
MEASURE SUBMITTED TO THE VOTERS

CITY

**TOWN OF FAIRFAX
INITIATIVE FOR CHANGE IN LAND USE DESIGNATION AND
ZONING OF MARIN TOWN AND COUNTRY CLUB PROPERTY
MEASURE C**

C Shall the ordinance to amend the General Plan and rezone the Marin Town and Country Club property, identified as Assessor Parcel Numbers 2-131-10 and 2-131-11, from its present Commercial Recreation classification to a Conditioned Planned Development District classification, permitting up to 79 residential units on 9½ acres, and providing 14 acres to the Town of Fairfax for open space or community recreation facilities, and \$500,000 to help fund those facilities, be adopted?

**TOWN OF FAIRFAX
INITIATIVE FOR CHANGE IN LAND USE DESIGNATION AND
ZONING OF MARIN TOWN AND COUNTRY CLUB PROPERTY
FULL TEXT OF MEASURE C**

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The Town Attorney of Fairfax has prepared the following title and summary of the chief purpose and points of the proposed initiative measure:

**TITLE: GENERAL PLAN AND ZONING ORDINANCE AMENDMENTS
CHANGE IN LAND USE DESIGNATION AND ZONING OF MARIN TOWN AND COUNTRY CLUB PROPERTY FROM "COMMERCIAL RECREATION" TO "CONDITIONED PLANNED DEVELOPMENT DISTRICT."**

SUMMARY:

This proposed initiative measure would amend the Fairfax General Plan and Zoning Ordinance by changing the present land use designation and zoning on the subject property. The measure would: (1) Create a Marin Town and Country Club CPDD Zone which would allow new uses limited to single family residences, not exceeding 79 units; related common residential use facilities; open space; and community uses, as described in section 1 of the proposed ordinance. Residential development would be limited to a portion of the Marin Town and Country Club CPDD Zone, as generally depicted on the illustration attached to the proposed ordinance, and made a part thereof. Paragraph 3 of the proposed ordinance references "recreational uses as described in Section 1" which are not defined as such in Section 1. (2) As a condition of the approval of any plan for residential development in the Marin Town and Country Club CPDD Zone, the Fairfax Planning Commission and Town Council would require the dedication, by conveyance of fee interest to the Town of Fairfax of 14 acres of land, as generally depicted on the illustration attached to and made a part of the ordinance for the preservation of open space and such other community uses, including the community use described in Section 1 of the ordinance, as may be recommended by the Fairfax Planning Commission and approved by the Town Council. (3) As a condition of approval of a residential development plan for the Marin Town and Country Club CPDD Zone, the Planning Commission and Town Council would require a private capital contribution in the amount of \$500,000.00 to be placed in a dedicated public account for the funding of such community recreational facilities on the dedicated property as may be undertaken by the Town of Fairfax upon the recommendation of the Fairfax Planning Commission and approval by the Town Council. No construction, or

additional funding, of community recreational facilities would be required as a condition of the approval of a residential development. (4) The Land Use Element of the Fairfax Area General Plan would be amended consistent with the change in the zoning classification of the area from the existing Commercial Recreation designation to the Marin Town and Country Club Conditioned Planned Development District designation. The zoning map maintained pursuant to the provisions of Section 17.08.020 of the Fairfax Town Code would be updated to show this zoning change. (5) Review and approval of any proposed plan for residential development in the new Marin Town and Country Club CPDD Zone would be conducted in accordance with the provisions of Chapter 17.58 of the Fairfax Town Code (the Planned Development District Zone Ordinance) and other applicable federal and state laws and local ordinances.

PUBLISHED NOTICE OF INTENT TO CIRCULATE PETITION

Notice is hereby given by the persons whose names appear hereon of their intention to circulate the petition within the Town of Fairfax for the purpose of adopting an ordinance rezoning the Marin Town & Country Club property from its present Commercial Recreation Classification to a Conditioned Planned Development District Classification. A STATEMENT OF THE REASONS OF THE PROPOSED ACTION AS CONTEMPLATED IN THE PETITION IS AS FOLLOWS: Passage of this initiative would provide for the creation of a 14-acre community park on approximately 60% of the 23.5-acre Marin Town & Country Club site. Authorized park facilities would include a public swimming pool, shower and changing rooms, a youth soccer field and a Little League ball field to be funded with a private contribution of \$500,000.00 which would be a condition of any residential development plan approved by the Town of Fairfax for the remainder of the site. A portion of the park would also be dedicated as permanent open space. The initiative would also allow the building of up to 79 single family detached homes on the remaining 9.5 acres, the current site of 40 cabins used as residential units.

/S/

Jack Felson

Claire Felson

The People of the Town of Fairfax do ordain as follows:

Section 1: PURPOSE AND INTENT. The location and characteristics of the Marin Town and Country Club property, an area of approximately 23.5 acres, are especially well-suited to planned development providing for a mixture of single-family residences, open space preservation and community uses, including but not limited to a community park with a public swimming pool, shower and changing rooms, a youth soccer field, and a Little League ball field. The reclassification of the area from its current Commercial Recreation zoning to Conditioned Planned Development District ("CPDD") zoning, as provided in this ordinance, responds to the Town's housing needs in a manner consistent with the Housing Element of the Fairfax General Plan, and will also promote the preservation of open space and other community uses.

Section 2: MARIN TOWN AND COUNTRY CLUB CPDD ZONE. Upon adoption of this ordinance, the real property within the Town of Fairfax commonly known as the Marin Town and Country Club, as shown on the Town of Fairfax 1991 Zoning Map, and more specifically described as Marin County Assessor Parcel Numbers 2-131-10 and 2-131-11, shall be rezoned from the existing Commercial Recreation designation to the Marin Town and Country Club Conditioned Planned Development District Zone.

Section 3: ALLOWED USES. New uses permitted in the Marin Town and Country Club Conditioned Planned Development District Zone shall be limited to single-family residences, not exceeding 79 units; related common residential-use facilities; open space; and community uses, including recreational uses as described in Section 1 of this ordinance. Residential development shall be limited to a portion of the Marin Town and Country Club CPDD Zone, as generally depicted on the illustration attached hereto and made a part of this ordinance.

Section 4: OPEN SPACE REQUIREMENT. As a condition of the approval of any plan for residential development in the Marin Town and Country Club CPDD Zone, the Fairfax

Measure C - Continued Next Page



FULL TEXT OF MEASURE C, Continued

Planning Commission and Town Council shall require the dedication, by conveyance of fee interest to the Town of Fairfax of 14 acres of land, as generally depicted on the illustration attached hereto and made a part of this ordinance, for the preservation of open space and such other community uses, including the community uses described in Section 1 of this ordinance, as may be recommended by the Fairfax Planning Commission and approved by the Town Council.

Section 5: PUBLIC FACILITY FUNDING REQUIREMENTS. As a condition of the approval of a residential development plan for the Marin Town and Country Club CPDD Zone, the Fairfax Planning Commission and Town Council shall require a private capital contribution in the amount of \$500,000.00 to be placed in a dedicated public account for the funding of such community recreational facilities, on the dedicated property as may be undertaken by the Town of Fairfax upon the recommendation of the Fairfax Planning Commission and approval by the Town Council. No construction, or additional funding, of community recreational facilities shall be required as a condition of the approval of a residential development.

Section 6: DEVELOPMENT PLAN REVIEW AND APPROVAL PROCESS. Subject to the specific limitations and conditions set forth in this ordinance, the review and approval of any proposed plan for residential development in the Marin Town and Country Club CPDD Zone shall be conducted in accordance with the provisions of Chapter 17.58 of the Fairfax Town Code (entitled "PDD Planned Development District Zone") and all other applicable federal and state laws and local ordinances.

Section 7: FAIRFAX GENERAL PLAN AND ZONING MAP AMENDMENTS. The Land Use Element of the Fairfax Area General Plan is hereby amended consistent with the change in the zoning classification of the area from the existing Commercial Recreation designation to the Marin Town and Country Club Conditioned Planned Development District designation. The zoning map maintained pursuant to the provisions of Section 17.08.020 of the Fairfax Town Code shall be updated to show this zoning change.

Section 8: SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance.

SEE MAP ON NEXT PAGE

**IMPARTIAL ANALYSIS BY TOWN ATTORNEY
MEASURE C**

The effects of the proposed measure are as described in the "SUMMARY", previously prepared by the Town Attorney, set forth above. Passage of this measure requires a majority vote. If the measure fails the current CR-Commercial Recreational zoning will remain in effect.

Any projects submitted pursuant to the proposed measure would be processed pursuant to Chapter 17.58 of the Fairfax Town Code.

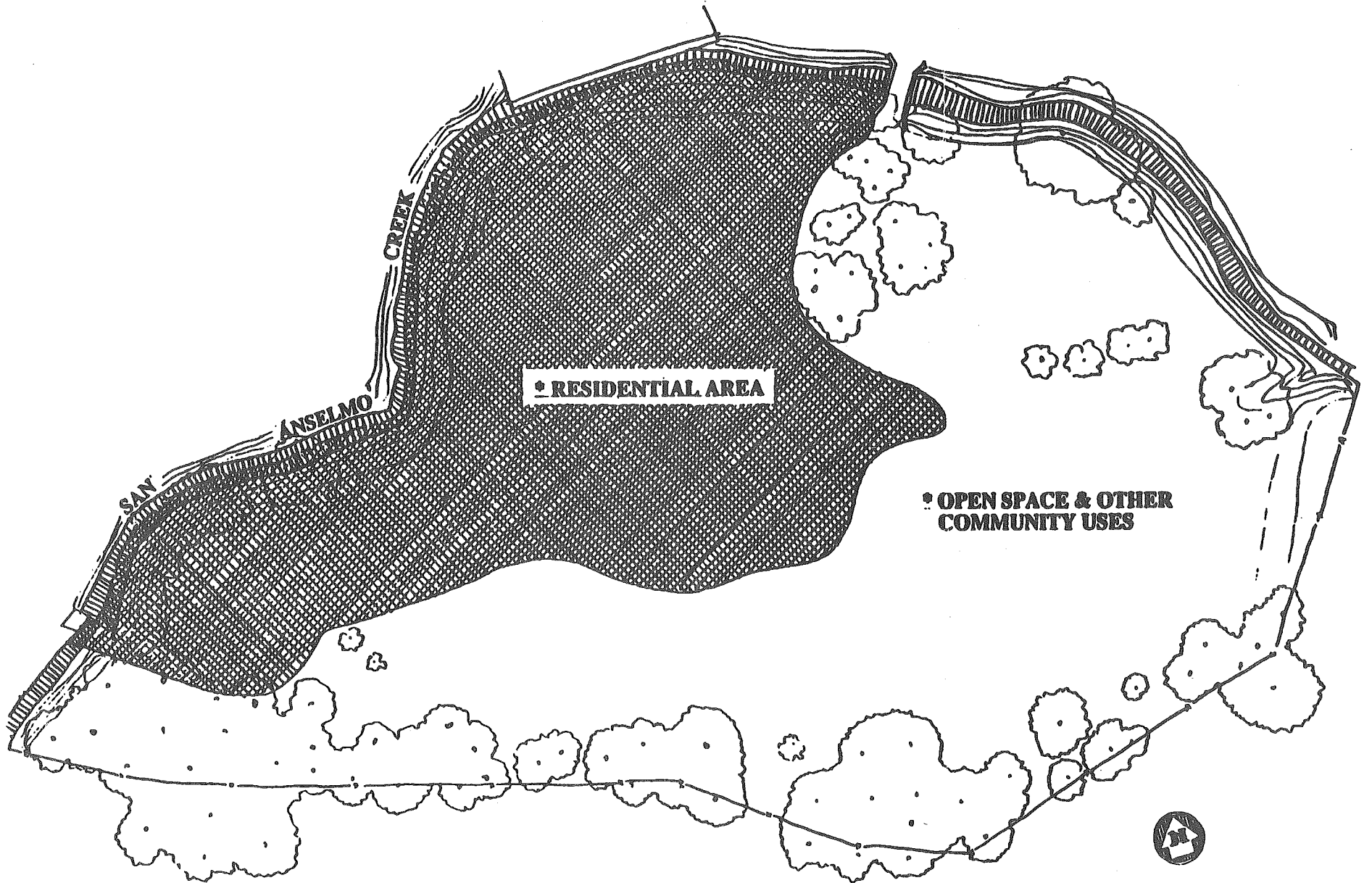
If this measure is approved, the resulting ordinance amending the General Plan and Zoning Ordinance cannot be repealed or further amended except by a vote of the people.

Dated: March 26, 1998

JOHN E. SHARP
Town Attorney

Measure C - Continued Next Page





TOWN & COUNTRY PARK

RESIDENTIAL AREA LIMITED TO SHADED AREA AND
REMAINDER DEDICATED TO OPEN SPACE AND OTHER COMMUNITY USES

Measure C - Continued Next Page



ARGUMENT IN FAVOR OF MEASURE C

The Town & Country property was for decades a recreational destination for Bay Area residents and tourists. With its seven swimming pools, cabins and magnificent grounds, the park attracted thousands of weekend visitors.

On busy days over 2,000 cars parked in Fairfax. Despite a stated desire by some residents to return the property to use as a regional park, this idea makes no sense. Traffic would be unimaginable.

Since the park closed in 1971, other proposals have included: 500 apartment units; a 600 unit retirement center; an RV park; and recently, 142 homes, with no park.

Our proposal for Town & Country has three key elements: first, 14.5 acres -- 60% of the land -- will be permanently donated to the Town of Fairfax for a park. Second, a required contribution of \$500,000 to Fairfax, for use only at the Town & Country property. Third, new home building will be limited to 79 homes, on the 9-acres (which already has 43 housing units).

The Fairfax Town Council and the local group, "It's Time for a Park" joined with other Ross Valley officials to explore ways to provide a park for local residents. After 3 years of study, public hearings and a survey of residents, that group concluded: **THE MOST VIABLE WAY TO GET A TOWN & COUNTRY PARK IS A MIXED-USE DEVELOPMENT.**

Our plan will come at virtually no cost to the taxpayers, and will generate thousands of dollars in fees, property and sales taxes for Fairfax. More important, our plan will finally return the Town & Country property to its best use--as a park, with a community swimming pool, soccer and baseball fields for Fairfax families.

It is time for a park. A "YES" vote on Measure C will guarantee Fairfax finally has the park it deserves.

s/ Randy Levine
Director, Yes on C

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE C

Don't be misled! "It's Time for a Park", which has been working toward public purchase of Marin Town & Country Club, is vehemently opposed to Measure "C". Fairfax and San Anselmo Town Councils have never endorsed this project. There has never been an application for either 500 apartments or a 600 unit retirement center, but the Buck Center on Aging did try to locate on MT&CC and was rebuffed.

◆ Developers are trying to scare you into approving rezoning.

◆ Developers don't want you to know the project's adverse impacts (i.e. **filling and destroying seasonal wetlands**, building new automobile bridge access at Pacheco, or cost of signalization at Pastori & Center), so they **won't do an EIR before the vote**. Indeed, they've never shown us a plan! They have no viable track record in Marin.

◆ MT&CC is registered as California Historical Landmark #697, Bird's Nest Glen, home of Lord and Lady Fairfax. *It's the Crown Jewel of Fairfax and deserves better than a subdivision.*

◆ 28 resort era cabins remain rented, generating about 160 daily vehicle trips (actual count by volunteers 3-24-98). Compare that to 79 large houses and 800 trips generated from new, two income, multiple car households; recreational traffic isn't even included.

◆ Ross Valley traffic is so bad, a 2nd paramedic unit had to be added (annual cost over \$600,000). Fire Chief Ron Zeise said, "Response times have been getting longer...because of more and more traffic." Marin I.J. 3-5-98

◆ The \$82,000 in Fairfax property tax generated by their proposed **subdivision** won't even cover necessary public services.

MEASURE "C" WILL NOT GUARANTEE FAIRFAX A PARK. VOTE NO.

s/ Nancy H. Helmers
Board Member, "It's Time for a Park"

s/ Wendy Wreden Baker
Former Fairfax Mayor

s/ Lewis E. Tremaine, III
Editor/Columnist

s/ Patrice Hickox
Board Member, "It's Time for a Park"

s/ Kyle Redford
"Save Marin Town and
Country Club" Committee

Measure C - Continued Next Page



ARGUMENT AGAINST MEASURE C

- **Imagine 800 daily car trips** onto already choked Center and Drake Boulevards. Don't be fooled by the developer's political campaign! This measure is about **building 79 houses on only 9 1/2 acres -- Fairfax's largest, densest, subdivision development in 25 years.**
- Back in 1972 Fairfax voters passed an initiative creating Commercial Recreation zoning for historic **Marin Town and Country Club**. The current CR zoning prevents large scale development from occurring on this environmentally sensitive land. It only allows appropriate recreational uses, and building is restricted to 10% of the land. The initiative was challenged; the California Supreme Court, in a precedent setting decision, upheld Fairfax voters' right to determine land use and zoning.
- The current Commercial Recreation zoning has served Fairfax well for 26 years. We've been spared the nightmares of over-development, traffic gridlock and **destruction of valuable floodwater retention area**. Creeks, trees and wildlife have survived on the site while they have been destroyed elsewhere. Fairfax maintains its unique and precious small-town character, in large part, thanks to that initiative.
- Over the years, there have been several attempts to rezone the property and allow large scale development. In every such instance, Fairfax voters have rejected these attempts. Now we have another **out of town developer** and **professional campaign consultant** trying to push **big city development** on *our small town*.
- Don't be tricked by slick incentives, such as promises of land and money. Their offer will not come close to paying for a park and pool, but the developer can still build 79 houses, damage the environment, radically increase traffic and squander the recreational resources. Using planning department guidelines, **79 houses will generate 800 daily vehicle trips.**
- The Sierra Club, Marin Group, has joined leading Ross Valley residents in opposing the rezoning and inappropriate, short-sighted residential use of this property.

VOTE NO! on "C"

s/ Mary Jo Rice
Chair--Save Cascade Ridge
s/ Douglas Wilson
Former Fairfax Mayor
s/ Frank Egger
Fairfax Town Councilmember

s/ Jack Judkins
Fairfax Planning Commissioner
s/ Patricia G. Lesavoy, Ed.D.
President, Park Area Neighbors

REBUTTAL TO ARGUMENT AGAINST MEASURE C

- Town and Country Park's **opponents'** arguments are **untruthful** and intended to **scare** voters.

Fairfax's choice is clear:

-- *Reject Measure C* - face NO viable option to acquire any part of Town & Country for a park for Fairfax residents now, or in the foreseeable future.

-Or-

- ✓ **Pass Measure C** - secure the deeding of 14 acres (60% of land) to Fairfax for a park; a contribution of half a million dollars, expressly to build a community pool, ballfields, or other recreational facilities that the Town of Fairfax decides it needs. In exchange, the developer will have the right to build up to 79 homes in a village setting, an addition of 36 homes beyond the 43 residential units already on the property.
 - Opponents' claim of **800 additional auto trips is a ridiculous fabrication**. A top traffic engineer has studied the proposed traffic issues related to Marin Town & Country Park. The study found during the peak period there will be an additional 1 trip entering the park property every 2 minutes, 1 trip leaving the park property every 3 minutes -- minimal impact to peak traffic flow.
 - The impact of a full **regional park** would be a **traffic nightmare**. During the 1960's, Town and Country Club brought more than 2000 cars into Fairfax on a busy day. A smaller community park will better serve Fairfax.
 - Finally, the Town of Fairfax will require the developer to mitigate all environmental impact to the creek and the property.
- ✓ **Vote YES on Measure C.**

s/ Steven M. Vanni
s/ Alfred M. Oppenheim
s/ Patricia A. Oppenheim
s/ Mike Ghiringhelli
s/ Linda M. Berry
Chiropractor/Nutritionist

End of Measure C

