



# TOWN OF FAIRFAX

## STAFF REPORT

### July 16, 2020

**TO:** Planning Commission and Open Space Commission  
**FROM:** Ben Berto, Director of Planning and Building Services  
**SUBJECT:** Digitized version of Zoning Chapter 17.060 Ridgeline Development map

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#### BACKGROUND

Staff continues to digitize and georeference the baseline maps from the early 1970's that are referenced in Title 17 of the Fairfax Municipal Code (Zoning), and clarify the references to such maps. In 2019, for example, your Commission reviewed and recommended adoption of digitized, georeferenced versions of landslide hazard maps as part of amendments relating to the Hill Area Residential Development (HRD) zoning chapter. The recommended zoning amendments and digitized maps were subsequently adopted by the Town Council.

Staff believes that it will be very useful to have digitized, georeferenced versions of the Visual Resources Map contained in the current 2010-2030 General Plan. Therefore in cooperation with Jill Templeton, the Town's GIS specialist, staff created a draft version of the map and presented it to the Planning Commission at last month's (June 18) meeting. The Commission reviewed the staff information presented and continued the item to this month's meeting, with direction to investigate map boundaries and involve the Fairfax Open Space Committee (FOSC) in the Commission meeting.

#### DISCUSSION

Zoning Ordinance Chapter 17.60, Ridgeline Development, refers in § 17.060.020 Definitions and §17.060.030(A) General Requirements to "Visual Resources Map No. 9".

No map so named is in either the Zoning Ordinance or the Town's current 2010-2030 General Plan. The current General Plan does show Figure S-1 "Map of Visual Resources" dating from 1974 that shows "Ridgeline Scenic Corridors" (see Attachment B). However, Commissioner Newton at the June meeting provided archival information on this map from the 1974 General Plan. The 1974 General Plan Open Space Element Appendix A contains a map list (see attachment C) that refers to the Visual Resources map that was part of 12 maps produced in support of the General Plan. The Visual Resources map is number 9 on the 12 map list, providing a possible connection to "Map No. 9" referred to in Zoning Chapter 17.060.

Commissioner Newton further attended the June 23 virtual Fairfax Open Space Committee (FOSC) zoom meeting, and subsequently had two subcommittee meetings. Together with FOSC subcommittee members and former Councilmember Frank Egger, discussed the Visual

Resources map and according to her notes (see Attachment D) reached a consensus that the current General Plan's "Map of Visual Resources" is indeed the "Visual Resources Map No. 9" referred to in Zoning Chapter 17.060 Ridgeline Development.

Staff is asking for Commission direction on the following topics:

1. Should the newly digitized and georeferenced "Visual Resources Map No. 9" dated July 16, 2020 (see Attachment A) be heretofore considered the official version of "Visual Resources Map No. 9" for zoning reference purposes?
2. Should the Zoning Ordinance be amended to refer to the 2010-2030 General Plan "Map of Visual Resources", with the understanding that aside from the amended title, both the General Plan and Zoning Ordinance shall use the digitized, georeferenced map?
3. What additional work or investigation is desired in connection to the Visual Resources Map No. 9/Map of Visual Resources?

#### 1. Digitized/georeferenced map

There are several reasons why staff recommends updating the 1974 map by recognizing the digitized and georeferenced "Visual Resources Map No. 9" as the official map for zoning purposes. The first is the afore-mentioned disparity in the titles of the map in the current General Plan with the Zoning reference. Map No. 9 may be adequately referenced in the 1974 General Plan, but that Plan is no longer in effect, and the map in the current General Plan Open Space Element calls it "Map of Visual Resources". The current investigation has established a link between the former and current General Plan and the Zoning Ordinance, However, the title is disparity is confusing. The Town wants to apply its Ridgeline Development regulations to developments in the Town. It makes it much more straightforward to do that with a current, digitized version of the original map.

The paper map is 46 years old. Although a fine document for the time, the GIS specialist had to do a considerable amount of work digitizing and georeferencing the paper map to LIDAR (Light Detection and Ranging) information on MarinMap. LIDAR very accurately locates physical features (both terraform and built environment, and these were used to georeference the digital version of the paper map). The georeferencing of the paper map is why the digital version no longer has rectangular edges – the paper map had to be "stretched" to make it accurately confirm to actual physical features (see Attachment A).

Major benefits of the digital map include that it can now be used in overlay fashion to accurately show the locations and edges of map features such as "Ridgeline Scenic Corridors", property boundaries, etc. Another available layer is roads, which staff finds is very helpful in efficiently locating identified map features in Town.

The Commission was interested in preserving the total area bounded by the original "Visual Resources [Map No 9]". The digitized version (see Attachment A) shows the entire area of the original map, with the Town boundaries superimposed for reference.

#### 2. Zoning language amendment

As noted previously, the map referenced in Chapter 17.060 of the Zoning Ordinance ("Visual Resources Map No. 9") and the same map in the current General Plan have different titles.

Staff entitled the draft map “Visual Resources Map No. 9” for the purpose of synching the digital map title to the title in the zoning ordinance (and its regulations).

For purposes of overall clarity and applicability in both the Zoning Ordinance and General Plan, it probably makes more sense to entitle the map “Map of Visual Resources”, since that is the title of the map in the current General Plan that is legally in effect now. Should the Commission desire to use the “Map of Visual Resources”, staff can develop new text effecting this change for a Zoning Ordinance text amendment at an upcoming Planning Commission meeting.

### 3. Visual Resources Map No. 9 / Map Of Visual Resources related topics

There seemed to be interest in the part of the Commission at the June meeting in considering expanding the scope of map-related work to a broader investigation of map features and considering whether these should be updated.

It is noted that the Open Space Element of the current General Plan contains several references to updating information (see Attachment E copy of Open Space Element).

Staff is very cautious about the prospects substantive work relating to the Visual Resources Map No. 9 and Zoning Chapter 17.060. The Chapter has remained largely as written in 1973. A lot has changed in the Town in the intervening 47 years. However there are probably a lot of reasons why no prior Planning Commission or planning staff has undertaken such work.

Staff anticipates massive demands for staff and Commission/Council resources in the near future. This on top of the Covid-19 crisis that is drastically affecting every government entity (such as Fairfax). As noted by the Town Manager at the recent Council budget meeting, financial forecasting at this point is an educated guess at best, with substantial budget reductions anticipated. Open-ended work projects under this scenario may not be prudent. Creating maximum house size regulations took 8 meetings over about a year’s effort, the new cannabis regulations took 22 meetings over close to 2 years. These two topics were much more focused than a General Plan and Zoning amendment promises to be.

Your Commission is also aware of additional demands already placed on it by the need to conduct virtual meetings. Such meetings are projected to continue for the foreseeable future, and the rate of such meetings is likely to increase, similar to what the Town Council has been experiencing.

If the FOSC or subcommittee of it is willing to investigate on its own, it could be illuminating to see to what extent such a broad-scope topic could be narrowed to specific recommendations reported back to the Planning Commission. Staff recommends that the Commission limit its direct involvement to what is currently on its plate or will be this fiscal year.

### **RECOMMENDATION**

Provide staff with direction on the three topics outlined above.

## **ATTACHMENTS**

Attachment A – Digitized Fairfax Visual Resources Map No.9

Attachment B – 2010-2030 General Plan Visual Resources map

Attachment C – Fairfax General Plan (1974) Conservation Element Appendix A excerpts

Attachment D – Email from Commissioner Newton

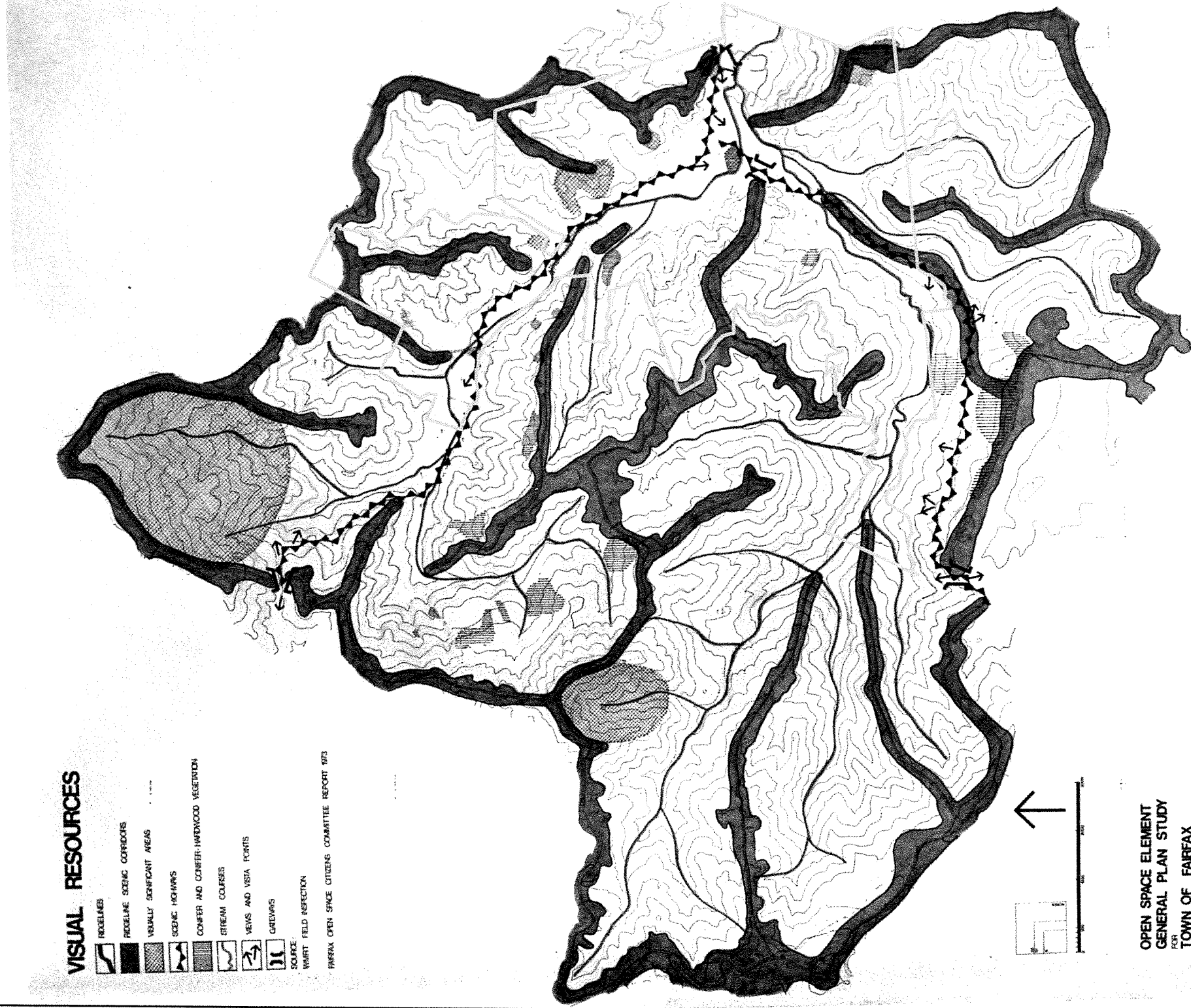
Attachment E – Fairfax 2010-2030 General Plan Open Space Element

Attachment F - Zoning Title 17 Chapter 17.60

# Visual Resources Map No 9

July 16, 2020

- VISUAL RESOURCES**
- ROCKELINES
  - ROCKELINE SCENIC CORRIDORS
  - VISUALLY SIGNIFICANT AREAS
  - SCENIC HIGHWAYS
  - CORNER AND CORNER-HARDWOOD VEGETATION
  - STREAM COURSES
  - VEWS AND VISTA POINTS
  - GATEWAYS
  - SOURCE:  
WART FELD INSPECTION
  - FAIRFAX OPEN SPACE CITIZENS COMMITTEE REPORT 1973



OPEN SPACE ELEMENT  
GENERAL PLAN STUDY  
FOR  
TOWN OF FAIRFAX  
PREPARED BY  
WALLACE MCHARG ROBERTS AND TODD

Town of Fairfax

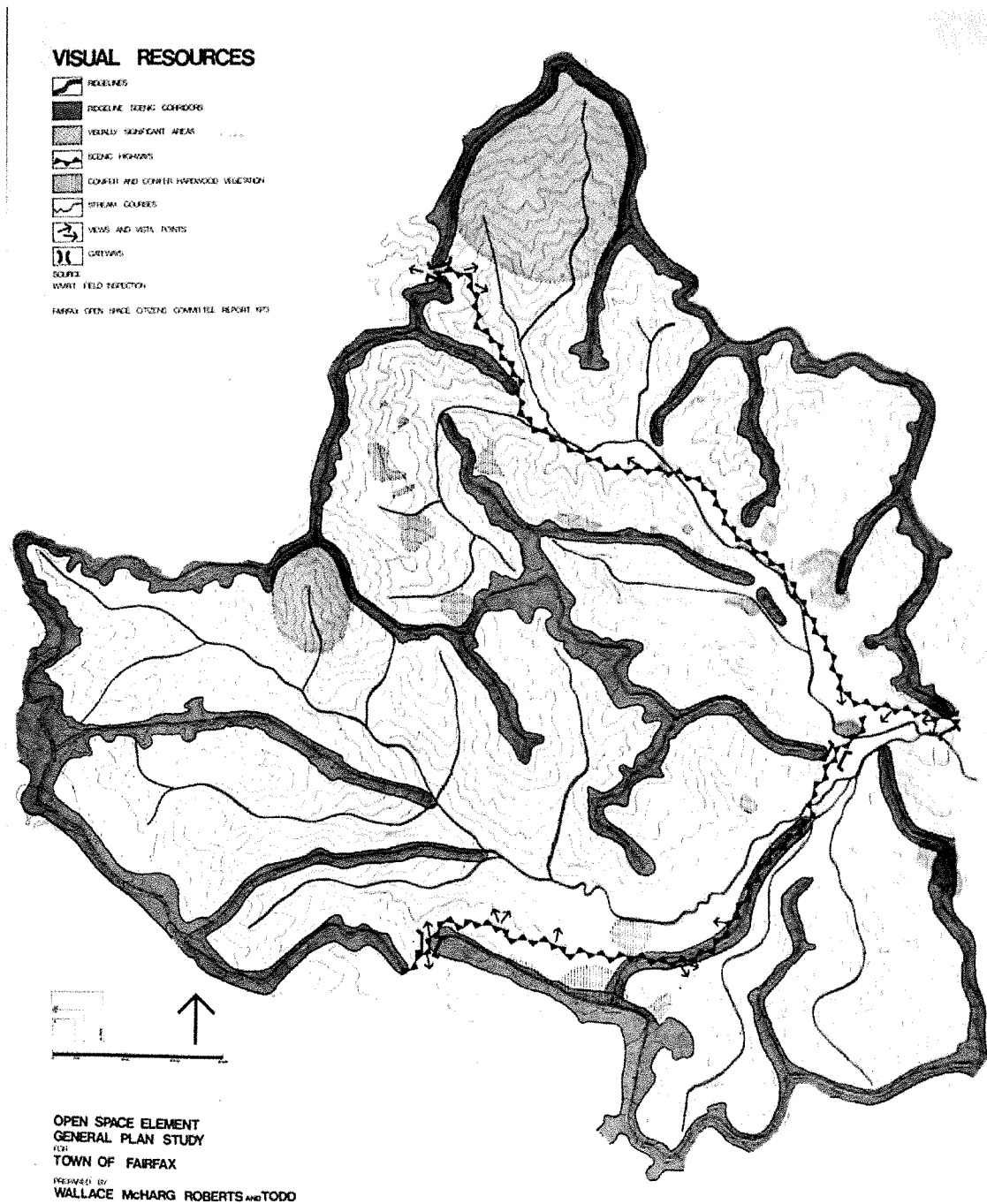


Figure OS-1 Map of Visual Resources

APPENDIX  
FINAL DRAFT  
OPEN SPACE ELEMENT  
TOWN OF FAIRFAX

## APPENDIX A-1

### SUMMARY OF DATA MAPS

The summaries of the twelve data maps included herein are a synopsis of technical information and analysis generated during the Fairfax Open Space Element Study. The purpose of this background work was to assemble relevant data regarding the Planning Area as a basis for open space planning. Information described in the following working papers was displayed on twelve original, one of a kind, maps at a scale of one inch to five hundred feet. The base maps were produced by Aerometric Surveys from 1961 and 1966 data sources. Because of the map scale, it must be emphasized that data has been generalized and not intended as an exact replication.

### DATA MAP LIST

<u>Number</u>	<u>Map Title</u>
1	Slope
2	Geology
3	Landslide Abundance
4	Slope Stability
5	Vegetation
6	Fire Hazard
7	Wildlife Habitat Diversity
8	Surface Hydrology
9	Visual Resources
10	Public and Developed Land
11	Zoning
12	Marin Countywide Plan



## DATA MAP #9--VISUAL RESOURCES

### A. Characteristics

The visual resources in the Planning Area were defined and represented on the map in terms of the following classifications.

- o Ridges
- o Ridgeline Scenic Corridors
- o Stream Courses
- o Scenic Highways
- o Gateways
- o Vista Points and Views
- o Visually Distinctive Areas
- o Conifer-Hardwood Concentration

By far the most distinctive visual resource of the Planning Area is its topographic relief of ridges with steep slopes which define narrow valleys in which are located numerous perennial headwater streams of the upper Ross Valley watershed. The ridges define the Planning Area's residential neighborhoods which are clustered in the valleys or perilously cling to the valley walls. The ridgeline scenic corridor is composed of the ridgeline and uppermost elevation of the valley walls. The ridgeline is the most important visual element in the Fairfax Planning Area. The ridgeline scenic corridor is defined by that area 45 feet below the elevation of the ridgeline (45 feet is being used because it is the allowable building height in the Town of Fairfax for slopes of 10 percent and greater; for slopes of 10 percent and less the building height is 35 feet). Any structure located on the ridgeline or ridgeline scenic corridor represents a potential reduction of their visual value.

The stream courses represent a major visual value to the residents of the Planning Area. Stream courses possess the visual amenity of the water features as well as thick riparian vegetation abundant in diverse wildlife. The stream courses serve as both a unifying and dividing element in the neighborhoods of the Planning Area.

The observer is most cognizant of visual resources in the Planning Area while motoring on Sir Francis Drake Boulevard and Bolinas Road. From our field inspection these two roads were designated as scenic highways. While traversing these two roads enroute to the Planning Area, the observer will be aware of his arrival at several visually recognizable gateways located on the perimeter of the Planning Area.

These major gateways are located as follows;

- o Sir Francis Drake Boulevard at the San Anselmo/  
Fairfax Town Limits
- o Sir Francis Drake Boulevard at the base of Loma  
Alta
- o Bolinas Road at Meadow Country Club

These gateways are natural breaks or passes in the  
ridgelines which define the Planning Area.

Other visual features which can be observed from the  
scenic highways are major vistas and visually distinctive  
areas. The major vistas catalogued in this inventory  
only include those afforded from the aforementioned  
scenic highways. Most vistas are considered to be long  
views and the most noteworthy among them are vistas defined  
by the major gateways and vistas of visually distinctive  
areas described below. Certain areas of the Planning  
Area are described as being visually distinctive and repre-  
sent a special visual value to the Town's residents.  
Generally, but not exclusively, these areas are defined  
as sparsely vegetated ridges that when contrasted with the  
densely vegetated valley walls represent a distinctive  
visual feature. The areas designated as visually distinctive  
which appear on the data map include the following features  
or parcels:

- o Loma Alta Peak or Circle V Ranch
- o Town of Fairfax Redwood Park
- o Bald Mountain
- o Upper Elevation of Sky Ranch
- o Grass covered ridge portions of the Wall-Poeshell-  
Getz Tract
- o Portion of the Johnson Tract located at Sir Francis  
Drake and Fairfax/San Anselmo Town Limits Gateway
- o Portion of the Hall Property located on the grassy  
knoll behind Cala Market
- o Heavily vegetated portion of the Bon Gusto Tract  
which borders Sir Francis Drake

An additional visually distinctive feature of value to  
the residents of the Planning Area is the concentrations  
of redwood trees generally appearing in a mixed forest  
designated as conifer-hardwood vegetation type on the  
Vegetation Data Map. The redwoods represent a limited  
vestige of the vegetation heritage of the Planning Area  
that existed prior to the extensive logging which took  
place circa 1850. The Town's Redwood Park is an indication  
of the value with which the Town regards this resource.

B. Importance

The visual resources of the Fairfax Planning Area are exceedingly unique and make it one of the most desirable places in Marin County and the Bay Region in which to live. These visual resources are of recognized value by the residents of the Planning Area and therefore should be reflected in the Open Space Element of the General Plan.

C. Sources

Egger, Frank and Beighley, Jane, Verbal Communication, July 25, 1973.

\_\_\_\_\_ ; "Report of Citizens' Committee for the Review of the Fairfax General Plan", June 1973.

WMRT, Field Reconnaissance, July, 1974.

WMRT, "Vegetation of the Fairfax Planning Area", Map #5, 1974.

WMRT, "Surface Hydrology of the Fairfax Planning Area", Map #8, 1974.



adoption of the plan. Placing the large bulk of the designated open space lands in a lower priority simply recognizes the need to allocate existing efforts as efficiently as possible.

The following paragraphs briefly discuss the implications for the three high priority areas.

#### Ridgeline Scenic Corridors

It is estimated that there are 145,250 feet or 27.5 miles of ridgeline in the planning area. To preserve these ridgetops for trail easements or for visual reasons, the Town must rely on three basic techniques:

- o Acquisition
- o Scenic easements
- o Zoning setbacks or height limits

Some ridgeline areas are already developed in full or in part and will probably be left in that state. New construction will be allowed in those areas provided the owner complies with provisions for safety and stability.

Of the ridgeline lengths, there are 39,000 lineal feet (7.4 miles) in Fairfax and 106,250 feet (20.1 miles) in the unincorporated area.

If average width of 300 feet is assured there would be 269 acres of ridgeline corridors in Fairfax, and 732 acres in the unincorporated areas for a total of approximately 1,000 acres.

Without making the actual measurements, but excluding already developed ridgeline areas, plus areas under public or quasi-public ownership, and large-lot areas that could be subject to setback restrictions, there might be only 200 critical acres that need to be purchased. Values could vary widely but should be less than \$1,000 per acre because of the particular nature of the area. (See Appendix for discussion of land values.)

If \$1,000 per acre is assumed, cost of acquisition of ridgeline areas might be \$200,000 in both the Town and County areas. These estimates are highly hypothetical and would have to be revised under specific implementation procedures following adoption of the Plan. They are mentioned here only for purposes of example. (Purchase of scenic easements only, would reduce the costs, if the landowners are willing. Such purchase would not necessarily prohibit use and enjoyment of the property by the owner.)

setbacks and height limits to protect the integrity of the ridgelines are standard zoning practices and should be sufficient in most cases.

### Stream Courses

Stream courses may also be protected through three major techniques:

- o Acquisition
- o Setbacks
- o Easements and dedications

There are 34,500 feet (6.5 miles) of stream courses in Fairfax and 77,250 feet (14.7 miles) in the unincorporated part of the Planning Area for a total of 111,750 feet (21.2 miles).

There are a great number of questions to be dealt with on a case to case basis concerning historical use, protection of adjacent private property and possible maintenance costs. If a stream course was assumed to be 60 feet wide, there would be about 48 acres of such areas in Fairfax, 106 acres in the unincorporated area and 154 acres in total. Value of such stream course areas could range from very nominal prices where buildable lots are still possible, to much higher prices, if some property owners express high resistance. If average equivalent value is \$500 per acre, the cost to Fairfax might be \$24,000. Again, these estimates are extremely hypothetical and must be adjusted to the real situation as specific information is developed.

### Visually Distinctive Areas

The Suitability for Open Space Map shows visually distinctive areas amounting to 71 acres in Fairfax and 310 acres in the unincorporated area, or 381 acres total.

Again, less costly control techniques might be used, (see Appendix on Implementation) but purchase of fee title might be more likely in this instance. Again, a rough estimate, after exclusion of areas not needed to be purchased, could be 50 acres in Fairfax and 150 acres in Marin. At a per acre value of \$1,500 in Fairfax and \$1,700 in Marin, cost might be \$75,000 in Fairfax and \$150,000 in Marin or \$225,000. (See Appendix on land values.)

Some of these purchases could be made over several years as money becomes available or when owners express a willingness to sell. Total costs have not been added up for the three priority areas because of the numerous uncertainties in these

## Ben Berto

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**To:** Mimi Newton; Linda Neal  
**Cc:** Phil Green; Frank Egger; Jack Judkins; Jonathan Sicroff; Jack Judkins; Ruth Horn  
**Subject:** RE: Visual Resources Map No. 9

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

From: Mimi Newton [mailto:mimi.newton@gmail.com]  
Sent: Tuesday, July 07, 2020 8:09 PM  
To: Linda Neal <lneal@townoffairfax.org>; Ben Berto <bberto@townoffairfax.org>  
Cc: Phil Green <pgreen@townoffairfax.org>; Frank Egger <fjegger@gmail.com>; Jack Judkins <jbjudkins@comcast.net>; Jonathan Sicroff <jsicroff@gmail.com>; Jack Judkins <junkthird@gmail.com>; Ruth Horn <ruthoffairfax@gmail.com>  
Subject: Visual Resources Map No. 9

Dear Linda and Ben,

After the June 18, 2020 Planning Commission meeting, I attended the Fairfax Open Space Committee meeting on June 23, 2020 to discuss the map that the Planning Department has recommended be digitized (Item 2: Consideration/Recommendation to the Town Council of a digitized version of the Ridgeline Scenic Corridor Map (Visual Resources Map No. 9)).

I was able to discuss the questions raised during the Planning Commission meeting with the Fairfax Open Space Committee (FOSC) during their continuing business item regarding "Town Interactions." During this part of FOSC's meeting, the Committee formed a Sub-Committee of three members to look further into the questions raised. The Sub-Committee (Jack Judkins, Ruth Horn, and Jonathan Sicroff) and I have since met by Zoom twice. Those meetings also included former Council-member Frank Egger.

This message contains my understanding of the Sub-Committee's conclusions, which I endorse, as I believe does former Council-member Egger. I've copied them each here on this email, and they can correct me if I am mistaken.

As you know, at our June 18, 2020 Planning Commission meeting, the Commission considered a proposal by the Planning Department to digitize a georeferenced version of the Town's 1974 Visual Resources map. This map was included as Attachment C to the Planning Commission packet for this item. The Commission was interested in hearing the views of the FOSC on this digital conversion, as well as the map's history and recommendations for any revisions to the Town Code that FOSC members might feel are appropriate, relating to the references to Visual Resources Map No. 9.

As can be seen from the maps that were attached to the Planning Commission's June 18 meeting, there are a number of elements referred to in the map legend. It can also be seen from the digital version with the Town boundary outlined (Attachment B) that the area of the Town makes up only a small portion of the total original map area. The Attachment C digital version is zoomed in to focus on the areas of the Town. Staff have noted that the digitized, georeferenced version of the map can feature overlay layers such as property boundaries, the very accurate lidar-created contour lines (shown in the Attachment C map), and ortho (aerial) photo information, among other things.

FOSC's Sub-Committee, former Council-member Egger and I agree that the references in Ridgeline Ordinance to Visual Resources Map No. 9 are quite clearly to the "Visual Resources Map," (Map 9), which was attached to the 1974 General Plan. See the attached 1974 General Plan, text and Appendix A-1, which quite clearly refer to the Visual Resources Map as "Number 9" of the 12 numbered "Data Maps" at page 45 of this pdf file. There is no ambiguity here. And, I believe that the maps on the CD that Linda referenced during our last Planning Commission meeting reflect — and correspond to — the 12 data maps listed in the 1974 Open Space Element.

The Ridgeline Ordinance was, apparently, first adopted in 1973, well before the 2010 General Plan update. Thus, a reference in the Town Code to Map No. 9 of the General Plan seems entirely appropriate. We hope that Frank Egger will be available to participate in a joint Open Space/Planning Commission meeting on July 16, to share more of the history of the 1974 General Plan maps, including Visual Resources Map No. 9, as requested by the Planning Commission. Apparently, the reference in the Town Code to Visual Resources Map No. 9 was not updated to reference the re-named Figure OS-1, Map of Visual Resources, which was included in the General Plan Open Space Element adopted in 2010. However, these two maps appear to be duplicates.

One of the FOSC members also provided me with a copy of a map entitled A-6, which may have been an attempt at updating the map of the ridgelines, ridgeline scenic corridors and major ridges in the past, potentially in the mid-1990s. Map A-6 is attached here for your information.

In terms of updating and digitizing Visual Resources Map No. 9, there was concern raised during the Sub-Committee's meetings that any effort to do so not actually wind up reducing the protections currently afforded to the ridgelines and the ridgeline scenic corridors. There was also concern raised about the idea that the Ridgeline Ordinance is ambiguous and that such purported ambiguity is operating as a justification for rushing to a change, when we disagree as to whether an ambiguity actually exists and are skeptical regarding any change to the existing Ordinance being warranted. While a digitized, georeferenced version of the map could and probably should be generated as an aid to the Planning Department and those wishing to develop properties near Fairfax's ridgelines, the Sub-Committee and I have reservations about changing the map that is currently referenced in the Ridgeline Ordinance without first undertaking a more careful analysis of any potential differences that might emerge as a result of the georeferencing and digitizing process. I also feel strongly that Planning staff identify and use the best quality version of Visual Resources Map No. 9 the Town has as the base map for the purposes of creating a digitized, georeferenced version of the map.

The Sub-Committee and I also recommend including the entire Planning Area in any digitized version of the map, because the larger map includes major scenic roadways and public gathering places (which, under the Ridgeline Ordinance, are or may be significant view corridors). The larger map also shows the "gateways," which, by General Plan definition, are important view corridors implicating visual resources. Once digitized, any portions of the map can be zoomed in on, so cutting any of the Planning Area out of the map would seem to be unnecessary, with respect to a digitized map.

Of course, an overlay of the Town limits on the georeferenced, digitized map may well be appropriate and neither the Sub-Committee nor I have any objection to that boundary's inclusion on a georeferenced, digitized version of the map. That boundary would certainly improve the use of the map as an aid to the Town and to the public.

I also note that the Open Space Committee's Sub-Committee pointed out there may be more areas than what are shown on Visual Resources Map No. 9 that might be considered "visually distinctive areas" or "visually significant areas" and that the current General Plan tasks the Planning Commission with the responsibility to:



OS-3.2.1.1: Evaluate and update Visually Significant Areas reflected on the Visual Resources Map; and

OS-3.2.1.2: Review the contents of the Visual Resources Map, at least once every five years, and update as appropriate.

I realize that there are numerous projects assigned to the Planning Commission in the current General Plan. However, to the extent that the Commission determines that the existing map referenced in the Ridgeline Ordinance is due for an update, I would urge us to be more deliberate and careful with respect to that process in order to ensure that the protections for Fairfax's ridgelines are not diminished in any way.

I would appreciate the inclusion of these comments and the attachments in the packet for our July 16, 2020 meeting, assuming this item is agendaized for that meeting. If the FOSC Sub-Committee members or former Council member Egger add additional comments via email, please also include those comments.










Feel free to reach out to me if you have any follow-up questions,

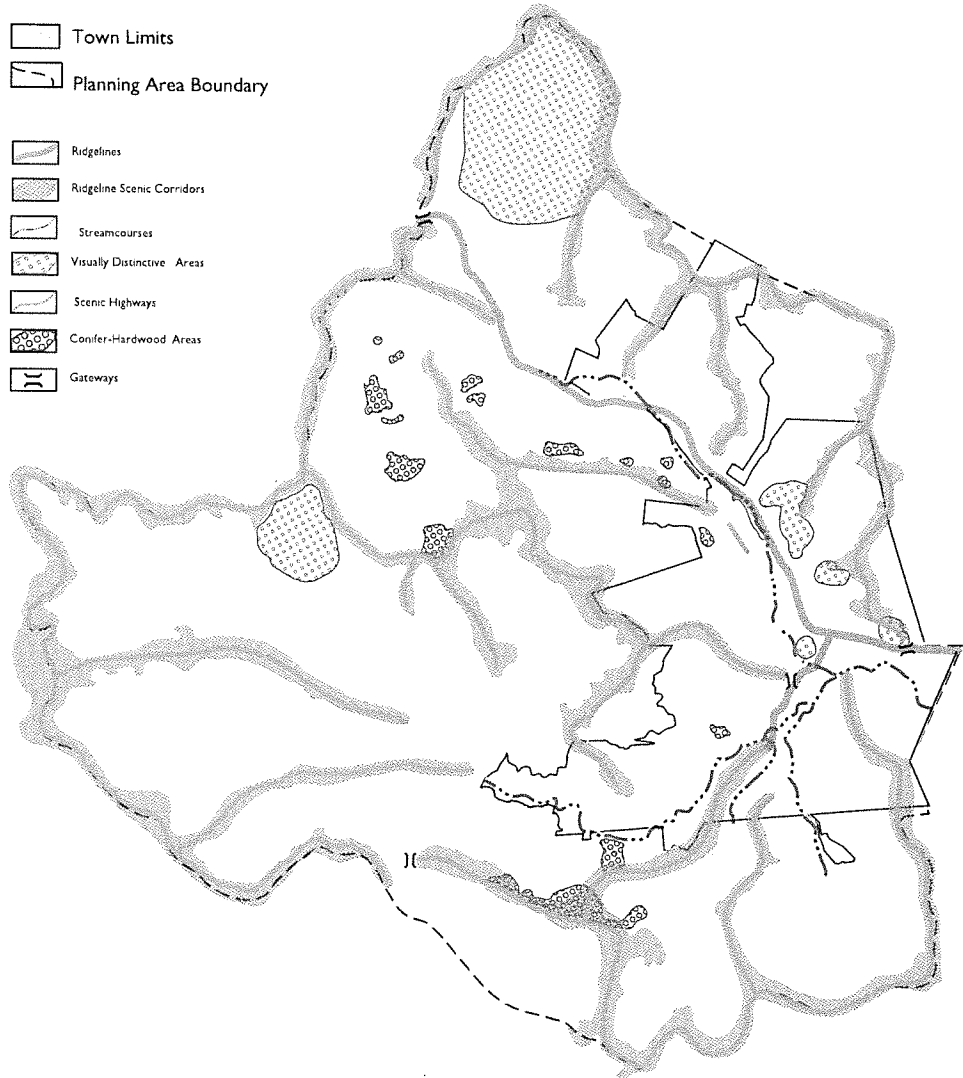
Thanks.

Mimi Newton  
Planning Commissioner

cc: Chair Green, Jack Judkins, Jonathan Sicroff, Ruth Horn, Frank Egger

(Attachments - 2)

-  Town Limits
-  Planning Area Boundary
-  Ridgelines
-  Ridgeline Scenic Corridors
-  Streamcourses
-  Visually Distinctive Areas
-  Scenic Highways
-  Conifer-Hardwood Areas
-  Gateways



# OPEN SPACE ELEMENT

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## INTRODUCTION

Fairfax is a town defined by open space. Open space not only exists within the town, it abuts most town boundaries and defines the views from Town Center, from most neighborhoods, and throughout the Fairfax Planning Area. 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.

In 2004, the Town Council created a standing Open Space Committee to further long-term goals to acquire and maintain open space lands in the Fairfax Planning Area. The Open Space Element of the General Plan plays a major role in maintaining the character of Fairfax, and shaping the future of the town. Open space tends to vanish over time unless it is protected. This document outlines ways for the Town of Fairfax and its residents to consider existing open space areas, protect them from development, and expand protections for open space in the future.

This Open Space Element establishes a series of programs in support of these goals. The Open Space Committee, with the support of the Town, is directed by this Element to create an inventory of underdeveloped and undeveloped land parcels that have intrinsic open space value. The Committee will further evaluate and prioritize the parcels in this

inventory based on established criteria, and become involved in the formal review of any development projects concerning these parcels. Other programs support the identification of Visually Significant Areas that characterize the appearance of the town, and establish design guidelines for development within these areas, to ensure that future generations enjoy our current level of access to open space, and a sensory experience of Fairfax as a town encircled by natural hillsides and ridgelines.

### **State Requirements**

The Open Space Element is one of seven elements required by the State of California for the Town's general plan. Once adopted, all future development must be consistent with the Open Space Element. Section 65567 of the State Government Code states that:

*No building permit may be issued, no subdivision map approved, and no open space zoning ordinance adopted, unless the proposed construction, subdivision or ordinance is consistent with the local open space plan.*

The State also requires the preparation and adoption of an "Open Space Zoning Ordinance" (Government Code (CG) Section 65910), which provides a set of requirements designed to protect the Town's open space resources.

### **SETTING**

The Fairfax Planning Area (see Figure LU-4 in the Land Use Element) is visually and geographically defined by prominent ridgelines that separate it from adjacent communities in Marin County. The total Fairfax Planning Area encompasses slightly less than 10 square miles, of which about 15 percent is currently developed. The undeveloped areas are predominantly steep slopes and rolling hills, covered primarily by grassland and by several types of woodlands. The Town itself is located in two valleys traversed by the San Anselmo and Fairfax Creeks, with the commercial core situated at the confluence of these two watercourses.

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.

The Fairfax Planning Area is located in the headwaters of the Ross Valley watershed. As a result, decisions made by the Town of Fairfax concerning the maintenance, protection and enhancement of open space and the local ecology have an impact upon downstream communities, and ultimately the ecology of San Francisco Bay (see Figure OS-1).

## **SOLVING THE OPEN SPACE CHALLENGE**

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.

Multiple points of view arise and must be weighed and addressed when open space issues are considered:

- Town residents value the qualities of the town defined by open space, and often fundamentally oppose development activities;
- Property owners have the right to develop their properties according to Town Code and zoning ordinances;
- Ecological issues must be understood and addressed to preserve natural resources for future generations; and
- Safety issues, such as those associated with the wildfire/urban interface, flood-prone areas, and slope stability and erosion must be addressed.

In accordance with the California General Plan Guidelines, Chapter 4, this element establishes goals for four relevant issues. These are:

- Open space for the preservation of natural resources.
- Open space used for the managed production of resources.
- Open space for outdoor recreation.
- Open space for public health and safety.

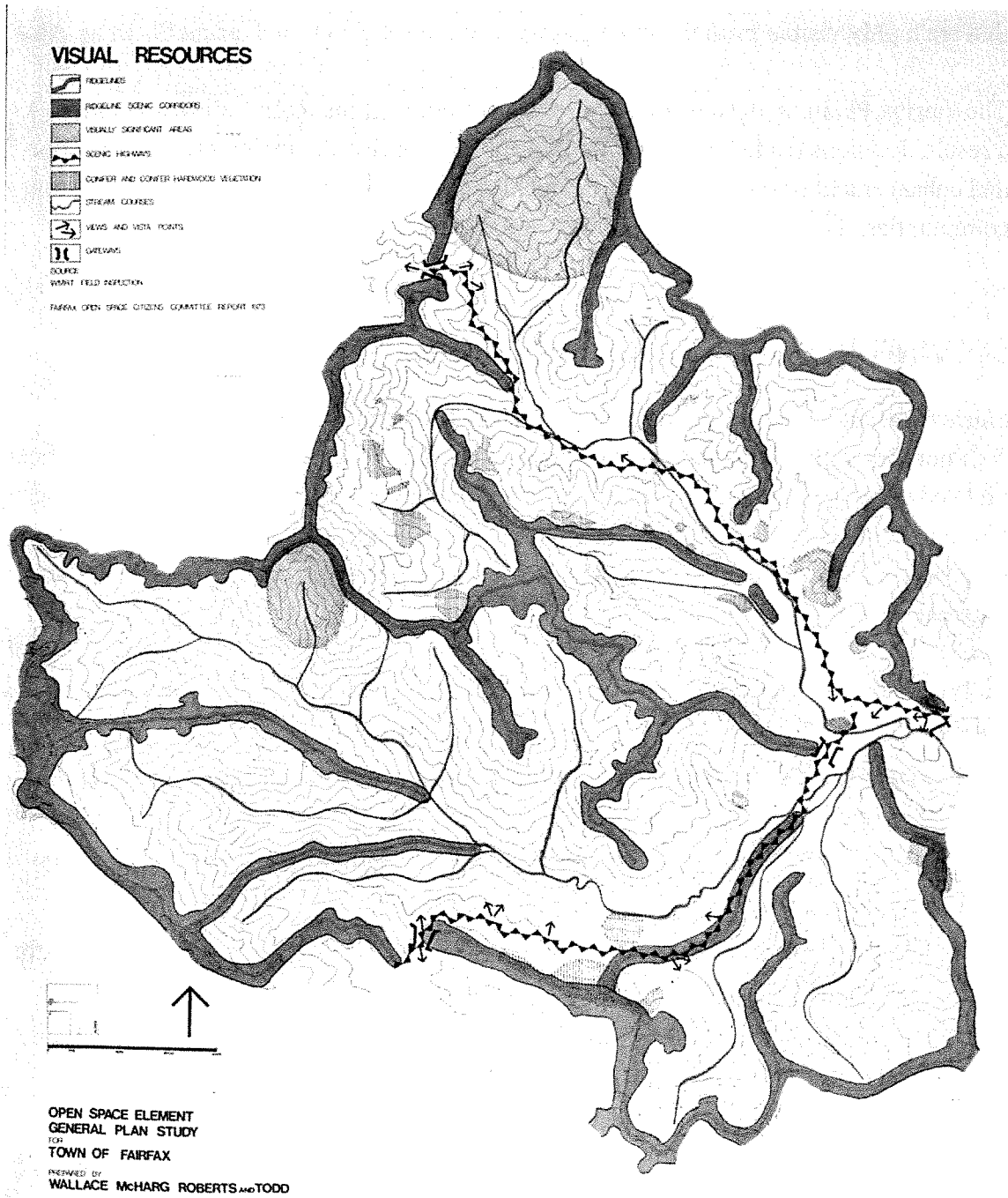


Figure OS-1 Map of Visual Resources

## REGULATORY FRAMEWORK AND TERMINOLOGY

### Open Space

California GC Section 65560 (b) defines open space as follows:

*“Open-space land” is any parcel or area of land or water that is essentially unimproved and devoted to an open-space use as defined in this section, and that is designated on a local, regional, or State open-space plan as any of the following:*

- 1. Open space for the preservation of natural resources including, but not limited to, areas required for the preservation of plant and animal life, including habitat for fish and wildlife species; areas required for ecologic and other scientific study purposes; rivers, streams, bays and estuaries; and coastal beaches, lakeshores, banks of rivers and streams, and watershed lands.*
- 2. Open space used for the managed production of resources, including but not limited to, forest lands, rangeland, agricultural lands and areas of economic importance for the production of food or fiber; areas required for recharge of groundwater basins; bays, estuaries, marshes, rivers and streams which are important for the management of commercial fisheries; and areas containing major mineral deposits, including those in short supply.*
- 3. Open space for outdoor recreation, including but not limited to, areas of outstanding scenic, historic and cultural value; areas particularly suited for park and recreation purposes, including access to lakeshores, beaches, and rivers and streams; and areas which serve as links between major recreation and open-space reservations, including utility easements, banks of rivers and streams, trails, and scenic highway corridors.*
- 4. Open space for public health and safety, including, but not limited to, areas which require special management or regulation because of hazardous or special conditions such as earthquake fault zones, unstable soil areas, flood plains, watersheds, areas presenting high fire risks, areas required for the protection of water quality and water reservoirs and areas required for the protection and enhancement of air quality.*
- 5. Open space in support of the mission of military installations that comprises areas adjacent to military installations, military training routes, and underlying*



*restricted airspace that can provide additional buffer zones to military activities and complement the resource values of the military lands.*

6. *Open space for the protection of places, features, and objects described in Sections 5097.9 and 5097.993 of the Public Resources Code.*

Subsections (1), (3), (4), and (6) of this definition are particularly relevant to the Fairfax Planning Area open lands. Within the Fairfax Planning Area, there are few open space areas used for the managed production of resources (subsection 2) and no military installations (subsection 5).

## **DESIGNATED OPEN SPACE**

Designated Open Space is real property that is protected from development and preserved in perpetuity as open space, through a formal instrument, or agreement, or other legally binding method. This designation may be established in several ways, including but not limited to:

- Land or interests in land that are owned by the Town of Fairfax, and are designated for open space purposes
- Land or interests in land that are owned by other public agencies, such as the Marin Open Space District, and that are dedicated to open space purposes
- Land or interests in land that are owned by private non-profit organizations, such as the Nature Conservancy or Greenbelt Alliance, and are protected as open space

Interests in land that preserve property for open space may also be in the form of a conservation, public access or open space easement, or may arise from binding restrictions on privately-held land that prevent the development of the land.

Designated Open Space does not have to be publicly accessible or available to the public for recreational purposes. For example the Marin Islands east of San Rafael are owned by various federal and State agencies, with restricted access to protect endangered species. As another example, the San Francisco Public Utilities Commission owns large tracts of open space watershed around the San Andreas Reservoir system west of San Mateo, California, that are not publicly accessible. For the purposes of this document, land areas that are protected from future development are considered Designated Open Space.

Much of what appears to be undeveloped or underdeveloped open space land within the Fairfax Planning Area is, in fact, privately held land that is not restricted to open space use. Much of this land may be assumed to be “designated open space” by the general public, when it is not. Even if development on those lands is constrained now, changes in technology, or the political or economic environment in the future may create opportunity for development that would affect the open space character of these lands.

### **Fairfax-Designated Open Space**

Fairfax-designated Open Space is space owned by the Town of Fairfax or where an easement creating open space is held by the Town of Fairfax.

## **GOALS, OBJECTIVES, POLICIES, AND PROGRAMS**

The four goals of this element 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 OS-1: Protect and preserve open space lands and native biotic resources within the Fairfax Planning Area.**

Existing open space must be preserved to encourage an ecology that will thrive for decades and millennia. Some aspects of preservation are covered by the Conservation Element, especially issues relating to water management and native species preservation. This goal focuses on the practical planning decisions that will support the ecology and beauty of both designated and undesignated open space and is similar to, and aligned

with, Land Use Element Goal LU-1 where policies are established that preserve the scenic and natural resources of lands adjacent to town boundaries.

***Objective OS-1.1: Codify Open Space Committee by Town Ordinance to assist in the implementation of the objectives, policies, and programs of this Element.***

Program OS-1.1.1.1: Staff to draft an ordinance and present it to the Town Council.

Responsibility: Town Manager, Planning & Building Services, Town Council

Schedule: Year One

***Objective OS-1.2: Create an inventory of undeveloped and underdeveloped lands within the Fairfax Planning Area.***

Appendix OS-A represents a preliminary inventory of approximately 30 known parcels within the Fairfax Planning Area that are undeveloped or underdeveloped.

***Policy OS-1.2.1: Identify all significant undeveloped and underdeveloped parcels within the Fairfax Planning Area.***

Program OS-1.2.1.1: Create an inventory of undeveloped and underdeveloped land parcels within the Fairfax Planning Area, and make the inventory publicly accessible. This inventory shall take the form of a map and a list, with specific information as described below. The inventory shall include parcels within the Fairfax Planning Area that have open space qualities or conservation issues, parcels that are undeveloped or underdeveloped, parcels that are currently a town asset through acquisition or dedication, and parcels that may contribute significantly to General Plan goals for conservation, land use and open space as well as parcels that tie into the open space goals of the county, adjacent municipalities or larger green belts.

Each parcel or group of parcels shall be described in sufficient detail that the precise parcel(s) can be easily identified, by common name, address, and/or parcel number. The description of each parcel or group of parcels shall identify:

- APN numbers.
- Size in acres.
- Location within or outside of the Town of Fairfax boundary.
- Whether it is undeveloped or underdeveloped.
- Ownership, current use, easements, and zoning and the Town and/or Marin county general plan designation.
- Connection to existing open space, or potential for connection to open space.
- Existing trails and access.
- A brief description and inventory of flora, fauna, habitat visibility within the planning area, wildlife corridors, and water resources.
- A brief description of potential liability issues, particularly concerning fire risk, falling trees, and landslides.
- Possible significance of the site in the event of an emergency or natural disaster.

This inventory shall become part of the General Plan, replacing Appendix OS-A, and shall be updated as necessary.

Responsibility: Planning and Building Services, Planning Commission, Open Space Committee, Town Council  
Schedule: Year One

Program OS-1.2.1.2: Notify the owners of all the parcels in the inventory that their parcel is in an inventory in the Fairfax General Plan, maintained by the Town of Fairfax. This notification should include:

- A statement that their parcel is valued by the Town of Fairfax for its open space and/or conservation potential should it ever become available for purchase.

- A copy of the approved Open Space Element.
- A request that they notify the Town of Fairfax if and when their property is ever offered for sale.

Responsibility: Planning and Building Services, Open Space Committee,  
Town Manager  
Schedule: Ongoing

**Policy OS-1.2.2: Educate the residents of Fairfax about the inventory of potential open space parcels in the Fairfax General Plan.**

Program OS-1.2.2.1: Publish the inventory of undeveloped/underdeveloped parcels on the Town of Fairfax website, <http://townoffairfax.org>.

Responsibility: Town Manager  
Schedule: Year One

**Policy OS-1.2.3: Educate the residents of Fairfax about ways that they can help create and preserve designed open space, by donating lands or granting easements to the town.**

Program OS-1.2.3.1: Create and publish information on the Town of Fairfax website <http://townoffairfax.org>, and the Open Space Committee website, about donations, easements, wills and trusts, and other methods by which Designated Open Space might be created.

Responsibility: Open Space Committee, Town Manager  
Schedule: Year One

***Objective OS-1.3 Prioritize the inventory of undeveloped and underdeveloped lands to identify parcels that connect or expand existing open space, create wildlife corridors, preserve endangered species, and/or contribute significantly to other objectives in the General Plan.***

The intent of this objective is to identify the special beauty or value of each parcel in the inventory, whether it is accessible by road or trail, whether it has special value from a conservation or ecological or recreational viewpoint, and whether it is inside one of the Visually Significant Areas shown on Figure OS-1.

**Policy OS-1.3.1: Evaluate each item in the inventory to identify the parcels that contribute the most to General Plan goals.**

Program OS-1.3.1.1: Organize the inventory created by Policy OS-1.2.1, so that the parcels that most significantly contribute to the objectives of the Open Space, Conservation and Land Use elements are easily identified. The evaluation shall be based on the information gathered for each parcel in Program OS-1.2.1.1. A qualitative description for each parcel will be provided for each item in the inventory, explaining the reason(s) that each parcel does or does not contribute to the objectives of the General Plan.

Responsibility: Open Space Committee

Schedule: Year Two

***Objective OS-1.4: Protect undeveloped and underdeveloped lands according to the list and priorities established by Objective OS-1.2 and OS-1.3 by converting them to Designated Open Space.***

**Policy OS-1.4.1: Any proposed development of a parcel in the inventory shall be reviewed by the Fairfax Open Space Committee.**

Program OS-1.4.1.1: Fairfax Planning and Building Services shall inform applicants proposing development of parcels in the inventory that their application will be reviewed by the Open Space Committee. Planning and Building Services will further encourage the applicant to contact the Open Space Committee before submitting their application and the Open Space Committee shall make a good faith attempt to meet with the applicant to discuss their application.

Responsibility: Planning and Building Services, Open Space Committee

Schedule: Ongoing

Program OS-1.4.1.2: The Fairfax Open Space Committee shall review each application for development of parcels in the inventory, and provide a written evaluation to the appropriate Planning and Building Services department. The evaluation shall be delivered before the end of the Planning Department's 30-day response window.

Responsibility: Planning and Building Services, Open Space Committee  
Schedule: Ongoing

**Policy OS-1.4.2: Encourage the creation of open space through clustered development on parcels in this inventory.**

Program OS-1.4.2.1: If development plans are presented to the Planning Commission for parcels on the inventory list, the commission should encourage clustered development on a small segment of the parcel, with provision of an easement on the undeveloped portion to create Designated Open Space.

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

**Policy OS-1.4.3: Acquire parcels in this inventory if they become available for purchase if possible.**

Program OS-1.4.3.1: If high-priority parcels on the inventory list come up for sale or auction, the Town Council shall consider allocation of funds from any available sources to acquire the property and create additional Designated Open Space (see Appendix OS-B).

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

**Policy OS-1.4.4: Acquire and encourage the acquisition of appropriate easements on parcels in this inventory, if possible.**

Program OS-1.4.4.1: Conservation and open space easements acquire development rights for the public, for all or part of a property, while ownership is retained by the property owner. If purchase is not feasible, the Town of Fairfax shall approach the owners of these properties to

investigate the possibility of creating Designated Open Space through acquisition of an appropriate easement.

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

Schedule: Ongoing

**Policy OS-1.4.5: Dedicate all or part of privately owned parcels in the inventory for use as open space, whenever possible.**

Program OS-1.4.5.1: Property owners shall be encouraged to set aside land dedicated to open space as a condition to development of parcels in the inventory. While access to these open space lands may be restricted, the preservation of open space land in its natural state is valuable.

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

Schedule: Ongoing

Program OS-1.4.5.2: Identify opportunities early in the planning process for transferring development rights between parcels to create dedicated open space. In some cases, mutual benefit can occur by transferring development rights from open space parcels to other parcels. This has the effect of creating or preserving open space while allowing for development elsewhere.

Responsibility: Planning and Building Services, Open Space Committee  
Schedule: Ongoing

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

***Objective OS-2.1: Assess the status of Fairfax-Designated Open Space on an annual basis.***

**Policy OS-2.1.1: Periodically update the assessment of each Fairfax-Designated Open Space parcel at least once every five years, as it appears in the inventory established by Objective OS-1.2.**



Program OS-2.1.1.1: Review each parcel in the inventory that is Fairfax-Designated Open Space, updating the description and inventory of flora, fauna, including any special status species, safety issues, native and non-native species, habitat, and wildlife corridors, at least once every five years (see Conservation Element).

Responsibility: Town Manager, Open Space Committee  
Schedule: Year 3-5

Program OS-2.1.1.2: Identify any appropriate management practices for each parcel in the inventory that is Fairfax-Designated Open Space, based on the information obtained by Program OS-2.1.1.1.

Responsibility: Town Manager, Open Space Committee  
Schedule: Year 3-5

***Objective OS-2.2: Where native resources may be impaired, undertake the restoration of Fairfax-Designated Open Space.***

**Policy OS-2.2.1: Implement the management programs for Fairfax-Designated Open Space, identified by Program OS-2.1.1.2.**

Program OS-2.2.1.1: Under the direction of the Town Manager, the Public Works Director shall implement the management programs for Fairfax-Designated Open Space, as identified by Program OS-2.1.1.2.

Responsibility: Town Manager, Public Works Director  
Schedule: Ongoing

***Objective OS-2.3: Educate both residents and visitors about maintenance concerns associated with Fairfax-Designated Open Space.***

**Policy OS-2.3.1: Identify educational materials about maintaining open space appropriate for the Fairfax Planning Area.**

Program OS-2.3.1.1: Create an inventory of existing educational materials on open space maintenance, including pamphlets, presentations, events, resources, web sites, and other publications.

Responsibility: Town Manager  
Schedule: Year One

**Policy OS-2.3.2: Provide public access to educational materials to residents of the Town of Fairfax.**

Program OS-2.3.2.1: Add links to the Town of Fairfax website, <http://townoffairfax.org>, connecting to the materials identified by OS-2.3.1.1.

Responsibility: Town Manager  
Schedule: Year One

Program OS-2.3.2.2: Work with Fairfax schools to develop appropriate educational programs concerning open space maintenance.

Responsibility: Town Manager  
Schedule: Year One

Program OS-2.3.2.3: Identify and explore other educational means to communicate information to the residents of Fairfax concerning open space maintenance, for example, signage appropriate for specific parcels.

Responsibility: Town Manager, Open Space Committee  
Schedule: Year One

***Objective OS-2.4: Encourage the removal of non-native species that are detrimental to the environment.***

**Policy OS-2.4.1: Identify existing educational materials about non-native species in the Fairfax Planning Area.**

Program OS-2.4.1.1: Create an inventory of existing educational materials on these species, including pamphlets, presentations, events, resources, web sites, and other publications.

Responsibility: Open Space Committee  
Schedule: Year 3-5

**Policy OS-2.4.2: Provide public access to educational materials to residents of the Town of Fairfax.**

Program OS-2.4.2.1: Add links to the Town of Fairfax website, <http://townoffairfax.org>, connecting to the materials identified by OS-2.4.1.1.

Responsibility: Town Manager

Schedule: Year One

Program OS-2.4.2.2: Work with Fairfax schools to develop appropriate educational programs concerning native and non-native species in the Fairfax Planning Area.

Responsibility: Town Manager

Schedule: Year One

Program OS-2.4.2.3: Identify and explore other educational means to communicate information to the residents of Fairfax concerning the removal of detrimental non-native species in the Fairfax Planning Area.

Responsibility: Town Manager, Open Space Committee

Schedule: Year One

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

***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.***

**Policy OS-3.1.1: Identify and map the existing recreational trails in and between open space lands in the Fairfax Planning Area. This inventory will include trails that have been historically used by the public for recreation since 1950 and continue to be used.**

Program OS-3.1.1.1: Update the inventory of public trails, lanes, pathways and public rights-of-way identified in **Circulation Appendix C-A** to include trails throughout the Fairfax Planning Area, and maintain the contents as appropriate.

Responsibility: Town Manager, Planning and Building Services, with the assistance of Fairfax Volunteers and/or the Open Space Committee  
Schedule: Year 3-5

Program OS-3.1.1.2: Update the existing Fairfax Recreational Trail Map created by the Fairfax Volunteers, enhance the map to include trails throughout the Fairfax Planning Area, and update the contents as appropriate.

Responsibility: Town Manager, Planning and Building Services, with the assistance of Fairfax Volunteers and/or the Open Space Committee  
Schedule: Year 3-5

**Policy OS-3.1.2: Make the Fairfax Recreational Trail Map publicly available to the residents of Fairfax.**

Program OS-3.1.2.1: Add a link to the Town of Fairfax website, <http://townoffairfax.org> providing access to the Fairfax Recreational Trail Map.

Responsibility: Town Manager  
Schedule: Year 3-5

Program OS-3.1.2.2: Work with Fairfax schools to develop appropriate educational programs concerning recreational trails.

Responsibility: Town Manager  
Schedule: Year 3-5

Program OS-3.1.2.3: Identify and explore other means to make the Fairfax Recreational Trail Map available to the residents of Fairfax.

Responsibility: Town Manager  
Schedule: Year 3-5

**Policy OS-3.1.3: Maintain the trails on the Fairfax Recreational Trail Map by marking and improving the trails as appropriate.**

Program OS-3.1.3.1: Provide signage at the ends of trails identified on the Fairfax Recreational Trail Map.

Responsibility: Public Works and Fairfax Volunteers  
Schedule: Year 3-5

Program OS-3.1.3.2: Improve the trails identified on the Fairfax Recreational Trail Map as appropriate.

Responsibility: Public Works and Fairfax Volunteers  
Schedule: Year 3-5

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

**Policy OS-3.2.1: Maintain the Visual Resources Map.**

Program OS-3.2.1.1: Evaluate and update Visually Significant Areas reflected on the Visual Resources Map.

Responsibility: Open Space Committee, Planning and Building Services  
Schedule: Year One

Program OS-3.2.1.2: Review the contents of the Visual Resources Map, at least once every five years, and update the contents as appropriate.

Responsibility: Planning and Building Services  
Schedule: Year 3-5

**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.**

Program OS-3.2.2.1: Update Fairfax Ordinance 17.060 to clarify conditions surrounding development near ridgelines, and encourage the County of Marin to align the Marin County Ridgeline Ordinance, as it exists as of the date of approval of this General Plan, with the Fairfax Ordinance 17.060

Responsibility: Planning Commission, Town Council  
Schedule: Year 3-5

**Policy OS-3.2.3: Prevent development from blocking or impairing existing views of Visually Significant Areas identified in Figure OS-1.**

Program OS-3.2.3.1: Review development applications to ensure that views of Visually Significant Areas are not negatively impacted.

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

***Objective OS-3.3: Constrain anthropogenic sound levels in and around open space areas so that natural sounds of flora and fauna are audible.***

**Policy OS-3.3.1: Constrain noise levels in Fairfax-Designated Open Space.**

Program OS-3.3.1.1: Revise Fairfax Town Code Chapter 8.20 to establish noise level restrictions for Designated Open Space at or below the restrictions for Residential and where possible Quiet Rural Areas (see Noise Element Table N-2).

Responsibility: Planning and Building Services, Planning Commission, Town Council  
Schedule: Year 3-5

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

***Objective OS-4.1: Create and preserve Designated Open Space to mitigate the threat of natural hazards.***

**Policy OS-4.1.1: Areas that are prone to landslides must remain as open space, or be developed with adequate engineering to mitigate the hazard.**

Program OS-4.1.1.1: Identify, and when appropriate designate, the areas that are prone to landslides that are in existing open space, and/or in the inventory established by OS-1.2.1.

Responsibility: Planning and Building Services, Open Space Committee  
Schedule: Year One

**Policy OS-4.1.2: Designated Open Space along creek channels and in flood-prone areas should be created whenever possible to mitigate flood hazards.**

Program OS-4.1.2.1: Identify, and when appropriate designate, the areas within the flood-prone areas that are in existing open space, or in the inventory established by OS-1.2.1.

Responsibility: Planning and Building Services, Open Space Committee  
Schedule: Year One

**Policy OS-4.1.3: Mitigate extreme wildfire hazard in open space areas by reducing fire risk and removing invasive non-native species.**

Program OS-4.1.3.1: Identify, and when appropriate designate, the areas that are at high risk of wildfires that are in existing open space, or in the inventory established by OS-1.2.1.

Responsibility: Planning and Building Services, Open Space Committee  
Schedule: Year One

***Objective OS-4.2: Minimize the visual and auditory impact of construction in open space areas.***

**Policy OS-4.2.1: Discourage utility structures in open space areas.**

Program OS-4.2.1.1: Require that the design, location and construction of utilities, in existing open space or parcels in the inventory established by OS-1.2.1, minimize harm to the area's environmental and visual qualities.

Responsibility: Planning and Building Services  
Schedule: Ongoing

## CHAPTER 17.060: RIDGELINE DEVELOPMENT

### Section

- 17.060.010 Purpose
- 17.060.020 Definitions
- 17.060.030 General requirements
- 17.060.040 Affected significant view corridors
- 17.060.050 Criteria for review of application
- 17.060.060 Application; procedures generally
- 17.060.070 Approval of design review application; required findings
- 17.060.080 Approval of application for exception; required findings
- 17.060.090 Time limits; extensions
- 17.060.100 Appeals
- 17.060.110 Enforcement

### § 17.060.010 PURPOSE.

The purpose of this chapter is to conserve the general public welfare by conserving the existing scenic resources and the sense of community and/or neighborhood identity now afforded by the presence of the unurbanized open spaces on the ridge tops above the town by preserving them in an open and scenically attractive state.

(Prior Code, § 17.32.010) (Ord. 352, passed - -1973; Am. Ord. 476, passed - -1980)

### § 17.060.020 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ADJACENT RIDGE.** The portion of the ridgeline within 150 feet horizontal distance or 100 feet vertical distance from the subject structure, from which a line drawn perpendicular to the ridgeline strikes or passes over the subject structure. When a structure is built in a swale between two ridges, the higher ridge will determine the height of the structure.

**MAJOR RIDGES.** Those areas located on Visual Resources Map No. 9.

**RIDGELINE.** The uppermost line in elevation traversing a major ridge (chain of hills).

**RIDGELINE SCENIC CORRIDORS.** Those areas defined as community and/or neighborhood separators and visual resources providing community and/or neighborhood identity, further defined as the area on either side of the ridgeline within 150 feet horizontal distance measured at right angles to the ridgeline or 100 feet vertically of the major ridge, whichever is a greater area as located on Visual Resources Map No. 9.

**SIGNIFICANT VIEW CORRIDORS.** Identified by the Planning Commission as places from which the visual impact of development in a ridgeline scenic corridor could be significant and contrary to the purposes of this title.

**UTILITY LINES.** Public or private utility distribution and transmission lines.

(Prior Code, § 17.32.020) (Ord. 352, passed - -1973; Am. Ord. 476, passed - -1980; Am. Ord. 764, passed 2-1-2012)



§ 17.060.030 GENERAL REQUIREMENTS.

(A) No building, accessory building, or structure or modification thereof, shall be erected within ridgeline scenic corridors as defined on Visual Resources Map No. 9, except in either of the following circumstances:

(1) The applicant demonstrates to the staff that an accessory structure or addition will have no impact on significant views due to the proposed location of the structure in relation to existing improvements; and/or

(2) The Planning Commission approves a permit for building in the ridgeline scenic corridor.

(B) If buildings, accessory buildings or additions and modifications to them must be placed within the restricted area, they shall be designed and located to have the least impact on existing visual resources.

(Prior Code, § 17.32.030) (Ord. 352, passed - -1973; Am. Ord. 476, passed - -1980; Am. Ord. 500, passed - -1982; Am. Ord. 764, passed 2-1-2012)

§ 17.060.040 AFFECTED SIGNIFICANT VIEW CORRIDORS.

(A) (1) In considering an application for building in the restricted area, the Planning Commission will determine the significant view corridors which are affected by the project.

(2) Significant view corridors will be addressed by the applicant in the application using photographs and/or illustrations which demonstrate how the proposed project is seen from:

(a) Public gathering places and major roadways;

(b) Neighboring properties and neighborhood roadways; and

(c) Critical points within the subject property.

(B) (1) Public gathering places and major roadways will be considered significant view corridors unless the Planning Commission makes the specific finding that a given location is not significant for a project.

(2) Neighboring properties, neighborhood roadways and points within the subject property may be significant if the Planning Commission makes the finding that regulation of views from the point is necessary to protect the general public welfare, as defined in the purpose of this chapter.

(Prior Code, § 17.32.040) (Ord. 352, passed - -1973; Am. Ord. 476, passed - -1980; Am. Ord. 764, passed 2-1-2012)

§ 17.060.050 CRITERIA FOR REVIEW OF APPLICATION.

(A) The Planning Commission shall use the following criteria to review applications.

(B) These criteria must be complied with unless an exception is granted by the Planning Commission.

(1) Native planting shall be retained to provide screening and avoid abrupt changes in the natural, vegetative cover. Extensive tree pruning and tree removal around structures shall be avoided.

(2) Additional screening and cover shall be provided, with new planting compatible with existing vegetation and designed to break up silhouettes, reflections and large,

unnatural surfaces. If required as a condition of design review approval, a maintenance bond shall be posted for one year to ensure the vitality of essential landscaping.

(3) Buildings, fences and structures shall be of materials and colors compatible with the surrounding area.

(4) Cuts, fills and retaining structures will be minimized.

(5) Roadways shall follow contours to also minimize cuts, fills and retaining structures. Disturbed areas shall be revegetated to harmonize with the surrounding environment, and retaining structures shall include planting or similar means, as necessary, to harmonize as well.

(6) No roads or streets shall be permitted to traverse a ridge.

(7) If exterior lighting is to be installed, it shall be of low-level intensity and low profile.

(8) (a) All utilities and cables shall be placed underground.

(b) Alternative energy sources, not including small residential rooftop solar energy systems, may be approved where their impacts are minimized. Small residential rooftop solar energy systems shall be subject to the review and approval procedures set forth in §§ 17.138.200 through 17.138.270. This provision supersedes § 17.044.020 of this title relating to public utilities.

(9) (a) All structures shall be located so that the roof does not extend above the ridgeline.

(b) No part of a building may exceed 35 feet to the adjacent grade.

(c) Where a ridge lot is too flat to allow placement of a roof of a building or structure down from the ridgeline, no part of the roof of the structure may extend more than 15 feet above the lowest elevation of the adjacent ridgeline.

(10) In order to minimize bulk and mass, long, unbroken rooflines and large, uninterrupted wall surfaces will be avoided.

(Prior Code, § 17.32.050) (Ord. 352, passed - -1973; Am. Ord. 476, passed - -1980; Am. Ord. 764, passed 2-1-2012; Am. Ord. 794, passed 10-7-2015)

#### § 17.060.060 APPLICATION; PROCEDURES GENERALLY.

(A) An application for a permit for building in the ridgeline scenic corridor shall be made in accordance with §§ 17.020.050 and 17.020.060 of this title.

(B) The Planning Commission may approve, modify, deny or continue an application for design review of development in a ridge line scenic corridor and exceptions in accordance with the procedures, including procedures governing notice of public hearings, as set forth herein.

(Prior Code, § 17.32.060) (Ord. 352, passed - -1973; Am. Ord. 476, passed - -1980; Am. Ord. 500, passed - -1982; Am. Ord. 628, passed - -1994; Am. Ord. 764, passed 2-1-2012)

#### § 17.060.070 APPROVAL OF DESIGN REVIEW APPLICATION; REQUIRED FINDINGS.

In approving an application for design review of a structure in a ridgeline scenic corridor, the Planning Commission must make the following findings:

(A) Other suitable building locations are not available on the site; and/or

(B) The visual impact of the proposed structure on significant view corridors has been minimized and the project substantially conforms to the criteria in § 17.060.040. (Prior Code, § 17.32.070) (Ord. 352, passed - -1973; Am. Ord. 476, passed - -1980; Am. Ord. 764, passed 2-1-2012)

§ 17.060.080 APPROVAL OF APPLICATION FOR EXCEPTION; REQUIRED FINDINGS.

In approving an application for an exception, the Planning Commission must make the following findings:

(A) The exception is the minimum necessary for use and enjoyment of the property;  
(B) The exception is necessary due to a particular topographical feature or location of the property; and

(C) Granting the exception results in a project which meets the intent of § 17.060.070. (Prior Code, § 17.32.080) (Ord. 352, passed - -1973; Am. Ord. 476, passed - -1980; Am. Ord. 764, passed 2-1-2012)

§ 17.060.090 TIME LIMITS; EXTENSIONS.

Notwithstanding any other provision of this chapter, any permit granted for building in the ridgeline scenic corridor shall comply with § 17.040.110 ("Permit Time Limits and Extensions") of Chapter 17.040 ("General Zone Regulations"). (Ord. 837, passed 10-2-2019)

§ 17.060.100 APPEALS.

Appeals shall be in accordance with the provisions in §§ 17.020.110 of this title. (Prior Code, § 17.32.100) (Ord. 352, passed - -1973; Am. Ord. 476, passed - -1980; Am. Ord. 764, passed 2-1-2012)

§ 17.060.110 ENFORCEMENT.

Enforcement shall be in accordance with the provisions in § 17.020.130 of this title. (Prior Code, § 17.32.110) (Ord. 352, passed - -1973; Am. Ord. 476, passed - -1980)