



John Owens <johnowensservices@gmail.com>

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## Memorandum of Understanding

1 message

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**Linda Neal** <lneal@townoffairfax.org>  
To: John Owens <johnowensservices@gmail.com>  
Cc: Jim Moore <jmoore@townoffairfax.org>

Thu, Aug 29, 2013 at 4:41 PM

Hi John,

We received your letter. Jim asked me to have you read, sign and return a copy of the enclosed MOU to Town Hall. If you have any questions about it, feel free to contact him.

Linda

-----Original Message-----

From: Copier@townoffairfax.org [mailto:Copier@townoffairfax.org]  
Sent: Thursday, August 29, 2013 5:50 PM  
To: Linda Neal  
Subject: Fairfax Scanner

Scanned image from scanner

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 **SCAN6168\_000.pdf**  
30K



John Owens <johnowensservices@gmail.com>

**MOU**

1 message

**Jim Moore** <jmoore@townoffairfax.org>  
To: John Owens <johnowensservices@gmail.com>  
Cc: Linda Neal <lneal@townoffairfax.org>

Tue, Sep 3, 2013 at 9:59 AM

Hi John,

We received your second letter dated September 3, 2013. If you would like to meet in person to discuss your pending application, please sign and return the MOU.

Regarding the staff report that Linda had prepared for the August 15<sup>th</sup> hearing that you pulled your application from: at this point in time we don't feel the need to change anything. We are open to meeting with you to discuss the details in the report to enlighten on the Code, but you need to sign the MOU to have that meeting.

Also, if you don't agree with the staff report, you are more than welcome to take up those differences at the Planning Commission meeting (if you go forward).

Best Regards,

Jim

James M. Moore  
Director of Planning & Building Services  
Town of Fairfax  
142 Bolinas Road  
Fairfax, CA 94930  
Phone: (415) 453-1584  
Fax: (415) 453-1618

***"The Life of the Land is Perpetuated in Righteousness"***

(*Ua mau ke ea o ka aina i ka pono* has been the motto of Hawaii for over 160 years)

*Town of Fairfax*

# Memorandum of Understanding

**DATE:** January 3, 2012

**TO:** Town Residents, Business Owners and Members of the Public

**FROM:** James M. Moore, Director of Planning & Building Services

**SUBJECT:** Information and Advice Provided by Town Staff



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**Please note:** information and advice given by staff at the front counter, on the telephone, or via emails is a response to preliminary and/or general questions, and represents only a staff person's good faith interpretation of how applicable codes would apply to the facts presented as he or she understands them.

Such information should not be relied upon as a final determination from the Town, which can be obtained only after submission of a complete project application and its consideration by the appropriate reviewing body (e.g., Planning Commission, Design Review Board or Town Council) or official (e.g., Planning Director or Building Inspector) as is required by the Town Code for the particular permit being sought.

*Please sign and date this Memorandum of Understanding below verifying that you have read and acknowledge its provisions.*

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_

Email Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Home or Mailing Address: \_\_\_\_\_

Property of Interest in Fairfax: \_\_\_\_\_

*[Please print legibly]*

John Owens & Diana Dullaghan  
177 Frustuck Avenue, Fairfax CA 94930  
Tel. 456-8064 Email: [johnoph@aol.com](mailto:johnoph@aol.com)

TOWN OF FAIRFAX

SEP 03 2013

September 3, 2013

Hand Delivery

Jim Moore, Planning Director  
Linda Neal, Senior Planner  
Town of Fairfax  
142 Bolinas Road  
Fairfax Ca 94930

Re: 177 Frustuck Avenue affordable second unit application

Dear Mr. Moore and Ms. Neal:

After you received our letter dated 8.22.13 Ms. Neal e mailed me a Memorandum of Understanding ( attached ). I am familiar with this document and it does not apply in this situation. The document covers preliminary advice or questions as quoted below.

*" Please note: information and advice given by staff at the front counter, on the telephone, or via e mails is a response to preliminary and/or general questions, and represents only a staff person's good faith interpretation of how applicable codes would apply to the facts presented as he or she understands them" ( Memorandum of Understanding January 3 2012)*

It certainly does not cover a thirty four page detailed Staff Report on our 177 Frustuck Second Unit . I had asked the agenda item to be removed from the 8.15.13. Planning Commission because statements were incorrect, and the report included false statements that have no supporting evidence. A Staff report with inaccuracies and untrue statements would have been detrimental to our application, and to the Town of Fairfax.

The purpose of my last letter was to point out the statements in the Staff Report that were inaccurate, not true, or had not been supported by a past history of Planning Applications in the Town of Fairfax. If the Town interprets those inaccuracies as " A Staff person's good faith interpretation of how applicable codes would apply to the facts presented as he or she understands them". I believe I have the right to challenge those interpretations prior to a public hearing. The Staff Report is full of errors, and the Town presented no evidence in the Staff Report to support any of the statements that I challenged.

Please review my previous letter 8.22.2013 , and if you have any information to the contrary to my challenges of the Staff Report please let me know. If not please make the corrections to the Staff Report ( per my last letter) so this application can proceed.

Best regards,

John Owens & Diana Dullaghan

