



**TOWN OF FAIRFAX
FAIRFAX OPEN SPACE COMMITTEE**

MEMORANDUM

To: Town of Fairfax, Planning and Building Services Department
Copy to: Marinda Heights Development, Planning and Permitting File
From: Fairfax Open Space Committee
Date: December 11, 2018
Re: Review and Comments on Marinda Heights Development

Introduction: Role of the OS Committee and the Public Process

The Fairfax Open Space Committee (the Committee) was established by Resolution of the Town (Resolution No. 2334, as subsequently amended) in 2004. Under that resolution the purposes of the Committee include advising the Town on matters affecting open space lands which are environmentally sensitive and which have aesthetic qualities. In addition, the Committee was given the responsibility to participate as an advisory body and to “review planning and development matters in order to formulate policies that it may deem appropriate to advocate”.

Consistent with these purposes, the Town General Plan, adopted in 2012, specifically identifies the Committee as having the responsibility to review each application for development of any undeveloped and underdeveloped properties that have been identified in the General Plan open space “inventory”, as important open space within the Town. See General Plan Policy OS-1.4.1, Program OS-1.4.1.2.

The former Wall Property (the Property), now the site of proposed Marinda Heights Development (the Development), has been included on the General Plan open space

“inventory” since the adoption of the General Plan in 2012. Moreover, in 2015 that property was identified and acknowledged as a Priority Conservation Area (PCA) by the Town and by the Association of Bay Area Governments, through the “One Bay Area” process. In particular, under the PCA designation process the Property was deemed to be located within an area that had significant and exceptional open space values, including recreational opportunities, visual qualities, and plant and animal ecosystems.

This memorandum serves to provide the Town, through the Department of Planning and Building Services, with the concerns and conclusions that the Committee has reached concerning the proposed Development following a lengthy review process. That process included: several public meetings with the Committee in 2017, at which Marshal Rothman, the representative of the Development, presented the evolving Development plans and responded to questions and comments from the Committee and from the public; and a lengthy public meeting on March 22, 2018, at which many members of the public and Mr. Rothman were given the opportunity to present information and concerns about the Development. At the March 2018 meeting members of the public were overwhelmingly and vigorously opposed to the proposed Development, voicing objection for the following, generalized reasons: hazards (specifically, landslides and fire); loss of many trees and associated habitat; negative effect on wildlife and plants, visual impact of the Development on ridgelines; the large scale of the Development; loss of existing open space and public access; and impact of human activity on the natural environment.

Broad Description of the Development

The Development, as proposed, consists of the construction of 10 homes on one existing legal parcel of slightly more than 100 acres. The Development would require approval of the subdivision of the existing parcel of the Property into 10 separate parcels. The Property is in the shape of a horseshoe extending upwards from the end of Marinda Drive on the west, to the northern ridgeline where Oak Springs Drive is located, and then dropping down along the eastern side of San Gabriel Drive.

The Property is currently undeveloped, except for existing trails and fire roads which have been used by the public for many decades for hiking, biking, nature viewing, and spiritual activities. The Property has many trees - native and heritage trees are abundant. Wildlife is plentiful and found throughout the Property. In conjunction with other adjacent undeveloped lands, wildlife can use the Property as a wildlife corridor to connect with a broad range of existing open space to the north, east and west. Likewise, the recreational trails on the Property connect to a number of other publicly owned lands and trails in every direction.

The proposed houses are very large in comparison to the adjacent Marinda Drive neighborhood and most of Fairfax. They average 4591 square feet, excluding accessory structures. Bradley Real Estate reports that over the past five years, the average size of residential properties sold in Fairfax was 1100 square feet, which likely means that the houses in the Development would be two to three times larger than most of the homes in Fairfax.

The large square footage of the Development houses does not include the accessory structures, pools, utilities and road and driveway easements. Nine of the ten homes have a large pool. To fill these nine pools will require around 300,000 gallons of water or more. In order to service the new subdivision, the Development plans propose the placement of an MMWD water tank on the ridgeline, just above the homes on the western side of the Property and adjacent to the existing labyrinth or “spirit circle”.

One of the homes is situated alone on the eastern portion of the Property above San Gabriel Drive and will require an extremely lengthy driveway bisecting otherwise undeveloped land and placed on the line of existing trails. Nine of the proposed homes are situated on the western (Marinda Drive) side of the Property. All nine appear to be located on ridgelines and most along the path of the now-existing fire road and trail. Of these nine homes, five are grouped adjacent to each other; the other four are situated several 100 feet or more from the grouping of five and from each other. None of the homes on the Marinda Drive side of the Property are situated near the current terminus of Marinda Drive - the closest is about 400 feet from the terminus. One of the homes is remote from the others and perched on a promontory above Manor School.

Organization of this Memo

This memo will review the Development and provide the Committee’s concerns and conclusions based on the information gathering it has done over the past year or so. The framework for the memorandum will mirror the four primary “Goals” of the Open Space Element of the General Plan and the underlying policies and objectives. The four Goals are:

- Goal 1: Protect and preserve open space lands and native biotic resources within the Fairfax Planning Area;
- Goal 2: Manage, enhance, and restore open space to ensure long-term vitality and viability;
- Goal 3: Preserve the sensory qualities of open space for recreational, cultural, educational, and spiritual experiences.

Goal 4: Balance the interests of public health and safety with the preservation of open space.

Goal 1: Protect and preserve open space lands and native biotic resources within the Fairfax Planning Area.

According to General Plan, Goal OS-1, there are three important factors which establish the Property as critical in terms of environmental sensitivity and prioritizing this land and its biotic resources for the highest level of protection and preservation. These are A) its function as natural open space with contiguity to other wildlands and dedicated open spaces, B) its native biotic resources of flora and fauna, and C) the presence of biotically significant hydrological systems in this area. Under Goal OS-1 the Development is evaluated in regards to these three factors.

A. Open Space Function and Contiguity

For years, the Property has existed as a private, undeveloped, albeit non-dedicated open space. It acts as a wildlife corridor and connects undeveloped private as well as publicly dedicated open spaces such as Hawthorne Canyon, Kite Hill and Loma Alta. Per Policy OS-1.2.1, Program OS-1.2.1.1, this significant degree of connection gives it priority as land to protect and preserve as a living, integral part of the Fairfax Planning Area's larger ecosystem and open spaces; what happens here will impact the whole.

The Development consists of ten very large footprints for houses ranging in size from around 4000 to 5000 square feet with additional pools, garages, and drives extending upwards on the ridge on a very wide road easement (40 feet) that cuts through the center of this land. Also, while some of the houses are positioned around the Marinda Road extension, others are spread and positioned centrally in areas that are currently natural spaces. These would all effectively cut into and disrupt not only wildlife corridors, but also the connection between the contiguous open spaces and natural lands, consequently impacting the biotic viability of surrounding open space. The spatial intrusion of the Development would further cause habitat fragmentation and loss, effectively threatening flora and fauna in the entire area.

B. Native Biotic Resources of Flora and Fauna

The Property, at 100 acres, contains a wealth of native biotic resources.

Its designation as a Priority Conservation Area by the “One Bay Area” process is based, in part, on the conclusion that there are myriad flora and fauna living in articulating and codependent ecosystems as well as roaming and migratory species dependent upon these wildlands for survival. (A partial list is located on the Plans and Projects Page of the FOSC website). It is imperative that any consideration for development of this land be planned for and designed in such a way as to create minimal disturbance to them. It is also important that an impartial agency, not contracted directly by any owners, be selected to draft a comprehensive Environmental Impact Report (EIR) beforehand.

The Development would remove 283 trees out of 439 reviewed, which is 64.5% of all trees. This is almost two-thirds of all trees. Of the trees to be removed, 266 or 94% are heritage trees. The Fairfax tree ordinance defines Heritage trees as follows:

significant, locally native tree species that are critical to urban and wildlife forest habitats. (Fairfax Code §8.36.020).

The tree removal that this proposes would cause extensive damage to existing wildlife forest habitats, destroying and undermining most if not all. While the Development proposes to plant new trees, the length of time it takes for trees to reach maturity and ecosystem sustainability would most probably ensure that the damage would be irreversible.

The Development would further disturb and destroy this area’s native biotic resources because of the kind of activity intrinsic to the process of large scale construction. Bulldozing and excavating creates disruption of bio-active soil and mycorrhizal networks foundational to ecosystem structure and functioning as well as destroying fauna, flora, and habitats.

In addition to creating a broad area of impact, the impact would be continuous and long term, as is necessary for a project of this scale. The Development is not only for the ten houses with pools and garages and wide roadways, but includes retaining walls, electrical, sewage, water pipes, etc. as well as a fire road extending up to the top ridge from the end of Marinda Road that will require extensive excavating and fill.

Continuous noise pollution, the introduction of nocturnal lights, human activity, the use of inorganic and often toxic construction materials, and heavy machinery, are all disruptive and often fatal to wildlife, fauna, and the ecosystems of which they are a part. The bigger the project, the greater, more extensive the destruction.

C. Biotically Significant Hydrological Systems

This area has a long history of seasonal and non-seasonal aquifers. These exist on and around the Property: along Oak Springs, and at numerous properties adjacent and below. On the upper ridge itself there once existed a spring-fed “lake”, a year round, biodynamic, body of water where locals fished up until the 1960’s. It was located on the San Anselmo side until it was diverted due to construction but it still continues to seep. Springs and creeks flow from this land into the Ross Valley watershed via the Fairfax and San Anselmo Creeks and have an impact on the ecologies downstream and in the San Francisco Bay.

Environmental destruction occurs not only mechanically, but also via fluid dynamics. In this regard, the destruction of so many trees is expected to create another problem; that of water retention. This area is already prone to erratic and at excessive water drainage. With so many trees removed, the area is likely to lose more topsoil and vegetation and, thus, habitats, with erosive rains and slides, further destroying critical biotic resources.

Hydrological systems are not only fundamental to biotic life, but require natural ecosystems for ecological well-being. Destroying them undermines the integrity of our waterways. Mudslides suppress oxygen levels in water creating anaerobic stagnation while human activity and construction pollutes. These waters flow into the larger aquifers and beyond. So, preventing damage to these systems is not just a local mandate, but a state mandate as well. Because of the afore-mentioned compounding factors, and because of the scale and location of the Development, such damage would be expected.

Goal 1 - Conclusions

As it stands, the Committee finds the Development is not consistent with the General Plan because it will not protect and preserve open space lands and native biotic resources. It would detrimentally impact surrounding wildlands and Open Space, destroy large, critical portions of habitats and ecosystems, and threaten the viability of the greater Ross Valley watershed.

Goal 2: Manage, enhance, and restore open space to ensure long-term vitality and viability.

This goal deals mainly with the management, enhancement, and restoration of designated open space in Fairfax.

The Property is not “designated open space” and is not owned or administered by the Town but is instead owned by a private individual. However, the property is home to an existing network of trails that have been used by the public for years. For many decades, hikers and bikers have come to the Property for recreation and for beautiful views of the Mount Tamalpais watershed and downtown Fairfax. (For additional discussion of the status of the existing trails, and whether they should be retained undisturbed, see the discussion under “Goal 3, B. Recreational Opportunities”, below). If these trails are retained in whole or in part under the Development they will need to be properly maintained and managed into the future as public open space. Likewise, the Development plans now propose that some of the Property will remain undeveloped as open space and will include other public trail easements. These areas also need to be properly managed and maintained.

While the Committee appreciates that there will continue to be open space and public trails on the Property allowing residents to continue to enjoy the views and recreational opportunities of the Property, the Committee has concerns related to the permanence of the retained open space and public access and the maintenance of those areas. How does the developer propose to ensure that the retained open space areas and the public accessways on the Property will remain undeveloped and continue to be available as public accessways into perpetuity? Likewise, what is the plan for long-term maintenance of the open space and public access areas? Will a dedicated source of funding be provided to maintain these areas for their intended use and to address risks, such as landslide or fire hazards?

Goal 2 - Conclusions

The Committee supports the retention of designated open space areas on and public access to the Property. The Committee recommends that the Town ensure that appropriate controls and methods are in place to ensure that any future open space areas and public access proposed as part of the Development will be preserved and properly maintained and managed in perpetuity.

Goal 3: Preserve the sensory qualities of open space for recreational, cultural, educational, and spiritual experiences.

This Goal emphasizes that the Town should strive to preserve lands that have significant recreational, visual, cultural, educational and spiritual qualities and should avoid development approaches that unduly impair these qualities. Open space can be valuable not just because it provides species and wild habitat, but also because it is

visually appealing and because it offers recreational, cultural and spiritual opportunities. The importance of these qualities of open space to the citizens of the Town of Fairfax is described in detail in the General Plan. The introduction to the Open Space Element is illustrative:

The location of Fairfax within the Ross Valley, surrounded by undeveloped hillsides and ridges, gives the Town a very distinctive look and feel. Oak and redwood forest, diverse wildlife, streams, a variety of microclimates, and hiking, bicycling and horse trails are all characteristic of the open space in the Planning Area. Residents of the Town of Fairfax deeply value the open space areas within and around the Town, for a wide variety of esthetic, cultural and recreational reasons. General Plan, page OS-1

Fairfax presently conveys an image that is in marked contrast to that of most communities in the Bay Area, where natural barriers between towns have repeatedly been violated by urban inroads. The open spaces between many Marin communities have been developed to the point that natural boundaries no longer exist. Loss of existing open space in the Fairfax Planning Area, whether formally preserved or not, will alter the fundamental and unique character of the Town. General Plan, page OS-3

As detailed below, the Property has recreational, visual, cultural, educational and spiritual qualities in abundance.

A. Visual Qualities

The General Plan gives some context in which to evaluate the impact of development on visual resources:

There are three “gateways” to the Town and Fairfax Planning Area which provide physical and perceptible entrances to the Fairfax Planning Area defining the views that make Fairfax visually distinctive. These three gateways are located at: Sir Francis Drake Boulevard and Center Boulevard at the San Anselmo/Fairfax town limits; Sir Francis Drake Boulevard at the top of White’s Hill Pass between White’s Hill and Loma Alta; and Bolinas Road at the Meadow Club. Figure OS-1, Map of Visual Resources, presents a map of Visual Resources, including a variety of ridges, hillsides, and forests that are highly visible from the three gateways and throughout the Fairfax Planning Area. General Plan, page OS-2.

The ridgelines on the Property on which all of the proposed Development will occur are identified as “Ridgeline Scenic Corridors”, by the “Map of Visual Resources”. Thus, under the General Plan these ridgelines are recognized to be “highly visible from the three gateways and throughout the Fairfax Planning Area” and subject to special requirements under the General Plan. The objectives, policies and programs of the Open Space and Land Use Elements of the General Plan provide specific constraints on development within visually important areas, such as the ridgelines on the Property:

Objective: OS-3.2 Preserve the visual appeal of the natural landscape in the Fairfax Planning Area.

Policy OS-3.2.2: Discourage development of any man-made structure on the ridgelines and within the ridge zones within the Fairfax Planning Area.

Policy LU-1.1.1: New development 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.

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

Policy LU-1.2.3: New and renewed development shall be designed and located so as to minimize the visual mass.

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.

In part, because of its visual importance, the Property has also been identified in the General Plan “inventory” of significant open space lands and as a PCA by the Town and ABAG. Moreover, throughout our Committee's process related to the Development, the members of the public have repeatedly expressed concern to Mr. Rothman that the Development would impact heavily on the ridgeline and the views of the Property from numerous public places, hundreds of adjoining properties and many roads.

Nonetheless, little effort has been made to alter the proposed Development to reduce this impact. The Development does attempt to “cluster” the 10 homes to a degree. However, the clustering does not address the major concerns related to development along ridgelines. The scale and visual mass of the Development remains quite substantial, with uncharacteristically large homes, and all of the homes continue to be located along the top of the ridgeline or visible from many points in Town. This is a hundred acre property and there are many locations other than within the most visible top of the ridgelines on which the homes could be located. It is the opinion of the Committee and of many members of the public that

the Development impacts heavily on the visual resources of the Town and it deeply affects the visual quality of the hillsides framing the Town, which are fundamental to its character. Such development is not consistent with the Town's General Plan or underlying planning codes.

Mr. Rothman retained a contractor to do a visual impacts study, which, for a number of reasons, members of the Committee found unconvincing. The Committee strongly recommends that the Town retain its own an independent contractor to undertake a separate study and to consider the impact on visual resources of the Development when viewed from the many public areas within Town (schools, ballpark, downtown, roadways, churches . . . etc) and the many adjoining and nearby properties. Beyond that, should any future Development depend on screening by vegetation or other measures to minimize the impact on visual resources, the Committee also recommends that there be in place reasonable and readily enforceable means to ensure that this screening is maintained.

B. Recreational Opportunities

The Open Space Element and Land Use Element of the General Plan are equally specific as to the importance of preserving recreational opportunities that exist on undeveloped or underdeveloped lands in Fairfax:

Objective OS-3.1: Provide and maintain a system of recreational trails that will create access amongst and between downtown Fairfax, neighborhoods of Fairfax, and open space in the Fairfax Planning Area.

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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.

The Property has been recognized by the Committee since its inception as open space land with high value for recreational opportunities, as well as other open space qualities. There are existing publicly-used trails throughout the Property. These trails extend primarily along the ridgelines from the eastern portion of property, starting at the current Marinda Drive terminus, extending up to the northern boundary of the Property, where it meets Oak Springs Drive, then back down the eastern portion of the Property, leading to the end of Ridgeway Road. These trails have been openly and continuously used by the public for decades upon decades, extending back well before the 1950s, according to statements

given at various public hearings. As such, they could be considered publicly dedicated recreational trails, through the legal doctrine of implied dedication.

The trails on the Property provide a connection through other existing public rights-of-way to downtown Fairfax, to various Marin County Open Space District trails and lands (Loma Alta Preserve, Terra Linda/ Sleepy Hollow Divide Open Space Preserve, Lucas Valley Open Space Preserve, Ignacio Valley Open Space Preserve, and White Hill Open Space Preserve), to regional trail networks (the Bay Area Ridge Trail) and to other publicly held lands (Pt. Reyes National Seashore, Samuel P. Taylor State Park, Golden Gate National Recreation Area, and Mt. Tamalpais State Park). As a result, the trails on the Property serve to contribute to a continuous trail system from the Town of Fairfax to Novato to the north, San Rafael to the east, Mill Valley to the south and Pt. Reyes National Seashore, Samuel P. Taylor State Park and the ocean to the west. To say that the trails on the Property are a central hub to most of the regional trail systems within Marin County would not be an exaggeration.

The proposed Development does nothing to avoid the existing trail system on the Property, despite the fact that the trails have been used continuously by the public for many decades. For example, in order to accommodate the placement of the road and homes along the ridgeline on the western portion of the Property extending upwards from Marinda Drive, the Development plans propose to remove the existing trail and rebuild it well below the ridgeline areas.

In the Committee public hearings, members of the public have noted that the Development legally cannot impinge on the trails on the Property unless and until the developer has first acquired the right to do so by purchase of the easement, since those trail systems were previously dedicated by implication for public recreational use. Beyond that, the displacement of existing trails from their current locations, predominantly along the ridgelines, reduces the beauty and views available to those using the trail system.

In short, with respect to recreational opportunities on the Property, the Development again proposes a plan that serves the Development at the expense of important open space qualities and fails to consider alternate placement of the Development, rather than displacement of the trails. On this basis, the Committee believes that the Development improperly impacts the recreational opportunities afforded by the Property in a manner that is inconsistent with the General Plan and with other existing laws.

C. Other Sensory Qualities

Goal 3 encompasses the concern about the impact of development on other sensory qualities associated with open space, including the spiritual opportunities provided by the natural environment. Objective OS-3.3 of the Open Space Element also directs that the Town should strive to “constrain anthropogenic sound levels in and around open space areas so that natural sounds of flora and fauna are audible”.

The Property contains a spirit circle or labyrinth, which citizens of the Town have long considered a space for quiet reflection and contemplation. They view it variously as a public place for spiritual activity, for group ritual or for private meditation. The existing trail on the western portion of the Property now leads directly to the spirit circle/labyrinth. The Development will impinge on this area. As revised, the plans for the Development show that the Marin Municipal Water District (MMWD) tanks serving the Development will be constructed and located immediately adjacent to the spirit circle/labyrinth with a roadway running past it.

Likewise, the Development will create significant human activity (e.g. human voices, equipment usage, vehicle noise), extending well beyond the Development. This will impact on the natural sounds of the undeveloped land that adjoin the Development and the spiritual use of the spirit circle/labyrinth area.

For these reasons, the Committee and members of the public have expressed concern that the Development will have a material effect on the natural and spiritual qualities of the Property

Goal 3 - Conclusions

The Committee and the public are deeply concerned that the Development as now proposed substantially alters the existing open space visual resources, recreational opportunities and sensory qualities of the Property, contrary to the principles of the General Plan. The Committee further believes that, consistent with the General Plan and other Town planning requirements, these impacts could be addressed by reducing the scale, size and number of homes and accessory structures proposed for the Development, by relocating much of the Development off of the ridgelines, and by more rigorous clustering of the Development so that all Development occurs in close proximity and immediately adjacent to the existing neighborhood located on Marinda Drive. The Committee recommends that the Town consider these alternatives.

Goal 4: Balance the interests of public health and safety with the preservation of open space.

According to Fairfax's Goal OS-4, there are three major concerns about balancing public health and the preservation of open space. These are

- A) preventing landslides by maintaining areas that are prone to landslides as open space;
- B) mitigating fire risks; and
- C) minimizing the auditory and visual impact of utility structures in open space areas.

A. Landslides

A major objective of Goal 4 is reducing the risk of landslides and flooding by preserving landslide-prone areas as open space.

The Property is very steep and is at a high risk of landslides due to unstable soils.

During the public comment period at a special meeting held by the Committee in March 2018, a neighbor of the project who lives on San Gabriel Drive stated that her home has been threatened by landslides numerous times over the past few years. Her home has been flooded with mud and debris. She stated that the geotechnician who oversaw the creation of the building sites on the Oak Springs project had refused to sign off on it because the soils which had been moved onto the hillside by the bulldozers had not been properly compacted. This is the hillside located directly above much of the Development and which has since slid many times. Numerous other members of the public cited experiences and concerns about landslides and flooding.

The risk of landslides for the homes downhill from the proposed development creates a huge liability for the town. In rainy years, increased flooding, mudslides, and debris could cause massive damage to nearby homes. If Fairfax allows this Development to move forward, the town will be partially responsible for damage caused by building on highly erodible soils.

The steep grade of the property will present challenges in building. A new fire road extending from Marinda Drive will be regraded to reduce steepness using excavation and fill. Excavating existing ground and filling will create increased risk of landslides and instability.

The Geotechnical Investigation created by William Moore and Phyllis Flack on behalf of Rothman Construction states that there are no significant geological hazards in building the property. However, the report also states that “shallow” foundations would be used, and, more importantly, that surface soils are highly erodible and good drainage will be integral in the project.

The Committee encourages the Town to conduct its own investigation into the geology and hydrology of the site rather than relying on the reports commissioned by the Rothman Construction. The Committee also encourages the Town to take a close look at Rothman Construction’s plan for drainage and soil engineering should the Development plan continue.

B. Fire

Goal 4 also focuses on reducing the risk of fire.

In much of California, and specifically in Fairfax, our residents take advantage of the beautiful views and recreational amenities offered by nature by living near the interface of urban areas and open space, or in the Wildland Urban Interface (WUI). Unfortunately, this places homes in areas that are more prone to wildfires.

The proposed property is very much in the WUI and would pose a great fire risk to homes built on the property and the surrounding neighborhoods. As we become more aware of the effects of climate change, and as wildfires continue to increase in frequency and intensity, communities have the responsibility to concentrate development near already developed areas rather than allowing new structures to be built in the WUI.

A major cause of concern for structure built in the WUI is embers blown by winds from nearby fires on open space lands. If a fire begins on open space land, an ember blown onto a roof of a home in the proposed development could start a fire, threatening the homes and lives of residents.

The plan for the Development proposes to use native, drought-tolerant vegetation. This is very important, and FOSC encourages city officials to monitor plantings closely to ensure this is carried out. However, the risk of fire from placing a subdivision in the WUI would not be mitigated by simply using native vegetation.

Many of the trees which are marked for removal are fire resistant native species such as Oak, Sycamore, and Manzanita. Good maintenance of them is a first line of

defense against the spread of wildfire and the removal of them is not a fire wise choice.

Residents in this area have also expressed concern that the owners have done little to clean and clear debris from the forest floor, eradicate fire prone plants, and maintain the health of the trees on this Property. Active ongoing stewardship is necessary to prevent forest fires; this has not been demonstrated.

Fairfax has the responsibility to discourage this type of development in the wake of increased fire frequency and severity. As we have seen in communities around the state, fires in the WUI cause devastating damage to communities. Cities and citizens, rather than developers, shoulder the burden of recovery efforts.

C. Utility Structures

A final objective of Goal 4 is to minimize the visual and auditory impact of utility structures in open space areas.

The Development will certainly have utility structures in open space areas. For instance, the proposed project includes a water tank that will be near the northern edge of the 'spirit circle.' This will have both visual and auditory impacts on the open space area of the development.

Rather than completing an in depth review of the siting of each utility structure in the plan for the Development, the Committee encourages the Planning Department to keep these impacts in mind in reviewing the plans for the Development.

Goal 4 - Conclusions

The Development is not consistent with Goal 4 of the general plan because it is located in an area that is prone to landslides, floods, and wildfires. The homes in the Development would be at risk of destruction because of the properties geological features and location. The new Development would also cause increased risk to nearby homes by increasing risks of landslides and flooding due to construction and building on highly erodible soils. As stated above, the town will be at least partially responsible to homeowners in the Development and surrounding neighborhoods for damage from landslides, flooding, and fire. This is a large burden, and the Committee recommends that the town consider the potential for disaster before allowing the Development to move forward.

Final Conclusions

The proposed Development is not consistent with the four primary “Goals” of the Open Space Element of the General Plan and the underlying policies and objectives. The Committee finds the proposed Development ignores or contravenes these goals by most accounts. The Development would fragment and destroy open space lands and native biotic resources within the Fairfax Planning Area. Long-term vitality and viability of this open space would be seriously jeopardized without strongly formulated controls and methods to safeguard them. The sensory qualities of open space for recreational, cultural, educational, and spiritual experiences would be severely curtailed and impaired. Finally, the Property already poses very real dangers to public health and safety, and all indications are that the Development would exacerbate these. Therefore the Committee emphatically recommends that the Town not approve the Development as it stands.

To be consistent with the Fairfax General Plan, any development on this Property would need smaller housing footprints located closer to the adjoining neighborhoods. It would need to formally respect the original and long term use of this area as open space. It is critical that such a development utilize better methods for fire safety and prevention on the Property, as well as acknowledging and mitigating slide and other hazards. Unless these issues are addressed, the Committee must warn the town against the serious consequences of moving forward with the Development. Approving it would create danger to property and human life and expose the Town to potential litigation and damages. It would also destroy what makes Fairfax unique and special: its framing within the tree-crowned rolling ridges, hills and vales of surrounding wildlands; they are home to us and the nature we share it with.