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 Staff Analyst: Nicholas Dreher
 Commission Action:

STAFF REPORT: COASTAL DEVELOPMENT PERMIT

APPLICATION NO.: **2-09-013**

APPLICANTS: **Tomales Farm and Dairy, LLC**

PROPERTY OWNER: **Tomales Land & Cattle Company, LLC**

AGENT: Elliott Faxstein

PROJECT LOCATION: 26457, 26650 and 26825 State Route One, Tomales, Marin County. (APNs 102-080-01, -08, 102-090-13, 102-130-13, 102-120-01, 102-100-06, -02, 102-090-17, 102-100-07 100-090-13)

PROJECT DESCRIPTION: Application of Tomales Farm & Dairy LLC to merge and re-subdivide property totaling 100.1 acres, located on agricultural lands, at 26457, 26650 and 26825 State Route One, Tomales, Marin County.

ZONING DESIGNATION: C-ARP-2, C-ARP-20, C-VCR:B1, C-VCR:B-4, C-APZ-60

EXECUTIVE SUMMARY

Staff recommends that the Commission approve Coastal Development Permit application 2-09-013 with conditions. The proposed project would 1) merge and re-divide four existing lots on the west side of State Route 1 and 2) divide a single lot primarily east of State Route 1 into three lots, all of which occurs on the urban-rural community boundary of Tomales in Marin County. The Applicant's stated intent for the proposed project is to preserve certain agricultural lands while establishing areas for future residential development, to maximize agricultural uses where appropriate given the location of existing roads and to give property to a local church. The

proposed development raises several Coastal Act issues, including preservation of rural lands pursuant to Section 30250(a), Section 30241 agricultural land conversion criteria, ESHA and wetland protection (Sections 30240 and 30233), and scenic and visual resources protection (Section 30251). The project would effectively convert viable agricultural land for future residential development and would result in the shrinking of existing rural and agriculturally productive land on the Tomales Community urban-rural boundary. Also, the development is adjacent to prime agricultural lands and has the potential to diminish the productivity of these lands. The Coastal Act provides for the maximum protection of rural agricultural lands, but it does allow for the potential conversion of agricultural land on the urban/rural boundary under certain circumstances. Such conversions must meet specific tests such as the establishment of stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses. Coastal Act policies also only allow development adjacent to prime agricultural lands if it does not diminish the productivity of such agricultural lands.

To ensure that the proposed project is consistent with the Coastal Act, and that it will not result in unmitigated adverse impacts to agricultural viability on the urban-rural boundary, staff recommends the Commission adopt special conditions to revise the project and to restrict certain potential uses on the subject property. Special condition 1 requires the applicant to submit revised project plans eliminating proposed residential lot 1 from the west component of the proposed land division to prevent inappropriate land divisions and density levels and ensure that agricultural viability and productivity on the adjacent lots is not impaired, consistent with the requirements of Coastal Act Sections 30241 and 30250. Other recommended special conditions include deed restrictions limiting land uses on certain proposed lots to agricultural uses and those uses that are protective of the rural nature of the viable agricultural land, a right to farm restriction identifying potential future conflicts between adjacent residential and agricultural uses, and a requirement that the Applicant establish adequate water supply prior to issuance of a coastal development permit for future residential development. Upon adoption of these special conditions, staff believes the proposed project reflects the purpose and intent of the Coastal Act.

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1. **Regional Location Map**
2. **Aerial View**
3. **Parcel Map**
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6. **Detail of Proposed West Component**
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8. **Parcel Size Analysis Study Area Map**
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STAFF NOTES

1. **Jurisdiction & Standard of Review**

The Commission's retained jurisdictional boundary follows Keys Creek through existing west lot 3, west lot 4 and the central lot (Exhibit 5). The retained jurisdiction touches all the lots as they currently exist, prior to the proposed merger, re-division and division. The newly configured lot lines will be located within both the Coastal Commission's and local government's coastal development permit jurisdictions. In the case of any such division of land, the permit is issued by the Commission only for lots or parcels created which require any new lot lines or portions of new lot lines within the area subject to the Commission's retained jurisdiction. In such an instance the Commission's review is confined to those lots or portions of lots within its jurisdiction. In this case, all of the newly configured lots except new central lot 3 require new lot lines or portions of lot lines in the area of the Commission's retained jurisdiction.

The policies of Chapter 3 of the Coastal Act provide the legal standard of review for a coastal development permit application in the Commission's area of retained jurisdiction. The County of Marin's certified Unit II LCP and certified zoning regulations may be used as guidance.

I. **STAFF RECOMMENDATION**

The staff recommends that the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 2-09-013 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable amount of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the Executive Director of the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions

III. SPECIAL CONDITIONS:

1. Revised Plans

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the Applicants shall submit revised project plans to the Executive Director for review and approval. The revised project plans shall be consistent with the following requirements:

1. Removal of Proposed West Lot 1. The revised project plan shall redesign the West Component to exclude proposed west lot 1. The revised plans must incorporate that area encompassed by proposed west lot 1 into proposed west lot 3, expanding the proposed west lot 3 total area to 22.7 acres.

B. The Property Owner shall record the land divisions in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally necessary.

2. Agricultural and Open Space Deed Restriction

A. No development, as defined in Section 30106 of the Coastal Act, shall occur within proposed west lot 3, proposed west lot 4 and proposed central lot 2 as approved by the Commission pursuant to Special Condition No. 1 and generally depicted on Exhibits 6 and 7, except for:

1. Agricultural production activities defined as “activities that are directly related to the cultivation of agricultural commodities for sale.” Such activities include the existing cattle grazing operations currently occurring on the site. Agricultural commodities are limited to food and fiber in their raw unprocessed state, and ornamental plant material.
2. Grazing activities.
3. Construction and maintenance of agricultural support facilities directly related to the cultivation of food, fiber, and ornamental plants being undertaken on the site, such as agricultural barns, fences, and agricultural ponds, except that no structures shall be located within any wetlands, streams, riparian corridor, or sensitive habitat areas as generally depicted in Exhibit 9, or within a 100-foot buffer from these areas as generally depicted in Exhibit 9. For riparian areas, the buffer shall be measured from the limit of riparian vegetation or the high water point if no riparian vegetation exists. For wetlands, the buffer shall be measured from the outermost line of wetland vegetation. Except for development that is exempt from coastal development permit requirements pursuant to the Coastal Act, new development shall require an amendment to this coastal development permit.
4. Construction and operation of facilities for processing or retail sale of agricultural products on proposed central lot 2, located outside of Blucher-Cole Complex soils near and within Keys Creek, except that no structures shall be located within any wetlands, streams, riparian corridor, or sensitive habitat areas generally depicted in Exhibit 9, within a 100-foot buffer from these areas as generally depicted in Exhibit 9. For riparian areas, the buffer shall be measured from the limit of riparian vegetation or the high water point if no riparian vegetation exists. For wetlands, the buffer shall be measured from the outermost line of wetland vegetation. Except for development that is exempt from coastal development permit requirements pursuant to the Coastal Act, new development

shall require an amendment to this coastal development permit.

5. Underground utilities.

6. Repair and Maintenance of existing development on existing lots. Specifically, the single-family residence, two sheds and fencing on existing west lot 2, fencing, the two barns and wells on existing central lot 3. Except for development that is exempt from coastal development permit requirements pursuant to the Coastal Act, new development shall require an amendment to this coastal development permit.

B. PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. 2-09-013, and following approval of the revised final plans, the Property Owner shall execute and record a document restricting the use of proposed west lot 3, proposed west lot 4 and proposed central lot 2, as specified in Special Condition 1 and in subsection A of this condition and as generally depicted on Exhibits 6 and 7. The recorded deed restriction shall include (1) a formal legal description and graphic depiction of the entirety of the subject property, proposed west lot 3, proposed west lot 4 and proposed central lot 2; and (2) a metes and bounds legal description and corresponding graphic depiction prepared by a licensed surveyor and drawn to scale, of all portions of the subject properties restricted from development by Special Condition 2A. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens, and encumbrances that the Executive Director determines may affect the enforceability of the restriction.

3. Right-to-Farm

By acceptance of this permit, the Property Owner acknowledges and agrees: (a) that proposed west lot 2 is being created for future residential development; (b) this lot is located on and adjacent to land used for agricultural purposes; (c) users of the property may be subject to inconvenience, discomfort or adverse effects arising from adjacent agricultural operations including, but not limited to, dust, smoke, noise, odors, fumes, grazing, insects, application of chemical herbicides, insecticides, and fertilizers, and operation of machinery; (d) users of the property accept such inconveniences and/or discomforts from normal, necessary farm operations as an integral part of occupying property adjacent to agricultural uses; (e) to assume the risks to the Owner and the property that is the subject of this permit of inconveniences and/or discomforts from such agricultural use in connection with this permitted development; and (f) to indemnify and hold harmless the owners, lessees, and agricultural operators of adjacent agricultural lands against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any issues that are related to the normal and necessary agricultural land use and its impact to users of the property.

4. Deed Restriction

PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. 2-09-013, the Property Owner shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this

permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized merger and re-division of the property in the West Component and a land division in the Central Component, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description and graphic depiction of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

5. Future Development Restriction

This permit is only for the development (merger, re-division and land division) described in Coastal Development Permit No. 2-09-013. Except as provided in Public Resources Code section 30610 and applicable regulations, any future development as defined in PRC section 30106, including, but not limited to, development of a residence, further division of the subject property, or other changes in the density or intensity of use land, shall require an additional coastal development permit from the California Coastal Commission or from Marin County. Any future permit for residential development shall establish that there is adequate water supply and sewage disposal capacity to serve the development prior to approval of any future residential development.

IV. FINDINGS & DECLARATIONS:

The Commission hereby finds and declares the following:

A. Environmental Setting & Project Description

The subject property is located on agricultural land just south of the community of Tomales in Northwest Marin County, approximately 3 miles east of Tomales Bay, at the intersection of State Route 1 and Tomales-Petaluma Road (Exhibits No. 1 and 2). The northern portion of the property straddles the Tomales Community boundary, as delineated in the Tomales Community Plan and certified zoning of the LCP. To the east, south and west, the property is bordered by large rural properties used for various agriculturally related purposes. Keys Creek meanders (at times, seasonally) from the eastern portion of the property under State Route 1 and south along the road until it reaches Tomales Bay approximately 3 miles from the subject property. Historic tidelands associated with Keys Creek touch all existing lots. The property is bisected by State Route 1 and Tomales-Petaluma Road. The portion of the property on the west side of Highway 1 is currently developed with a single-family residence, two small barns and fencing. A small piece of land at the northernmost extent of the subject property is currently used as parking for the adjacent church. The majority of the property on the west side of the road constitutes grazed seasonal riparian habitat or other wetland habitat according to County resource maps. This

portion of the property is used almost entirely year-round as grazing land for beef cattle. The eastern property boundary is located on hilly, grassland terrain, which was once used in part by a dairy creamery. The undeveloped land is currently used for grazing, except for the land south of Tomales-Petaluma road, which according to the Applicant, has been used in the past for hay cultivation.

The Applicant has characterized this project as a series of lot line adjustments for seven lots. As proposed, the project is separated into West and Central Components. The Applicant contends that the proposed project would not result in the creation of any additional lots. The proposal describes a West Component that will begin with four lots and result in four lots and a Central Component that will begin with three lots and result in three lots (Exhibits 6 and 7). However, for several reasons this is not an adjustment of boundaries between adjacent properties but rather a merger and re-division of the lots in question. The Subdivision Map Act was amended in 2001 by SB 497 (Sher) to prohibit lot line adjustments (LLAs) between more than 4 parcels. State law now allows LLAs between "four or fewer" parcels. In addition, the Applicant does not own two of the existing lots (existing lots 1 and 2 are owned by the Arch Diocese of San Francisco) in the Central Component of this project and those two lots are wholly unrelated to the resulting proposed lots. The Applicant's proposed project will effectively merge and re-divide 4 parcels and newly divide another parcel, all such property totaling 100.1 acres. To the west of State Route 1, four existing lots totaling approximately 61 acres would be merged and re-subdivided into four differently configured lots (Exhibit 6). To the east of Highway 1, regardless of the project's characterization as a lot line adjustment, the Central Component will divide one lot totaling 39.11 acres into three lots (Exhibit 7).

West Component

The Applicant proposes to merge and re-divide 4 existing lots into 4 different lots. All of the existing lots in the west component are non-conforming, because each is smaller than the minimum parcel size or density standard under the applicable zoning districts. This component contains 60.99 acres. The existing and proposed lots are described below and graphically depicted on Exhibit 6:

Existing Lot Configuration

Existing West Lot 1:

Existing west lot 1, known as the Brady Road tract, is a thin lot containing 3.62 acres along the westernmost portion of the total project outside of the Tomales community boundary.¹ This lot is located within Marin County's Coastal Agricultural Production Zone (C-APZ-60), which allows a density of one residential dwelling per 60 acres. Created by indenture on September 28, 1874, this lot has been transferred several times over the last century, seemingly always as a right of way or easement. The legality of the lot was recognized under a Marin County Certificate of Compliance (COC 22). According to Marin County planning staff, this land is considered a

¹ This boundary is established in the 1997 Tomales Community Plan. This plan has not been incorporated in Marin County's certified Local Coastal Program.

separate parcel because its creation predated the County's first comprehensive zoning ordinance (September 2, 1938). However, this lot, which is no wider than 50 feet at any point, could likely not support a residential or other structural development (aside from fencing) in compliance with sensitive habitat buffers, setbacks, and other zoning district standards. This lot consists entirely of agricultural land and some wetland habitat. As proposed, this lot would become part of proposed west lot 4.

Existing West Lot 2:

Existing west lot 2 is a 1.04-acre rectangular lot developed with a single-family residence and two small sheds. The legality of the lot was recognized under a Marin County Certificate of Compliance (COC 20). This lot is located within the County's C-ARP-2 zoning district, which is the Coastal Agricultural/Residential Planned Zone allowing one residential unit per 2 acres. This lot was created by deed on September 28, 1939. As proposed, this lot would become part of proposed west lot 3.

Existing West Lot 3:

Existing west lot 3 is a 36.65-acre lot used for cattle grazing. This lot was created by deed on October 4, 1938. The legality of the lot was recognized under a Marin County Certificate of Compliance (COC 19). This lot consists entirely of agricultural land and some wetland habitat. It contains Class II Blucher soils, which are considered prime agricultural soils if irrigated. This lot is located outside, but on the periphery, of the Tomales Community urban/rural boundary. It is located within the County's C-APZ-60 zoning district, which is the Coastal Agricultural Production Zone allowing one residential dwelling per 60 acres. As proposed, existing west lot 3 would absorb the existing 1.04-acre west lot 2, but would actually shrink in total size, because 1.66 acres of the lot would be given to proposed west lot 1, 1.5 acres to proposed west lot 2 and 16.67 acres to proposed west lot 4.

Existing West Lot 4:

Existing west lot 4 is 19.68 acres and used for cattle grazing. This lot roughly follows Keys Creek starting at the intersection of State Route 1 and Tomales-Petaluma Road, following the Creek south, parallel to State Route 1. The lot was created by deed on June 5, 1923. The legality of the lot was recognized under a Marin County Certificate of Compliance (COC 21). The entire lot is located south of the Tomales Community urban/rural boundary. It is located within the County's C-APZ-60 zoning district, which is the Coastal Agricultural Production Zone allowing one residential dwelling per 60 acres. Currently, this lot is restricted by an easement held by the Marin Agricultural Land Trust. As proposed, this lot would expand to include the wetlands currently found on existing west lot 3 and existing west lot 1. The Applicant has future plans to record an easement over the added land, to be administered and held by the Marin Agricultural Land Trust.

Proposed Lot Configuration

Proposed West Lot 1:

Proposed West Lot 1 would be 1.66 acres, located in the northeast of existing west lot 3. This lot would be located outside, but on the periphery, of the Tomales Community urban/rural boundary and within the County's C-APZ-60 zoning district. Any future development of this lot, with a residence for example, would require a driveway to access State Route 1. The Applicant has expressed his future intent to develop this lot with a single family residence.

Proposed West Lot 2:

Proposed West Lot 2 would be 1.5 acres, located in the northeast corner of existing west lot 3 and adjacent to proposed west lot 1. This lot would be located within the Tomales Community urban/rural boundary and within the County's C-ARP-2 zoning district. The land at this proposed lot slopes west to east toward State Route 1. The Applicant has expressed his future intent to develop this lot with a single family residence.

Proposed West Lot 3:

Proposed West Lot 3 would be reduced from 37.71 acres to 21.04 acres by adding the reduced acreage (16.67), which includes wetlands, to proposed west lot 4, which is intended to be granted to the Marin Agricultural Land Trust (MALT) as a conservation easement. Proposed west lot 3 would also absorb existing west lot 2, which contains a house, two small sheds and some fencing as stated above. The Applicant has expressed his future intent to develop this lot with a specialty farm and to continue grazing.

Proposed West Lot 4:

Proposed West Lot 4 would be 36.35 acres, expanding by almost 17 acres. The added acreage includes wetlands currently located on existing west lot 3, as described above. While not proposed in his application, the Applicant has expressed his intent to place a conservation easement (administered by MALT) over this lot once the new lot configuration is created.

Central Component

The proposed central component would divide a single 39.11-acre lot into three distinct lots. Following the land divisions as proposed, the Applicant intends to give resulting lot 1 to the Arch Diocese of San Francisco, sell resulting lot 3, and retain resulting lot 2 to continue existing agricultural uses and develop the property with a creamery. The existing lot and proposed lots are described in more detail below.

Existing Lot Configuration

Existing Central Lots 1 and 2

Existing central lots 1 and 2 are owned by the Arch Diocese of San Francisco, contain one existing church (Church of the Assumption of Mary) and are .69 and .86 acres respectively. Once proposed central lot 1 is created (.45 acres), it will join existing central lots 1 and 2 to become 2.05 total acres. The Applicant intends to give proposed central lot 1 to the church, because it is currently used for church parking.

Existing Central Lot (3):

The single existing Central lot (characterized as existing central lot 3 by the Applicant) is a 39.11-acre lot that is bisected by both State Route 1 and Tomales-Petaluma Road. The lot is a single legal parcel, which was created by deed on October 4, 1938, separating this property from existing west lot 3. The legality of the lot was recognized under a Marin County Certificate of Compliance (COC 16). This lot is split-zoned and straddles the Tomales community boundary. Of the portion of the lot located within the Tomales community boundary, approximately 2 acres is located within the Coastal, Village, Commercial – Residential (C-VCR B-1) zoning district on the west side of State Route 1, and approximately 7 acres is located within a similar C-VCR: B-4 zoning district on the east side of State Route 1, north of Tomales-Petaluma Road. Of the portion of the lot located outside the Tomales community boundary, approximately 30 acres is located in the Coastal, Agricultural, Residential Planned (C-ARP-20) zoning district to the east of State Route 1 and south of Tomales-Petaluma Road (Exhibit 4).

Proposed Lot Configuration

Proposed Central Lot 1:

Proposed Central Lot 1 would be 2.05 acres and located on the west side of State Route 1, As proposed, this lot would include the Church of the Assumption of Mary not owned by the Applicant. The portion of proposed central lot 1 currently owned by the Applicant (currently part of existing central lot 3) has historically been used as a parking lot for the church. The Applicants intend to give this property to the church. The proposed lot is within the County's C-VCR: B-1 zoning district, which is the Coastal village commercial-residential district and it requires 6,000 sq. ft. per building site.

Proposed Central Lot 2:

Proposed Central Lot 2 would be 22.96 acres, on the east side of State Route 1, north of Tomales-Petaluma Road. Historically, this property housed a dairy and still contains 2 unused barns. Currently, this property is used in a grazing rotation for approximately 240 cattle (150 Highland and 90 Shorthorn). The proposed lot would be split-zoned. The western portion would be within the Tomales community boundary, in the Coastal village commercial-residential district (C-VCR: B-4) zoning district, which requires one acre per building site. The eastern majority of the proposed lot would be located outside the Tomales community boundary in the Coastal, Agricultural, Residential Planned zoning district (C-ARP-20). This district provides flexibility in lot size and building locations and thereby promotes the concentration of residential and accessory uses to maintain the maximum amount of land available for agricultural use and to maintain the visual, natural resource and wildlife habitat values of the property and surrounding

areas. The Applicant intends to develop this lot in the future with a creamery. The lot contains two wells with yields totaling 30 gallons per minute. This proposed lot contains a portion of Keys Creek which runs east to west along the south side, including Blucher-Cole Complex soils, which are class II prime soils if irrigated.

Proposed Central Lot 3:

Proposed Central Lot 3 would be 15.70 acres, and located south of Tomales-Petaluma Road. According to the Applicant and aerial photos, this lot has been used in the past for hay production. The proposed lot would be located within the C-ARP-20 zoning district, which is described above. This lot contains one well, which yields 10 gallons per minute. The County of Marin issued a categorical exemption for a lot line adjustment for this lot. As proposed, this lot is not within the Commission's retained permit jurisdiction and therefore the County's lot line adjustment exemption authorized this lot as of March 4, 2009. Table 1 below summarizes the existing and proposed parcels on the subject property. See Exhibits 6 and 7 for an illustration.

Table 1: Existing and Proposed Parcels					
Lot	APNs	Existing Acreage & lot location	Existing Development	Proposed Acreage & Lot Location	Resulting Development*
W1	n/a	3.62 acres West of State Route 1	Undeveloped; irregular S-shaped configuration; all agricultural land	1.66 acres West of State Route 1	Future plans for residential development
W2	102-090-02	1.04 acres West of State Route 1	2 sheds and 1 house	1.5 acres West of State Route 1	Future plans for residential development
W3	102-100-06	36.65 acres West of State Route 1	Agricultural land with wetland habitat	21.04 acres West of State Route 1	1 existing house; 2 existing sheds
W4	102-100-07	19.68 acres West of State Route 1	Undeveloped; all or mostly riparian habitat	36.35 acres West of State Route 1	Undeveloped with agricultural easement
C	102-080-01 102-080-08 102-130-13 102-080-08 102-120-01	39.11 acres East of State Route 1	Small portion used for church parking	C1: 2.05 acres West of State Route 1	Church parking
			2 unused barns, grazing lands; 2 wells totaling 30 gpm	C2: 22.96 acres East of State Route 1	Grazing and creamery
			Undeveloped, used for hay production three years ago; 10 gpm well	C3: 15.7 acres East of State Route 1 South of Tomales-Petaluma Road	Specialty crops
Totals		100.1		100.1	

*Note: The project does not propose any new development other than the proposed merger and re-division.

B. Land Divisions Outside of Existing Developed Areas

1. Applicable Coastal Act Policies & Standards

Coastal Act Section Section 30250(a) of the Coastal Act states in part that rural land divisions shall only be permitted where 50 percent of the usable parcels in the area have been developed, and the created parcels would be no smaller than the average size of surrounding parcels.

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels. (emphasis added)

2. Consistency Analysis

The subject property is comprised primarily of agriculturally productive land located on the border (both inside and outside) of the community boundary of Tomales and is therefore subject to the rural land division criteria of Section 30250(a) of the Coastal Act. To meet the criteria, the proposed lots (excluding those within existing developed areas) must be located within an area where 50 percent or more of the usable parcels have been developed, and the newly created parcels must be no smaller than the average size of the surrounding parcels.

The first test of the rural land division criteria of Section 30250(a) is whether 50 percent or more of the parcels in the surrounding area are developed. In the case of the parcel size analysis for the west and central components, 8 of the 14 surrounding parcels in the study area, or 57 percent, are developed. Therefore, the Commission finds that both the Central and West Components are consistent with this element of Section 30250(a), as over 50 percent of the usable parcels in the area have been developed. Table 2 below summarizes the surrounding parcel analysis, and Exhibit No. 8 shows the parcel analysis study areas.

The second test of the rural land division criteria of Section 30250(a) is whether the created parcels would be smaller than the average size of surrounding parcels. If smaller, the created parcels would be inconsistent with this element of the Section 30250(a) analysis. For purposes of implementing this requirement the Commission has interpreted the area relevant to this analysis (the “surrounding parcels”) to include those within a quarter-mile radius. However, consistent with the decision of a state court of appeal [Billings v. CCC (1980) 103 Cal.App.3rd 729], the relevant area should be determined on a case-by-case based on the specific geographic or other features that may clearly distinguish some of the parcels within it from those surrounding the subject property. Additionally, where the subject property is on the urban rural

boundary, the Commission excludes from the 30250 analysis all surrounding parcels that sit within the community boundary. This is consistent with the intent of section 30250 to maintain larger parcel sizes outside of urban areas, and not allow land divisions that would further fragment rural agricultural areas by facilitating higher development densities and land uses through sprawl and “leap-frog” development, and that may conflict with and thus lead to conversion of agricultural land uses. This method reflects the importance of coastal agriculture under the Coastal Act and promotes continued protection of viable, productive agricultural lands on the urban-rural boundary.

The Marin County certified LCP and certified zoning designation map reflect the intent of Coastal Act Section 30250, which regulates the location of new development. First, the LCP identifies the Tomales Community Plan boundary as the urban-rural boundary and acknowledges that as delineated, it would provide for future growth at “urban” density and intensity while maintaining rural lands outside the urban area. Specifically, the various zoning districts within and outside a coastal community generally reflect the anticipated build-out potential of the area. Where largely rural communities are concerned, it is critically important to adhere to the existing anticipated build-out consistent with the community boundary, because extending community boundaries has the potential to directly and indirectly negatively impact agricultural viability, productivity and rural character outside the community boundary. In this instance, the subject property is situated on the border of the Tomales village community boundary. Although not the standard of review, the certified LCP may serve as guidance when evaluating the land division’s conformity with the Coastal Act. Within the Community boundary, the zoning districts, as identified in the Marin County certified LCP zoning map, vary between Coastal, Planned Commercial (C-CP), Coastal, Agricultural, Residential Planned (C-ARP-2/C-ARP-5/C-ARP-10/C-ARP-20), Coastal, Village, Commercial-Residential (C-VCR:B-1/C-VCR:B-3.5/C-VCR:B-4), and Coastal, Residential, Single-Family Planned (C-RSP-1.6/C-RSP-7.26). While the subject site is mostly zoned for agriculture, proposed central lot 1 and approximately one-third of proposed central lot 2 are zoned C-VCR:B-1 and C-VCR:B-4 respectively and are within the community boundary. The remainder of proposed central lot 2 and all of proposed central lot 3 are zoned C-ARP-20 and outside the community boundary. Proposed west lot 2 and approximately 2 acres of proposed west lot 3 are zoned C-ARP-2 and are within the community boundary. The remainder of proposed west lot 3, proposed west lot 1 and proposed west lot 4 are zoned Coastal, Agricultural Production Zone (C-APZ-60) and outside the community boundary.

A “neighborhood” of distinctly rural residential character exists, to some extent, within the Tomales Community boundary along State Route 1, south of the community center.² There are a number of houses on small (~.5 acre) lots as well as a church, an historical society building, and a small school around the periphery of the Tomales village center, in some cases straddling the community boundary. The village center contains very small (most of which are <.5 acre) lots developed with shops and residences. This rural residential area comprised of numerous relatively small parcels is of a very different character than the surrounding large, undeveloped, agricultural parcels outside of the community boundary that characterizes the Applicant’s

² Even inside the community boundary, a distinct rural village character exists.

property. As you travel south on State Route 1, the development quickly dissipates to sparsely developed rolling agricultural lands.

Consistent with Coastal Act Section 30250, the significantly smaller parcels within the Community boundary are not included in the average parcel size analysis, because the purpose of the rural land division analysis does not extend to the evaluation of developed areas. The Applicant's existing lot sizes are medium sized (approximately 1 to 40 acres), when compared to the typically <.3 acre lots to the north (within the community boundary) and the very large rural lots to the east, south and west. The Applicant intends to concentrate certain areas of agriculturally productive land (proposed west lot 3, proposed west lot 4, proposed central lot 2 and proposed central lot 3), while creating two lots for future residential development (proposed west lots 1 and 2). Proposed west lot 2 would be within the community boundary and zoned C-ARP-2, while proposed west lot 1 would be outside the community boundary and zoned C-APZ-60. In order to establish a relevant average parcel size for this transitional area on the urban/rural boundary, the Commission finds that it is appropriate to examine the average parcel size for the entire project area and evaluate whether both the proposed merger/re-division (west component) and the land division (central component) are consistent with the average parcel size requirements of Section 30250. The parcel size analysis compares all proposed lots outside the Tomales community boundary (West 1, 3 and 4 and Central 2 and 3) with all surrounding lots, excluding lots within the community boundary, to capture the nature of this fringe urban/rural development setting. Accordingly, the parcels outside of the community boundary to the east, north, west and south of the proposed project are analyzed in order to find an appropriate average lot size.

Section 30250 requires an analysis of the "average size of surrounding parcels" to evaluate the proposed land division. Of the 14 parcels included in the parcel size study area, the arithmetic mean of these parcels is approximately 71 acres, significantly larger than any of the parcels being created by the applicant's project. However, the Commission recognizes the unique aspect in this case where the property in question spans the urban-rural boundary. In addition, consistent with the court opinion in Billings interpreting section 30250, the Commission might also consider the "typical" or "representative" parcel size in the area as opposed to the arithmetic average. For example, where the presence of several large parcels would skew the average size analysis, it may be that a proposed new parcel is smaller than the average but still be representative of the rural parcel size of many of the surrounding parcels. In such a case the median parcel size (or perhaps mode) may provide a better representation of this transitional area. The median parcel size (the value falling in the middle of the range) is 27 acres, and while there is no true mode (the value which occurs most frequently), the approximate mode is 3 acres ($n = 3$).³ Table 2 below summarizes the parcel size analysis, and Exhibit No. 8 shows the parcel analysis study areas. The analysis of the project against this parcel size analysis follows.

West Component

³ West Lot 1 would be 1.66 acres, West Lot 2 would be 1.5 acres, West Lot 3 would be 21.04 acres, West Lot 4 would be 36.35 acres, Central Lot 1 would be 2.05 acres, Central Lot 2 would be 22.96 acres and Central Lot 3 would be 15.7 acres

The west component of this project reflects the Applicant's intention to organize the existing lots to protect wetland habitat, to preserve productive agricultural land and to transfer existing development potential to two lots (proposed west lot 1 and west lot 2) located on the edge of the urban/rural boundary.

Proposed west lot 1 (1.66 acres) would be located outside of the community boundary and would be zoned C-APZ-60. The proposed 1.66 size is well below both the 71 acre average parcel size the 27-acre median parcel size of surrounding parcels outside the urban area and thus is clearly inconsistent with the purpose of 30250(a), a lot this size would be more appropriately sited within the community boundary. Therefore, the Commission finds that proposed west lot 1 is inconsistent with Section 30250(a). In order to approve any portion of this proposed project, the Commission adopts Special Condition 1, which requires the Applicant to submit revised plans for review and approval of the Executive Director, which eliminate the creation of lot 1, and show this agriculturally viable land area absorbed into proposed west lot 3. The Commission also notes that reducing the number of new lots on the west side to three is consistent with the existing situation under which there appear to only be three "developable" lots – i.e. existing lot 4 is not likely developable consistent with the zoning and thus the proposed land division would effectively create new residential development potential in the rural agriculturally-zoned area, and inconsistent with 30250.

In contrast, proposed west lot 2 (1.5 acres) would be located within the community boundary and would be zoned C-ARP-2. The proposed 1.5-acre lot size, while not in conformance with the C-ARP-2 zoning district, is located within the community boundary and is not required to meet the 30250(a) criteria. Accordingly, the Commission finds that proposed west lot 2 is consistent with Section 30250(a). However, since the Applicant has expressed an intent to use this site for future residential development, the Commission adopts Special Condition 3, which is a Right to Farm condition that acknowledges that since proposed west lot 2 is being created for future residential development and the lot is located on and adjacent to land used for agricultural purposes, current and future users of the property may be subject to certain agriculturally-related inconveniences from normal, necessary farm operations. The justification for Special Condition 3 as it relates to proposed west lot 2 is discussed further in Section C below. In addition, any future development will need to clearly establish adequate water and wastewater capacity to support such development.

Proposed west lot 3 (21.04 acres) would mostly be located outside the Tomales Community boundary and would be split-zoned C-ARP-2 (approx. 2 acres) and C-APZ-60 (approx. 19 acres). This proposed lot absorbs the existing development on existing west lot 2, which is within the community boundary. Proposed west lot 3 would be smaller than the 71 acre average and 27-acre median because it surrenders roughly 17 acres to proposed west lot 4 for agricultural and natural resource protection purposes (see below). Proposed west lot 1 (1.66 acres), which is inconsistent with the Coastal Act as discussed above, as conditioned would remain within proposed west lot 3, amounting to a new 22.7 acre total. The acreage surrendered to proposed west lot 2 (1.5 acres) provides some residential development potential within the Tomales Community boundary and will be restricted by a Right to Farm deed restriction to mitigate conflicts between residential and agricultural uses in the future. While the proposed west lot 3

would still remain below both the 71 acre average and 27-acre median, inconsistent with 30250(a), the Commission recognizes that this lot straddles the community boundary, and that a strict interpretation of the 30250(a) average parcel size would not be appropriate since the focus of the rural land division analysis is those lands located outside of existing developed areas. In addition, and as further described in Section C, Special Condition 2 requires a deed restriction to limit this site to agricultural uses allowable within the C-APZ-60 zoning district, which will serve to help protect the rural character and maintain a stable urban-rural boundary that 30250(a) is meant to address. As mentioned above, this proposed lot would include an existing single-family residence and two existing sheds, but any additional development potential would be extinguished by the deed restriction on this lot. As conditioned, the Commission finds that proposed west lot 3 is consistent with Section 30250(a) of the Coastal Act.

Proposed west lot 4 (36.65 acres) would be located outside the Tomales Community boundary and would remain zoned C-APZ-60. This lot expands existing west lot 4 to include wetland habitat and class II prime agricultural soils (Blucher-Cole complex) within portions of Keys Creek. The Applicant has expressed his future intent to protect west lot 4 by placing an agricultural conservation easement over its entirety, which is to be transferred to the Marin Agricultural Land Trust. Proposed west lot 4 would be smaller than the 71 acre average parcel but larger than the 27-acre median parcel size in the area. Given that the lot size would not be unrepresentative of the rural lots in this transitional area, and give the applicant's state intent to restrict its future use to agricultural land uses, this parcel can be found consistent with 30250. As described in Section C, Special Condition 2 requires a deed restriction to limit this site to agricultural and resource protection uses, which will serve to help protect the rural character and coastal resources that Coastal Act Sections 30233, 30240-42 and 30250(a) are meant to protect. In addition, given the fact that proposed west lot 4 is almost entirely comprised of wetland, ESHA and riparian resources, Special Conditions No. 2 and 4 require the applicant to record deed restrictions, thereby requiring the applicant as the current owner to acknowledge and agree to the development limitations associated with the subject parcel(s) at the time of its creation. The imposition of this condition is necessary to ensure that (a) the restricted property is never developed inconsistent with the resource protections of 30233 and 30240-41; (b) the current or future owners understand the development limitations associated with the newly created lot at the time of its creation; and (c) the restricted property is never the subject of a takings challenge by the current or future owner. The Commission also notes that in addition to protecting habitat, the open space restrictions contained in the conditions increase the value of the adjacent residential properties by preserving both privacy and views. Therefore, the Commission finds that this lot is consistent with Section 30250(a) of the Coastal Act.

Central Component

Proposed development in the central component would divide a single existing lot into three lots. The Applicant has expressed his intent to transfer or sell proposed central lots 1 and 3 and develop a creamery and continue grazing on proposed central lot 2. The existing 39.11-acre lot was created on October 4, 1938 by deed and is recognized by a Marin County certificate of compliance (COC 16). It therefore constitutes one legal parcel for purposes of development potential.

Proposed central lot 1 (2.05 acres) would be located west of State Route 1 within the Tomales Community boundary and zoned C-VCR:B1. This lot is developed with gravel, fencing, a grass lawn, and is currently used for church parking. The Applicant intends to give proposed central lot 1 to the Arch Diocese of SF for continued church parking lot uses. Proposed central lot 1 is within an existing developed area within the Tomales village community boundary, and is not required to meet the Section 30250(a) criteria. Therefore, the Commission finds that proposed central lot 1 is consistent with Section 30250(a) of the Coastal Act.

Proposed central lot 2 (22.96 acres) would partially be located inside and outside of the Tomales Community boundary, and would therefore be split-zoned C-VCR:B-4 (approx. 7 acres) and C-ARP-20 (approx. 16 acres). The Applicant intends to continue grazing this land and to construct and operate a creamery in the southeast corner of this proposed lot. Proposed central lot 2 would be much smaller than the 71-acre average and slightly smaller than the 27-acre median surrounding parcel size. The Applicant maintains that Tomales-Petaluma Road currently confines this lot to its proposed size, separating it from the property within proposed central lot 3, and therefore that the size of proposed central lot 2 will not inhibit continued agricultural uses on this site. Further, the Commission recognizes that this lot currently straddles the urban-rural boundary, and that a strict interpretation of the 30250(a) average parcel size would not be appropriate since the focus of the rural land division criteria is those lands located outside of existing developed areas. In addition, as described in Section C, Special Condition 2 requires a deed restriction to limit this site to agricultural uses, including agricultural processing facilities allowable under the C-ARP zoning district, which will serve to help protect the rural character that 30250(a) is meant to protect. As conditioned, the Commission finds that proposed central lot 2 is consistent with Section 30250(a).

Central lot 3 (15.7 acres) would be located outside of the Tomales Community boundary and zoned C-ARP-20. As proposed, this entire lot would be outside of the Commission's retained jurisdiction. On March 4, 2009, Marin County processed a categorical exemption for this lot and the Commission did not appeal this decision. While proposed central lot 3 would be smaller than both the 71 acre average and the 27-acre median of surrounding parcels, the Commission's review is confined to those lots or portions of lots within its jurisdiction.

Therefore, as conditioned, the Commission finds that the portion of the Central Component of the proposed development that is within the Commission's purview (proposed central lots 1 and 2) is consistent with Coastal Act Section 30250(a).

On the basis of the above analysis and as conditioned, the Commission finds that the proposed project is consistent with the rural land division criteria of Section 30250(a) of the Coastal Act.

Table 2. Analysis of surrounding parcel sizes for the proposed west and central components. See Exhibit No. 8 for a map of the parcel analysis study area.

Label (Exhibit 8)	Parcel No.	Approx. Acreage	Developed (Yes or No)	Notes
PARCEL SIZE ANALYSIS FOR PROPOSED LOTS				
A	100-090-03	60	Yes	Parcels A through M were used in the parcel analysis for the proposed West and Central Components. The analysis includes all parcels within an approximate ¼-mile radius of the perimeter of the subject property, outside the Tomales Community boundary, which include both large, undeveloped, agricultural parcels and some of the less typical rural residentially developed lots. Parcels within the Tomales Community boundary were excluded consistent with Section 30250(a).
B	100-090-17	49	Yes	
C	100-090-06	294	Yes	
D	100-090-13	192	No	
E	100-090-09	158	Yes	
F	100-090-11	3.6	No	
G	102-130-04	3.3	Yes	
H	102-130-06	3	No	
I	102-130-07	30	No	
J	102-130-10	4	Yes	
K	102-130-12	15	Yes	
L	104-140-01	2.3	No	
M	104-140-19	24	No	
N	104-050-17	298	Yes	
Mean= 71; Median= 27; Mode= ~3 (n=3); 8 of 14 lots are developed (57%)				

C. Protection of Agricultural Lands

1. Applicable Coastal Act Policies and Standards

Coastal Act Section 30241 states the following:

The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:

(a) *By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.*

(b) *By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.*

(c) *By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.*

(d) *By developing available lands not suited for agriculture prior to the conversion of agricultural lands.*

(e) *By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.*

(f) *By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.*

2. Consistency Analysis

Coastal Act Section 30241 requires the protection of prime agricultural lands and all other lands suitable for agriculture on the urban/rural boundary, sets limits on the conversion of all agricultural lands to non-agricultural uses, and requires that all development adjacent to prime agricultural lands shall not diminish the productivity of such lands. The subject property has been used for agricultural purposes for decades, except for a portion of existing central lot 3 that is used for church parking. Existing west lot 3, existing west lot 4 and the northern 23 acres of existing central lot 3 are used almost entirely year-around as grazing land for beef cattle (approximately 150 Highland and approximately 90 Short-horn cattle). The undeveloped land east of State Route 1 but north of Tomales-Petaluma Road also contains an abandoned barn historically used in a dairy/creamery operation. Hay production occurred on this site and proposed central lot 3 in the past several years.

Prime Agricultural Land Determination

Coastal Act Section defines “prime agricultural land” through incorporation-by-reference of paragraphs (1) through (4) of Section 51201(c) of the California Government Code. Prime agricultural land entails land with any of the follow characteristics: (1) a rating as class I or class II in the Natural Resource Conservation Service land use capability classifications; or (2) a rating 80 through 100 in the Storie Index Rating; or (3) Land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture; or (4) Land planted with fruit- or nut-bearing trees, vines, bushes, or crops which have a nonbearing period of less than five years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than two hundred dollars (\$200) per acre.

Based upon information received from the Applicant and information derived from the National Resource Conservation Service (NRCS), there are approximately 35 acres of mapped Blucher-Cole Complex soils (2 to 5% slopes) on the subject property, most of which is within existing west lot 4 (Exhibit 6 and 10). The soils are also on a portion of existing west lot 3, existing west lot 4, and the northern portion of the existing central lot (within proposed central lot 2).

According to the NRCS official soil series description (accessed at <http://soils.usda.gov/technical/classification/osd/index.html>), these Blucher-Cole Complex soils follow Keys Creek which runs east to west along the southern border of existing central lot 3 (north of Tomales Petaluma Road) and continues south along existing west lots 3 and 4 following State Route 1. These Blucher-Cole soils extend north-west from the intersection of State Route 1 and Tomales-Petaluma Road to the middle of existing west lot 3.

The subject property contains lands that, if irrigated, constitute “prime agricultural land” (as defined in Section 30113 of the Coastal Act and Section 51201(c) of the California Government Code) because such lands have a class II rating in the Natural Resource Conservation Service land use capability classifications. Given that, the NRCS land use capability classification for the Blucher-Cole Complex is II where irrigated, according to the first criterion for the definition of prime agricultural soils (i.e., prime agricultural land entails land with a rating as class I or class II in the NRCS land use capability classifications), the Blucher-Cole complex soils at the project site are considered prime and constitute lands of statewide importance (NRCS) that should be kept in agricultural use. Since these soils constitute prime agricultural land where irrigated, the fact that they are present but not always irrigated does not mean they are not prime for purposes of determining prime agricultural land under the Coastal Act. The agricultural policies of the Coastal Act clearly limit development or land conversion that will adversely affect the agricultural potential of certain land and soils. Therefore, the Commission finds that those lands containing Blucher-Cole Complex soils are prime agricultural lands, consistent with Section 30113 of the Coastal Act and Section 51201(c) of the California Government Code.

Land with a Storie Index Rating of 80 through 100 is considered prime agricultural land based on the second criteria contained in the Coastal Act’s definition. The Storie Index Rating is based on soil characteristics that govern the land’s potential utilization and productive capacity (e.g., characteristics of the soil profile, surface texture, slope, drainage, nutrient level, acidity, alkalinity, etc.) and is independent of other physical or economic factors that might determine the desirability of growing certain plants in a given location. According to NRCS soil maps, the Storie Index Rating for Blucher-Cole Complex is considered grade four (poor), rated between 39 and 20. However, the Sobega Loam (9 to 15% slopes), which occurs over approximately half of the subject property over different areas, is considered grade three (fair), rated between 59 and 40. While neither of these soils, nor any of the other soils (which range from poor to very poor), qualify as prime agricultural land based on the Storie Index Rating, some are considered at least fair in terms of potential utilization and productive capacity. Therefore, the Commission finds that, in terms of the storie index rating, the soils at the subject site do not meet the definition of prime agricultural lands under the second criteria contained in the Coastal Act and Government Code Section 51201(c)(2) definitions.

The third potential qualifying definition of prime agricultural land is the ability to support livestock used for the production of food and fiber with an annual carrying capacity equivalent to at least one animal-unit per acre as defined by the United States Department of Agriculture. An “animal unit month” is defined by the USDA as the amount of forage or feed required to feed one animal unit (one cow, one horse, one mule, five sheep, or five goats) for 30 days. It takes roughly 12,000 pounds of forage per year to satisfy this element of the prime agricultural land definition. The Applicants also stated that they graze cattle (the Applicant owns approximately 240 head of cattle) on a rotation including existing west lot 3 (36.65 acres), existing west lot 4 (19.68 acres) and existing central lot 3 north of Tomales-Petaluma Road (22.96 acres), but that the subject property only produces between 1,200 and 3,000 pounds per acre of forage per year depending on the underlying soil composition. David Lewis, Director of the University of California Cooperative Extension – Marin, confirmed that one animal unit month (AUM) translates to 12,000 pounds of annual forage production and that the subject land is not “prime” under this definition, though Mr. Lewis emphasized that this land is important agricultural land,

notwithstanding its not meeting the technical definition.⁴ Jeff Stump, Easement Program Director at the Marin Agricultural Land Trust informed staff that the subject property has an annual carrying capacity of no less than 3 acres per animal unit, falling short of the required one acre per animal unit.⁵ Based on the above information, the Commission finds that the subject property does not meet the single annual AUM requirement of Government Code Section 51201(c)(3).

Finally, with regard to the fourth prong of the Coastal Act's definition (i.e., the site's potential qualification as prime agricultural land based upon its potential for commercial fruit, nut or other crop production at specified minimal yields), no fruit, nut or other crops are currently produced on the subject property and there is no evidence in the record to support a finding at this time that this property meets the minimum \$200 per acre threshold value necessary to qualify this property as prime agricultural land pursuant to Government Code Section 51201(c)(4).

In summary, based upon current conditions and uses on the subject property as discussed above in relation to the definition of "prime agricultural land" under the Coastal Act, the Commission finds the property does in part contain soils that qualify certain portions of the site as prime agricultural land. In particular, Keys Creek and historic tideland areas consist of Class II soils if irrigated on portions of existing west lot 3 (9 acres), most of existing west lot 4 (20 acres) and a portion of the existing central lot just north of Tomales Petaluma Road (6 acres) (Exhibit 9 and 10). Apart from proposed central lot 1, all land involved is otherwise suitable for agricultural use, even if it is not prime agricultural land as defined by the Coastal Act. Furthermore, even though the majority of the subject agricultural land does not meet the prime agricultural land definition, Section 30241 still applies to all agricultural lands on the urban rural boundary and imposes limits on both agricultural development and conversions of agricultural uses to nonagricultural uses, regardless if the agricultural lands are prime or lands suitable for agriculture.

In many respects, the proposed project is consistent with the agricultural resources protection goals of Section 30241. The Applicant's west component proposal reflects a desire to maintain agriculturally productive land, while setting aside residential development potential on the fringe of the urban/rural boundary. The Applicant's central component reflects a desire to give certain property already in urban use to a local church (Church of the Assumption of Mary) while facilitating continued agricultural development on the remaining property. The Applicant has indicated a future intention to keep the lands containing prime soils (proposed west lots 3 and 4 and proposed central lot 2) in agricultural production. Proposed west lot 3 is intended to be used for specialty crops in the future, proposed west lot 4 would be managed in its entirety by MALT and continued to be used for grazing in the dry season and proposed central lot 2 would be the future site of an organic creamery with open space continued to be used for cattle grazing. The other proposed lots do not contain any prime soils and as discussed above, these lots are not considered prime agricultural land under the Coastal Act. The Applicant submitted materials suggesting proposed central lot 3 could be a suitable site for a strawberry farm. With the exception of proposed central lot 1, all proposed lots contain agricultural land that could and should be put to productive agricultural use. Notwithstanding the above, in some cases the

⁴ Personal communication with David Lewis regarding prime agricultural land in Marin County, on 2/18/2011.

⁵ Personal communication with Jeff Stump regarding prime agricultural land on proposed project property, on 2/16/2011.

proposed western and central components would result in conversion of agricultural land to residential use and the potential conversion to other non-agricultural uses inconsistent with the Coastal Act, as described below. The Applicant intends to place residential developments on proposed west lots 1 and 2 and intends to keep the other agricultural lands in agricultural production. Accordingly, the following 30241 analysis will be organized according to the intended “residential land division” (Section 30241(a)-(d)) and the “agricultural land division” (Section 30241(e)-(f)). Proposed central lot 1 is the only lot that does not contain agricultural lands.

RESIDENTIAL LAND DIVISION

Assuming future development on the newly created lots is not inconsistent with the protection of prime soils on the property, the proposed project would not result in the direct loss of prime agricultural land; however the project would convert agricultural land to residential use on the periphery of an ‘urban’ area, by dividing the land in a way that would allow for future residential development. Such future residential development would be located on proposed west lots 1 and 2, on land suitable for agriculture, currently used for cattle grazing. Proposed west lots 1 and 2 would also be located adjacent to prime agricultural land (near proposed lot 3). Accordingly, it is important to ensure that proposed residential development will maximize the amount of agricultural land in agricultural production, assure the protection of the areas’ agricultural economy, and minimize conflicts between agricultural and urban land uses, consistent with Coastal Act Section 30241. This analysis is outlined below.

Buffer between Urban and Rural Uses

Section 30241(a) of the Coastal Act requires that conflicts between agricultural lands and urban uses be minimized through the establishment of stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.

Non-agricultural development on agricultural land has the potential to result in direct conflicts due to the inherent incompatibility of agricultural-related and other types of land uses. Typical incompatibility issues raised at urban-agricultural land use interfaces include trespass and trash accumulation on agricultural lands; road-access conflicts between agriculturally related machinery and automobiles; noise, dust and odors from agricultural operations; limitations of pesticide application; and human encroachment from urban lands. Such incompatibilities can threaten continued agricultural production when agricultural practices become branded as public nuisances as urban uses encroach upon them.

Proposed West Lot 1

As discussed above, proposed west lot 1 (1.66 acres) would be located on agricultural grazing land outside the urban-rural boundary. While proposed west lot 1 would be located next to existing development (school property to the north), it would extend the existing Tomales community boundary and would require a driveway beginning at the intersection of Tomales-Petaluma Road and State Route 1 that would outline the lot to the south and west of proposed west lot 1, converting all agricultural use of that land used to the paved/gravel driveway and further fragmenting the remaining agricultural land. Given the location of proposed west lot 1 relative to adjoining uses, future development of this lot in this rural agricultural area would not serve to minimize conflicts between agricultural and urban land uses, would extend the current

stable boundary separating urban and rural areas, and would perpetuate the blurred buffer between potentially incompatible uses. Therefore, the Commission finds that proposed west lot 1 is inconsistent with Section 30241(a), and other provisions of 30241 as discussed below. Accordingly, the Commission requires the Applicant, pursuant to Special Condition 1, to submit revised plans that remove proposed west lot 1 from the proposed project and instead incorporate the 1.66 acres into proposed west lot 3.

Proposed West Lot 2

Proposed west lot 2 (1.5 acres) would be located within the community boundary in a zoning district that allows smaller lots for residential development, but would still result in the conversion of 1.5 acres of agricultural land to residential development in the future. This lot would convert land on the border of, but within the Tomales Community boundary. Section 30241(a) limits conversions to those that establish stable boundaries separating urban and rural areas. The location of this lot (within the Tomales Community boundary) is consistent with the notion of a stable community boundary limit. This lot is bordered by State Route 1 and abuts a local school property to the north. This immediate stretch of State Route 1 is lined with a few residential developments on the east side of the road and is developed with one residential development, a school, an historical society building and the Church of the Assumption of Mary on the west side. An additional future residential development located on proposed west lot 2 would be consistent with the character of this stretch of State Route 1 and would keep development closer to the road instead of encroaching further west into productive agricultural lands. However, recognizing that conflicts between agricultural and urban land uses need to be minimized pursuant to 30241(a), the Commission finds that proposed west lot 2 requires a 'right to farm' clause, which would be recorded on the deed, that puts future property owners on notice that users of the property may be subject to inconvenience, discomfort or adverse effects arising from adjacent agricultural operations, and that the owners accept such inconveniences. The adoption of Special Condition 3 would help minimize future conflicts between residential and agricultural land uses. Therefore, as conditioned, the Commission finds that proposed west lot 2 is consistent with Section 30241(a).

As conditioned, the Commission finds that West Component residential land division is consistent with Coastal Act Section 30241(a).

Compromising Agricultural Viability

Section 30241(b) of the Coastal Act limits conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural productivity is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development. This section concerns situations where urban uses are putting stress on adjacent agricultural lands.

At present, the Tomales Community already has a stable and clearly defined community boundary, which intersects portions of the Applicant's property. The boundary separates the

church and a school property from the northernmost line of the Applicant's west component. The subject property consists of lots that are currently within, outside and straddling the Tomales Community boundary line. Existing west lot 2 is within the Tomales community boundary, a small eastern portion of existing west lot 3 is within the community boundary, the existing central lot straddles the community boundary and the rest of the subject property is outside of the boundary. As proposed, west lot 2 and proposed central lot 1 would be within the boundary.

The Applicant has not submitted any evidence demonstrating that the viability of the agricultural land has been compromised by urban conflicts. No evidence has been presented showing that the agricultural land division would complete a logical, viable neighborhood at the community boundary line or that it would serve to stabilize the community boundary limit. To be clear, the entire proposed merger/re-division and land division would take place on the periphery of the Tomales Community boundary, which is a small, centralized community surrounded by agricultural property. The merger and re-division in the west component would result in the conversion of agricultural lands to residential uses on proposed west lot 1 and proposed west lot 2.

Proposed West Lot 1

The Commission finds that there is no convincing evidence indicating that the economic viability of the agricultural operations on West Lot 1 has already been compromised, and the proposed project as submitted would allow for the conversion of viable agricultural land inconsistent with Section 30241(b). Proposed west lot 1 would not complete a logical and viable neighborhood or contribute to a stable boundary, as described above; and it would expand the community boundary into agriculturally viable land zoned for agricultural uses outside of the community boundary. The conversion of approximately 1.66 acres of grazing lands to residential use would not establish a stable limit on the encroachment of urban development into the subject agricultural areas. Accordingly, Special Condition 1 requires the Applicant to revise the project plans to remove proposed west lot 1.

Proposed West Lot 2

As discussed above, proposed west lot 2, the future site of residential development, is consistent with the character of the existing neighborhood as seen from State Route 1 while traveling into or out of Tomales. Proposed west lot 2 is consistent with Section 30241(b), because it would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.

As conditioned, the Commission finds that West Component residential land division is consistent with Coastal Act Section 30241(b).

Conversion of Rural Agricultural Land Inconsistent with 30250

Section 30241(c) of the Coastal Act permits the conversion of agricultural lands surrounded by urban uses where the conversion of the land would be consistent with Section 30250 of the Coastal Act. Section 30250(a) of the Coastal Act requires in part that new development be concentrated in and around existing developed areas with adequate development capacities. Where such areas are not available, development must be located where adequate public services exist, and where the development will not have significant adverse effects, either individually or

cumulatively, on coastal resources. Additionally, the proposed project, as discussed above, is subject to the rural land division criteria of Section 30250(a) of the Coastal Act. To meet the criteria, the proposed lots (excluding those within existing developed areas) must be located within an area where 50 percent or more of the usable parcels have been developed, and the newly created parcels must be no smaller than the average size of the surrounding parcels.

As discussed above, proposed west lots 1 and 2 would convert agricultural lands to residential uses. It is important to ensure that adequate water and sewage services are provided or capable of being provided on the subject properties for potential future development. Section D describes the adequacy of services in detail. Proposed west lot 2, as conditioned, would require a well and a septic system if converted to residential development. Based on available evidence described in section D, there appears to be adequate water to serve future development. Special Condition 5 establishes a future development restriction that a reliable water source and sewage disposal capacity be established prior to the approval of construction of residential development on the property.

As discussed in Section B, proposed west lot 1 (1.66 acres) is located outside of the Tomales Community boundary and much smaller than both the 71 acre average and the 27-acre median surrounding lot size. Accordingly, the Commission adopts Special Condition 1 to eliminate proposed west lot 1, as it is inconsistent with Section 30250(a). Proposed west lot 2 (1.5 acres) is located within the Tomales Community boundary and therefore does not have to meet the 30250(a) rural land division criteria under 3025(a).

As conditioned, the Commission finds that the proposed development is consistent with Coastal Act Section 30241(c).

Development of unsuitable agricultural lands before converting agricultural lands

Section 30241(d) of the Coastal Act requires development of available lands not suited for agriculture prior to the conversion of agricultural lands. The proposed residential land division would result in the conversion of viable agricultural land to residential development. Based on the other criteria set forth in a – c, proposed west lot 1 is already inconsistent with Section 30241 and therefore ‘d’ does not apply.

Proposed west lot 2 is in a location that fits the neighborhood and would create a buffer between the road and the agricultural land to the west. This lot would be located within the Tomales community boundary and would be unsuitable for commercial agriculture due to potential conflicts with urban uses. Therefore, as conditioned, the Commission finds that the proposed project is consistent with Coastal Act Section 30241(d).

Nonagricultural Development and Other Impairments of Agricultural Viability

Section 30241(e) requires that public service and facility expansions and nonagricultural development not impair agricultural viability, either through increased assessment costs or degraded air and water quality. As discussed above, proposed lots 1 and 2 would convert agricultural viable lands to residential uses. It is critically important to ensure that any residential development would not impair the agricultural viability of surrounding agricultural lands.

Proposed West Lot 1

As discussed above, proposed west lot 1 (1.66 acres) would be located on agricultural grazing land. Given that this lot would be located on viable agricultural land, such a small lot designed for future residential development and the expansion of the existing Tomales Community boundary would impair agricultural viability on the proposed lot and surrounding agricultural lands. For example, given increasingly high housing costs, agricultural use often cannot compete with the use of land for residential development. The development resulting from these pressures is widely recognized as contributing to the loss of agricultural production on agricultural land. The loss of available lands for farming to residential development is now being recognized as a national trend and many states, including California, have recently taken actions in attempt to curb this “rural sprawl.” The American Farmland Trust views rural residential sprawl as a major threat to farm production stating:

The majority of the Central Valley’s population lives in urban areas totaling more than 1,236 square miles. Yet that number does not tell the full story. What are not counted are the rural residential parcels. These residences, also known as “ranchettes,” dot the rural landscape and affect everything from routine farming practices... a ranchette removes more farmland from agriculture than any higher density suburban dwelling.

And:

The subdivision of land into ranchettes fuels speculation that drives up the cost of land and eventually makes it unaffordable for commercial agricultural production. The proliferation of rural residences throughout agricultural areas also poses a very real risk, right-to-farm laws notwithstanding, that agricultural insurance premiums will rise and that farming practices may be further regulated to protect public health and safety. Thus, agricultural policy should also address the need to significantly reduce scattered, rural development.

Greater certainty about land use expectations is critical to both farmers and developers. Places to farm and places to build should be clearly delineated, mutually exclusive and consistently enforced...[This] will also insulate agricultural production from speculation and other pressures exerted by urban proximity, and encourage reinvestment in California agriculture to meet the demands of a changing global marketplace.

For these and other reasons as outlined above, the Commission adopts Special Condition 1 to remove proposed west lot 1 from the project to ensure those viable agricultural lands (1.66 acres) are incorporated into proposed west lot 3.

Proposed West Lot 2

Proposed west lot 2 (1.5 acres) would be located within the community boundary in a zoning district that allows smaller lots for residential development, but would still result in the conversion of 1.5 acres of agricultural land to residential development in the future. However, this lot is located within the Tomales Community boundary and for reasons discussed above, proposed west lot 2 is a permissible conversion on the urban/rural boundary; it would be within

the stable boundary between the urban and rural area, and would be adequately buffered from the surrounding agricultural lands. Therefore, the residential conversion would not impair agricultural viability in the area. Further, as described above, the Commission also adopts Special Conditions 3 to minimize conflicts between urban and agricultural uses. Therefore, as conditioned, the proposed residential land division is consistent with Section 30241(e).

Development Adjacent to Prime Agricultural Land Diminishing its Productivity

Section 30241(f) of the Coastal Act requires that divisions of prime agricultural lands and all development adjacent to prime agricultural lands not diminish the productivity of such prime agricultural lands. As discussed above, existing west lot 3 contains soils that are prime agricultural land if irrigated. Proposed west lots 1 and 2 would be located adjacent to these prime agricultural lands. The Applicant intends to develop proposed west lots 1 and 2 with residential development following this land division. Without certain restrictions, the Applicant's future residential developments could diminish the productivity of prime agricultural lands.

Proposed West Lot 1

As discussed above, proposed west lot 1 (1.66 acres) would be located on agricultural grazing land and adjacent to the prime agricultural lands in proposed lot 3. As described above, the Commission finds that proposed west lot 1 is inconsistent with Coastal Act Section 30241 a – e due to the reasons described above. For these same reasons, proposed west lot 1 is also inconsistent with 30241(f) its development would diminish the productivity of these agricultural lands. For these and other reasons as outlined above, the Commission adopts Special Condition 1 to remove proposed west lot 1 from the project description to ensure those viable agricultural lands (1.66 acres) are incorporated into proposed west lot 3. As conditioned, the Commission finds that the productivity of prime agricultural lands would not be diminished consistent with Coastal Act Section 30241(f).

Proposed West Lot 2

Proposed west lot 2 (1.5 acres) would be located within the community boundary in a zoning district that allows smaller lots for residential development, but would still result in the conversion of 1.5 acres of agricultural land to residential development. However, this lot is located within the Tomales Community boundary and for reasons discussed above, proposed west lot 2 is a permissible conversion on the urban/rural boundary; it would be within the stable boundary between the urban and rural area, and would be adequately buffered from the surrounding prime agricultural lands. Additionally, proposed west lot 2 borders State Route 1 and any access to future residential development can be contained within proposed west lot 2. Therefore, the residential conversion would not diminish the productivity of prime agricultural lands. Further, as described above, the Commission also adopts Special Conditions 3 to minimize conflicts between urban and agricultural uses. Therefore, as conditioned, the proposed residential land division is consistent with Section 30241(f).

Therefore, as conditioned, the Commission finds that the proposed residential land division does not diminish the productivity of prime agricultural land, consistent with 30241(f).

Residential Land Division Conclusion

Residential Land Division Conclusion

The Commission finds that with the adoption of Special Condition 1, which removes proposed lot 1 from the project, the proposed residential land division (i.e. west lot 2) would assure that the maximum of prime agricultural land and other land suitable for agriculture is maintained in production, and conflicts are minimized between agricultural and urban land uses, consistent with Coastal Act Section 30241.

AGRICULTURAL LAND DIVISION

Maintaining the maximum amount of prime land in agricultural use is of utmost importance in protecting the agricultural economy. The linkage between prime land production and local agricultural economy is directly stated in the first clause of Section 30241: “The maximum amount of prime agricultural land shall be maintained in agricultural production...to assure the protection of the area’s agricultural economy.” This precept reflects the fact that the productivity of prime land is often a key economic factor in the overall agricultural viability of an area. The relatively high economic yield of prime land attracts agricultural support services such as storage and processing facilities, maintenance and repair services, transportation, veterinarians, and labor pools, making these services available to less profitable farm operations.

The relationship is reciprocal, however, with the non-prime land operations enlarging and strengthening the market area for agricultural services and assuring their availability for all users. In addition, the non-prime lands often physically buffer the more valuable prime lands from conflicts with other uses. Thus protection of non-prime agricultural lands also serves to protect agricultural production on prime lands. Conversion and fragmentation of any agricultural land not only diminishes opportunities for economies of scale, but also increases the exposure of the remaining farm operations to conflicts with nearby urban users over such matters as noise, odor, pesticide use, smoke, and animals.

In regards to the land divisions undertaken for agricultural purposes, although no conversions are taking place, Section 30241 still requires that conflicts between agriculture and urban uses be minimized in specified ways. Sections 30241(a) and (f) require that stable boundaries between agricultural and urban uses be established and that development adjacent to prime agricultural lands not diminish the productivity of such prime agricultural lands. While the rest of the proposed project (proposed west lots 3 and 4, proposed central lot 2 and lot 3) is intended to remain in agricultural production, there are no assurances that the existing agricultural lands will remain productive and viable.

Buffer between Urban and Rural Uses

Section 30241(a) of the Coastal Act requires that conflicts between agricultural lands and urban uses be minimized through the establishment of stable boundaries separating urban and rural

areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.

Without stable urban/rural boundaries, there is the potential for direct conflicts between urban and agricultural uses due to the inherent incompatibility of agricultural-related and other types of land uses. Typical incompatibility issues raised at urban-agricultural land use interfaces include trespass and trash accumulation on agricultural lands; road-access conflicts between agriculturally related machinery and automobiles; noise, dust and odors from agricultural operations; limitations of pesticide application; and human encroachment from urban lands. Such incompatibilities can threaten continued agricultural production when agricultural practices become branded as public nuisances as urban uses encroach upon them.

Proposed West Lot 3

The Applicant has not submitted evidence assuring the Commission that proposed west lot 3 will not result in the conversion of agricultural land. Proposed west lot 3 (21.04 acres) will straddle the Tomales Community boundary, but is intended to remain in agricultural use and will acquire an existing single family residence and two small sheds from existing west lot 2. This lot will absorb the 1.66 acres from proposed west lot 1 and will expand to a total of 22.7 acres. To ensure that proposed west lot 3 remains in agricultural use and maintains the stable boundary separating urban and rural areas to avoid conflicts between agricultural and urban land uses, the Commission requires, pursuant to Special Condition 2, that the Applicant record a deed restriction that will limit uses on the land to agricultural uses consistent within the C-APZ-60 zoning district. Furthermore, pursuant to Special Condition 5, the Commission imposes a future development restriction on the site that requires the Applicant to obtain a coastal development permit for any future development or change of use on the site.

Proposed West Lot 4

Proposed west lot 4 (36.35 acres) would be located outside of the community boundary. The Applicant has not submitted evidence assuring the Commission that proposed west lot 4 will not result in the conversion of agricultural land. However, the Applicant intends to expand an existing MALT easement (to include the 17 acres being added to lot 4) and intends to keep this lot in agricultural use. To ensure that proposed west lot 4 remains in agricultural use and maintains the stable boundary separating urban and rural areas to avoid conflicts between agricultural and urban land uses, the Commission requires, pursuant to Special Condition 2, that the Applicant record a deed restriction that will limit uses on the land to agricultural uses consistent within the C-APZ-60 zoning district. Furthermore, pursuant to Special Condition 5, the Commission imposes a future development restriction on the site that requires the Applicant to obtain a coastal development permit for any future development or change of use on the site. Therefore, as conditioned, the Commission finds that proposed west lot 4 is consistent with Section 30241(a).

Proposed Central Lot 2

The Applicant intends to keep the proposed central lot 2 in agricultural production. Proposed central lot 2 will straddle the Tomales Community boundary. The majority of this lot is currently used for Highland and Short-horn cattle grazing. It is intended to remain primarily as open space for grazing, with the southeast corner used as the future site of a creamery facility. However, proposed central lot 2 is split zoned with roughly one-third of the property zoned C-VCR:B-4 and the remaining two-thirds zoned C-ARP-20. The future creamery, while not currently proposed, the Applicants have stated their desire to locate it in the C-ARP-20 zone. While facilities for processing for retail sale of agricultural products are allowed in this zone, the creamery would still potentially convert the agricultural grazing land in the southeast corner to commercial uses, because the Applicant intends to allow tastings and other visitor-serving uses at the site once the creamery is in operation. The Commission recognizes that this lot straddles the urban/rural boundary and does contain some commercial zoning, however, 30241(a) requires that stable urban/rural boundaries be maintained, and the conflicts between agricultural and urban (i.e. commercial) uses be minimized. To ensure that agricultural uses remain the primary focus of proposed central lot 2, the Commission, pursuant to Special Condition 2, requires a deed restriction on the lot to ensure that no future land division or conversion of agricultural lands occurs on the lot. This restriction would allow agricultural facilities for processing for retail sale of agricultural products, located outside of prime agricultural lands, consistent with C-ARP zone. As conditioned, the Commission finds that proposed central lot 2 is consistent with 30241(a).

Proposed Central Lot 3

As discussed above, proposed central lot 3 is outside of the Commission's retained jurisdiction and has been created pursuant to Marin County categorical exemption on March 4, 2009.

Conclusion

In summary, to ensure that the proposed agricultural land division will not result in conversion of agricultural lands to non-agricultural uses in the future, but instead establish stable boundaries separating urban and rural areas, with clearly defined buffer areas to minimize conflicts between agricultural and urban land uses, the Commission adopts Special Conditions 2, 3, 4 and 5 to ensure that the proposed lots remain in agricultural use and do not diminish the productivity of adjacent prime agricultural land.

As conditioned, the Commission finds the agricultural land division consistent with 30241(a).

Development Adjacent to Prime Agricultural Land Diminishing its Productivity

Section 30241(f) of the Coastal Act requires that all divisions of prime agricultural lands not diminish the productivity of such prime agricultural lands. As discussed above, there are soils that are prime agricultural land if irrigated. The Applicant intends to keep proposed west lots 3 and 4 and proposed central lots 2 and 3, including those properties containing prime soils (proposed west lots 3 and 4 and proposed central lot 2) in productive agricultural use. However, without certain restrictions, the Applicant's property could be utilized for non-agricultural uses in the future.

Proposed West Lot 3

Proposed west lot 3 (21.04 acres) will straddle the Tomales Community boundary, but is intended to remain in agricultural use and will acquire an existing single family residence and two small sheds from existing west lot 2. As discussed above, and pursuant to Special Condition 1, this lot will absorb the 1.66 acres from proposed west lot 1 and will expand to a total of 22.7 acres.

Without any assurance to the contrary, proposed west lot 3 could potentially be converted for non-agricultural land uses inconsistent with 30241(b), which would diminish the productivity prime agricultural lands inconsistent with 30241(f). As discussed above, proposed west lot 3 contains prime soils when irrigated. Any further division of this land and any non-agricultural development would diminish the productivity of such prime agricultural lands on these already relatively small agricultural lots. Therefore, to ensure that proposed west lot 3 remains in agricultural use and does not diminish the productivity of such prime agricultural lands, the Commission requires, pursuant to Special Condition 2, that the Applicant record a deed restriction that will limit uses on the land to agricultural uses consistent within the C-APZ-60 zoning district. Furthermore, pursuant to Special Condition 5, the Commission imposes a future development restriction on the site that requires the Applicant to obtain a coastal development permit for any future development or change of use on the site.

Therefore, as conditioned, the Commission finds the proposed project is consistent with Section 30241(f).

Proposed West Lot 4

Proposed west lot 4 is outside of the community boundary. This lot is comprised almost entirely of prime soils (when irrigated), wetland habitat and Keys Creek habitat. The Applicant intends to expand an existing MALT easement (to include the 17 acres being added to lot 4) and intends to keep this lot in agricultural use, primarily grazing. The Commission must independently ensure that proposed west lot 4 remains in agricultural use and does not result in the conversion of prime agricultural lands, because such a conversion would diminish the agricultural viability of those lands. Special Condition 2 requires that the Applicant record a deed restriction that will limit uses on the land to agricultural uses. Furthermore, pursuant to Special Condition 5, the Commission imposes a future development restriction on the site that requires the Applicant to obtain a coastal development permit for any future development or change of use on the site. Therefore, as conditioned, the Commission finds that proposed west lot 4 is consistent with Section 30241.

Proposed Central Lot 2

Taken together, the central component will divide one lot into three lots, with the intention of giving proposed central lot 1 to the church, farming proposed central lot 2 and potentially selling proposed central lot 3. Since the bulk of this land is outside, but on the fringe of, the urban/rural boundary, the Commission must ensure that proposed central lot 2 will not be converted from agricultural uses to urban land uses, because such a conversion would diminish the productivity

of such prime agricultural lands inconsistent with Coastal Act Sections 30241(f). The Applicant is not proposing to convert any portion of the Central Component. The Applicant intends to keep the Central Component in agricultural production. Proposed central lot 2 will straddle the Tomales Community boundary. This lot contains prime (if irrigated) soils within Keys Creek and immediately surrounding the creek. The majority of this lot is currently used for Highland and Short-horn cattle grazing. It is intended to remain primarily as open space for grazing, with the southeast corner used as the future site of a creamery facility (a conditional use within the zoning district) that would include a visitor-serving element for cheese tastings. Proposed central lot 2 is split zoned with roughly one-third of the property zoned C-VCR:B-4 and the remaining two-thirds zoned C-ARP-2. The future creamery, while not currently proposed, would potentially convert the agricultural land in the southeast corner to commercial uses, because the Applicant intends to allow tastings and other visitor-serving uses at the site once the creamery is in operation. Accordingly, commercial uses could potentially occur within the C-ARP-20 portion of the property near Keys Creek. To ensure that agricultural uses remain the primary focus of proposed central lot 2, and that the productivity of the adjacent prime agricultural land is not diminished, the Commission, pursuant to Special Condition 2, requires a deed restriction of proposed central lot 2 to ensure that no future subdivision or conversion of agricultural lands occurs on the lot. As conditioned, the Commission finds that proposed central lot 2 is consistent with Section 30241.

Proposed Central Lot 3

As discussed above, proposed central lot 3 is outside of the Commission's retained jurisdiction and has been created pursuant to Marin County categorical exemption on March 4, 2009.

Therefore, to ensure that the proposed agricultural land division will not result in conversion of agricultural lands to non-agricultural uses in the future, which would diminish existing potentially prime agricultural lands, the Commission adopts Special Conditions 2, 4 and 5 to ensure that the proposed lots remain in agricultural use and do not diminish the productivity of adjacent prime agricultural land.

As conditioned, the Commission finds the agricultural land division consistent with 30241(f).

Agricultural Land Division Conclusion

The Commission finds that with the adoption of Special Conditions 2, 4 and 5, which require deed restrictions and future development restrictions on proposed west lots 3 and 4 and proposed central lot 2, the proposed agricultural land division would assure that the maximum of prime agricultural land and other land suitable for agriculture is maintained in production, and conflicts are minimized between agricultural and urban land uses, consistent with Coastal Act Section 30241.

D. Locating & Planning New Development

1. Applicable Coastal Act Policies & Standards

Section 30250(a) of the Coastal Act also states that new development shall be located within or near existing developed areas able to accommodate it or in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. The intent of this policy is to concentrate development in existing urbanized areas where services are provided and potential impacts to resources are minimized.

2. Consistency Analysis

The Marin LCP, which may serve as guidance in the Commission's area of retained jurisdiction, does not incorporate the Tomales Community Plan but makes reference to it and states with respect to that community area that:

The community expansion boundary for the town was drawn in the 1977 community plan primarily to avoid intrusion surrounding agricultural lands. It includes a core of small VCR-zoned lots surrounded by small agricultural parcels. Sewage disposal in the downtown area is provided by a community sewer system while in the outlying areas, septic systems are used. Water supply is derived from on-site domestic wells. Existing zoning provides ample room for expanded commercial development...[and]...These planned districts will allow for the preservation of the maximum amount of agricultural land, protect views within the community, and allow greater flexibility in design.

At this time, there is no development proposed other than the west component merger and re-division of the four existing lots and the central component land division. However, the Commission cannot approve any division unless it can be determined that the resultant lots can be developed in full conformance with the Coastal Act, including whether there is adequate water, wastewater disposal capacity, and roads to serve future development. The Applicant, prior to future development, must demonstrate that the proposed resultant lots will be provided adequate services to serve the uses facilitated by the proposed merger and re-division and the land division. The Applicant submitted evidence that water sources currently exist at some of the proposed lots. A 2003 Department of Water Resources' Groundwater Update (General Bulletin 118) and related well data for Tomales Community supplied by the Applicant, indicate that numerous surrounding parcels have reliable water sources in the form of wells. The Applicant has drilled two working wells in the past 4 years. As proposed, a couple of the new lots would require future services to accommodate future development. Most importantly, proposed west lots 1 and 2 would require wells, septic systems and a driveway for access. Proposed central lot 1 is a parking lot for the church that might require a well if developed. The other lots have water sources: Proposed west lot 3 has a spring and would incorporate the services provided to the existing house on existing west lot 2 (septic and well), proposed west lot 4 has a pond and spring, proposed central lot 2 has two wells totaling 30 gpm and finally proposed central lot 3 has a 10 gpm well. As discussed above, the Commission requires the Applicant to remove proposed west lot 1 from the merger/re-division plans, but a reliable water source must be established to service future residential development at proposed west lot 2. Therefore, the Commission adopts Special Condition 5, which requires that any future permit for

residential development shall establish that there is adequate water supply and sewage disposal capacity to serve the development prior to approval. The Commission will also be able to review any future proposals for residential development on the parcels to ensure that such development is adequately served by water, sewer, and road services. As conditioned, the Commission finds that the proposed development is consistent with Coastal Act Section 30241.

As described in sections B, C, E and F of this report, as conditioned, the proposed project will not have significant adverse impacts on coastal resources including agricultural resources, ESHA or visual resources. Therefore, the Commission finds that the proposed development, as conditioned, is consistent with Coastal Act Section 30250(a) to the extent that it has adequate water and septic capability to accommodate it and it will not cause significant adverse effects, either individually or cumulatively, on coastal resources.

E. Environmentally Sensitive Habitat Areas and Wetlands

Coastal Act Section 30121 states:

"Wetland" means lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens.

Coastal Act Section 30233 states:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.

(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(7) Restoration purposes.

(8) Nature study, aquaculture, or similar resource dependent activities.

Coastal Act Section 30107.5 states:

“Environmentally sensitive area” means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

Coastal Act Section 30240 states in relevant part:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

Proposed Central Lot 2

The Applicant provided a June 19, 2009 Biological Report⁶ for the Central Component of the proposed project. This report indicated that proposed central lot 2, particularly the portion that houses a segment of Keys Creek, supports potential habitat for special-status plant and animal species, but that further survey would be needed to accurately determine what species are present. Additionally, the report identified annual grassland and narrow riparian woodlands and wetlands associated with stream corridors, and that the stream channel is mostly lined with herbaceous wetland-adapted species along the banks and channel bottom. Use of those portions of the site that are ESHA would be limited to that which is allowed under Section 30240. In the absence of evidence demonstrating otherwise, the Commission assumes that certain portions of proposed central lot 2, particularly those in the south west, south and south east along Keys Creek, constitute wetlands and/or riparian habitat, and are thus afforded the full protections of Sections 30233 and 30240 of the Coastal Act. Therefore, the Commission adopts Special Condition 2 prohibiting any future development of property other than agricultural development

⁶ “Memorandum for Tomales Farm & Dairy, LLC: Central Project: Lot line adjustment, Tomales, Marin County,” dated June 15, 2009, by Prunske Chatham, Inc.

and prohibiting even agricultural development within Keys Creek, or any other wetlands or riparian areas or their buffers.

Proposed West Lot 3 and West Lot 4

The subject property is located on agricultural land in the community of Tomales in Northwest Marin County, approximately 3 miles east of Tomales Bay, at the intersection of State Route 1 and Tomales-Petaluma Road (Exhibit No. 2). Keys Creek meanders (at times, seasonally) from the eastern portion of the property under State Route 1 and south along the road until it reaches Tomales Bay approximately 3 miles from the subject property. Historic tidelands associated with Keys Creek touch all existing lots. The majority of the property on the west side of Highway 1 (proposed west lots 3 and 4) constitutes grazed seasonal riparian habitat and wetland habitat. The proposed west component merger-re-division would result in proposed west lot 4 absorbing 17 acres from existing west lot 3, which are almost entirely comprised of wet soils on the west and northwest portions of the site which appear to be a wetland as defined by the Coastal Act. Section 30121 of the Coastal Act defines wetlands as lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens. Section 30233 of the Coastal Act allows only specified types of development in wetlands. Residential uses are not one of the uses permitted by 30233.

In addition to potential wetlands, portions of proposed west lot 4 may be defined as environmentally sensitive habitat. Section 30107.5 of the Coastal Act defines environmentally sensitive habitat areas (ESHA) as those in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. Section 30240 protects ESHA against any significant disruption of habitat values, and only allows uses dependent on those resources are allowed within those areas.

No evidence has been presented showing that a biological assessment was completed for the West Component; however, the proposed west lot 4 is only three miles from Tomales Bay and may support rare or especially valuable habitat, animals or plants within the Keys Creek portions. Additionally, the Applicant submitted evidence of certain conservation areas located within existing west parcel 3 and proposed west parcel 4 (Exhibit 9). As discussed above, the Applicant submitted evidence related to the existence of riparian and wetland habitat along Keys Creek on proposed central lot 2. The portion of Keys Creek within proposed west lot 4 is similarly situated. If portions of proposed West Component are ESHA, use of those portions of the site would be limited to that which is allowed under Section 30240. In the absence of a wetland delineation and a biological assessment demonstrating otherwise, the Commission assumes that the entirety of proposed west lot 4 may indeed constitute wetlands and/or ESHA, and is thus afforded the full protections of Sections 30233 and 30240 of the Coastal Act. Thus, it is possible that the proposed merger and re-division would result in an all ESHA and wetland parcel that could not be developed consistent with Sections 30233 and 30240 of the Coastal Act. As such, the proposed merger and re-division would be inconsistent with Coastal Act Sections 30233 and 30240.

The applicants have not proposed any restrictions over proposed west lot 4, other than stating an intention to expand their existing MALT easement over proposed west lot 4. The existing MALT easement covering other land owned by the Applicant protects in perpetuity agricultural values, character, use and utility by preventing any use or condition of the protected property that would significantly impair or interfere with its agricultural values, character, use or utility. It also protects the soil and water quality of the creek and wetlands. Grazing is allowed (and encouraged) only in the dry months to control invasive species and to maintain the agricultural productivity of the area. There are additional restrictions that protect open space, natural resource and scenic values of the property to the extent such protection is consistent with the permitted uses of the property under the terms of the agreement. The easement would also permit certain residential uses, agricultural uses, improvements and facilities, water resources and impoundments, agrochemical use, predator control and recreational uses. To ensure that ESHA and wetlands are protected from future development, the Commission adopts Special Condition 2, which requires the property owner to record a deed restriction protecting existing agricultural land, wetlands and ESHA resources over the entire proposed west lot 4. In addition, given the fact that proposed west lot 4 is almost entirely comprised of wetland, ESHA and riparian resources, Special Conditions No. 2 and 4 require the applicant to record deed restrictions, thereby requiring the applicant as the current owner to acknowledge and agree to the development limitations associated with the subject parcel(s) at the time of its creation. The imposition of this condition is necessary to ensure that (a) the restricted property is never developed inconsistent with the resource protections of 30233 and 30240-41; (b) the current or future owners understand the development limitations associated with the newly created lot at the time of its creation; and (c) the restricted property is never the subject of a takings challenge by the current or future owner. The Commission also notes that in addition to protecting habitat, the open space restrictions contained in the conditions increase the value of the adjacent residential properties by preserving both privacy and views.

Thus, as conditioned, the recorded restrictions will ensure that the proposed project would not significantly adversely impact wetlands or ESHA. Therefore the Commission finds that as conditioned, the proposed project is consistent with Section 30233 and 30240 of the Coastal Act.

F. Visual Resources

Section **30251** of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The proposed project area surrounds the intersection of Tomales-Petaluma Road and State Route 1 in the Community of Tomales and is located within a rural area characterized by expansive, verdant hillsides. The site is visible from various public viewing points, such as Tomales-Petaluma Road coming from the east, State Route 1 coming from the north or south and Dillon Beach Road coming from the west. The proposed development raises an issue regarding future allowable development compatible with the character of the surrounding areas.

As conditioned, the west component would result in one lot (west lot 2) set aside for residential development along State Route 1, near the intersection with Tomales-Petaluma Road. As stated above, there is no current proposal for development. Although future residential development of proposed west lot 2 would likely result in some blocked views of the surrounding grazed hillsides to the west, as approaching the Tomales Community on Tomales-Petaluma Road from the east given the proposed location of proposed west lot 2 on the boundary of the Tomales community, the proposed building sites could be configured in a manner that minimizes visual impacts and is compatible with the character of its setting, consistent with Coastal Act Section 30251. Any future development would require a coastal development permit, which must be compatible with the Coastal Act or comparable policies in the Marin County LCP.

For the reasons set forth above, the Commission finds that the proposed project, as conditioned, is consistent with Section 30251 of the Coastal Act.

G. California Environmental Quality Act

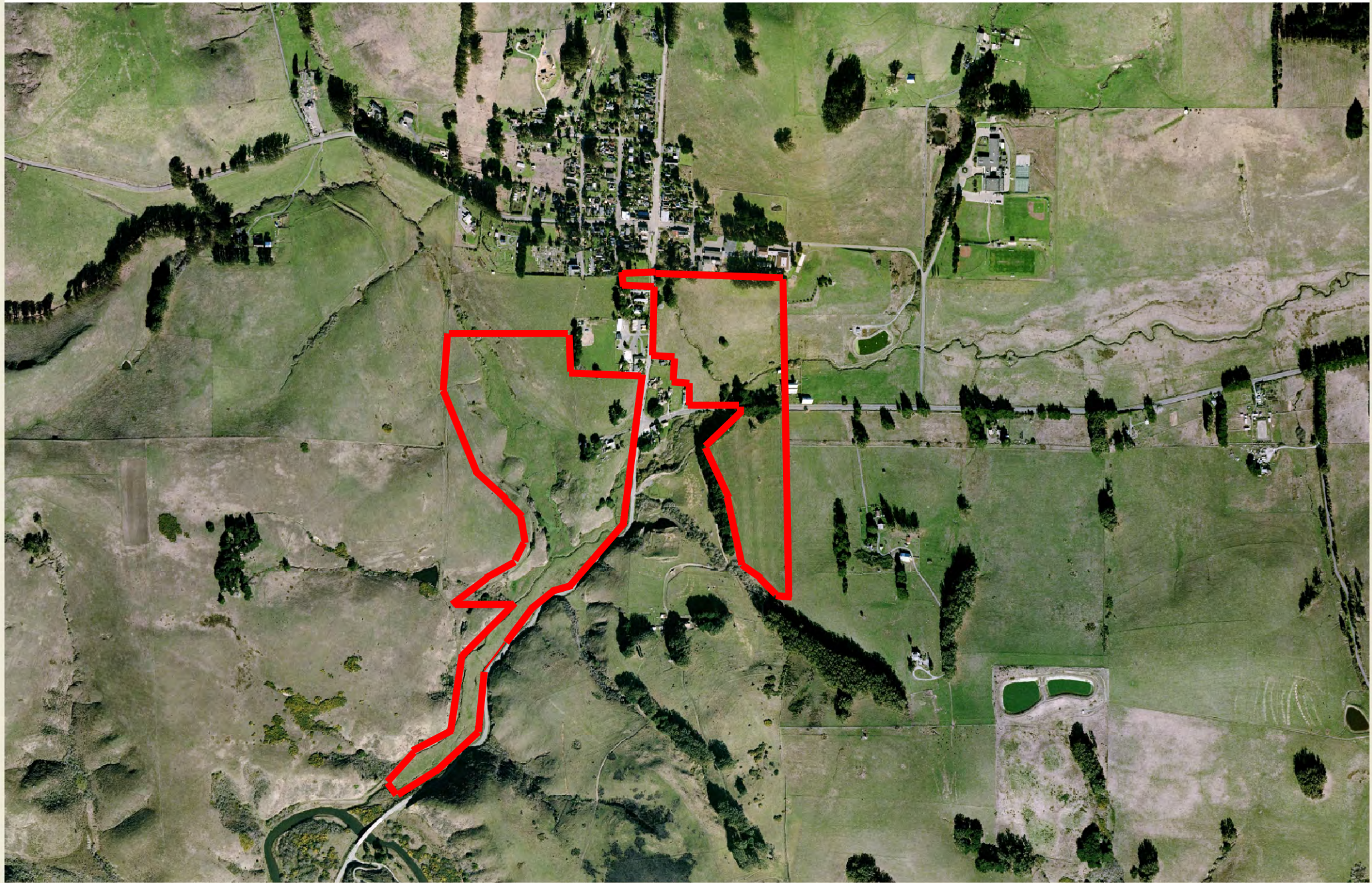
Section 13906 of the Commission's administrative regulation requires Coastal Commission approval of coastal development permit applications to be supported by a finding showing the application, as modified by any conditions of approval, is consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are any feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect the proposed development may have on the environment.

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. As discussed above, the proposed project has been conditioned to be consistent with the policies of the Coastal Act. The findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As specifically discussed in these above findings, which are hereby incorporated by reference, mitigation measures that will minimize or avoid all significant adverse environmental impacts have been required. As conditioned, there are no other feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impacts which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found consistent with the requirements of the Coastal Act to conform to CEQA.



Project Site

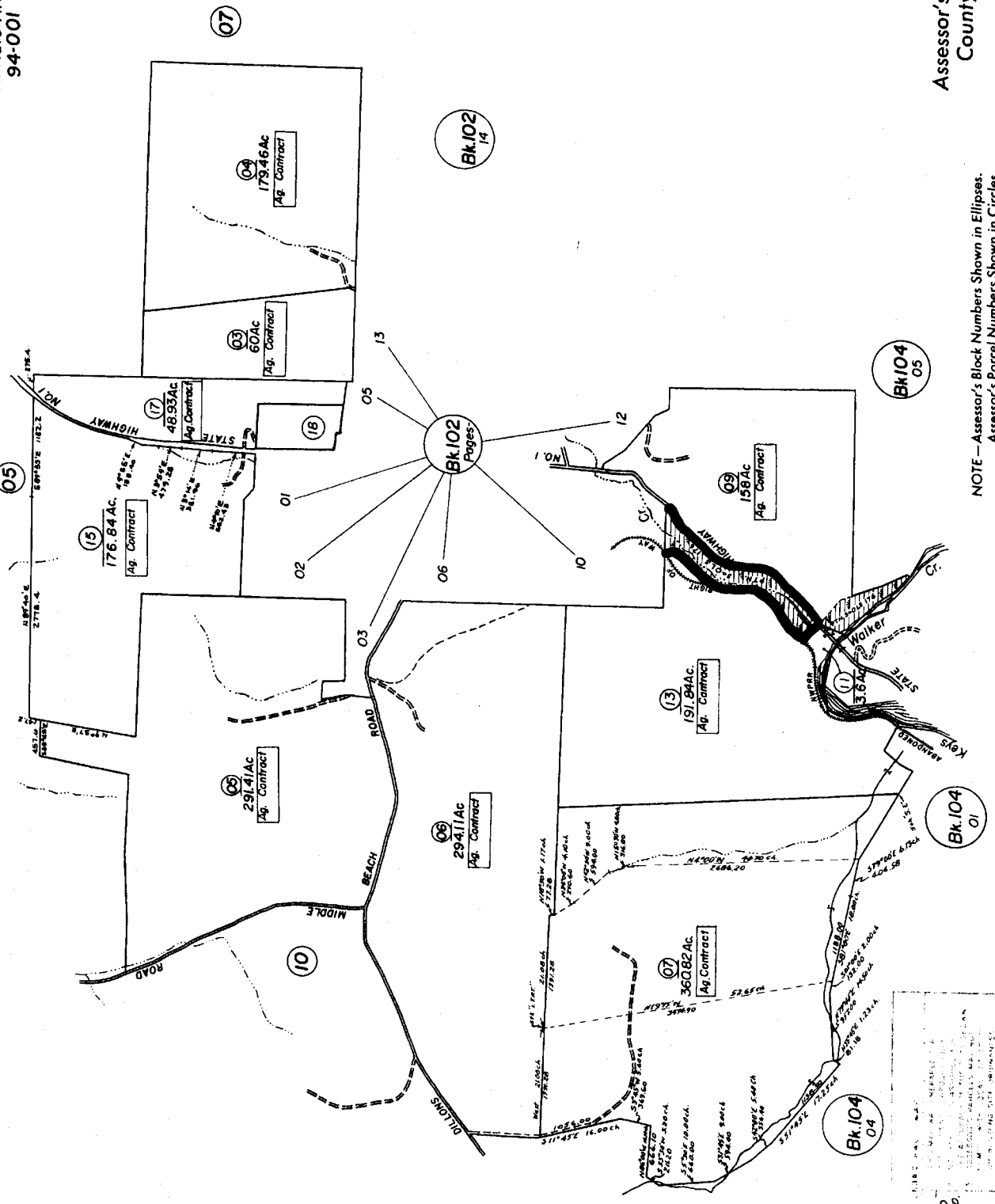






Tax Rate Area
94-001 100-09

POR. RANCHO BALSA DE TOMALES



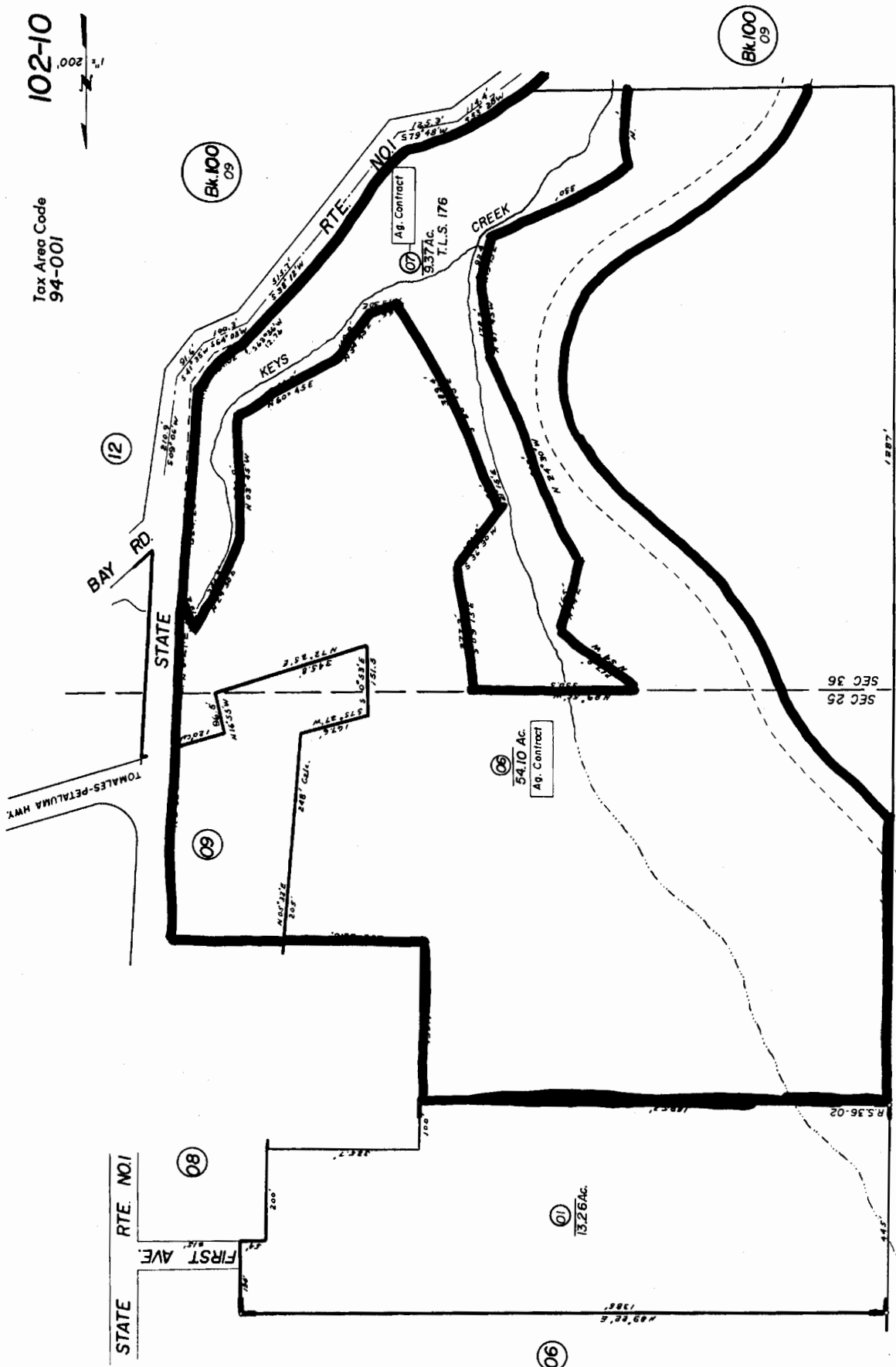
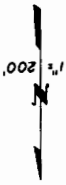
Assessor's Map Bk.100-Pg.09
County of Marin, Calif.

NOTE—Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Circles.

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1-26-95 C.D.

102-10

Tax Area Code
94-001



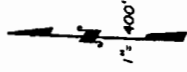
TOWN OF TOMALES
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County of Marin, Calif.

NOTE - Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Circles.

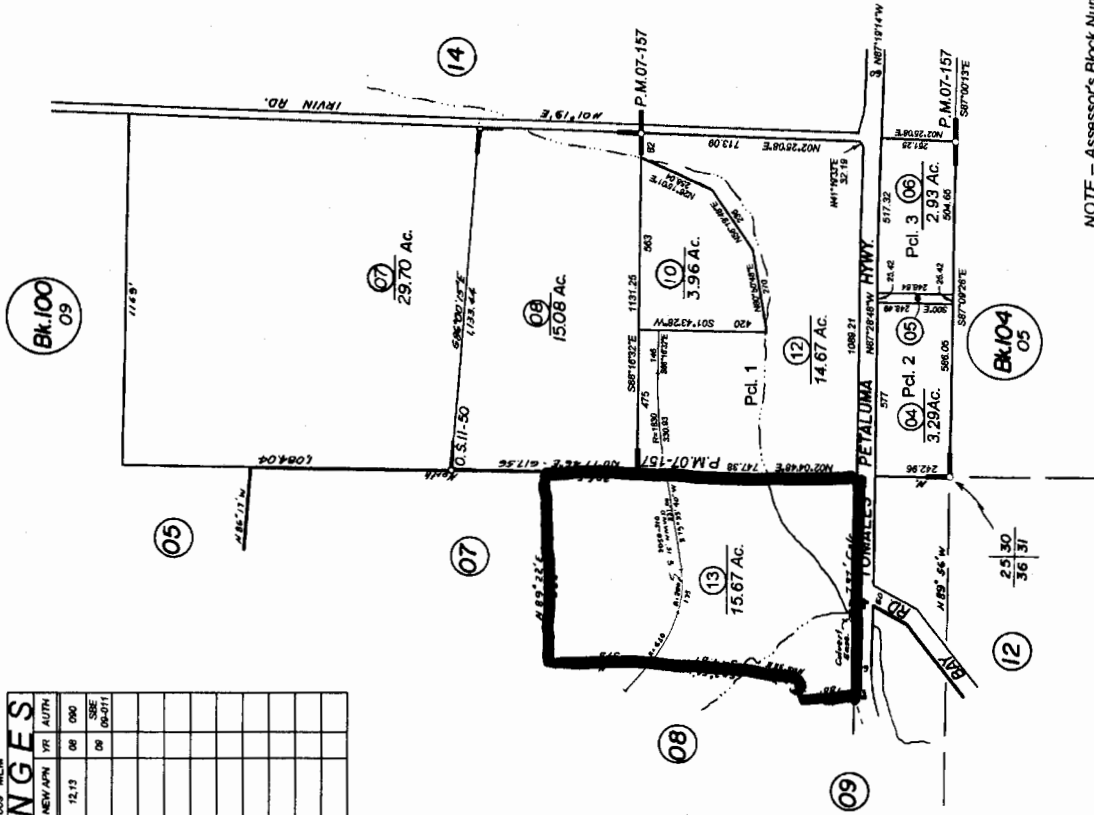
ADJUSTED VAL
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11-95 L E

Tax Area Code
94-001
 94 - 023
 94 - 055

102-13



5262009 MEM			
CHANGES			
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			06 090
			06 011

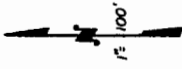


NOTE - Assessor's Block Numbers Shown in Ellipses.
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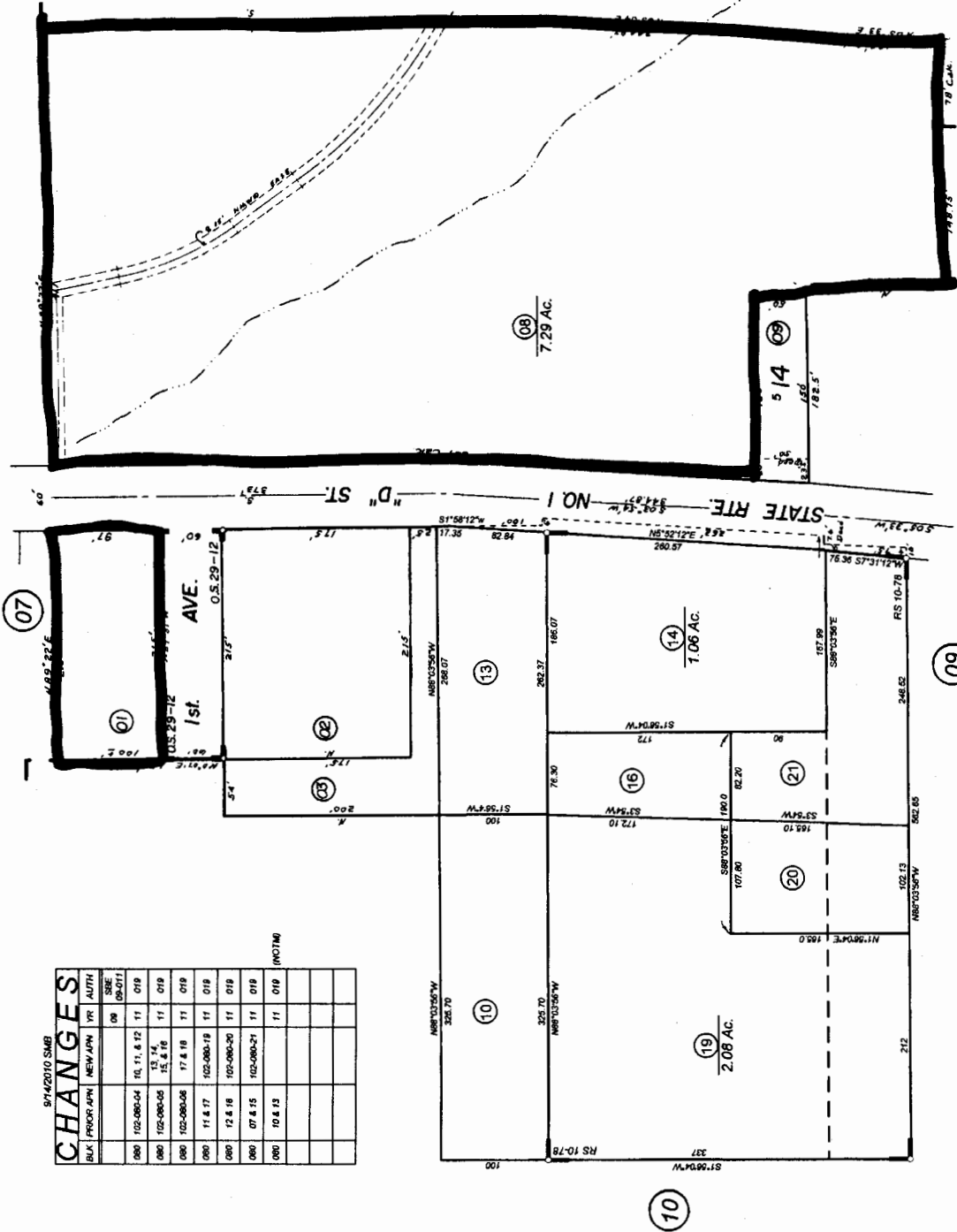
TOWN OF TOMALES
 Assessor's Map Bk.102-Pg.13
 County of Marin, Calif.

102-08

Tax Area Code
94-002
94-023
94-030
94-056



POR. OF RANCHO DE TOMALES



9/7/4/2010 SMB

CHANGES						
BLK	PROG	APN	NEW APN	YR	AUTH	SRE
080	102-080-04	10, 11, & 12	11	019	08-011	16
080	102-080-05	13, 14, 15, & 16	11	019		
080	102-080-06	17 & 18	11	019		
080	11 & 17	102-080-19	11	019		
080	12 & 18	102-080-20	11	019		
080	07 & 15	102-080-21	11	019		
080	10 & 13		11	019	(NOTM)	

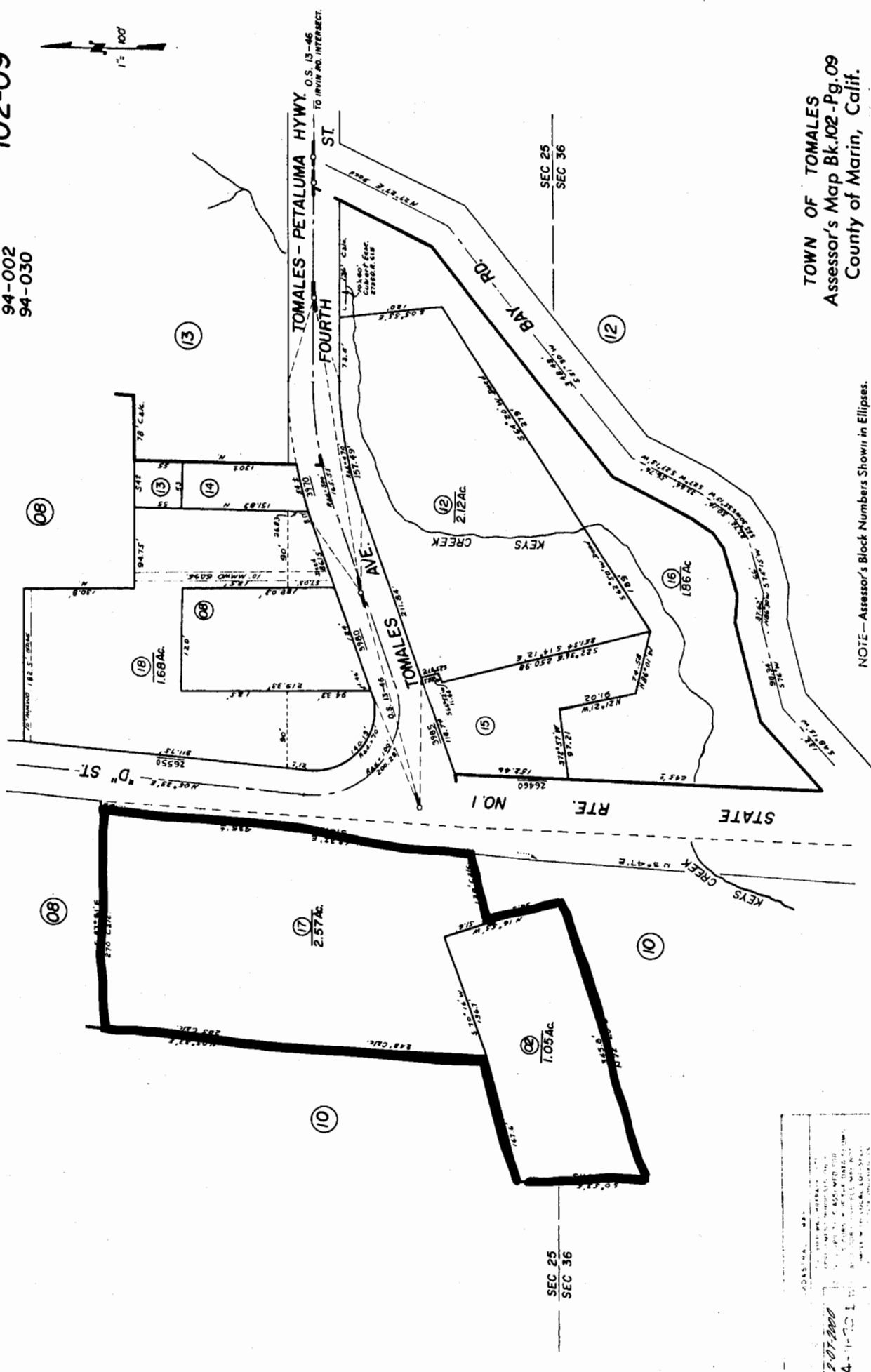
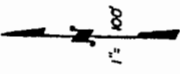
TOWN OF TOMALES
Assessor's Map Bk.102 -Pg. 08
County of Marin, Calif.

NOTE - Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Circles.

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. ASSESSORS PARCELS MAY NOT COMPLY WITH LOCAL SUBDIVISION OR BUILDING ORDINANCES.

102-09

Tax Rate Area
94-002
94-030



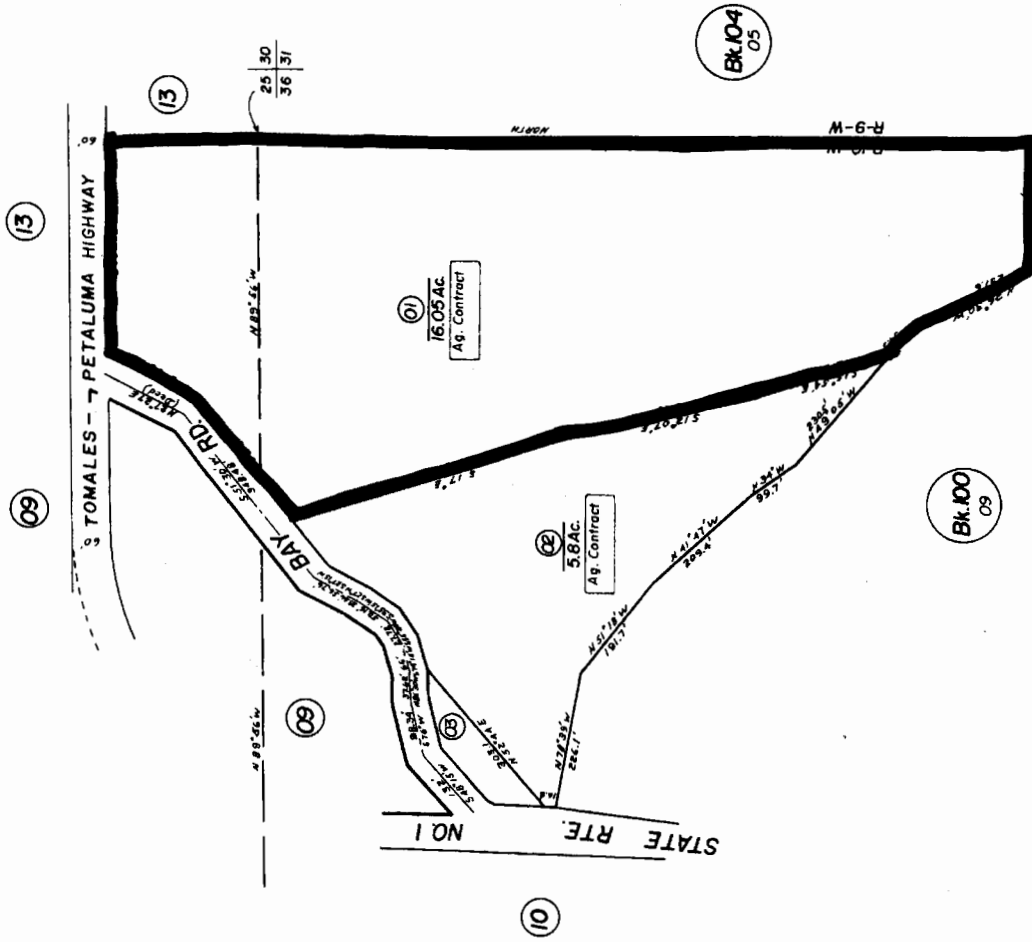
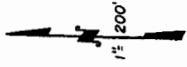
TOWN OF TOMALES
Assessor's Map Bk.102-Pg.09
County of Marin, Calif.

NOTE - Assessor's Block Numbers Show in Ellipses.

COASTAL...
2-09-013
4-1-2011

Tax Area Code
94-001

102-12



TOWN OF TOMALES
Assessor's Map Bk.102-Pg.12
County of Marin, Calif.

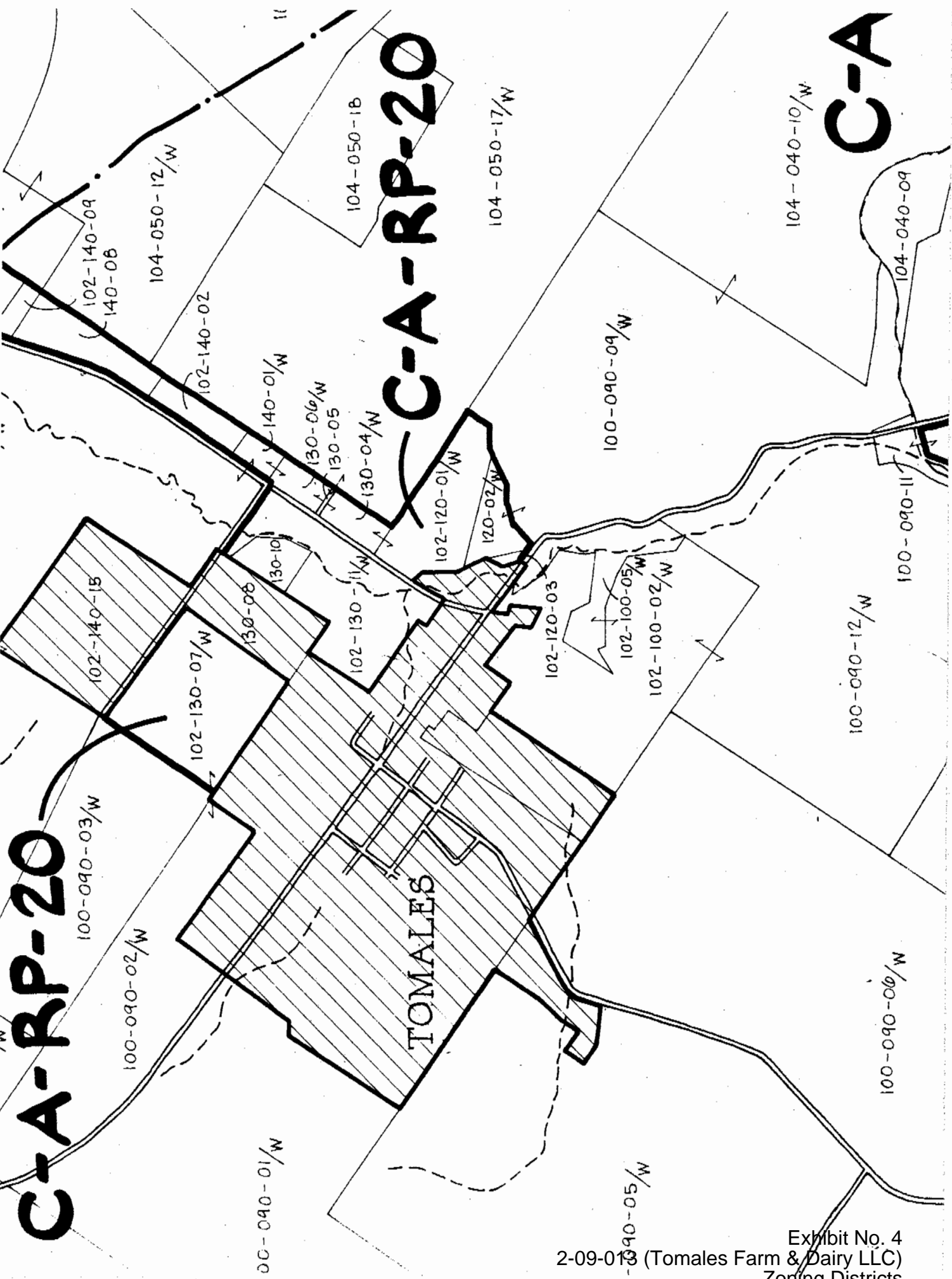
NOTE - Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Circles.

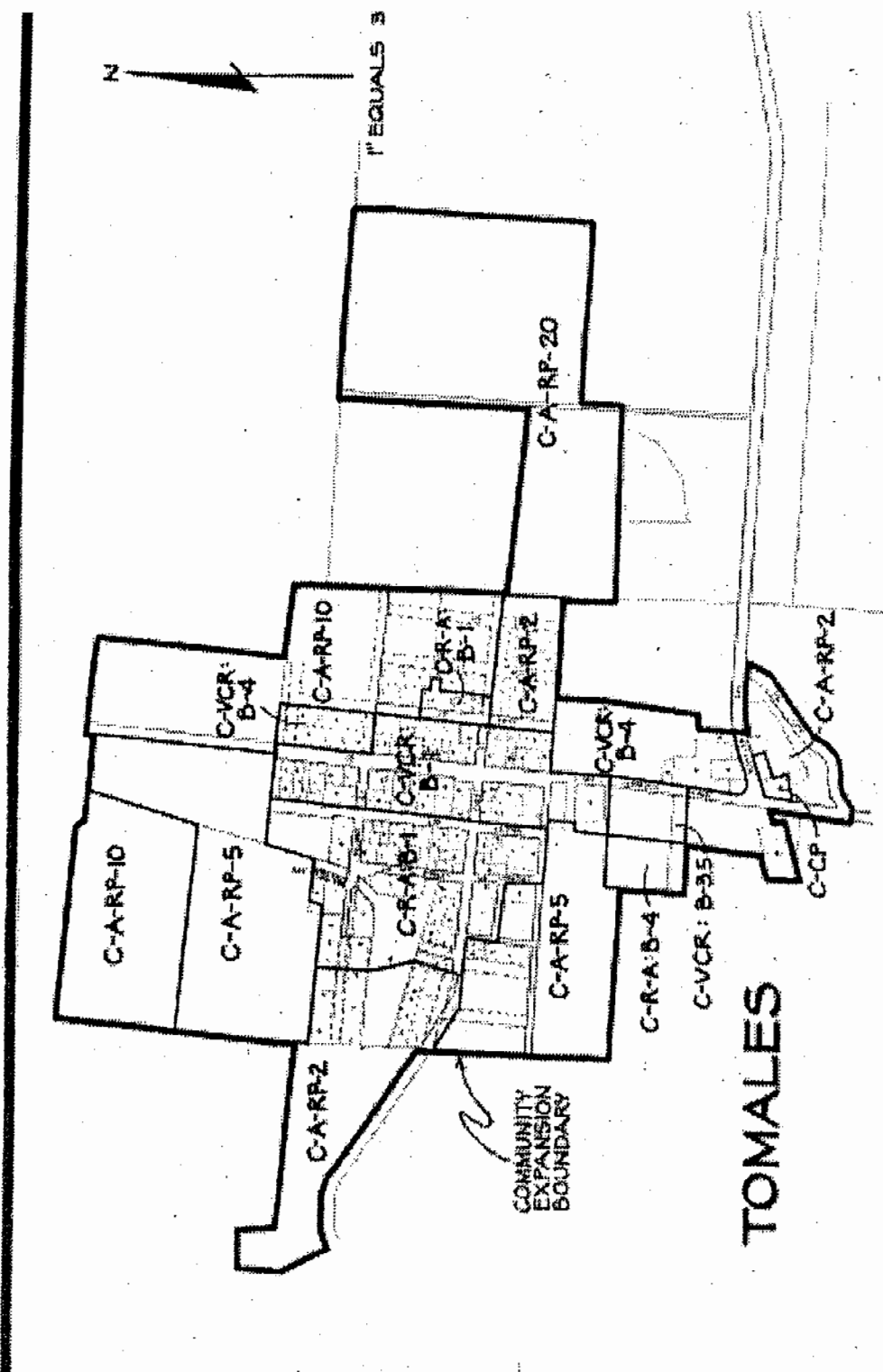
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3	100	09	09	100
4	100	09	09	100
5	100	09	09	100
6	100	09	09	100
7	100	09	09	100
8	100	09	09	100
9	100	09	09	100
10	100	09	09	100

C-A-RP-20

C-A-RP-20

C-A





BUREAU DAY 14 MI.
VALLEY FORD 6.4 MI. 1 310 000 FEET 509

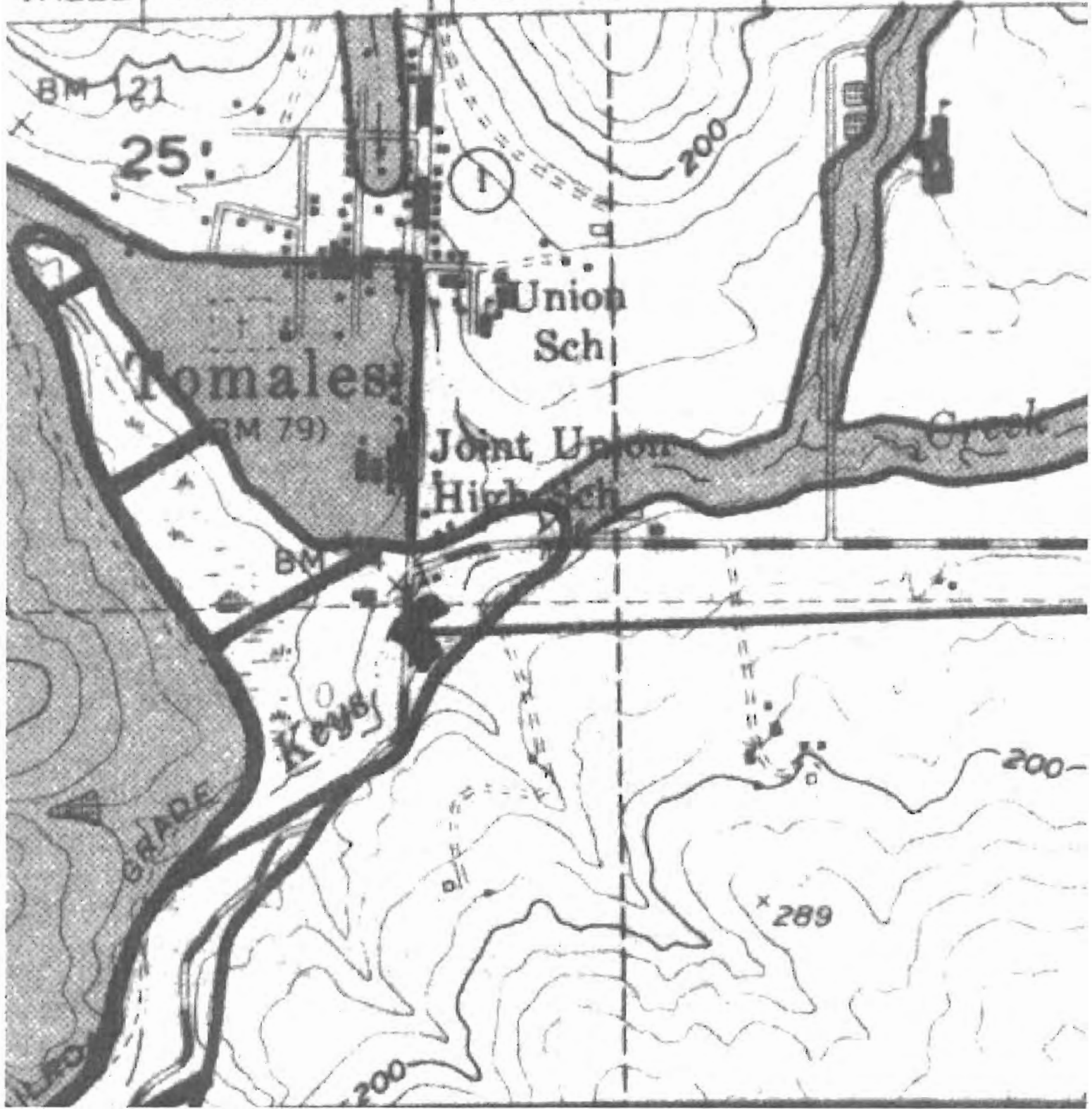


EXHIBIT A

PROPOSED LOTS

OF THE LANDS OF TOMALES FARM & DAIRY LLC AS DESCRIBED IN THAT DEED RECORDED IN OFFICIAL RECORDS AS DOCUMENT NUMBER 2005-0096381, MARIN COUNTY RECORDS.

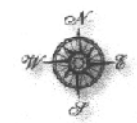
LYING WITHIN SEC. 25 AND 36, T5N, R10W M. D. B. & M.

COUNTY OF MARIN, STATE OF CALIFORNIA

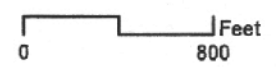
CCC Retained Jurisdiction Boundary

Lots and Denotation

Existing Lot 1
Proposed M



1 inch = 800 feet

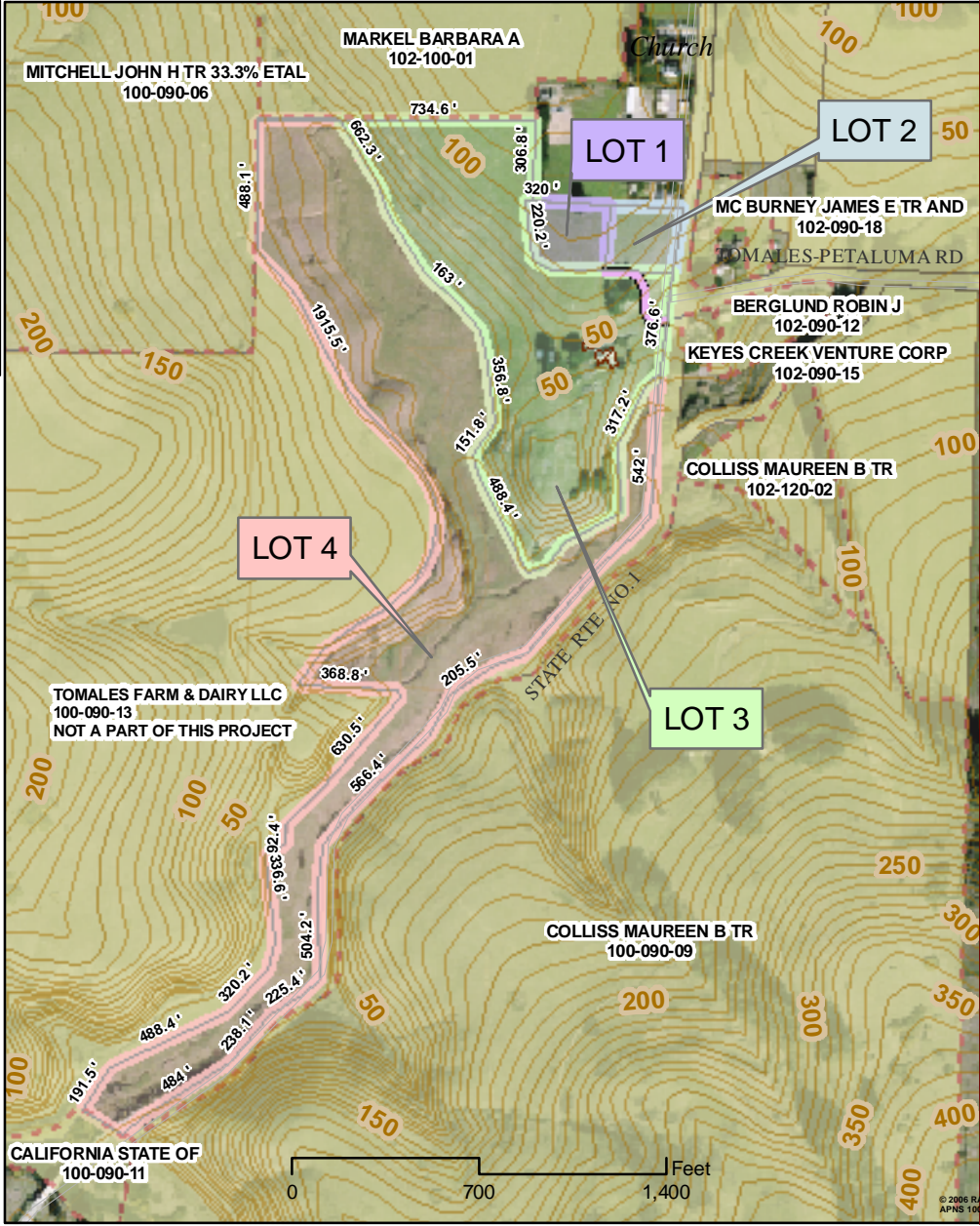
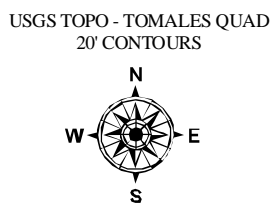
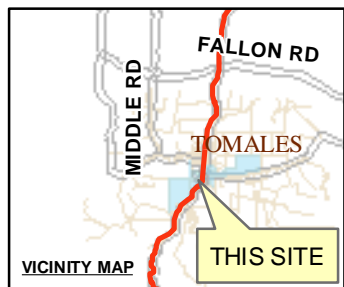
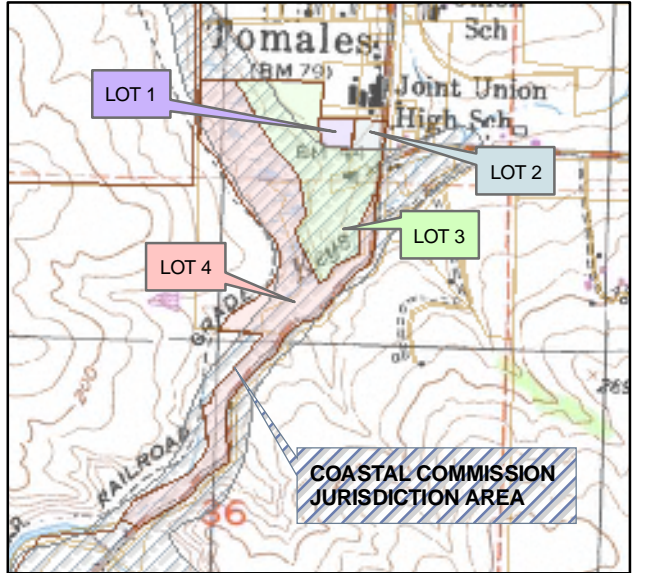
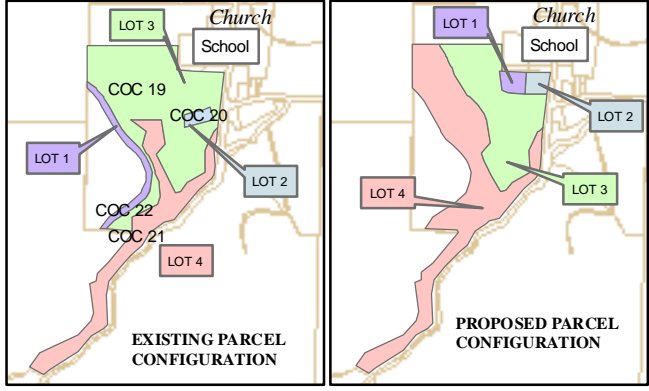


TFD Lot Name	Marin NOD Lot Name	Existing Acreage	Proposed Acreage	Ag Land Classification (per Cal. Gov. Code Section 51201(c))
West K	West 1	3.62	1.66	Not Prime
West J	West 2	1.04	1.5	Not Prime
West L	West 3	36.65	21.04	Prime
West M	West 4	19.68	36.35	Prime
Central O	Central 1	0.69	2.05	Not Prime
Central F	Central 2	0.86	22.96	Prime
Central H	Central 3	39.11	15.7	Not Prime

MAP REQUESTED BY PRUNUSKE CHATHAM, INC. IN DECEMBER 2009. THIS MAP HAS BEEN COMPILED FROM VARIOUS RECORD DATA SOURCES. A BOUNDARY SURVEY HAS NOT BEEN PERFORMED BY THIS SURVEYOR OF THE LANDS DELINEATED HEREON. NO LIABILITY IS ASSUMED OR IMPLIED FOR THE LOCATION OF BOUNDARY LINES OR THE ACCURACY OF ACREAGE FIGURES SHOWN HEREON. PROPOSED LOT LINES PER SITE MAP'S PREPARED FOR JOHN WILLIAMS BY RAY CARLSON & ASSOCIATES, INC. MAY 2009 (WESTERN PORTION) AND APRIL 2008 (CENTRAL PORTION).

ROAD AND CREEK DIGITAL DATA OBTAINED PER MARIN COUNTY GIS DEPARTMENT AND USED WITH PERMISSION.





PROJECT

OWNER/APPLICANT: TOMALES FARM & DAIRY COMPANY, LLC
P.O. BOX 378
TOMALES, CA 94971
(707) 878-2880

APNS: 100-090-13, 102-090-02 & 17, 102-100-06 (PTN) & 07
SITUS: 26650 & 26457 STATE RT 1, TOMALES, CA

SEWER: TOMALES VILLAGE SERVICES DISTRICT
P.O. BOX 303 TOMALES, CA 94971

WATER: PRIVATE WELL

FIRE: MARIN COUNTY FIRE DEPT.
3501 CIVIC CENTER DRIVE, SAN RAFAEL, CA 94903

UTILITIES: PG&E 210 CORONA, PETALUMA, CA 94952

LAND USE: LOT 1 & 2 -- RURAL RESIDENTIAL
LOT 3 & 4 -- AGRICULTURE

LOT	EXISTING	PROPOSED	% CHANGE
1	3.52 AC +/-	1.66 AC +/-	- 54
2	1.04 AC +/-	1.50 AC +/-	+ 44
3	36.65 AC +/-	21.04 AC +/-	- 43
4	19.68 AC +/-	36.35 AC +/-	+ 85

NOTE

THE PURPOSE OF THIS MAP IS A LOT LINE ADJUSTMENT THAT WILL REORGANIZE THE EXISTING LOTS IN ORDER TO ISOLATE AND PROTECT THE WETLANDS AS WELL AS TO POSITION THE RESIDENTIAL PARCELS 1 & 2 CLOSER TO THE TOWN OF TOMALES.

SURVEYOR'S STATEMENT

I, RAY C. CARLSON, A LICENSED LAND SURVEYOR IN AND FOR THE STATE OF CALIFORNIA, DO HEREBY STATE THAT THIS MAP WAS PREPARED BY ME, OR UNDER MY DIRECTION, AS REQUESTED BY JOHN WILLIAMS IN MAY 2006. THIS MAP HAS BEEN COMPILED FROM VARIOUS RECORD DATA SOURCES. A BOUNDARY SURVEY HAS NOT BEEN PERFORMED BY THIS SURVEYOR OF THE LANDS DELINEATED HEREON. NO LIABILITY IS ASSUMED OR IMPLIED FOR THE LOCATION OF BOUNDARY LINES OR THE ACCURACY OF ACREAGE FIGURES SHOWN HEREON.

RAY C. CARLSON LS3980 DATE

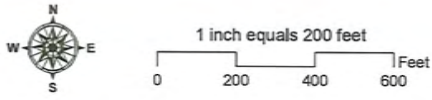
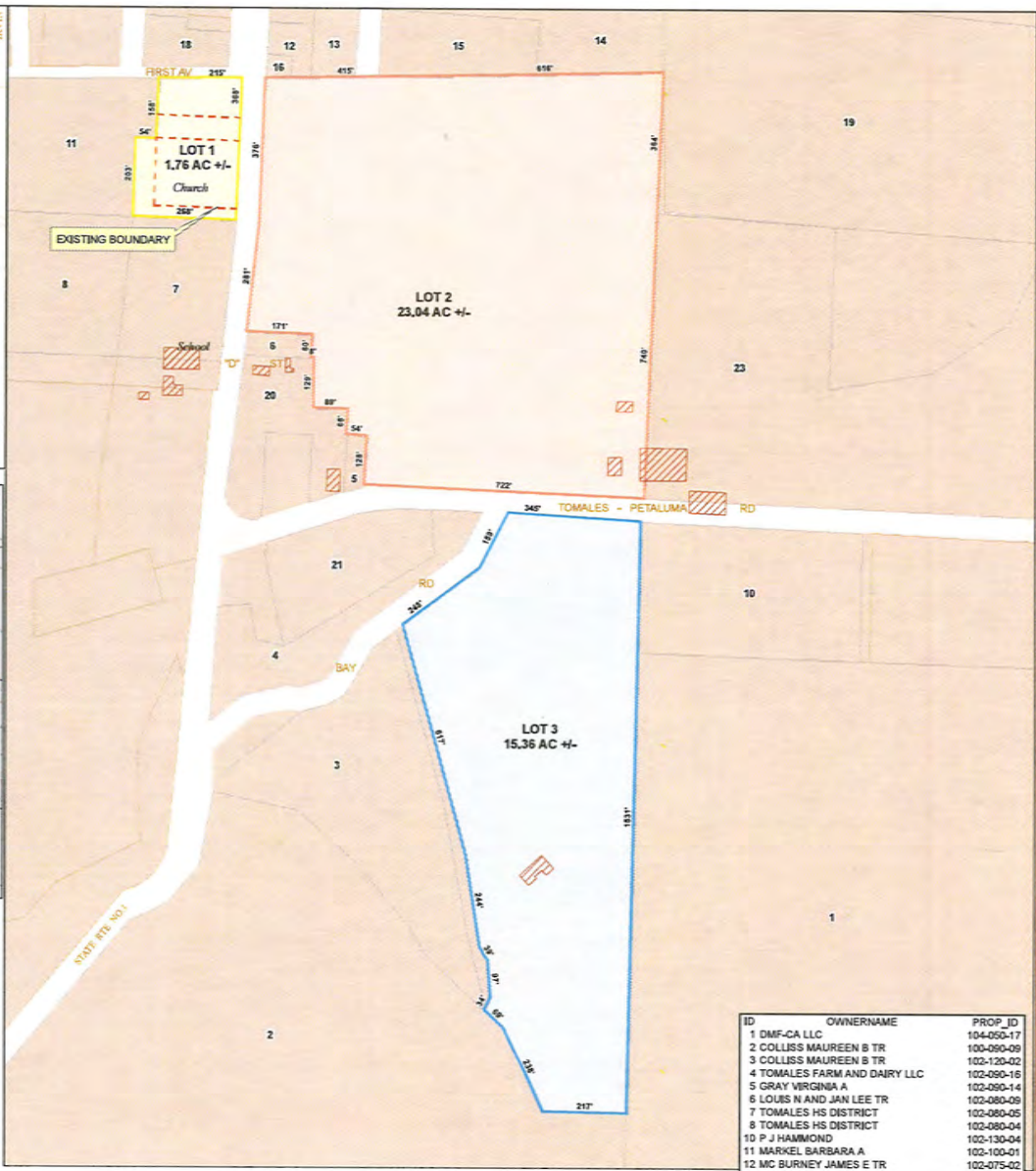
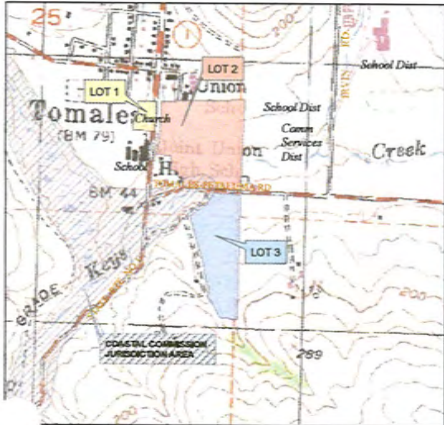
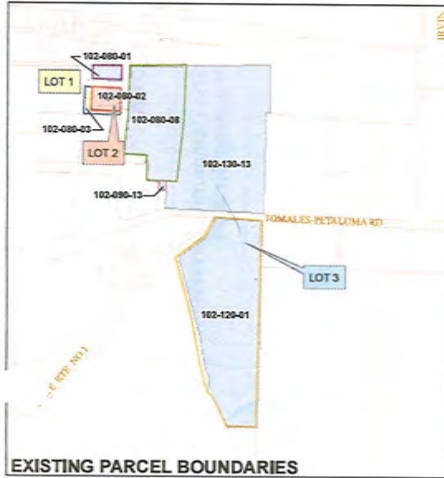
SITE MAP

OF A PROPOSED LOT LINE ADJUSTMENT TO A PORTION OF THE LANDS OF TOMALES LAND & CATTLE COMPANY, LLC AS DESCRIBED IN THAT DEED RECORDED IN OFFICIAL RECORDS AS DOCUMENT NUMBER 2005-0906301, MARIN COUNTY RECORDS. (AN APPLICATION FOR CERTIFICATES OF COMPLIANCE HAS BEEN SUBMITTED AND IS BEING REVIEWED FOR THESE LANDS)

LYING WITHIN SEC. 25 AND 36, T5N, R10W M. D. B. & M.
COUNTY OF MARIN STATE OF CALIFORNIA

MAPPING A BETTER WORLD
Ray Carlson & Associates, Inc.
LAND SURVEYING, GIS
411 Russell Ave Santa Rosa CA 95403
http://www.rcmaps.com
(707) 528-7649 Fax (707) 571-5541

© 2006 RAY CARLSON & ASSOCIATES, INC. REVISED APRIL 2007
APNS 100-090-13, 102-090-02 & 17, 102-100-06 & 07 MAY 2006 SHEET 1 OF 1 JOB# 05-081



ID	OWNERNAME	PROP_ID
1	DMF-CA LLC	104-050-17
2	COLLINS MAUREEN B TR	100-090-09
3	COLLINS MAUREEN B TR	102-120-02
4	TOMALES FARM AND DAIRY LLC	102-090-16
5	GRAY VIRGINIA A	102-050-14
6	LOUIS N AND JAN LEE TR	102-080-09
7	TOMALES HS DISTRICT	102-060-05
8	TOMALES HS DISTRICT	102-080-04
9	P J HAMMOND	102-130-04
10	MARKEL BARBARA A	102-100-01
11	MC BURNEY JAMES E TR	102-075-02
12	HENTZ FRANCINE	102-075-09
13	TOMALES BAY UNION SCH DIST	102-073-06
14	TOMALES SCHOOL DIST	102-073-04
15	TOMALES JOINT UNION HIGH SCHOOL	102-075-01
16	TOMALES VILLAGE COMM SVS DIST	102-074-09
17	SHORELINE UNIF SCH DIST	102-130-08
18	MC BURNEY JAMES E TR	102-090-18
19	TOMALES FARM AND DAIRY LLC	102-130-12
20	BERGLUND ROBIN J	102-090-12

PROJECT

OWNER: TOMALES FARM & DAIRY COMPANY, LLC
APPLICANT: P.O. BOX 378
 TOMALES, CA 94971
 (707) 878-2880

APNS SITES: 102-120-01, 102-130-13, 102-080-01 & 08, 102-090-13
 28650 & 28457 STATE RT 1, TOMALES, CA

OWNER: ROMAN CATHOLIC ARCHBISHOP
 CHURCH OF THE ASSUMPTION
 P.O. BOX 82, TOMALES CA 94971

APN: 102-080-02, & 03
SITES: 28625 STATE RT 1, TOMALES, CA 94971

SEWER: TOMALES VILLAGE SERVICES DISTRICT
 P.O. BOX 303 TOMALES, CA 94971

WATER: PRIVATE WELL

FIRE: MARIN COUNTY FIRE DEPT.
 3501 CIVIC CENTER DRIVE, SAN RAFAEL, CA 94903

UTILITIES: PG&E 219 CORONA, PETALUMA, CA 94952

LAND USE: LOT 1 — CVCR B1
 LOT 2 — CVCR B4 & CARP-20
 LOT 3 — CARP-20

LOT	EXISTING	PROPOSED
1	0.89 AC +/-	2.05 AC +/-
2	0.86 AC +/-	22.98 AC +/-
3	39.11 AC +/-	15.36 AC +/-

NOTE

THIS IS A LOT LINE ADJUSTMENT FOR THE PURPOSE OF GIFTING LAND TO THE CHURCH WEST OF HIGHWAY 1, AS REQUESTED BY THE CERINI ESTATE.

SURVEYOR'S STATEMENT

I, RAY C. CARLSON, A LICENSED LAND SURVEYOR IN AND FOR THE STATE OF CALIFORNIA, DO HEREBY STATE THAT THIS MAP WAS PREPARED BY ME, OR UNDER MY DIRECTION, AS REQUESTED BY JOHN WILLIAMS IN APRIL 2008. THIS MAP HAS BEEN COMPILED FROM VARIOUS RECORD DATA SOURCES. A BOUNDARY SURVEY HAS NOT BEEN PERFORMED BY THIS SURVEYOR OF THE LANDS DELINEATED HEREON. NO LIABILITY IS ASSUMED OR IMPLIED FOR THE LOCATION OF BOUNDARY LINES OR THE ACCURACY OF ACREAGE FIGURES SHOWN HEREON.

RAY C. CARLSON LS3890 _____ DATE _____

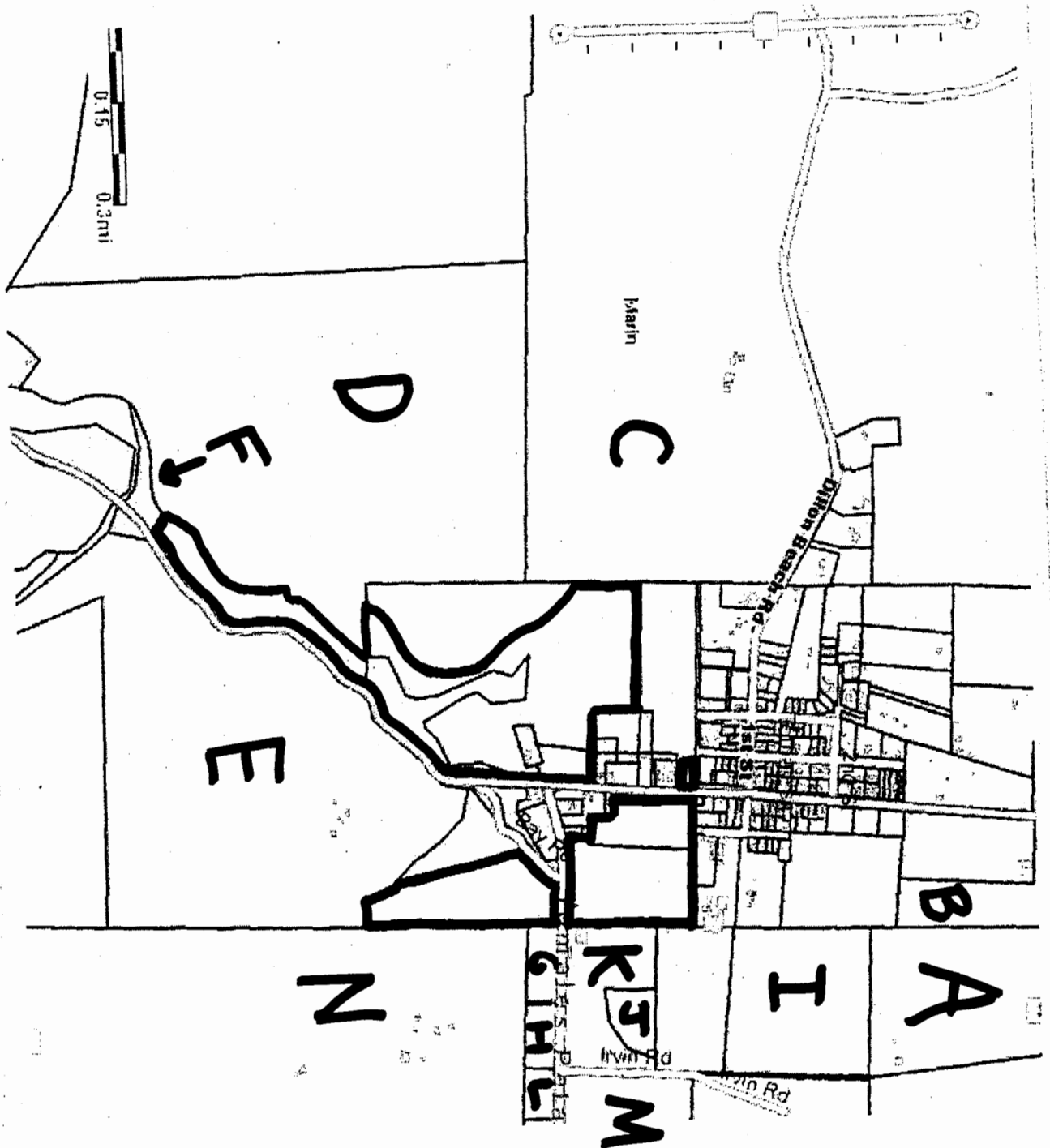
SITE MAP

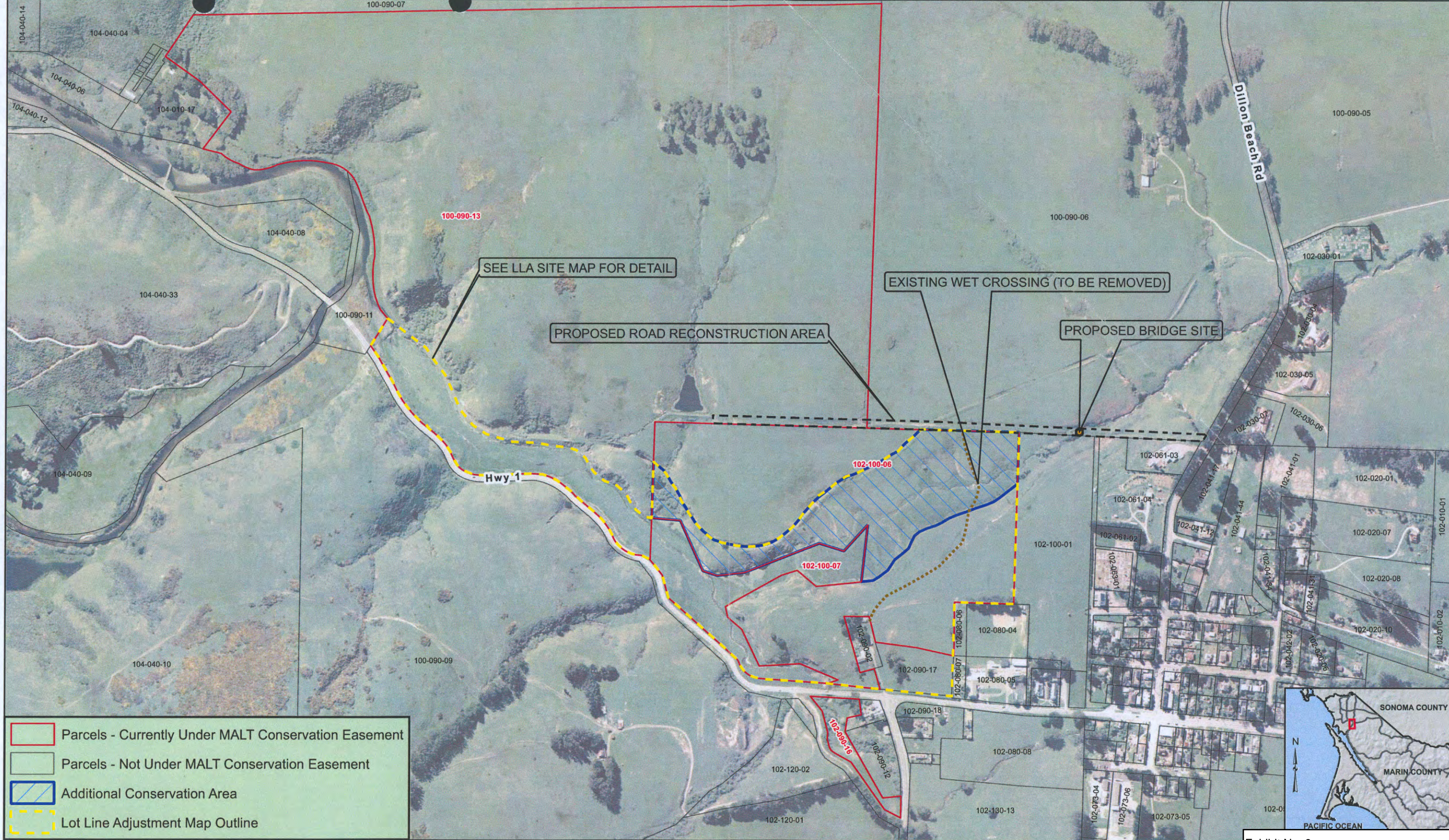
OF A PROPOSED LOT LINE ADJUSTMENT TO A PORTION OF THE LANDS OF TOMALES LAND & CATTLE COMPANY, LLC AS DESCRIBED IN THAT DEED RECORDED IN OFFICIAL RECORDS AS DOCUMENT NUMBER 2865-0096381, AND OF THE LANDS OF THE ROMAN CATHOLIC ARCHBISHOP, AS DESCRIBED IN THOSE DEEDS AS BOOK D OF DEEDS PAGE 237 AND BOOK K OF DEEDS PAGE 687, MARIN COUNTY RECORDS.

Lying WITHIN SEC. 25, T5N, R10W M. D. S. & M.
 COUNTY OF MARIN STATE OF CALIFORNIA

RAY CARLSON AND ASSOCIATES, INC.
 Mapping a Better World™
 LAND SURVEYING - GIS - PLANNING - RESEARCH

411 RUSSELL AVE
 SANTA ROSA, CA 95403
 PH: 707.528.7649
 FAX: 707.521.4548





- Parcels - Currently Under MALT Conservation Easement
- Parcels - Not Under MALT Conservation Easement
- Additional Conservation Area
- Lot Line Adjustment Map Outline



Exhibit No. 9
 2-09-013 (Tomaes Farm & Dairy LLC)
 Wetlands and Riparian Habitat
 Page 1 of 2

PRUNUSKE CHATHAM, INC.
 400 MORRIS STREET, SUITE G
 SEBASTOPOL, CA 95472
 (707) 824-4600

DATE:	01/12/09	REVISIONS	DATE	BY
SCALE:	AS SHOWN			
DESIGNED BY:				
DRAFTED BY:	LW			
CHECKED BY:				

PREPARED FOR:
TOMALES FARM & DAIRY
 P.O. BOX 378
 TOMALES, CA 94971

WEST PLAN VIEW

EXHIBIT A

PROPOSED LOTS

OF THE LANDS OF TOMALES FARM & DAIRY LLC AS DESCRIBED IN THAT DEED RECORDED IN OFFICIAL RECORDS AS DOCUMENT NUMBER 2005-0096381, MARIN COUNTY RECORDS.

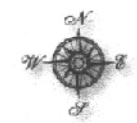
LYING WITHIN SEC. 25 AND 36, T5N, R10W M. D. B. & M.

COUNTY OF MARIN, STATE OF CALIFORNIA

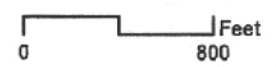
CCC Retained Jurisdiction Boundary

Lots and Denotation

- Existing Lot 1
- Proposed M



1 inch = 800 feet



MAP REQUESTED BY PRUNISKE CHATHAM, INC. IN DECEMBER 2009. THIS MAP HAS BEEN COMPILED FROM VARIOUS RECORD DATA SOURCES. A SECONDARY SURVEY HAS NOT BEEN PERFORMED BY THIS SURVEYOR OF THE LANDS DELINEATED HEREON. NO LIABILITY IS ASSUMED OR IMPLIED FOR THE LOCATION OF BOUNDARY LINES OR THE ACCURACY OF ACREAGE FIGURES SHOWN HEREON. PROPOSED LOT LINES PER SITE MAP'S PREPARED FOR JOHN WILLIAMS BY RAY CARLSON & ASSOCIATES, INC. MAY 2009 (WESTERN PORTION) AND APRIL 2008 (CENTRAL PORTION). ROAD AND CREEK DIGITAL DATA OBTAINED PER MARIN COUNTY GIS DEPARTMENT AND USED WITH PERMISSION.

TFD Lot Name	Marin NOD Lot Name	Existing Acreage	Proposed Acreage	Ag Land Classification (per Cal. Gov. Code Section 51201(c))
West K	West 1	3.62	1.66	Not Prime
West J	West 2	1.04	1.5	Not Prime
West L	West 3	36.65	21.04	Prime
West M	West 4	19.68	36.35	Prime
Central O	Central 1	0.69	2.05	Not Prime
Central F	Central 2	0.86	22.96	Prime
Central H	Central 3	39.11	15.7	Not Prime

Exhibit No. 9
 2-09-013 (Tomaes Farm & Dairy LLC)
 Wetlands and Riparian Habitat
 Page 2 of 2

Soils	Soil Name	Capacity Class	Property Class	Stone Rating
103	BARNABE	--	--	13
105	BLUCHER	II	--	65
107	BONNYDOON	--	--	8
173	SOBEGA	III	--	62
174	SOBEGA	IV	--	52
191	TOMALES	III	--	45
192	TOMALES	IV	--	38
198	TOMALES	III	--	47
203	XERORTMENTS	VIII	--	--
210	Water	--	--	--

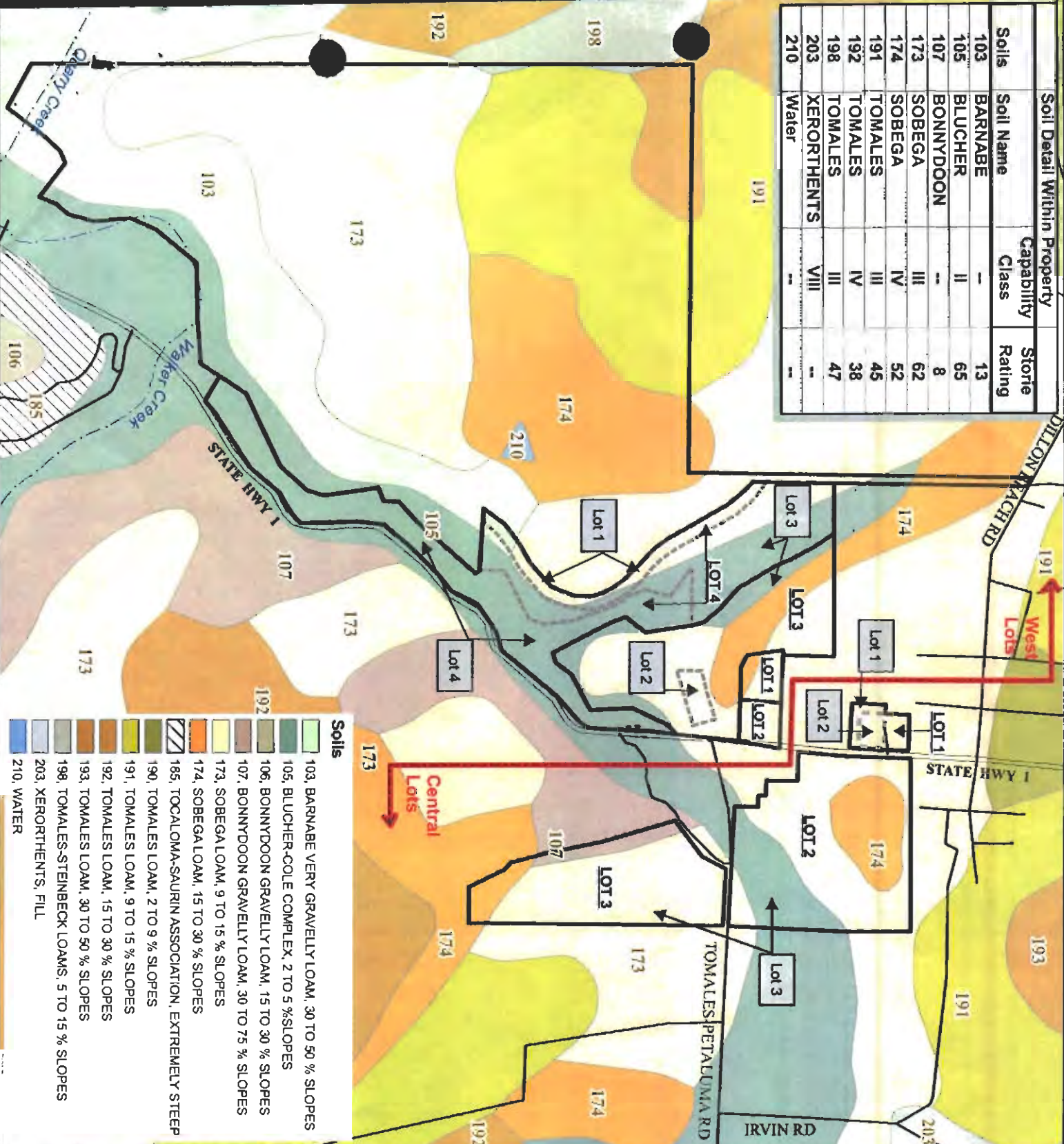


EXHIBIT A

PROJECT SOILS DETAIL

OF THE LANDS OF TOMALES FARM & DAIRY LLC AS DESCRIBED IN THAT DEED RECORDED IN OFFICIAL RECORDS AS DOCUMENT NUMBER 2005-0095381, MARIN COUNTY RECORDS.
 LYING WITHIN SEC. 25 AND 36, T5N, R10W M. D. B. & M.
 COUNTY OF MARIN, STATE OF CALIFORNIA

Lots and Denotation

Existing Lot 1

Proposed LOT1



1 inch = 800 feet

0 800 Feet

MAP REQUESTED BY:
 TOMALES FARM & DAIRY LLC
 2005-0095381
 PROJECT SOILS DETAIL
 SOILS AND SLOPES
 NO LABELS ARE ASSIGNED OR APPLIED TO THE LOCATION OF
 SHOWING INTERESTS, DEPOSITED LOT LINES OR ADJACENT PARCELS
 FOR JOBS EVALUATED BY RAY CARLSON & ASSOCIATES, INC. ANY
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 RAY CARLSON & ASSOCIATES, INC. IS NOT RESPONSIBLE FOR
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RAY CARLSON
 AND ASSOCIATES, INC.
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 DECEMBER 2009 STREET VIEW 1/2009/09/01