth is accommodated in Fairfax is of paramount importance in crafting this Land Use Element.

Map LU-1, Fairfax Land Use, and Map LU-2, Fairfax Zoning, are particularly germane to this element. Map LU-3 defines the Fairfax Planning Area and Sphere of Influence.

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## Historic Land Use Patterns in Fairfax

The core of the Town of Fairfax is a classic example of “old urbanism,” where human-scale development was oriented around a transit station. Unfortunately, planning and development patterns since 1930 have often given preference to automobile travel over all other forms, minimizing or eliminating other transit options and human-scaled development. This shift is evidenced in Marin County by ever expanding commercial districts and residential development, until one community abuts another and commercial areas become continuous strips, only accessible by car or sparse public transit service.

One can see this trend most strikingly in commercial areas adjacent to the historic core of Fairfax that are zoned Highway Commercial (CH). CH areas are typified by large monolithic structures surrounded by “parking lagoons”; for example, Delano’s/Fairfax Market to the west on Sir Francis Drake Boulevard and the Fair-Anselm and grocery store complex to the east on Center.

Fortunately, residents of Fairfax over the past several decades have intuitively resisted these impacts and vigorously fought to save the Town from automotive-centric development patterns, seeking to preserve the Town character as they know it. Fairfax citizens have sought to secure open space for future generations, limit development not compatible with the original historic scale of the Town, and inhibit development that furthers grid-lock along the Sir Francis Drake Boulevard, the main arterial that runs through the entire Ross Valley corridor. For example, plans to create a freeway through the Ross Valley in the middle of the 20<sup>th</sup> century were defeated by citizen activism.

Fairfax development can be described in terms of well-defined urban planning principles. Below is an overview of relevant concepts that currently experience renewed interest throughout the country, in our efforts to address climate change, strive for social equity, and create economically viable communities with a sense of place.

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## Transit-Oriented Development

Historically and currently, Transit-Oriented Development (TOD) represents the functional integration of land use and transit by creating compact, mixed-use communities within walking distance of a transit facility. TOD brings together people, jobs and services, and makes it efficient, safe, and convenient to travel on foot, by bicycle, transit, or car.

Understanding the design principles involved with the creation of successful TOD is an important aspect of preserving the historic nature of the Town, as Fairfax strives to manage future growth while preserving the area's natural resources.

TOD design principles include:

- Housing densities that support transit, public amenities and community businesses
- Mix of uses to support pedestrian activity
- Enhanced transit station areas
- Convenient connections to transit stations for pedestrians and bicyclists
- Enhanced transportation networks
- Managed amount and location of parking
- A complete sense of place at each transit station

## Traditional Neighborhood Design

Another important historical character of the Town is the pattern of development commonly referred to as Traditional Neighborhood Design (TND). TND by definition creates "complete" neighborhoods or towns. In other words, TND offers a range of housing types, with humane public spaces and amenities within walking distance of residence, and a network of well-connected streets and blocks. Understanding the design principles

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involved with the creation of successful TND is an important aspect of preserving the historic nature of the Town as Fairfax strives to manage future growth while preserving the area's historic neighborhoods.

TND design principles include:

- Variety of lot sizes
- Variety of home types and styles
- Mix of land uses
- Compact development
- Good connectivity within and between neighborhoods

### Principles for Future Land Use Decisions

In addition to the general principles outlined in the introduction of the general plan The Town of Fairfax will apply the principles of Transit-Oriented Development and Traditional Neighborhood Design to all development decisions in the future.

# Town of Fairfax Land Use Element

## Goals, Objectives, Policies and Programs

The goals of this element are:

- Goal LU-1: Preserve Scenic and Natural Resources
- Goal LU-2: Preserve Open Space
- Goal LU-3: Restore Natural Habitats in Fairfax, including Creeks and Watercourses
- Goal LU-4: Minimize potential for wildfires and impacts from other natural catastrophes
- Goal LU-5: Manage future growth while preserving the area's natural resources
- Goal LU-6: Annex Developed and Undeveloped Lands ~~with Good Planning~~ Where Advantageous to the Town
- Goal LU-7: Preserve Community and Neighborhood Character
- Goal LU-8: Preserve Community Diversity Through Affordable Housing Opportunities
- Goal LU-9: Preserve and Restore Local Historic Buildings, Features, and Sites

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## Goal LU-1: Preserve Scenic and Natural Resources

**Objective LU-1.1: Limit development to preserve and enhance the community's unique natural and scenic resources.**

**Policy LU-1.1.1:** New development outside of the town's boundary shall be limited and of a scale that preserves the significant scenic and natural resources and rural character of the areas adjacent to the Town.

Program LU-1.1.1.1: Identify and pre-zone lands outside the Town's boundaries that are considered subject to development for the purpose of maintaining the small town character of the community.

Responsibility: Planning and Building Services, Planning Commission, Town Council, in coordination with LAFCO

Schedule: Within five years of adoption of the General Plan

**Policy LU-1.1.2:** Additional park areas should be created in existing neighborhoods where practicable.

Program LU-1.1.2.1: Identify opportunities for creating park facilities in the community.

Responsibility: Planning and Building Services, Public Works

Schedule: Ongoing

**Policy LU-1.1.3:** Existing public easements will be utilized to develop a system of pathways as a potential recreational, circulation, and public safety resource.

Program LU-1.1.3.1: Identify, catalog and map public easements. (see Circulation Element, Safety Element, Open Space Element Objective OS-3.1 and Appendix D)

Responsibility: Fairfax Volunteers, Open Space Committee, Planning Commission, Town Council

Schedule: With adoption of Circulation Element

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## **Objective LU-1.2: Limit development on hillside and ridgeline parcels to preserve and enhance the scenic qualities of the Town.**

**Policy LU-1.2.1:** Identify the Visually Distinctive Areas within the FPA where development will be limited.

Program LU-1.2.1.1: Maintain the Fairfax Visual Resources Map, shown in Figure ~~xxx2~~OS-1, to identify Visually Distinctive Areas within the FPA [jmm3].

Responsibility: Open Space Committee, Planning and Building Services  
Schedule: Upon adoption of the Open Space Element

**Policy LU-1.2.2:** New or renewed development in Visually Distinctive Areas shall be designed and sited to have the least visual impact as seen from the majority of the Town.

Program LU-1.2.2.1: Develop Design Guidelines for visual impact analysis procedures, including requiring computer simulations.

Responsibility: Planning and Building Services, Design Review Board,  
Planning Commission  
Schedule: Third year after adoption of the General Plan

**Policy LU-1.2.3:** New and renewed development in ~~Visually Distinctive Areas~~ shall be designed and located so as to minimize the visual mass. The Town will require exterior materials and colors that blend the exterior appearance of structures with the surrounding natural landscape.

Program LU-1.2.3.1: Develop Design Guidelines for visual impact analysis procedures, including computer simulations.

Responsibility: Planning and Building Services, Design Review Board,  
Planning Commission  
Schedule: Third year after adoption of the General Plan

**Policy LU-1.2.4:** No roads or streets shall be permitted to traverse a ridge, except as deemed necessary specifically for emergency access and egress.

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Program LU1.2.4.1: Develop Design Guidelines for roads, ~~and streets~~ and drainage facilities built in the hills.

Responsibility: Planning and Building Services, Public Works, Planning Commission

Schedule: Third year after adoption of the General Plan

## Goal LU-2: Preserve Open Space

Objectives, Policies and Programs for this goal are included within the Open Space Element.

## Goal LU-3: Restore Natural Habitats in Fairfax, including Creeks and Watercourses

Objectives, Policies and Programs for this goal are included within the Conservation Element.

## Goal LU-4: Minimize potential for wildfires and impacts from other natural catastrophes

**Objective LU-4.1: Limit threats from wildfires and other natural disasters to the health, safety, and welfare of Town residents.**

**Policy LU-4.1.1:** New and renewed development shall include a wildland fire protection component, consistent with the Safety Element and the fire management programs of the Ross Valley and Marin County Fire Departments and Fire Safe Marin.

Program LU-4.1.1.1: Develop a set of application submittal requirements for fire management, as required by the Ross Valley Fire Department.

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Responsibility: Planning and Building Services, Public Works, Ross Valley  
Fire Department

Schedule: First year after adoption of the General Plan

**Policy LU-4.1.2:** New and renewed development shall comply with all federal, state, and local regulations pertaining to development in flood zones.

Program LU-4.1.2.1: Develop a set of application submittal requirements for flood zones.

Responsibility: Planning and Building Services, Public Works

Schedule: First year after adoption of the General Plan

**Policy LU-4.1.3:** New and renewed development shall comply with all regulations encompassed in the California and Uniform Building Codes intended to reduce potential damage and threats to the public's health, safety, and welfare in the event of an earthquake.

Program LU-4.1.3.1: Develop a set of application submittal requirements for geotechnical analysis and earthquake retrofits.

Responsibility: Planning and Building Services

Schedule: With adoption of the Safety Element

**Policy LU-4.1.4:** New and renewed development shall be designed to minimize runoff in a manner that does not cause undue hardship on neighboring properties.

Program LU-4.1.4.1: Develop site development guidelines for site hydrology analysis and drainage.

Responsibility: Planning and Building Services, Public Works

Schedule: Second year after adoption of the General Plan

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## Goal LU-5: Manage future growth while preserving the area's natural resources

**Objective LU-5.1: Permit new and renewed development and extension of urban services in a manner that preserves the area's natural and cultural resources.**

**Policy LU-5.1.1:** New and renewed development shall occur primarily as infill development.

Program LU-5.1.1.1: Identify and catalog all potential infill development sites within the Town ~~having realistic development potential.~~

Responsibility: Planning and Building Services

Schedule: First two years after adoption of the General Plan

**Policy LU-5.1.2:** Development shall be discouraged in areas not served by existing utilities.

Program LU-5.1.2.1: Prepare a map indicating the extent and capacity of existing and approved utilities in the Planning Area. Maintain this map as an accessible exhibit at the public counter.

Responsibility: Public Works, Planning and Building Services

Schedule: Two years after adoption of General Plan

## Goal LU-6: Annex Developed and Undeveloped Lands Where Advantageous to the Town ~~with Good Planning~~

**Objective LU-6.1: Provide for orderly annexation within the Fairfax Planning Area where provisions for services and utilities exist.**

**Policy LU-6.1.1:** Pre-zone parcels within the FPA that should be annexed to the Town.

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Program LU-6.1.1.1: Identify, catalog and prioritize areas within the ~~Planning Area~~EPA that should be pre-zoned.

Responsibility: Planning and Building Services, Planning Commission, Open Space Committee, Town Council in coordination with ~~LAFCO~~

Schedule: Within five years of adoption of the General Plan

Program LU-6.1.1.2: Pre-zone parcels deemed necessary to incorporate into the Town in conformance with the goals, objectives and policies of the General Plan.

Responsibility: Planning and Building Services, Planning Commission, Town Council in coordination with ~~LAFCO~~

Schedule: ~~Five years after adoption of the General Plan~~Ongoing

**Policy LU-6.1.2:** Preview and if necessary comment on all development proposals within the Town's Urban Service Area Boundary.

Program LU-6.1.2.1: Coordinate with Marin County Community Development Agency for review of development proposals in the unincorporated portions of the Town's Planning Area.

Responsibility: Planning and Building Services in coordination with ~~Marin County CDA~~

Schedule: Ongoing

**Policy LU-6.1.3:** Development proposed on properties contiguous to the Town Limits and pre-zoned by the Town shall be annexed into the Town prior to any decisions on each development proposal.

Program LU-6.1.3.1: Approval of development in pre-zoned areas outside the Town Limits shall require annexation according to LAFCO procedures.

Responsibility: Planning and Building Services

Schedule: Two years after adoption of the General Plan

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## Goal LU-7: Preserve Community and Neighborhood Character

**Objective LU-7.1: Preserve and enhance the community's small-town scale and character.**

**Policy LU-7.1.1:** The existing "village character" of the commercial center of the Town, designated as the Town Center Area, shall be maintained and enhanced. Additional commercial development outside of the designated Town Center Area shall be discouraged except for limited neighborhood-serving uses.

Program LU-7.1.1.1: ~~Identify~~ Map and describe the Town Center Plan Area as the commercial core of the Town, as specified by the Town Center Element, as the commercial core of the Town.

Responsibility: Planning and Building Services, Planning Commission, Town Council

Schedule: Immediately upon adoption of the General Plan.

Program LU-7.1.1.2: Rezone All Commercial Highway (CH) Zone to Central Commercial (CC) Zone and revise the CC Zone as appropriate.

Responsibility: Planning and Building Services, Planning Commission, Town Council

Schedule: Immediately upon adoption of the General Plan.

Program LU-7.1.1.3 - ~~Revise Chapter 17 of the Town Code Zoning Ordinances,~~ as necessary, to allow only limited neighborhood-serving commercial uses to be developed outside the core area by Conditional Use Permits.

Responsibility: Planning and Building Services, ~~Design Review Board,~~ Planning Commission, Town Council

Schedule: Immediately upon adoption of the General Plan.

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**Policy LU-7.1.2:** New and/or renewed development in the Town Center Area should preserve and enhance the village character of the Town Center Area in the mix of land uses, architectural styles and ornamentation, materials, colors and textures.

Program LU-7.1.2.1 Develop and adopt general and area-specific Design Guidelines for residential and commercial projects.

Responsibility: Planning and Building Services, Design Review Board,  
Planning Commission, Town Council

Schedule: Third year after adoption of the General Plan

**Policy LU-7.1.3:** A combination of commercial and residential land uses should be encouraged on the same parcel in the Town Center Area and shall be consistent with established building height limits.

Program LU-7.1.3.1: Encourage applicants with development proposals to incorporate mixed-use elements into their project plans.

Responsibility: Planning and Building Services, Planning Commission

Schedule: Ongoing

**Policy LU-7.1.4:** New and renewed residential development shall preserve and enhance the existing character of the Town's neighborhoods in diversity, architectural character, size and mass.

Program LU-7.1.4.1: Develop Design Guidelines and Development Standards to be used by project applicants.

Responsibility: Planning and Building Services, Design Review Board,  
Planning Commission, Town Council

Schedule: Third year after adoption of the General Plan

**Policy LU-7.1.5:** New and renewed residential development outside of the Town Center Area should be compatible with, and subordinate to, the topography, wildlife corridors and habitat, natural vegetation pattern, hydrology, and geotechnical characteristics of the area.

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Program LU-7.1.5.1: Develop an Environmental Checklist and Development Standards for use by project applicants.

Responsibility: Planning and Building Services, Design Review Board,  
Planning Commission

Schedule: First year after adoption of the General Plan

**Policy LU-7.1.6:** Amenities and improvements proposed for implementation in the Town Center Area shall be consistent with the criteria for those items as outlined in the Town Center Plan, relative to landscaping, lighting, sidewalks, street furniture, public art and ornamentation, and general guidelines pertaining to signs and banners.

Program LU-7.1.6.1: Develop Design Guidelines and Development Standards to be used by project applicants.

Responsibility: Planning and Building Services, Design Review Board,  
Planning Commission, Town Council

Schedule: Third year after adoption of the General Plan

**Objective LU-7.2: Preserve, maintain, and enhance in a sustainable manner, the existing character, scale, and quality of life in Fairfax's residential neighborhoods.**

**Policy LU-7.2.1:** New and renewed development shall be compatible with the general character and scale of structures in the vicinity.

Program LU-7.2.1.1: Develop and adopt general and area-specific Design Guidelines for residential and commercial projects.

Responsibility: Planning and Building Services, Design Review Board,  
Planning Commission

Schedule: Third year after adoption of the General Plan

**Policy LU-7.2.2:** To the extent feasible natural features including the existing grade, mature trees, and vegetation shall be preserved related to new and renewed development.

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Program LU-7.2.2.1: Develop and adopt general and area-specific Design Guidelines for residential and commercial projects.

Responsibility: Planning and Building Services, Design Review Board,  
Planning Commission

Schedule: Third year after adoption of the General Plan

**Policy LU-7.2.3:** Traffic and parking concerns related to new and renewed development shall be addressed in a manner that does not result in undue hardship or significant negative impacts on properties and infrastructure in the vicinity.

Program LU-7.2.3.1: Develop and adopt general and area-specific Design Guidelines for residential and commercial projects.

Responsibility: Planning and Building Services, Design Review Board,  
Planning Commission

Schedule: Third year after adoption of the General Plan

**Policy LU-7.2.4:** Home offices should be accommodated in residential units in the Town's neighborhoods to the extent that offices will not negatively impact neighborhood quality of life, character or vehicular circulation or parking patterns.

Program LU-7.2.4.1: Approve business permits that do not impact neighborhood quality of life, neighborhood character or vehicle circulation and parking.

Responsibility: Planning and Building Services, Planning Commission  
Schedule: Ongoing

**Policy LU-7.2.5:** In the event of a natural disaster, destroyed neighborhoods shall be rebuilt with a character and scale consistent with the previously existing structures and features.

Program LU-7.2.5.1: Develop and adopt a definition and measurement of wide-scale neighborhood destruction.

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Responsibility: Planning and Building Services, Planning Commission  
Schedule: First year after adoption of the General Plan

Program LU-7.2.5.2: Develop and adopt an ordinance to preserve neighborhood scale and character in rebuilt structures when wide-scale destruction has occurred.

Responsibility: Planning and Building Services, Planning Commission  
Schedule: First year after adoption of the General Plan

Program LU-7.2.5.3: Adopt an extension of the existing 1-year non-conforming rebuild exemption to 5 years when wide-scale destruction has occurred.

Responsibility: Planning and Building Services, Planning Commission  
Schedule: Upon adoption of the General Plan

Program LU-7.2.5.4: Develop neighborhood-specific profiles of structures and natural features.

Responsibility: Planning and Building Services, Planning Commission  
Schedule: Second year after adoption of the General Plan

## Goal LU-8: Preserve Community Diversity Through Affordable Housing Opportunities

**Objective LU-8.1: Maintain an economically diverse population by providing a variety of choices in the type, size, cost, and location of new housing.**

**Policy LU-8.1.1:** The Town of Fairfax shall facilitate the development of key housing opportunity sites to provide for the development of affordable housing as identified in the Housing Element.

Program LU-8.1.1.1: Inventory all sites in the Planning Area that afford opportunities for developing affordable housing, with adoption of each revision of the Housing Element (see Appendix D).

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Responsibility: Planning and Building Services.

Schedule: Ongoing

Program LU-8.1.1.2: Implement the programs included in the adopted Housing Element.

Responsibility: Planning and Building Services, Planning Commission, Town Council

Schedule: Ongoing

Program LU-8.1.1.3: Change the zoning designation for 10 Olema (the former Mandarin Gardens restaurant site) from Limited Commercial to Planned Development District.

Responsibility: Planning and Building Services; Planning Commission; Town Council

Schedule: First year after adoption of the General Plan

Program LU-8.1.1.4: Change the zoning designation for 2626 Sir Francis Drake (Christ Lutheran Church) from Residential UR-7 to Planned Development District.

Responsibility: Planning and Building Services; Planning Commission; Town Council

Schedule: First year after adoption of the General Plan

Program LU-8.1.1.5: Change the zoning designation for the School Street Plaza area from Limited Commercial to Central Commercial to allow residential uses on the second floor.

Responsibility: Planning and Building Services, Planning Commission, Town Council

Schedule: First year after adoption of the General Plan

**Policy LU-8.1.2:** The Town of Fairfax shall permit construction of well-designed second units consistent with state law, zoning requirements, and building codes, parking requirements and street capacity.

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Program LU-8.1.2.1: Establish a classification for second units with parking restrictions, accessible without use of an automobile.

Responsibility: Planning and Building Services, Public Works, Planning Commission, Town Council

Schedule: Second year after adoption of the General Plan

**Policy LU-8.1.3:** The Town of Fairfax shall limit the size of new Second Units to maintain affordability.

Program LU-8.1.3.1: Develop sizing guidelines for residential Second Units.

Responsibility: Planning and Building Services, Public Works, Planning Commission, Town Council

Schedule: Second year after adoption of the General Plan

**Policy LU-8.1.4:** The Town will consider zoning changes within 300 feet (90 meters) of transit routes that encourage Transit-Oriented Development.

Program LU-8.1.4.1: Review current zoning along the Sir Francis Drake Boulevard corridor, and rezone areas as appropriate, to support Transit-Oriented Development.

Responsibility: Planning and Building Services, Planning Commission, Town Council

Schedule: Second year after adoption of the General Plan

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### Goal LU-9: Preserve and Restore Local Historic Buildings, Features, and Sites

**Objective LU-9.1: To identify, protect, preserve and restore buildings, features, and sites of historic value in Fairfax.**

**Policy LU-9.1.1:** The Town of Fairfax shall undertake a historic survey and maintain an inventory of buildings, features, important eras, and sites of local, regional, and national significance.

Program LU-9.1.1.1: Inventory and record historic buildings, features and sites in the Fairfax Planning Area.

Responsibility: Planning and Building Services, Fairfax Historical Society  
Schedule: Second year after adoption of the General Plan

**Policy LU-9.1.2:** The Town of Fairfax shall ensure the preservation of historical resources pertaining to pre-European settlement, including those of the Miwok tribe.

Program LU-9.1.2.1: Inventory and record pre-European resources in the Planning Area.

Responsibility: Planning and Building Services, Fairfax Historical Society  
Schedule: Third year after adoption of the General Plan

**Policy LU-9.1.3:** The Town of Fairfax shall chronicle and preserve buildings, features, and sites related to the community's music-related, 60's era history.

Program LU-9.1.3.1: Inventory and record music-related (1960's era) buildings, features and sites in the Town.

Responsibility: Planning and Building Services, Fairfax Historical Society  
Schedule: Third year after adoption of the General Plan

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**Policy LU-9.1.4:** Historic structures shall be preserved and the long-established character of the Town Center should be enhanced. The overall physical character of the Town Center should be protected from damage or rapid change.

Program LU-9.1.4.1: Develop a plan, with implementation programs and funding sources, to preserve historic structures.

Responsibility: Planning and Building Services, Fairfax Historical Society  
Schedule: Third year after adoption of the General Plan

**Policy LU-9.1.5:** Historic buildings shall be preserved that are noteworthy in terms of age, individual style, notable architect or builder, on the site of an historic event, associated with a famous person, industry or activity that is part of local history.

Program LU-9.1.5.1: Develop a plan, with implementation programs and funding sources, to preserve historic structures.

Responsibility: Planning and Building Services, Fairfax Historical Society  
Schedule: Third year after adoption of the General Plan

# Town of Fairfax Land Use Element

## Appendix A: Glossary

**Adjacent.** Having a common border, as in “two adjacent parcels”.

**Agency.** A governmental entity, department, office, or administrative unit responsible for carrying out regulations. The Town is an agency.

**Anthropogenic.** Effects, processes or materials are those that are derived from human activities, as opposed to those occurring in natural environments without human influence (see <http://wikipedia.org>).

**Applicant.** Any person, firm, partnership, joint venture, corporation, association, or any entity, or combination of entities, which seeks Town permits, entitlements or approvals.

**Approval.** An official action by the Town that includes both approval and approval with conditions.

**Arborist.** An arborist is (1) a person currently certified by the Western Chapter of the International Society of Arboriculture as an expert on the care of trees; (2) a consulting arborist who satisfies the requirements of the American Society of Consulting Arborists; or (3) as defined by the Town’s Tree Ordinance.

**Biotic Community.** A group of living organisms characterized by a distinctive combination of both animal and plant species in a particular habitat. The oak woodland found in the hills around the Town is a biotic community.

**Buffer.** A land area that is designed to block or absorb unwanted impacts to the area beyond the buffer. Buffers generally allow for some flexibility of use within the designated area, with restrictions increasing closer to the protected resource. Creek setbacks are a form of buffer.

Conditional Use Permit [jmm5].

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**County.** Upper case "C" refers to the County of Marin. Lower case "c" refers to the physical county.

**Critical Habitat.** An area designated for the survival and recovery of federally listed threatened or endangered species. Wetlands can be critical habitats.

**Dedication.** A donation by an owner, or someone with control, of private land for public use and the acceptance of land for such use by the Town.

**Deed Restricted.** A Deed of Trust recorded against the title of a property, usually required as a condition of approval or purchase, specifying the terms of use, level of affordability, or other agreed conditions of a property. The undeveloped remnant of a parcel may be held as permanent open space by a deed restriction.

**Developable Land.** Land that is suitable as a location for structures and that can be developed free of hazards to and without disruption of significant natural resource areas.

**Development Application.** A request for approval of a project requiring discretionary action, including but not limited to Master Plans, Precise Development Plans, Tentative Maps and Subdivisions, Design Review, Use Permits, Variances and Tideland Permits. Development applications do not include ministerial permits and actions such as building permits.

**Development or Project.** Any activity occurring on land and in or under water including placement or construction of any solid material or structure; construction of roadways and other infrastructure; discharge or disposal of dredged material or any other waste material; grading, dredging, or mining, subdivision or change in the density or intensity of use of land; change in the intensity of use of water; construction, reconstruction, demolition, or alteration to the size of any structure, public or private; and the removal or harvesting of vegetation for other than agricultural purpose but excluding routine repair and maintenance activities.

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**Development Rights.** The right to develop land by a landowner who maintains a fee-simple ownership over the land, or a party other than the owner who has obtained the rights to develop from the owner. Such rights are usually expressed in terms of density or intensity allowed under existing zoning. For example, one development right may equal one unit of housing on a certain number of acres, or may equal a specific number of square feet of gross floor area in one or more specified zoning districts.

**Easement.** The right to use property owned by another for specific purposes or to gain access to another property. For example, utility providers, such as PG&E or MMWD, often have easements on private property allowing the company to install and maintain their facilities.

**Easement, Conservation.** A contractual agreement between a property owner and a regulatory, government or non-profit entity that restricts the use of the land in perpetuity. Under such an agreement, the land may be used for specific purposes, such as recreation or grazing, or may be restrictive to protect sensitive plant or animal species. The holder of the easement is responsible for the maintenance of the land.

**Easement, Open Space.** An easement purchased from private landowners for open space and resource conservation purposes-the purchase of development rights.

**Easement, Public.** Any easement enjoyed by the public in general (as the public's right to use private streets). A strip of land occupied or intended to be occupied by certain transportation and public use facilities, such as roads and utility lines. See also: Right-of-Way.

**Easement, Scenic.** A contractual agreement between a property owner and a public agency that allows the agency to use the land for scenic enhancement, such as roadside landscaping or view preservation.

**Ecology.** The interrelationship of living things to one another and to their environment, or the study of these interrelationships.

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**Endangered Species.** A species of plant or animal is considered to be endangered when its prospects for survival and reproduction are in immediate jeopardy from one or more causes.

**Environmentally Sensitive Area.** Any area in which plant or animal life or habitats are either rare or especially valuable because of their special nature or role in an ecosystem, and that could be easily disturbed or degraded by human activities.

**Fairfax Planning Area.** The area occupied by the Town of Fairfax and its Sphere of Influence, as defined by Fairfax Planning Map LU-3.

**Gateways.** The physical, and/or visual entrance to the Town. The gateways are at the Town boundaries at Sir Francis Drake Boulevard from both San Anselmo and West Marin, Center Boulevard from San Anselmo, and Bolinas Road from West Marin.

**Goal.** An expression of community values and desired outcomes; a sought-after end state that is not quantifiable or time-dependent.

**Groundwater Recharge.** The natural process of infiltration and percolation of rainwater from land areas or streams through permeable soils into water-holding rocks that provide underground storage (aquifers).

**Habitat.** The physical location or type of environment in which an organism or biological population lives or occurs.

**Hydrology.** A science dealing with the properties, distribution, and circulation of water on the surface of the land, in the soil and underlying rocks, and in the atmosphere.

**Implementation.** Actions, procedures, programs, or techniques that carry out policies.

**New and Renewed Development.** New development is any activity on land including placement or construction of any solid material or structure; construction of roadways and other infrastructure; subdivision or change in density or intensity of use of land. Renewed development includes the expansion, reconstruction, rehabilitation, remodel or alteration to

## Town of Fairfax Land Use Element

the size or use of any structure. It does not include routine maintenance of existing structures.

**Non-Native Species.** A species of plant or animal that is not indigenous, or native, to the area of Fairfax. Eucalyptus trees are a non-native species.

**Objective.** An objective is a specified end, condition, or state that is an intermediate step toward goal attainment. It should be achievable and, when possible, measurable and time-specific.

**Open Space Committee.** An eleven-member committee of community members, appointed by the Town Council, for the purpose of surveying the lands within, and adjacent to, the Town 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. The Committee also has the responsibility for consideration of long-term planning of open space, for the generation of community support and for fund raising necessary to implement the plan.

**Planning and Building Services.** The Town's governmental department responsible for current and advanced planning, building inspection and code enforcement. The department staff provides support functions for the Town Council and the Planning Commission, and the appointed boards and citizen committees.

**Planning Commission.** Appointed by the Council, the seven-member body serves four year terms, and is primarily responsible for hearing and resolving issues and requests dealing with land use within the Town. The Planning Commission is responsible for maintaining and implementing the Town's General Plan and Zoning Ordinance.

**Policy.** A policy is a specific statement that guides decision-making. A policy indicates a commitment by the Town to a particular course of action. Policies are based on and help implement the Town's General Plan.

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**Program.** A program is an implementation measure, an action, procedure or technique that carries out the General Plan. Each policy must have at least one implementation program.

**Recreational Trails.** Public areas that include pedestrian trails, bikeways, equestrian trails. In Fairfax, the recreational trails include the paths, lanes and steps that connect the neighborhoods and the commercial areas.

**Ridgeline.** A line connecting the highest points along a ridge and separating drainage basins or small-scale drainage systems from one another.

**Right-of-Way.** A strip of land occupied or intended to be occupied by certain transportation and public use facilities, such as roadways, railroads, and utility lines.

**Second Units.** Self-contained living units, either attached to or detached from, and in addition to, the primary residential unit on a single lot. Sometimes called a granny flat or in-law unit.

**Sensitive Resources.** Plants and animals that are officially designated as rare, threatened, or endangered, or as a species of special concern, pursuant to federal or state law, and sensitive wildlife habitats.

**Scenic Wildlife Habitats.** Areas designated, precisely mapped, and officially adopted, pursuant to federal, state, or local law, that are essential to maintenance of native wildlife populations, providing breeding habitat, protective cover, and/or movement opportunities for dispersal, retreat, or foraging activities. Sensitive wildlife habitats include but are not limited to riparian corridors, estuaries, marshes, and other wetlands, nesting and roosting locations, and overwintering areas for migratory species.

**Special Status Species.** A species of plant or animal that is 1) listed in Title 50, Code of Federal Regulations, Section 17.11 or section 17.2, pursuant to the Federal Endangered Species Act designating species as rare, threatened, or endangered; 2) listed in Section 670.2 or 670.5, Title 14, California Administrative Code, or 3) considered rare or endangered under Section 15380 of the CEQA Guidelines.

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**Town Center Area.** The Town Center Area of Fairfax extends from Pastori Street at the Fair-Anselm commercial area on the south to the public library adjacent to Sir Francis Drake Boulevard on the north, and from the commercial district along Sir Francis Drake Boulevard to the neighborhood commercial across from the Town Hall on Bolinas Road, the commercial area along Broadway, including the Pavilion, and the area adjacent to Fairfax Lumber.

**Town Council.** The five-member Town Council is the policy making legislative body of the Town and is ultimately responsible to the community for the implementation of all programs and services provided by the Town. The Council is elected at large.

**Traditional Neighborhood Design.** See Traditional Neighborhood Design on page 4.

**Transit-Oriented Development.** See Transit-Oriented Development Transit-Oriented Development Transit-Oriented Development on page 43.

**Underdeveloped Land.** From an open space perspective, underdeveloped land is mostly in a natural undeveloped state with few man-made structures. This is a qualitative term, subject to opinion.

**Urban Service Area Boundary.** The Urban Service Area is an area that represents a legal, orderly expansion of urban development patterns and where the Town is able to provide urban services. The boundary defines the outer limit of the designated area.

**View Corridor.** The line of sight-identified as the height, width, and distance-of an observer looking toward an object of significance to the community; the route that directs the viewer's attention.

**Viewshed.** The area within view from a defined observation point.

**Visually Distinctive Area.** Any area of unique aesthetic quality or scenic interest that should be preserved or enhanced.

**Walkable Distance.** Generally defined as one-quarter mile by urban planning policy.

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**Watercourse.** Natural or once-natural flowing water, including rivers, streams, and creeks. Includes natural waterways that have been channelized but does not include ditches, culverts, or other above- or below-ground conduits constructed for storm drainage function and sewage systems.

**Watershed.** The total area above a given point on a watercourse that contributes water to the flow of the watercourse; the entire region drained by a watercourse.

**Wildlife Corridors.** A continuous land area or natural feature such as a stream, shoreline, or ridgeline used for wildlife movement.

**Wildland/Urban Interface.** The transition zone between the built environment and the natural or near-natural environment. In Fairfax, such an interface would exist where the rear or side of a residential lot meets the open space beyond.

**Zoning Ordinance.** An ordinance authorized by Section 65850 of the California Government Code. Areas within the Town are identified where certain uses of the land and structures are permitted, and regulations are specified by the Town Code.

# Town of Fairfax Land Use Element

## Appendix B: Regulatory Agencies Influencing Plan Implementation

### Association of Bay Area Governments (ABAG)

The Association of Bay Area Governments (ABAG) was established in 1961 to promote local control, plan for the future, and promote cooperation in issues of interest to the nine Bay Area counties. ABAG is the regional representative of the Bay Area, and its members consist of all the cities and towns in those nine counties. ABAG is recognized as the official comprehensive planning agency for the Bay Area by both the state and federal governments. ABAG's Regional Plan includes policies that are intended to provide guidance to the local jurisdictions, including defining the affordable housing goals for Fairfax and the reduction of greenhouse gases.

### Bay Area Air Quality Management District (BAAQMD)

The Bay Area Air Quality Management District (BAAQMD) is responsible for regulating air quality in the BA Area region. Its responsibilities include the preparation, implementation and monitoring air quality regulations and plans that are intended to reduce air pollution.

### California Department of Fish and Game (CDFG)

The California Department of Fish and Game (CDFG) is responsible for the conservation, protection and management of wildlife, native plants, and habitat of the State that are essential to maintain biologically sustainable populations. CDFG acts as an advisor to other permitting agencies and enforces its own regulations. Permits issued for development projects by CDFG include Incidental Take Permits and Streambed Alteration Agreements. CDFG also enforces regulations against discharge into water bodies that might impact aquatic life.

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### **California Public Utilities Commission (CPUC)**

The California Public Utilities Commission (CPUC) is responsible for regulating privately owned electric, telecommunications, natural gas, water and transportation service providers.

### **Federal Emergency Management Agency (FEMA)**

The Federal Emergency Management Agency (FEMA) administers the National Flood Insurance Program through the Federal Insurance Administration. FEMA maps are used by the Town to identify parcels that may be subject to flood damage.

### **Local Agency Formation Commission (LAFCO)<sup>[BA6]</sup>**

The Local Agency Formation Commission was created by the Legislature in 1963 to discourage urban sprawl and encourage the orderly formation and development of local government agencies. LAFCO has four major functions under State law: 1. To review and approve or disapprove proposals for changes in the boundaries or organization of cities and special districts in the county (including annexations or detachments from cities and districts); 2. To establish and periodically update the sphere of influence or planned service area boundary for each city and special district; 3. To initiate and assist in studies of existing local government agencies with the goal of improving the efficiency and reducing the costs of providing urban services; and 4. To provide assistance to other governmental agencies and the public concerning changes in local government organization and boundaries.

### **Marin Municipal Water District (MMWD)<sup>[BA7]</sup>**

MMWD is the public agency that provides high quality drinking water to 190,000 people in a 147 square mile area of Marin County. MMWD manages 21,000 acres in District

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ownership plus 2,750 acres adjacent to the Nicasio and SoulaJule reservoirs. The watershed is held in trust.

### **National Marine Fisheries Service**

Regulatory agency for federally threatened Steelhead.

### **Regional Water Quality Control Board (RWQCB)**

The Regional Water Quality Control Board (RWQCB) is responsible for regulating surface water pollution, including wastewater discharge and storm water runoff, as well as dredging and filling. RWQCB issues permits and requires monitoring for all activities that could impair the beneficial use of receiving waters. The RWQCB assumes a greater responsibility than does the USACE in reviewing projects that impact wetland resources.

### **US Army Corps of Engineers (USACE)**

The U.S. Army Corps of Engineers (USACE) is responsible for enforcing the Clean Water Act. The Corps regulates the dredging or filling of the nation's navigable waters and wetlands. The Corps is the primary federal agency responsible for making wetland determinations and issuing permits for wetland or water fill. The RWQCB's determination may require mitigation activities beyond those imposed by the Corps.

### **US Fish and Wildlife Service (USFWS)**

The U.S. Fish and Wildlife Service (USFWS) is responsible for regulating impacts to federally-listed endangered species and their habitats. Similar to CDFG, the Service not only acts as an advisor to other permitting agencies, but also enforces its own regulations,

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including issuing Incidental Take Permits. The Service is usually involved in projects requiring the attention of the Corps.

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## Appendix C: Summary of Zoning Ordinance Development Standards

### Commercial

- Central Commercial
- Highway Commercial
- Light Commercial
- Service Commercial
- Recreational Commercial

### Residential

- Residential .25 du/acre
- Residential 1-6 du/area
- Residential 7- 12 du/area
- UR - 7; UR - 10 acres/du
- Planned Development District - PDD

### Public and Quasi Public

- Town Government Offices

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- Public Domain
- Public Schools
- Fairfax Town Parks
- Town Owned Properties
- Public / Private Open Space (OSP)