



TOWN OF FAIRFAX

STAFF REPORT

June 5, 2019

TO: Mayor and Town Council

FROM: Garrett Toy, Town Manager *GT*

SUBJECT: Discuss/consider Residents' Petition for the Acquisition of 10-Acre Parcel for Open Space

RECOMMENDATION

Discuss/consider the petition and direct staff as appropriate.

DISCUSSION

On May 6, 2019, a petition signed by 25 Fairfax residents was submitted to the Town for the Council's consideration. Pursuant to Fairfax Municipal Code Section 2.08.090 (C), if the Council is presented with a petition signed by 25 residents urging consideration of an issue, the issue shall be placed on the Council's agenda for discussion. The issue is the acquisition of a 10 acre parcel off of Ridgeway Avenue for \$500,000 from the developer of the proposed Marinda Heights project. At its May 1st meeting, the Council reported out of closed session that the Town Council decided not to further explore the conceptual proposal regarding the Marinda Heights Property at this time.

The Council also stated that with regard to the Marinda Heights development application, Councilmembers cannot opine on the merits of the application until it is brought to the Council for consideration after a recommendation from the Planning Commission. The RFP for EIR consultant has not yet been issued, so it will be quite some time before the Planning Commission and Council consider the application.

The petition has 25 signatures, and is on file with the Town Clerk. A copy (with signatures redacted) is attached.

FISCAL IMPACT

N/a

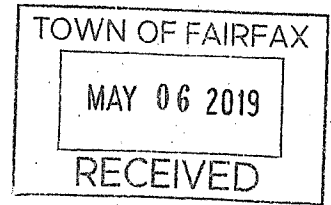
ATTACHMENT

Petition (redacted)

RESIDENTS' PETITION

Acquisition of 10-Acre Parcel

For Open Space



Whereas, the Town of Fairfax is presented with a proposal by the owner Marshal Rothman to acquire a 10-acre parcel (above Ridgeway Avenue) of the 100-acre property commonly known in the community as the "Wall Property;" and

Whereas, on May 1, 2019 the Fairfax Town Council ("Council") conducted a "closed session" discussion of this proposal; and

Whereas, the Council on May 1, 2019 reported out from the closed session that the Council would be taking no further action on this proposal; and

Whereas, funding for the purchase as proposed (\$500,000) would be provided in concert by the Town; the County of Marin, and the Marin Open Space Trust; and

Whereas, the property would be held in "open space" by the Town or the County of Marin and remain in public ownership and enjoyment forever; and

Whereas, the failure to acquire this land for open space threatens it significantly with unwelcome development – along with the potential development on a number of adjoining properties; and

Whereas, the Town of Fairfax has a long history of taking action to protect open space within its borders; and

Whereas, the Fairfax Town Code provides in Municipal Code § 2.08.090(C) that:

"... The Council shall place on the agenda during a duly noticed meeting the public discussion and consideration of any such issue of public concern if presented with a residents' petition signed by 25 residents of the town urging consideration of the issue. If a residents' petition is timely presented, the issue shall be placed on the agenda of the next regular meeting of the Council ..."; and

Whereas, this Petition complies in all manner with this provision of the Fairfax Municipal Code:

The Fairfax residents whose names appear on this Petition respectfully request the Council to both place the proposed acquisition of the 10-acre parcel on the **June 5, 2019** Agenda for discussion, and initiate action to acquire this parcel for open space with the Marin Open Space Trust entering into a Council-approved Option Contract with the property owner.
