

OPEN SPACE ELEMENT

A. INTRODUCTION

San Anselmo is a unique community, situated among the trees and hills of the beautiful Ross Valley. The community owes its special atmosphere in large part to the undeveloped ridge tops and hillsides within the town borders. These open spaces form natural borders that give the town and its neighbors an identity unmatched by most Bay Area communities. However, much of the undeveloped land in San Anselmo is private property whose owners have the right to develop and the Town can expect them to do so. Unless such property is acquired and/or dedicated for permanent preservation, as publicly held open space, it must be assumed that private development will occur.

The Town recognizes that these privately owned lands are likely to be developed. Accordingly, the Open Space Element formulates a strategy which is designed to preserve priority open space lands in the Town, and in its adjacent 'sphere of influence'. The attainment of the open space objectives requires the cooperation of property owners, residents, community leaders, citizens, and elected officials of the incorporated and unincorporated communities adjacent to San Anselmo. Preservation of open space lands needs to be accomplished by balancing both the interests of the Town and the rights of property owners.

B. CURRENT STATUS OF OPEN SPACE

San Anselmo is situated in a valley with a corridor developed along its center. The hills surrounding the Town create a distinct greenbelt around San Anselmo that separates the Town from other adjacent communities.

In the south to west, Mt. Baldy and the ridgelands sloping to the north provide a beautiful natural backdrop to San Anselmo as well as neighboring communities.

In the north and to the east, beyond the existing developed areas, open ridgelines and grassy, tree-studded slopes give residents the benefits of a rural, more open environment, as existed in San Anselmo around the turn of the century.

One mutual goal of the Marin Countywide Plan and the San Anselmo General Plan is to preserve town identity by the preservation of greenbelts between communi-

ties. These buffer zones provide view corridors, recreation needs, and natural habitat for wildlife and are very important quality-of-life elements.

Today, the pressure of an inflated real estate market has resulted in the loss of many of these valuable open space lands. Land for homes in Marin County and San Anselmo is becoming increasingly scarce. There is intense pressure to develop the last remaining lands in the Town, including the ridges and hillsides.

Most available land in San Anselmo has already been developed. The undeveloped parcels remaining are located on hillsides and ridgetops and tend to be more difficult to build on due to remote access or geologic instability.

There is a great misconception concerning these undeveloped lands. Many residents assume that these lands are public open space and will remain that way forever. In fact, very little of San Anselmo's "open" land is preserved as public open space. Unless these lands are specifically protected--through purchase, by gift to the public, or some form of easement--each of the parcels has the potential of being developed. All of the parcels addressed in this element belong to private individuals and/or institutions.

As an example, one of the most prominent natural features of San Anselmo, the top of Mount Baldy, is privately owned. Historically, this property has been used by the public as an outdoor recreation area. Most people erroneously believe it to be publicly owned, or part of the Marin Municipal Water District, thus protecting it forever from development.

C. OPEN SPACE GOALS

San Anselmo's open space plan is intended to:

1. Create "open space greenbelts" which serve as separation buffers between the Town and adjacent communities;
2. Protect ridgelines, including the ridge zone, and preservation of the natural features of hillside lands; and
3. Protect highly visible hillside slopes and ridges from development, and maintain the visual presence of woodlands, riparian areas, and stream courses which are found on, or traverse, identified open space lands.
4. Provide recreational areas for Town residents.

The open space plan calls for a system of trails which will link open space lands with one another and with the residential areas they abut. Through integrating open space planning with all other physical development, San Anselmo can help assure that the integrity of its hillside, ridge, and stream environs will not be fragmented and their essence diluted and compromised into an anonymous "suburbia" that will satisfy no one.

D. OPEN SPACE CLASSIFICATION SYSTEM

The following definitions are included in the General Plan to make a clear distinction between parks and open space (both public and private).

1. Parks

Parks are public lands developed or planned for development which may include public facilities for active and/or passive recreation for residents and groups engaging in programmed recreation activities.

2. Public Open Space

Land owned by a governmental agency which has public access for nature study, hiking, etc. Such lands are to be left in their natural state, with no improvements more extensive than trails and fire breaks.

3. Private Open Space

Lands which remain in private or institutional (tax exempt) ownership and upon which the public may or may not have the privilege of entering. Such lands are open space by virtue of restrictions on the owner's right to develop, which may occur through:

- a. Zoning based on public safety considerations (e.g., geologic hazard, flooding, etc.).
- b. A relinquishment of development rights in one location for additional development rights in another location.
- c. Agreements by private owners to retain their land in agricultural use or as scenic open space for tax considerations.
- d. The preservation of lands for open space as a condition of approval of a subdivision or planned unit development or by other legal devices.

E. ISSUES, OBJECTIVES, AND POLICIES

The following is a list of open space issues facing San Anselmo, and the Town's objectives and policies relative to these issues. The issues have not been prioritized in this element.

ISSUE: Protection and Maintenance of Open Space Lands

Objective 1:

To protect from development those open space parcels which contribute directly to the Town's identity, its sense of separate place in relation to other communities, and the quality of life in the community. The properties which meet this criteria are listed in Appendix A.

Policies:

- 1.1 The Town will determine the relative importance of the properties listed in Appendix A in terms of their open space value.
- 1.2 The Town, in conjunction with one or more of the following agencies: the County of Marin, Fairfax, Ross, San Rafael, and the Marin County Open Space District, will establish a program for acquisition and preservation of priority open space properties.
- 1.3 The Town may sponsor community and areawide meetings, exhibits, and events to raise community awareness with regard to open space needs in San Anselmo and the surrounding area.
- 1.4 Any landowner or developer who intends to submit a land division or other development proposal for all or a portion of property listed in Appendix A will be required to meet with the San Anselmo Open Space Committee prior to submitting any development application.

The Committee must meet with the applicant within thirty (30) days of notification to discuss the Town's open space objectives and options for development. The applicant will be required to submit a written report of the findings of this meeting with the development application.
- 1.5 The Town's hillside and ridge protection policies and development densities will be used to protect the open space values of the properties listed in Appendix A if efforts to purchase open space have failed. Such efforts will include the establishment of lands designated as private open space.
- 1.6 To examine current management/maintenance arrangements and needs for existing open space lands and explore alternatives for meeting management goals.

ISSUE: Protection of Ridges

Objective 2:

To prohibit development on the ridgeline and within the ridge zone of the major ridges identified on the Open Space and Conservation Map, as well as the secondary ridges. (Also see Land Use Element Policies 7.1-7.6 and 9.1-9.8).

Policies:

- 2.1 The Bald Hill ridgeline shall extend from elevation 800 feet in the Town of Ross on the south, to elevation 400 feet near the San Anselmo/Fairfax Boundary on the north.
- 2.2 The Red Hill ridgeline shall extend roughly from east to west above the 300-foot elevation.
- 2.3 The Sunny Hills ridgeline extends from Memorial Park on the west to the San Anselmo boundary on the east.
- 2.4 The Indian Rock system of ridgelines lies above elevation 300 feet, north of Sorich Park.
- 2.5 The Camino de Herrera ridgeline extends from elevation 400 feet at the end of Camino de Herrera northward to the upper end of Woodside Drive at elevation 500.
- 2.6 The perimeter ridgeline extends from elevation 400 feet near the Fairfax/San Anselmo boundary northward along upper Oak Springs Drive to the northwest apex of the San Anselmo boundary, then northward, eastward, and southward around Sleepy Hollow to an end at elevation 500 feet in San Rafael east of the northeast boundary of Sorich Park.
- 2.7 The ridge zone shall extend 150 horizontal feet in both directions from the lowest elevation of the ridgeline, or fifty (50) feet vertically, whichever is more restrictive.
- 2.8 Construction within the ridge zone shall be permitted only when the applicant has demonstrated to the satisfaction of the Town Engineer and Planning Commission that construction outside of the ridge zone would be detrimental with respect to soil and geologic conditions, vegetation removal, drainage, and such other factors as are determined to be pertinent.

ISSUE: Private Open Space

Objective 3:

To require the preservation of open space on properties to be developed by requiring open space easement for properties listed in Appendix A.

Policies:

- 3.1 Development proposals for properties identified as open space lands in Appendix A must include private open space easements

covering those portions of the site which are identified as having unique site features and aesthetic qualities.

ISSUE: Access to Open Space Lands

Objective 4:

To provide and maintain a system of trails which will provide nonintrusive access from residential areas to open space and park lands.

Policies:

- 4.1 Trails shall be shown on Pages B-5 and B-6 of the Trails Element of the Marin Countywide Plan.
- 4.2 Trail access to open space lands is to be limited to pedestrian, nonmotorized vehicles, and equestrian traffic.
- 4.3 Trailheads shall be designed to prohibit access by offroad vehicles and motorcycles.
- 4.4 Trails shall be designed to blend into the surrounding landscape in such a way as to minimize environmental impact.
- 4.5 Subdivision and development proposals for properties adjacent to or abutting existing or planned public open space shall include provisions for providing public access over a trail system. Trails should be provided separate from roadways and sidewalks.
- 4.6 The landowner or developer required to provide trails under Policy 4.5 shall pay the cost of improving the trail system on the development site.
- 4.7 All public open space access easements shall be offered for dedication to the Town, the Marin County Open Space District, or other appropriate public agency.
- 4.8 The Town will require, as part of a subdivision or development proposal, the installation of a trail system on the subject property as shown on the adopted Open Space and Conservation Map.
- 4.9 Access to fire roads will be provided to bicycles under conditions similar to those imposed by Marin Municipal Water District.

Objective 5:

To provide a system of bikeways which can be used by people in their everyday business.

Policies:

- 5.1 To provide a system of bikeway routes which can be used for travel from residential areas to schools, shopping, and recreation areas.
- 5.2 Bicycle paths should provide access to open space areas.

- 5.3 Bike storage racks and sheds should be provided at major trail heads and at other community assembly areas.

F. IMPLEMENTATION

There are many options available to implement the objectives of the Open Space Element. These options are summarized below.

1. The Marin County Open Space District (MCOSD)

The Marin County Open Space District, established in 1972 is a tax-supported agency. The District has been instrumental in obtaining large tracts of land throughout the County for open space. Through the District, properties bordering San Anselmo and other areas adjacent to Sorich Ranch have been purchased and preserved as open space.

Cooperation between the MCOSD and other communities resulted in the purchase of the "Sun Valley Open Space" area. This area borders San Anselmo and was acquired with major funding from MCOSD. This successful project was achieved through the joint efforts of San Rafael, San Anselmo, and MCOSD and through a local assessment district.

County participation through MCOSD is limited by financial constraints and certain policy restrictions. Funds for purchase are limited and priorities are determined by a number of factors, including the extent of local commitment to public open space. The District can participate in financing the purchase of land along with other private or public entities. The District is legally allowed to fund only up to its own appraised value of property.

2. Local Assessment Districts

The purpose of assessment districts is to have the people most affected or benefited pay for those benefits. In the case of an open space assessment district, those property owners benefiting from the open space would pay some of the acquisition costs. Assessment districts are often viewed as the "grass roots" way of raising money toward the purchase of open space lands.

An assessment district can be of any size and legally its boundaries must be continuous. For example, owners of property within a district's boundaries are polled and asked to commit to the purchase of specific parcels for public open space. If the owners of 60% of the land areas within the assessment district sign a petition

indicating they wish to be assessed for a particular purchase, the Town Council can establish the assessment district. A lien is placed on each owner's property, committing the owner to pay a specified amount each year over a period of 20 to 30 years. However, assessments can be less than 20 years if desired. The MCOSD can also establish assessment districts, and an assessment district can include property in Town/City and County jurisdictions (with approval of both).

The principal advantage of assessment districts is that payment for the acquisition can be "spread out" over 20 to 30 years.

The major disadvantages are that financing, legal, and administrative costs tend to run higher than some alternative financing measures, and the establishment of the District boundaries can become difficult and arbitrary.

3. General Obligation Bonds

California municipalities can issue General Obligation Bonds to finance the acquisition of real property. These bonds are secured by the full faith and credit of the issuing government entity that has the authority to use property taxes to service the debt. The security on General Obligation Bonds is of the highest quality. Therefore, the interest rates on these bonds is generally the lowest of any public security.

Local property taxes can now be set above the 1% limitation of Proposition 13 to support General Obligation Bonds if the proposed issue is approved by two-thirds of those voting in a local election.

The principal advantage of General Obligation Bonds is the favorable interest rate to be paid and the 20–30 year term of payment.

The disadvantages are the cost of holding the election, the difficulty of attaining the two-thirds vote, and the cost of debt service is still substantial.

4. Mello-Roos Bonds (Community Facilities Districts)

Mello-Roos Community Facilities District Bonds (CFD) are a relatively new method of providing long-term tax-exempt financing. The CFD is created and adopts a plan to accomplish the financing objectives of the District. Payment for an open space purchase under this plan comes from assessments placed upon properties within the District. Assessments can be levied with considerable flexibility, such as an ad valorem tax (based upon the value of the taxpayer's property), a flat-

rate tax, or any option that is a benefit to the District. A 51% vote is needed to approve the District. If successful, the District issues debentures that are retired over a 20-30 year period.

The advantages of a CFD are the need for only a 51% approval vote and the ability of the District to include areas outside the Town limits. It would be possible, therefore, to include areas outside and adjacent to San Anselmo that are within the Town's "sphere of influence."

The main disadvantage of a CFD is that interest rates would be higher, thereby making debt service more costly.

5. Grants

There are various entities that give grants for the preservation of open space. The Marin Community Foundation and other charitable organizations have recognized the environment as a funding category for endowment.

6. Planning Options

a. Preservation through Dedication

Developers can be required to deed land for open space as part of their development agreements in San Anselmo.

In the past, the Town has sought the dedication of private open space in development agreements. While access to these private open space lands may be restricted, the preservation of private open space land in its natural state is valuable.

b. Public Access Easements across Private Lands

An excellent method of preserving open space lands is to gain public access over private properties. This is especially important when public lands lie beyond private properties. The easement affords a way for the public to have access to these lands.

c. Conservation Easement

In conservation easements, development rights are acquired by the public for all or part of a property while ownership is retained by the property holder. A good example of this is in West Marin, where the Marin Agricultural Land Trust is acquiring conservation easements to allow agriculture to continue.

d. Density Transfer

In some cases, mutual benefit can occur by transferring development rights from targeted open space parcels to other parcels. This has the effect of preserving open space while allowing for development elsewhere.

7. Miscellaneous Options

a. Open Space Endowment Fund

Create a permanent endowment fund for the purpose of acquiring and preserving open space in San Anselmo. This gives citizens a convenient way of deciding the future of San Anselmo.

b. Fundraising Events

Raise funds as well as raise community awareness with a 10-kilometer Ridge Run, family walks, slide shows, bird walks, and wildflower walks.

8. Prioritize Open Space Parcels

The Town will review the comprehensive list of open space parcels contained in Appendix A of the General Plan, and will evolve a prioritized list of parcels to hopefully acquire if funding can be found or generated through private interest groups or initiative efforts.

The disadvantage of public ownership of open space is that associated with maintenance and liability exposure. These two factors can add substantially to the cost of ownership of these properties, and should be considered when any purchase of open space land is contemplated.