



TOWN OF FAIRFAX

STAFF REPORT

July 12, 2017

TO: Mayor and Town Council

FROM: Garrett Toy, Town Manager *GT*
Michele Gardner, Town Clerk

SUBJECT: Discuss/consider preparation of 9212 Election Report regarding proposed Initiative Measure "Amending Town General Plan to Prohibit Land Uses that Adversely Affect Community Recreational Sport Fields, Including Lefty Gomez Field, Without Voter Approval"

RECOMMENDATION

Authorize the preparation of a report per Section 9212 of California Elections Code regarding the proposed initiative measure and requesting the County of Marin/Flood Control District #9 to provide their analysis of the proposed initiative measure on their flood prevention efforts.

DISCUSSION

In May 2017, a petition was circulated for the purpose of "Amending Town General Plan to Prohibit Land Uses that Adversely Affect Community Recreational Sport Fields, Including Lefty Gomez Field, Without Voter Approval." Attached as background are the following:

- Notice of intent to circulate the initiative petition
- The initiative
- The Town Attorney's ballot title and summary

On June 15th, the proponents submitted the above Petition to the Town. The Town Clerk's office is in the process of reviewing the Petition for sufficiency and conformity with California Elections Code. As part of the process, we have submitted the signatures on the Petition to the Marin County Registrar's Office for verification as to whether or not the signers are registered voters of the Town of Fairfax.

While the Petition signatures are being verified and before taking any action, the Council may refer the proposed initiative measure to any city agency or agencies for a report on any or all of the following (per Section 9212 of Elections Code):

- (1) Its fiscal impact.
- (2) Its effect on the internal consistency of the city's general and specific plans, including the housing element, the consistency between planning and zoning, and the limitations on city actions under Section 65008 of the Government Code and Chapters 4.2 (commencing with Section 65913) and 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code.

- (3) Its effect on the use of land, the impact on the availability and location of housing, and the ability of the city to meet its regional housing needs.
- (4) Its impact on funding for infrastructure of all types, including, but not limited to, transportation, schools, parks, and open space. The report may also discuss whether the measure would be likely to result in increased infrastructure costs or savings, including the costs of infrastructure maintenance, to current residents and businesses.
- (5) Its impact on the community's ability to attract and retain business and employment.
- (6) Its impact on the uses of vacant parcels of land.
- (7) Its impact on agricultural lands, open space, traffic congestion, existing business districts, and developed areas designated for revitalization.
- (8) Any other matters the legislative body requests to be in the report.
- (9) The report shall be presented to the legislative body within the time prescribed by the legislative body, but no later than 30 days after the elections official certifies to the legislative body the sufficiency of the petition.

Staff recommends the Council direct staff to prepare a 9212 Report and request the County of Marin/Flood Control District #9 to provide their analysis of the proposed initiative measure on their flood prevention efforts.

Assuming the verification of the signatures, we anticipate the proposed initiative measure along with the 9212 Report being brought to the Town Council for consideration at its August 2nd meeting.

FISCAL IMPACT

n/a

ATTACHMENTS

1. Notice of intent to circulate the initiative petition (includes initiative)
2. The Town Attorney's ballot title and summary

Notice of Intent to Circulate Petition

Notice is hereby given by the persons whose names appear below of their intention to circulate the petition within the Town of Fairfax, California, for the purpose of enacting an initiative to amend the Town's general plan with respect to the Ross Valley School District's White Hill School property and other properties in the Town of Fairfax. A statement of the reasons for the proposed action as contemplated in the petition is as follows:

Reasons for Initiative

White Hill School's Lefty Gomez Field serves as the middle school's outdoor physical education facility, as well as a community recreation facility, with baseball, softball, soccer and lacrosse fields after school, weekends, holidays, Spring break and all during the summer. Named after Major League Baseball Hall of Famer and pitching great Lefty Gomez, the Field is a treasured resource in the Fairfax community. Due to the local topography, the Town already lacks adequate flat recreational spaces for its citizens. Much of Lefty Gomez Field was constructed through the voluntary donations of work and resources by hundreds of members of the local community.

The Ross Valley Flood Control District #9 has recently approved preliminary plans for the "White Hill School Detention Basin Project," which proposes to replace Lefty Gomez Field with a 'dual use' facility involving the establishment of a flood detention basin, at a cost of over \$16,000,000.

In order to create the flood detention basin, the ball fields will be excavated 10 to 16 feet deep. The excavation process will take at least a year during which time the ball fields will be unavailable for use. Each time Lefty Gomez Field is flooded it will be put out of commission for extended periods of time. Drawings proposed for the project show that the detention basin project will reduce school and community built features including but not limited to:

- playing field capacity;
- a substantial portion of the flat useable area of the ball fields;
- many if not all of the mature trees surrounding the ball fields.

The White Hill School Detention Basin Project will, at best; reduce flooding by only a small fraction in the downstream part of the Town. The loss of the irreplaceable Lefty Gomez Field resource to the community is not justified by the proposed project.

The purpose of the Initiative is to preserve the rights of Fairfax citizens to control the decision on how Lefty Gomez Field and similarly recreational sports properties are managed, should detention basins or other non-recreational land uses be proposed for those properties in the future. The Initiative accomplishes this objective by amending the General Plan to prohibit the utilization of the town's very few recreational sports fields for non-recreational uses unless approved by a vote of Town citizens at a general election.

If the Initiative is successful, Lefty Gomez Field will be preserved in its present state for the use of current and future generations of Fairfax citizens. The Initiative will also allow Town citizens the final say on whether land uses that adversely affect or reduce the community benefits provided by recreational sports fields in the Town of Fairfax may be approved.

//

//

//

//

FAIRFAX LEFTY GOMEZ FIELD INITIATIVE

Be it Ordained by the People of the Town of Fairfax:

SECTION I. TITLE

This measure shall be known and may be cited as the "White Hill School Lefty Gomez Field Initiative" (the "Initiative").

SECTION II. FINDINGS AND PURPOSES.

A. Purposes. The purpose of the Initiative is to preserve the rights of Fairfax citizens to control the decision on how recreational sports fields in the Town of Fairfax will be utilized in the future. To accomplish this objective, the Initiative amends the Town General Plan as follows:

1. The Initiative amends the General Plan's Land Use Element to add as an objective the preservation of recreational sports fields in the Town of Fairfax in order to enhance and maintain local community activities and character.
2. The Initiative amends the General Plan's Land Use Element to add a policy that the White Hill School property, including Lefty Gomez Field, may not be utilized as a flood detention basin, nor may non-classroom facilities (as that term is utilized in California Government Code § 53094) be permitted that adversely affect or reduce the recreational amenities at the school's sports fields without approval of the citizens of Fairfax as part of a general election.
3. The Initiative amends the General Plan's Land Use Element to add a policy that land uses that adversely affect the community benefits provided by recreational sports activities may not be permitted on lands designated as Public Domain or Open Space that are currently utilized for recreational sports without approval by the citizens of Fairfax as part of a general election, unless such lands are owned by school districts in which case any such uses authorizing non-classroom activities (as that term is utilized in California Government Code § 53094) shall not be allowed.
4. The Initiative amends the General Plan's Land Use Element to add an implementation program to amend the Town's zoning code to be consistent with the General Plan amendments made by the Initiative.

B. Findings and Declarations: The people of the Town of Fairfax hereby find and declare the following:

1. Recreational sports fields in the Town of Fairfax enhance and maintain local community activities and character by allowing local students and nonstudent citizens a place for community gathering and recreational activities within the Town of Fairfax.
2. The Town of Fairfax is currently lacking in parks and recreational facilities on the limited flat land spaces existing in the Town.
3. White Hill School's Lefty Gomez Field is an irreplaceable recreational resource for the citizens of Fairfax. Lefty Gomez Field, in its present form, is the result of many hours of volunteer work and resources donated by the citizens of Fairfax, West Marin Little League and local soccer teams, which has created a unique recreational experience for local citizens.
4. This Initiative would allow the preservation of Lefty Gomez Field in its current form, and would prohibit recreational sports fields in the Town of Fairfax from being used for non-recreational uses that interfere with the existing recreational uses enjoyed by local students and Fairfax citizens. The Initiative will ensure that land use decisions that may adversely affect or reduce the limited amount of recreational sports fields in Fairfax will be made by the citizens of the Town of Fairfax in a General Election vote.

5. This Initiative does not and will not interfere with legally permitted classroom facility uses at Lefty Gomez Field or any other Town lands owned by local school districts and therefore subject to Government Code § 53094.

SECTION III. AMENDMENTS TO THE GENERAL PLAN

A. The Town's General Plan is hereby amended as follows:

1. Add Objective LU 7.3 to the General Plan's Land Use Element as follows: Preserve recreational sports fields in Fairfax to maintain and enhance local community activities and character.
2. Add Policy LU 7.3.1 as follows: Lefty Gomez Field may not be utilized as a flood detention basin, nor may any non-classroom facilities (as that term is utilized in California Government Code § 53094) be permitted that adversely affect or reduce the recreational amenities at the school's sports fields without approval of the citizens of Fairfax as part of a general election.
3. Add Policy LU 7.3.2 as follows: No lands designated as Public Domain or Open Space in the General Plan that are currently utilized for recreational sports shall allow land uses that adversely affect the community benefit provided by those recreational sports activities without approval by the citizens of Fairfax as part of a general election, unless such lands are owned by school districts in which case any such use that is a non-classroom facility (as that term is utilized in California Government Code § 53094) shall not be allowed without approval of the citizens of Fairfax as part of a general election.
4. Add Program 7.3.1.2 as follows: The Town shall implement Policy LU 7.3.2 by amending its zoning code to implement and be consistent with this General Plan amendment.

SECTION IV. FINDINGS OF CONSISTENCY.

This measure is consistent with and would promote the objectives and policies of the Town's General Plan. Without limiting the foregoing, this finding of consistency is based on the following:

A. This measure is consistent with the objectives and policies of the General Plan to preserve community and neighborhood character in that it would preserve the recreational uses of Lefty Gomez Field and other recreational sports fields in the Town of Fairfax unless the Town's citizens agreed that such recreational field use could be eliminated or reduced. Recreational sports fields build community and neighborhood character by allowing local students and nonstudent citizens a place for community gathering and recreational activities within the Town of Fairfax, which is lacking in parks and recreational facilities on the limited flat land spaces existing in the Town.

B. This measure is consistent with the objectives and policies of the General Plan, which require the Town to implement updated zoning ordinances that account for the different land use designations and criteria set forth in the General Plan.

SECTION V. CONFLICT WITH OTHER MEASURES.

This Initiative will be deemed to conflict with any other initiative appearing on the same ballot if the other initiative(s) address(es) any of the following subjects, whether it does so by specific application to the Ross Valley School District's currently undeveloped lands used for recreation including Lefty Gomez Field, or as a more general enactment that could otherwise be applied in a manner that addresses any of the following subjects: planning and zoning controls and development standards applicable to any part of the Ross Valley School District's White Hill School Lefty Gomez Field, as set forth in the Town's General Plan, Municipal Code, Zoning Maps or in any other applicable Town law, policy or regulation with the potential for adverse effects on recreational sports fields in the Town of Fairfax. In the event that this Initiative and any other initiative are approved by the voters at the same election, and this Initiative receives a greater number of affirmative votes than any other such measure or measures, this measure shall control in its entirety and the

other measure or measures shall be rendered void and without any legal effect. If this Initiative is approved by a majority of the voters but does not receive a greater number of affirmative votes than any other conflicting initiative, this Initiative shall take effect to the extent permitted by law.

SECTION VI. EFFECTIVE DATE.

In accordance with the provisions of Elections Code section 9217, if a majority of the voters vote in favor of the Initiative, the Initiative shall go into effect 10 days after the vote is declared by the Town Council.

SECTION VII. INTERPRETATION AND SEVERABILITY.

This measure shall be interpreted so as to be consistent with applicable federal and state laws, rules and regulations. If any section, subsection, sentence, clause, phrase or portion of this measure is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this measure. The voters hereby declare that this measure, and each section, subsection, sentence, clause, phrase or portion hereof would have been adopted or passed even if one or more sections, subsections, sentences, clauses, phrases or portions are declared invalid or unconstitutional. If any portion of this measure is held invalid as applied to any person or circumstance, such invalidity shall not affect any application of this measure that can be given effect without the invalid application. This measure shall be broadly construed in order to achieve the purposes stated herein.

SECTION VIII. AMENDMENT OR REPEAL.

The provisions of this measure may be amended or repealed only by a majority of the voters of the Town voting in an election held in accordance with state law. This requirement shall apply only with respect to two zones, Public Domain and Open Space, and shall not affect the Town's ability to amend any provisions of its General Plan or other planning documents that apply to other lands within the Town.

SECTION IX. COMPETING MEASURES.

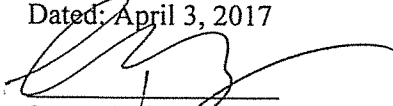
This measure was circulated and qualified as a citizens' initiative. If the Town Council proposes an alternative measure for placement on the same ballot as this measure, that measure is hereby deemed to be inconsistent with this measure, and the measure receiving the greater number of affirmative votes shall supersede the other measure. No provision of the superseded measure shall be implemented or become effective.

SECTION X. IMPLEMENTATION.

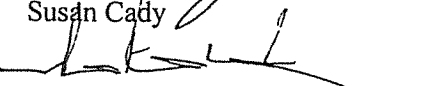
A. Upon the effective date of this Initiative, the General Plan amendments contained in this Initiative are hereby inserted into the Town General Plan.

B. If this Initiative is approved, the Town shall immediately undertake to revise any elements or provisions of the General Plan and Municipal Code, including all exhibits and figures, and all other Town ordinances, policies and implementation programs or policies, in order to remove any inconsistencies which may exist between the purposes of this Initiative as set forth above.

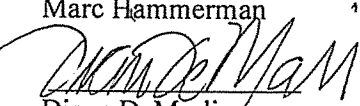
Dated: April 3, 2017



Susan Cady



Marc Hammerman



Diane DeMarlie

Initiative Measure to be Submitted Directly to the Voters

The Town Attorney has prepared the following title and summary of the chief purpose and points of the proposed Measure, pursuant to California Elections Code Section 9203.

BALLOT TITLE:

Initiative Measure Amending Town General Plan To Prohibit Land Uses that Adversely Affect Community Recreational Sports Fields, Including Lefty Gomez Field, Without Voter Approval.

BALLOT SUMMARY

The General Plan is the Town's primary document setting forth the permitted uses of land in the Town of Fairfax. This Measure would amend the Land Use Element of the Town General Plan in the following ways:

- It would add Land Use Objective #7.3, requiring the City to preserve recreational sports fields in Fairfax to maintain and enhance local community activities and character.
- It would add Land Use Policy #7.3.1, prohibiting Lefty Gomez Field from being utilized as a flood detention basin and further prohibiting any "non-classroom facilities" (as defined in State law) at White Hill School that would adversely affect or reduce recreational amenities at the School's sports fields, without voter approval at a general election.
- It would also add Land Use Policy #7.3.2, prohibiting any land designated in the Town's General Plan as "Public Domain" or "Open Space" and which is currently being utilized for recreational sports activities from being used in a way that adversely affects the community benefit provided by those recreational sports activities, without voter approval at a general election. This prohibition also applies to "non-classroom" facilities on school district land.
- It would also add Land Use Program #7.3.1.2 requiring the Town amend its Zoning Code to implement and be consistent with the General Plan amendment described above.

/s/ Janet Coleson, Town Attorney