

COASTAL CONSERVANCY

Staff Recommendation
June 6, 2024

WALL PROPERTY ACQUISITION

Project No. 24-020-01
Project Manager: Sara Haugen

RECOMMENDED ACTION: Authorization to disburse up to \$500,000 to the Town of Fairfax to acquire the approximately 100-acre Wall Property in Marin County for the protection, restoration, and enhancement of natural resources, wildlife habitat, open space, California Native American tribal cultural resources, and compatible public access.

LOCATION: Town of Fairfax, Marin County

EXHIBITS

Exhibit 1: [Project Location and Site Maps](#)

Exhibit 2: [Photos](#)

Exhibit 3: [Project Letters](#)

RESOLUTION AND FINDINGS

Staff recommends that the State Coastal Conservancy adopt the following resolution and findings.

Resolution:

The State Coastal Conservancy hereby authorizes a grant of an amount not to exceed five hundred thousand dollars (\$500,000) for the Town of Fairfax (“the grantee”) to acquire the approximately 100-acre Wall Property (“Property”) in Marin County (Marin County Assessor’s Parcel Nos. 001-171-51, 001-251-31, 001-150-12, and 001-160-09), depicted in Exhibit 1 to the accompanying staff recommendation, for the protection, restoration, and enhancement of natural resources, wildlife habitat, open space, California Native American tribal cultural resources, and compatible public access. This authorization is subject to the following conditions:

1. Prior to the disbursement of funds for the acquisition, the grantee shall submit for the review and approval of the Executive Officer of the Conservancy (Executive Officer):

- a. All relevant acquisition documents for the acquisition including, without limitation, the appraisal, purchase and sale agreement, deed, escrow instructions, environmental or hazardous materials assessment, and title report;
 - b. A baseline conditions report; and
 - c. Evidence that sufficient funds are available to complete the acquisition.
2. The grantee shall pay no more than fair market value for the Property as established in an appraisal approved by the Executive Officer.
 3. The Property acquired under this authorization shall be managed, operated, and used for the protection, restoration, and enhancement of natural resources, wildlife habitat, open space, California Native American tribal cultural resources, and compatible public access. The Property shall be permanently dedicated to those purposes by an appropriate instrument approved by the Executive Officer.
 4. Conservancy funding shall be acknowledged by erecting and maintaining a sign on the property or in a nearby publicly-viewable area, the design and location of which are to be approved by the Executive Officer.

Findings:

Based on the accompanying staff recommendation and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with Chapter 4.5 of Division 21 of the Public Resources Code, regarding addressing the impacts and potential impacts of climate change on resources within the Conservancy's jurisdiction.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria.

STAFF RECOMMENDATION

PROJECT SUMMARY:

Staff recommends the Conservancy disburse up to \$500,000 to the Town of Fairfax (the Town) to acquire the approximately 100-acre Wall Property (Property) in Marin County for the protection, restoration, and enhancement of natural resources, wildlife habitat, open space, California Native American tribal cultural resources, and compatible public access (Exhibit 1).

The Property is the last large remaining undeveloped hillside parcel in the Ross Valley watershed and was identified as a Priority Conservation Area (PCA) by the Fairfax Town Council and the Association of Bay Area Governments under the One Bay Area process in 2015 for "benefits to terrestrial ecosystems, water supply and quality, compact growth, community health, recreation." Acquisition of the Property will also contribute to California's 30x30 initiative to conserve 30% of California's lands and coastal waters by 2030. The Conservation Lands Network, the uplands-focused strategy of the San Francisco Bay Area's three regional conservation strategies, identifies the Wall Property as both contributing to achieving regional conservation goals and at high risk of urban sprawl in the next 10 years. This is because the

Property is zoned for up to 10 single-family residential subdivision lots and the property owner made several development proposals from 2013-2023 before recently entering into an Option Agreement with Marin Open Space Trust (MOST). In the current environment, future pressure for residential development will remain intense and the loss of valuable natural, visual, and recreational resources will be threatened and eventually lost unless this acquisition is completed.

Acquisition of the Property will also secure the neighboring communities' access to a network of regional trail systems. For over 20 years, the Marin Countywide Plan has included two proposed trails on the Property as connectors to nearby open space areas. The trails and fire roads on the Property are a gateway to open space areas from downtown Fairfax along a public transit route. There is also access from bordering San Anselmo neighborhoods and the Hawthorne Canyon Open Space Area. The Property's location provides access to Point Reyes to the west, Novato to the north, and the Baylands to the east. At the top of the ridge, the Property connects to public roads and from there provides access, along easements, publicly owned land, and short segments of streets, to a slew of dedicated local and regional open space lands and trails systems including the Bay Area Ridge Trail (see Exhibit 1). For these public access and habitat connectivity values, the local community is committed to preserving the Property as open space.

MOST has been facilitating this acquisition, and to date has raised over one million dollars in pledges and \$80,000 in donations from individuals, reflecting the community's commitment to protecting the Property. The acquisition is anticipated to close in October 2024. The Town will hold title to the Property and is considering an agreement with Marin County Open Space District to manage the trails and any restoration efforts. Long-term plans for the Property may include trail safety improvements, vegetation management to improve wildfire resilience, such as thinning and removal of invasive plants, habitat restoration and engagement with local conservation corps.

Site Description: The privately-owned Wall Property is located on the north side of Ross Valley within the Ross Valley Watershed and is visible from Fairfax and nearby communities as a continuous natural, forested area along the northern ridgelines of the drainage. Views from the three ridgelines on the Wall property span the entirety of Mount Tamalpais, most of the northern slope of Mount Tamalpais State Park, much of the Corte Madera Creek watershed, and the Ross Valley, including the downtowns of Fairfax, San Anselmo and Ross, and the hillsides and mountains to the west and to the east (see Exhibit 2).

The Property contains significant coast live oak woodland, California bay forest, and mixed native grasslands and chaparral. The coast live oak woodland area covers half of the 100-acre site and is dominated by coast live oak, and also contains Pacific madrone, big-leaf maple, California bay and California buckeye. The California bay forestland encompasses approximately 20 acres, intermixed with madrone and maple trees. In addition to the more common wildlife species (deer, racoons, mice, coyotes, lizards, woodpeckers, crows, ravens, hummingbirds, and vultures), special status species have been observed or are expected to utilize the property, including raptors (peregrine falcon, white-tailed kite, loggerhead shrike), monarch butterflies, bats, and dusky footed woodrats.

Grant Applicant Qualifications:

The Town of Fairfax was incorporated in 1931 and is about 2.2 square miles in area. The Town has an active Town Council with strong partnerships in Marin County, including with Marin County Parks and with the Marin County Open Space District, which will likely manage the Property following acquisition. The Town has a history of collaborating with Marin County on open space protection and management, including incorporating the Elliot Nature Preserve into the Cascade Canyon Open Space Preserve, and acquiring the Sky Ranch property. Previously, the Town contributed funds to MOST's acquisition of the Upper Hawthorne Canyon property adjacent to the Property. In addition to designating a subcommittee for the purposes of this acquisition, the Town has three advisory committees (Fairfax Open Space Committee, Fairfax Climate Action Committee, and Measure A Oversight Committee) consisting of volunteers that support the Town's conservation efforts.

The Town's funding partner, MOST, is a 501(c)(3) nonprofit organization that was founded in 2008 to permanently preserve Marin County's unprotected open space lands. MOST has since completed ten land acquisition projects, some of those funded by the Conservancy in partnership with the Marin County Open Space District. In addition, MOST received and managed grants totaling \$3.1 million in 2022 from the California Wildlife Conservation Board and the California Natural Resources Agency to purchase a conservation easement on the former San Geronimo golf course.

CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA:

The proposed project is consistent with the Conservancy's Project Selection Criteria, last updated on September 23, 2021, in the following respects:

Selection Criteria

1. Extent to which the project helps the Conservancy accomplish the objectives in the Strategic Plan.

See the "Consistency with Conservancy's Strategic Plan" section below.

2. Project is a good investment of state resources.

The proposed project to acquire the 100-acre Wall Property is a good investment of state resources because as mentioned in the Project Summary, the Property is a PCA, Marin County has proposed trails on the Property in its Countywide Plan, and its protection will contribute to California's 30x30 Executive Order and access goals. Funding by the Conservancy will also leverage significant private donations and local public agency contributions.

3. Project benefits will be sustainable or resilient over the project lifespan.

The proposed project will permanently protect the Property from development, improve habitat connectivity, and create and maintain new regional public access connections. Long-term benefits include management for biodiversity and year-round public access. Acquisition of the Property will provide the opportunity for future restoration of certain portions of the Property that have non-native vegetation, allow for fire reduction measures already being

undertaken on adjacent public lands, and enable the application for local fire resilience grant funding available to public entities to reduce fuel load and remove highly flammable non-native plants. These opportunities will increase the resilience of the Property in the face of climate change and associated increased fire risk.

4. Project delivers multiple benefits and significant positive impact.

The proposed project will deliver multiple benefits including 1) public access trail connections to communities and adjoining open space preserves, 2) undeveloped areas providing habitat for federally protected special status species, 3) a wildlife corridor for wildlife to move from one undeveloped area to another, and 4) the land serves to filter rain falling into a major drainage which flows into Corte Madera Creek and ultimately the San Francisco Bay.

5. Project planned with meaningful community engagement and broad community support.

There is broad community support for this project from local agencies, elected officials, and community members (see Exhibit 3). The Fairfax Open Space Committee in conjunction with MOST has held several public meetings recently regarding the proposed acquisition. Each was well-attended and many members of the public provided input, support, and volunteer hours in the fundraising effort. The Town is also holding events such as a BioBlitz for the community to get to know the plants and animals inhabiting the Property. To date, with the help of local citizens, the Fairfax Open Space Committee, the San Anselmo Open Space Committee, and MOST participated in a major fundraising event, which was attended by hundreds of community members. MOST has received donations or pledges from over 130 individuals. Other members of the community have been very involved with the acquisition including hiking and biking groups representing Marin residents, and neighboring property owners.

PROJECT FINANCING

Coastal Conservancy	\$500,000
Town of Fairfax	\$100,000
Marin County Parks (grant pending)	\$1,000,000
Marin Open Space Trust	\$50,000
Private donations secured by MOST	\$80,000
Anticipated	\$620,000
Project Total	\$2,350,000

Conservancy funds are anticipated to come from an FY 2022/23 appropriation from the General Fund to the Conservancy for the purpose of “urgent sea level rise adaptation and coastal resilience needs using nature-based solutions or other strategies” (The Budget Act of 2022, SB 154 as amended by Budget Act of 2023, SB 101). The coastal resilience funds are available as described in Section 52 of Chapter 258 of the Statutes of 2021, which sets forth a detailed description of the purposes of the coastal resilience funds, including projects for the purpose of the San Francisco Bay Area Conservancy Program. The proposed project is consistent with this

funding source because it is within the San Francisco Bay Area Conservancy Program established pursuant to Chapter 4.5 of Division 21 of the Public Resources Code.

The Town and MOST are continuing to solicit private and public funds to close the funding gap and to secure funding for immediate property management needs.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

The proposed project is being undertaken pursuant to Chapters 4.5 (regarding the San Francisco Bay Conservancy Program) of Division 21 of the Public Resources Code.

Chapter 4.5 authorizes the Conservancy to undertake projects and award grants in the nine-county San Francisco Bay Area that will improve access to, within, and around the bay, coast, ridgetops, and urban spaces, consistent with rights of private property owners through completion and operation of regional bay, coast, water, and ridge trail systems (Section 31162(a)). Consistent with this section, the recommended project will improve access to and within regional bay and ridgetop trail systems, including the Bay Area Ridge Trail, Loma Alta County Preserve, Terra Linda Sleepy Hollow Preserve, Lucas Valley Open Space Preserve, Ignacio Valley Preserve, and Pacheco Valley Preserve in Marin County, a San Francisco Bay Area county.

Section 31162(b) states that the Conservancy may undertake projects and award grants that will protect, restore, and enhance natural habitats and connecting corridors, watersheds, scenic areas, and other open-space resources of regional importance. Consistent with this section, the recommended project will protect and enhance grasslands and oak woodlands that provide critical linkages and corridors for protected wildlife and create connectivity with and outstanding views of public lands in all directions (see the "Project Summary" section above).

CONSISTENCY WITH CONSERVANCY'S 2023-2027 STRATEGIC PLAN:

Consistent with **Goal 3.1, Conserve Lands**, the proposed project will protect public access properties.

CEQA COMPLIANCE:

The project is exempt from CEQA under California Code of Regulations, Title 14, Section 15325, which exempts acquisition of land to preserve open space and habitat, with examples including acquisition to preserve existing natural conditions, to allow restoration of natural conditions and to preserve lands for park purposes. Upon approval of the project, staff will file a Notice of Exemption.