

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
 45 FREMONT ST, SUITE 2000
 SAN FRANCISCO, CA 94105-2219
 VOICE (415) 904-5260
 FAX (415) 904-5400
 TDD (415) 597-5885

Th12a

Prepared May 9, 2011 (for May 12, 2011 hearing)

Click here to go to the original staff report.

To: Coastal Commissioners and Interested Persons

From: Charles Lester, Deputy Director
 Ruby Pap, District Supervisor
 Nicholas Dreher, Coastal Planner

**Subject: STAFF REPORT ADDENDUM for Item Th12a
 Coastal Development Permit no. 2-09-013 (Tomales Farm & Dairy, LLC)**

This staff report addendum, in part, reflects staff's efforts to work with the Applicant and results in the staff's recommendation of approval of this project under certain special conditions. The purpose of this staff report addendum is to: 1) revise special condition #1 to provide more clarity regarding the description of property subject to the enumerated restrictions; 2) amend special condition #3 to clarify that the Coastal Commission has jurisdiction over future development of the restricted portions of property; and 3) add findings and provide further evaluation of Coastal Act Policies 30250 and 30241 regarding impacts of residential and commercial development on agricultural land in response to the Applicant's May 2, 2011 comments to staff's April 22, 2011 recommendation. Deletions are shown in ~~strike through~~ and additions are shown in underline.

Staff continues to recommend approval of this project as conditioned.

1. Amend Special Condition #1 as follows:

1. **Agricultural and Open Space Deed Restriction**

A. No development, as defined in Section 30106 of the Coastal Act, shall occur within:

- (1) the portion of existing central lot 3 ~~that will become identified on Exhibit 10,~~ which will become proposed central lot 2 as shown on Exhibit 7 ~~proposed central lot 2;~~
- (2) the portion of existing west lots ~~2,~~ 3 and 4 ~~that will become identified on Exhibit 10,~~ which will become proposed west lot 3 as shown on Exhibit 6 ~~proposed west lot 3;~~ or
- (3) the portion of existing west lots 1, 3 and 4 ~~that will become identified on Exhibit 10,~~ which will become proposed west lot 4 as shown on Exhibit 6, ~~proposed west lot 4~~ as depicted on the final exhibit attached to the NOI for this coastal development permit, except for:

1. The following agricultural activities:

- a. 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.

b. Grazing activities.

2. The following development if approved as a coastal development permit amendment:

a. 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.

b. Construction and operation of facilities for processing or retail sale of agricultural products on the portion of existing central lot 3 that will become 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.

c. Construction of underground utilities.

3. Repair or Maintenance of the following:

a. Underground utilities.

b. Repair and Maintenance of the following existing development ~~on existing lots. Specifically:~~ (i) the single-family residence, two sheds and fencing on existing west lot 2; and (ii) the fencing and the two barns and wells on existing central lot 3.

B. PRIOR TO THE ISSUANCE BY THE EXECUTIVE DIRECTOR OF THE NOI FOR THIS COASTAL DEVELOPMENT PERMIT, the Property Owner shall submit for the review and

approval of the Executive Director, and upon such approval, for attachment as an Exhibit to the NOI, a formal metes and bounds legal description and corresponding graphic depiction of (1) the area restricted by subsection 1A and (2) the area restricted by 2a and 2b, prepared by a licensed surveyor, of the portion of the subject property affected by this condition, as generally depicted on both **Exhibit 9** and **Exhibit 10** attached to the findings in support of approval of this permit

2. Amend Special Condition #3 as follows:

3. **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 dairy creamery, 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~~.

3. Amend the following paragraph beginning on the bottom of page 3, as follows:

The Commission's retained jurisdictional boundary follows Keys Creek through existing west lot 3, west lot 4 and the central lot. 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 west lot 1, west lot 2, central lot 1 and central lot 3 require new lot lines or portions of lot lines that are outside the Commission's retained jurisdiction and new west lot 3, west lot 4 and central lot 2 are in the area of the Commission's retained jurisdiction.

4. Amend the following paragraph beginning on the bottom of page 13, as follows:

The Marin County certified LCP and certified zoning 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.¹ The certified Marin LCP (Unit II) states the following regarding the Tomales community boundary:

[T]he main criterion used in drawing that community's expansion boundary was "to avoid development intrusion into surrounding lands zoned and used for agricultural purposes located within the Marin County Agricultural Preserve" (Tomales Community Plan, p. 1-2). The expansion boundary was also drawn to include those parcels that are too small for large-scale agricultural use and those parcels that are zoned for commercial use. The expansion boundary for Tomales thus encompasses a core of lots zoned VCR and C-RSP for higher residential densities at one unit per 6,000 square feet, surrounded by a buffer of parcels two to 15 acres in size zoned for lower residential densities that range from one unit per two acres to one unit per 20 acres. Except for two public school sites, no parcel larger than 15 acres lies within the expansion boundary. Outside the boundary, all lands are zoned either C-ARP-20 or C-APZ-60.

The expansion boundary for Tomales clearly divides urban and rural residential from agricultural areas. The parcel and zoning pattern creates a low density buffer between the village center and surrounding agricultural lands. Provision for reasonable growth in the future has been made. In addition, the community expansion boundary as adopted in the Tomales Community Plan has been endorsed by the Regional Coastal Commission. For these reasons, the boundary appears to meet the intent of Section 30241 of the Coastal Act and thus can be adopted for the purposes of the LCP.

Although not the standard of review, the certified LCP may serve as guidance when evaluating the land division's conformity with the Coastal Act. All references to zoning herein refer to local zoning districts locally approved by Marin County. The Commission did not certify the relevant zoning districts within the Commission's original permit jurisdiction. Within the Community boundary, the zoning districts, as identified in the Marin County certified 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.

5. Amend the following paragraph beginning on the bottom of page 15, as follows:

¹ The Tomales Community Plan and maps within, while not certified as part of the Marin LCP, are referenced in the LCP language.

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 15 acres to proposed west lot 4 for agricultural and natural resource protection purposes (see below) and surrenders roughly 3 acres to west lots 1 and 2. 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~~ is unnecessary 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 1 requires a deed restriction to limit the portion of the site zoned for agricultural production ~~this site~~ to agricultural uses allowable within the C-APZ-60 zoning district, which will serve to help protect the rural character and maintain the stable urban-rural boundary that Sections 30241 and 30250(a) is meant to address. As discussed in Section C, this restriction also serves to ensure that non-agricultural development located outside the urban rural boundary will not impair the agricultural viability of the rural area as required by Section 30241. As mentioned above, this proposed lot would include an existing single-family residence and two existing sheds located on land locally zoned Agriculture, Residential Planned (C-ARP) and located inside the urban rural boundary, ~~but any additional development potential would be extinguished by the deed restriction on this lot.~~ The deed restriction will not apply to this area, identified on **Exhibit 10**, which is zoned Coastal, Agricultural, Residential Planned (C-ARP-2). As conditioned, the Commission finds that proposed west lot 3 is consistent with Section 30250(a) of the Coastal Act.

6. Amend the following paragraph on page 17, as follows:

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) (**Exhibit 10**). 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~~ unnecessary 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 1 requires a deed restriction to limit ~~this~~ the agriculturally used, non-commercially zoned portions of this site that are located outside of the urban rural boundary, ~~site~~ to agricultural uses, including agricultural processing facilities allowable under the C-ARP zoning district, which will serve to help protect the rural character and maintain the stable urban/rural boundary that Sections

30241 and 30250(a) are meant to protect. As also discussed in Section C, this restriction also serves to ensure that non-agricultural development located outside the urban rural boundary will not impair the agricultural viability of the rural areas as required by Section 30241. This restriction will not apply to those portions of existing central lot 3, identified on Exhibit 10, which are zoned Coastal, Village, Commercial-Residential (C-VCR:B-4) and are located inside the urban rural boundary. As conditioned, the Commission finds that proposed central lot 2 is consistent with Section 30250(a).

7. Amend the last paragraph on page 23, as follows:

The Applicant has not submitted evidence assuring the Commission that proposed west lot 3 will not result in future development that could impair agricultural viability, either through increased assessment costs or degraded air and water quality. Because of this, there are also no concrete assurances that a stable boundary separating urban and rural areas will be maintained and conflicts between agriculture and urban uses will be minimized. Proposed west lot 3 (21.04 acres) would 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. Following the expansion of existing west lot 4 to its proposed size, and the further reduction of roughly 3 acres for proposed west lots 1 and 2, existing lot 3 will be reduced from 36.65 acres to 21.04 acres. Future residential development on proposed west lots 1 and 2 will further constrain this agricultural lot. To ensure that proposed west lot 3 remains in agricultural use, thereby maintaining the stable boundary separating the urban and rural area and avoid conflicts between agricultural and urban land uses, the Commission requires, pursuant to Special Condition 1, 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. This restriction will not apply to those portions of existing west lots 2 and 3, identified on Exhibit 10, which are zoned Coastal, Agricultural, Residential Planned (C-ARP-2) and are located inside the urban rural boundary. Furthermore, pursuant to Special Condition 3, the Commission imposes a future development restriction on the site that requires ~~the Applicant~~ current and future landowners to obtain a coastal development permit for any future development on the site. Therefore, as conditioned, the Commission finds that proposed west lot 3 is consistent with Section 30241(a) and (e).

8. Amend the following paragraph beginning at the bottom of page 24, as follows:

The Applicant intends to keep the proposed central lot 2 in agricultural production. Proposed central lot 2 contains lands zoned Coastal, Village, Commercial-Residential (C-VCR: B-4) (within the community boundary) and rural lands zoned Coastal, Agricultural Production Zone (C-ARP-20) (outside the community boundary). 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 (zoned C-ARP-20) used as the future site of a creamery facility: that will provide tastings and other visitor-serving uses once in operation. ~~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. While not currently proposed, the~~

~~Applicants have stated their desire to locate the future creamery in the C-ARP-20 zone. Facilities for processing for retail sale of agricultural products are allowed in this zone and the Applicant intends to allow tastings and other visitor-serving uses at the site once the creamery is in operation. A dairy/creamery facility would be allowable within the C-ARP-20 zoning district as a conditional use for facilities for processing or retail sale of agricultural products. Such a use would not be allowable within the portion of proposed central lot 2 zoned C-VCR:B-4. Although this lot straddles the urban/rural boundary and does allow for commercial uses, 30241(a) requires that stable urban/rural boundaries be maintained, and 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 1, requires a deed restriction on the agriculturally used, non-commercially zoned portion of the lot outside the urban rural boundary to ensure that no future land division or conversion of agricultural lands to non-agricultural uses occurs on the lot these rural lands. This restriction would allow agricultural facilities for processing for retail sale of agricultural products, consistent with C-ARP zone. This restriction will not apply to those portions of existing central lot 3, identified on Exhibit 10, which are zoned Coastal, Village, Commercial-Residential (C-VCR:B-4) and are located inside the urban rural boundary. As conditioned, the Commission finds that proposed central lot 2 is consistent with 30241(a).~~

9. Insert the following after the last full paragraph on page 23 as follows:

The Applicant has stated that the proposed project is one small portion of a larger 505 acre master plan, which results in a total overall reduction of 12 lots (from 28 to 16) and is largely supported by the Community of Tomales. However, the Commission can only review the project before it; namely, the merger, re-division and agricultural land division of 100.1 acres as described above. Accordingly, the Commission analyzes the proposed project as it relates to the protection of agricultural lands and the maintenance of a stable urban rural boundary, consistent with Coastal Act Sections 30250 and 30241. As discussed above, the proposed project will result in lots that are below the average surrounding parcel size, a standard set forth pursuant to Section 30250. Allowance of parcel sizes smaller than (and therefore inconsistent with) the average surrounding parcel size results in the need to stabilize the urban rural boundary in order to protect the viability of surrounding agricultural land from future 'leap frog' development. Accordingly, the agricultural deed restriction required by Special Condition 1 compensates for the allowable smaller parcel sizes by constraining future development of the site to ensure the perpetuation of viable agricultural uses on the subject properties.

As discussed above, the Applicant's proposed project will result in the creation of smaller lots (except proposed west lot 4 which is expanding) including two residential lots on and adjacent to existing agricultural land associated with existing west lot 3. Following this approval with conditions, the two residential lots (proposed west lots 1 and 2), proposed central lot 1 and proposed central lot 3 will be entirely outside the Commission's permit jurisdiction. These lots will likely result in the conversion of agricultural lands for non-agricultural purposes (except proposed central lot 1 which is not agricultural land). The

remaining lots also have the potential to result in future conversion of agricultural land if not adequately protected. Reducing lot sizes and providing residential lots that straddle and exceed the urban rural boundary can subsequently result in unintended impacts to agricultural land value.

For instance, the impacts of high value residential development on the viability of agriculture and the ability to keep agricultural lands in production is specifically addressed in a 2003 study prepared for the Marin County Community Development Agency (Strong Associates Study).² This study “analyzes the economic issues facing agriculture in Marin County with the primary focus on the impact of estate development on agricultural lands.” The study reviews an earlier study of Marin’s agricultural economy from 1973, analyzes current data regarding Marin agricultural production, costs, land values, etc., and evaluates five case studies identified by the Marin Planning Department where new homes are either proposed or have been recently constructed on agricultural parcels to determine to what extent the County’s efforts to preserve agricultural lands over the past 30 years have been successful and whether prior strategies for farmland protection remain effective.

The key findings and recommendations of the Strong Associates Study include:

“The major problem in 1973 was that agricultural lands were subject to speculation for subdivision into suburban housing. Today, the major issue is high value estate development. The concern, however, is similar—that land costs can be driven up beyond agriculture’s ability to pay, thus discouraging maintaining agricultural use.”

“What was not anticipated 30 years ago was that some landowners or buyers would use large agriculturally-zoned parcels essentially for estate development. High-value residential development keeps the large acreage intact, but it undermines the economics and the “will” to maintain agricultural use.”

“Today, the speculation is not so much for subdivision into suburban housing but is for high value estate development. The concerns are the same, however:

- *Land costs can be driven up beyond agriculture’s ability to pay for the taxes, insurance and maintenance costs associated with the land;*
- *New estate owners may not be interested in making long-term investments in agricultural improvements, or even accommodating agricultural use; and*
- *There can be land-use conflicts between non-agricultural residents and commercial agricultural operations.”*

“Keeping land values (and thus costs) in balance with agricultural income is critical to maintaining long-term agricultural viability. Fortunately, this problem is being addressed at an early stage. Just as the County was able, through zoning and other policies and support efforts, to reduce land speculation for subdivision of agricultural lands, it is timely to develop approaches that will again protect and stabilize

² Marin County Agricultural Economic Analysis, Final Report. Strong Associates. November 2003.

agricultural use from “gentrification” into non-productive estates.

Agricultural production requires related improvements and support facilities such as irrigation systems and water supply facilities, fences for both pasture management and pest control, equipment storage barns, etc. The development and maintenance of such facilities is a critical factor in maintaining the viability of agricultural lands and ensuring that agricultural lands remain in production. Such improvements can be very costly. Because of the high cost of developing and maintaining farm infrastructure, such improvements may only be feasible as long-term investments that are amortized over the life of the facility. Residential estate development where the property value is based principally on the residential use rather than agricultural use may discourage long-term investment in farm infrastructure and support facilities. Property owners who do not rely on or are not actively engaged in commercial agriculture as their primary means of income do not have the same economic incentive as a farmer to make costly long-term investments necessary to support agricultural use of their property, and lessee farm operators are often reluctant to make such investments in land they do not own.³ These impacts are only further exacerbated by the introduction of commercial uses, in addition to residential and agricultural land uses.

At this time, the Applicant has not applied for residential, commercial or agriculturally related development of structures or facilities on the subject property. The Applicant represented the following intentions with respect to the future uses of the proposed lots: proposed west lots 1 and 2 will be the site of future residential development; proposed west lot 3 “is intended to become a specialty farm, producing a variety of products such as heirloom fruits and vegetables, poultry flocks, and heritage livestock [and] facilities, as permitted by existing zoning, may be constructed to support the agricultural use of the parcel;” proposed central lot 1 will be given to the Arch Diocese of San Francisco; proposed central lot 2 will contain “the commercial creamery, a milking barn, and a cheese making facility;” and proposed central lot 3 “could be used to produce specialty crops.” While touring the site this past January, the Applicant told staff that they had an interest in converting the existing residence on existing west lot 2 to a bed and breakfast once the residence is absorbed by proposed west lot 3.

As shown in the Strong Associates study, the speculative value of agricultural land for residential development is driven in large part by the demand for new high-value residential development. Commercial uses within agricultural areas can be analogous to residential development in agricultural areas, only serving to conflict with the already competing residential and agricultural uses, particularly in such a small community as Tomales. Commercial uses, such as visitor-serving facilities and accommodations, can increase land value much like residential value, creating a disincentive to keep land in agricultural production. Increased land values can cause farmers to abandon ongoing agricultural production in favor of quasi-agricultural visitor serving commercial uses, resulting in an expansion of the urban rural area. As discussed above, the proposed project will result in the reduction of lot sizes for lots already well below the agricultural zoning requirements and the

³ Marin County Agricultural Economic Analysis, Final Report, Strong Associates, November 2003. Pers. Comm. Larry Jacobs, San Mateo County Farm Commission Chair, May 6, 2005.

Section 30250 average surrounding parcel size. The proposed land division will facilitate several competing uses on these small lots, potentially resulting in added congestion and cumulative impacts to the small community.

10. Insert the following paragraph after the carryover paragraph at the top of page 24 as follows:

The Applicant intends to explore the possibility of converting an existing residence (located within existing west lot 2) to a bed and breakfast visitor serving facility on proposed west lot 3. As discussed above, proposed west lot 3 contains both C-APZ-60 and C-ARP-2 zoning districts. Under both C-APZ-60 and C-ARP-2 zoning, a bed and breakfast with no more than 3 rooms is a permitted use, while a bed and breakfast with between 4 and 5 rooms is a conditional use. However, only the C-ARP-2 zone is within the Tomales community boundary, situated along State Route 1. All land zoned C-APZ-60 lies outside of the community boundary. Given the fragile balance required where stabilizing the land uses and development potential along an urban rural boundary, the Commission confines the location of any future bed and breakfast, or other permitted/conditional development, to the portion of the lot locally zoned C-ARP-2 and located within the urban rural boundary to avoid further impacts to agricultural lands and to stabilize the urban rural boundary. Therefore, the Commission imposes, pursuant to Special Condition 1, an agricultural and open space deed restriction over all portions of land on existing west lots 3 and 4, that will become proposed west lot 3, that are zoned C-APZ-60 and located outside the urban rural boundary as illustrated on Exhibit 10. The restriction does not cover the small lot land zoned C-ARP-2 that is already developed with an existing single family residence.

11. Insert the following paragraph after the carryover paragraph at the top of page 25, as follows:

The potential for a potential visitor serving bed and breakfast, increased residential development (proposed west lots 1 and 2) and a commercial/agricultural creamery operation poses added congestion to a relatively small area, resulting in significant adverse cumulative/indirect impacts on the continued economic viability of agriculture on the Tomales urban rural boundary. Moreover, the Commission is not required to allow every conditional or permitted use within the County zoning districts if such uses would 1) reduce the size of lots on an urban rural boundary inconsistent with 30250 or 2) adversely impact the agricultural viability on site inconsistent with 30241. However, the urban rural boundary currently provides for future development consistent with the character and scale of the community. Specifically, the land zoned C-ARP-2 in the west component and land zoned C-VCR: B-4 in the central component, sit within the community boundary and have been provided for the purpose of future build out and infill to stabilize the urban rural boundary. Therefore, to ensure that the proposed development does not diminish the agricultural viability of the project site, maintains the maximum amount of agricultural land in agricultural production, adequately compensates for the allowance of smaller parcel sizes and stabilizes the urban rural boundary, the Commission imposes Special Condition 1, restricting the future use of proposed west lots 3 and 4 and proposed central lot 2. The Commission restricts future development of the portions of the lots zoned C-APZ-60 in the west component and zoned C-ARP-20 in the central component that are located outside the urban

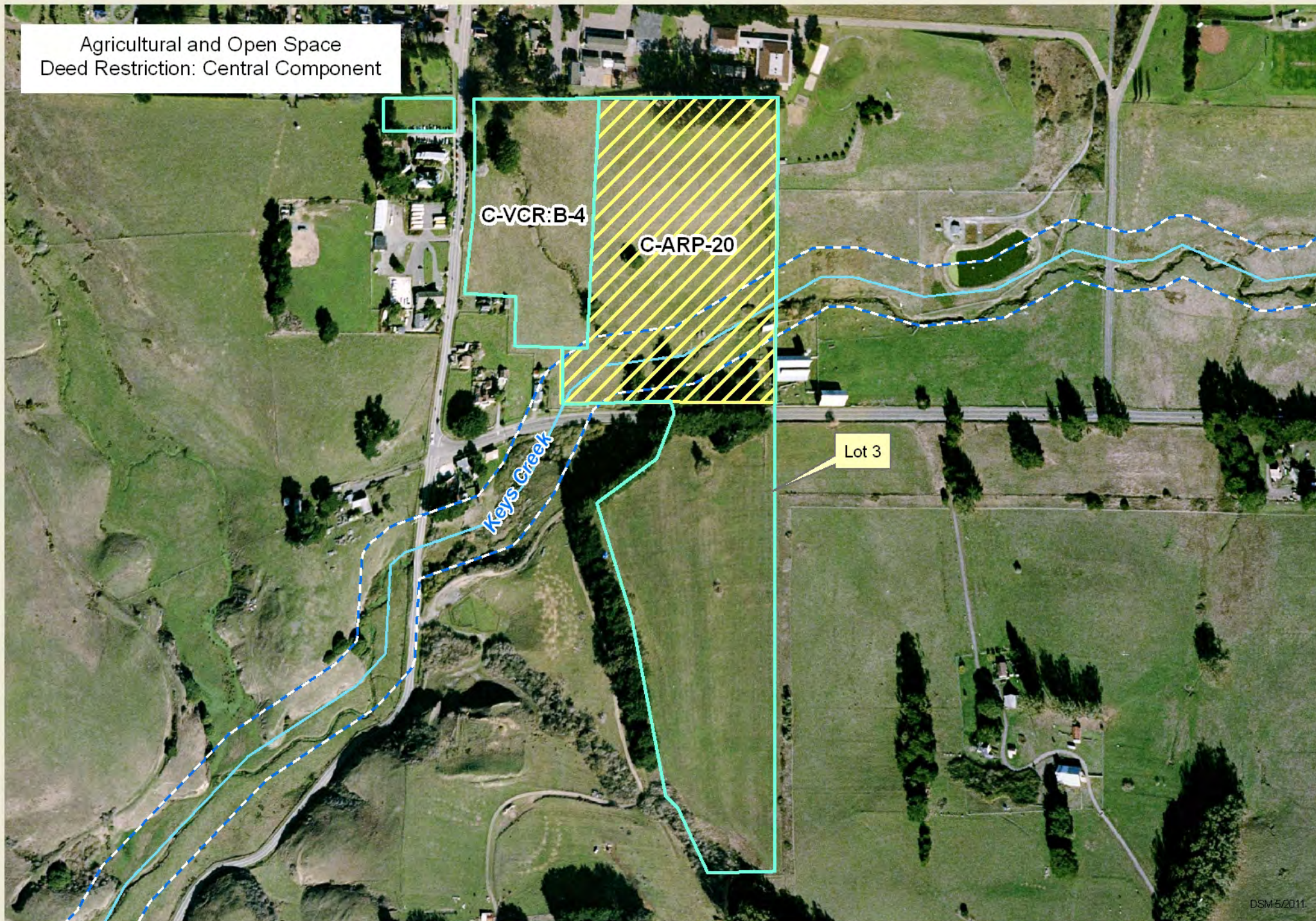
rural boundary to the enumerated Special Condition 1 uses consistent with maintaining the agricultural viability of the land. The restrictions will not apply to lands zoned C-ARP-2 (within proposed west lot 3) or lands zoned C-VCR: B-4 (within proposed central lot 2) thereby allowing for future potential infill anticipated by the Tomales Community Plan and Marin LCP zoning districts inside the urban rural boundary.

12. Amend the following paragraph on page 30, as follows:

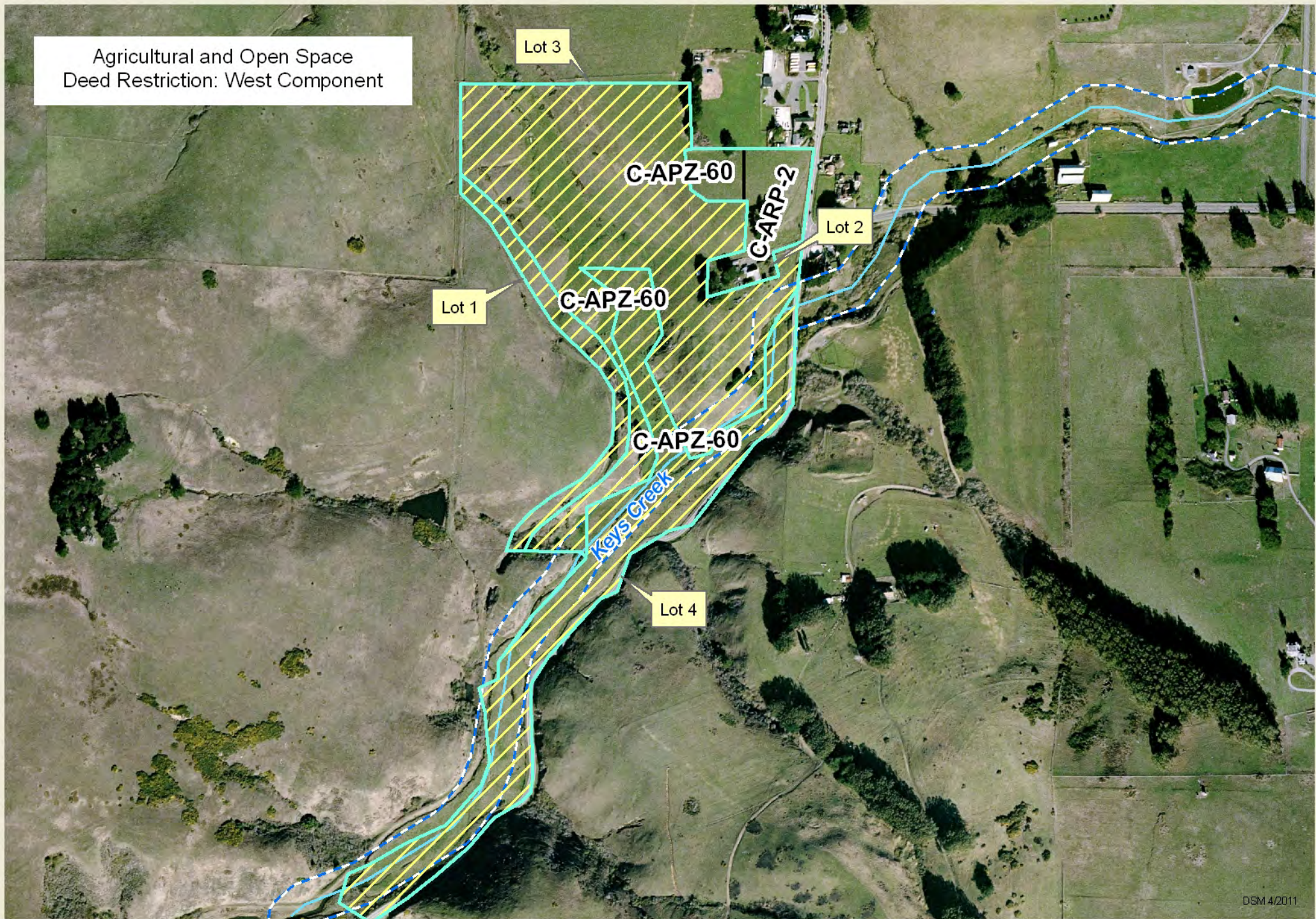
Proposed west lots 3 and 4 and proposed central lot 2 are currently used for agricultural purposes (such as grazing) and will be restricted to agricultural uses pursuant to Special Condition 1. Accordingly, future development will maintain the agricultural and rural character of existing west lots 3 and 4 and proposed central lot 2. Further, any future development of any of these lots would require a coastal development permit, which must be compatible with the Coastal Act ~~or comparable policies in the Marin County LCP.~~

13. Replace Exhibit 10 with the Attached Exhibit 10.

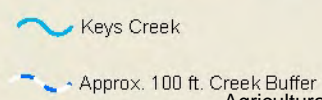
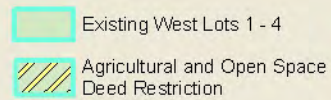
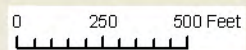
Agricultural and Open Space
Deed Restriction: Central Component



Agricultural and Open Space
Deed Restriction: West Component



DSM 4/2011





Post Office Box 809
Point Reyes Station
California 94956
T 415 663-1158
F 415 663-1099
www.malt.org

May 10, 2011

Ms. Sara Wan, Chair
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Re: **Support for Application No. 2-09-013**
With Recommendation to Eliminate Special Condition 1
Tomales Farm & Dairy
Tomales, Marin County

Madam Chair and Members of the Commission:

This letter expresses Marin Agricultural Land Trust's strong support for Coastal Development Permit application 2-09-013, Tomales Farm & Dairy (TFD) that is on your May meeting agenda. MALT staff has worked closely with Commission staff to address Coastal Act issues raised during their review of the proposed lot line adjustments. While we appreciate the progress that has been made, MALT remains opposed to the proposed Special Condition 1 (as amended May 9, 2011) and respectfully requests that the Commission not adopt the special condition as part of the project approval.

Over the past 30 years MALT has worked to permanently protect Marin County farmlands from subdivision and non-agricultural development. We currently hold conservation easements on 66 farms and ranches totaling more than 42,000 acres - approximately 40% of agriculturally zoned land in Marin County (150 acres or more). MALT easements protect 31 properties and 15,578 acres wholly or partly within Marin's Coastal Zone Unit II. All of these conservation easements prohibit subdivision and nonagricultural development, prohibit any activities or uses that significantly degrade soil or water quality, and permanently preserve these properties for agricultural use.

MALT has been working with TFD for several years and has acquired two agricultural conservation easements protecting 410 acres of land on the east and west sides of Tomales, with financial assistance from the State Coastal Conservancy. The two easements retired 17 legal lots, and, in addition to the protections above, contain Creek Conservation Areas that specifically protect Keyes Creek and associated wetlands. The Creek Conservation Area provisions also call for Creek Conservation Area Management Plans, written for the property owner by a Certified Rangeland Manager, and approved by both MALT and the State Coastal Conservancy.

MALT made a significant investment in the TFD project not only to eliminate non-agricultural development and to protect the property's significant natural resources, but also because TFD provides a model for the revitalization of agriculture in the Tomales area. Sustainable agricultural operations are critical to the long term viability of agriculture in Marin County. The future development of a creamery on the property will complete the transformation of an underutilized, poorly maintained agricultural property into a vibrant agricultural operation producing healthy local food products.

Flexibility and adaptability are both critical to the long term sustainability of local agricultural operations. Both Marin County and the Commission recognized this when approving the C-APZ zoning and Local Coastal Program. Commission staff's proposed Special Condition 1 restricts the future agricultural development of the TFD site to a small subset of the C-APZ zoning. If adopted, we feel the agricultural viability of the property is greatly compromised.

Both Marin County, through the development of a Master Plan, and the Commission will have permitting authority over any development proposed on the reconfigured TFD property. Any special conditions deemed necessary to the protection of agricultural and natural resources can be secured through this more detailed process. MALT respectfully requests your approval of TFD's proposed lot line adjustments, without Special Condition 1 proposed by staff.

Thank you for your consideration of this important issue.

Sincerely,









Jeff Stump
Easement Program Director

Attachment: Map of MALT Protected Properties

Cc: Peter Douglas, Executive Director, California Coastal Commission
Brian Crawford, Director, Marin County CDA
Ted Hall, Tomales Farm & Dairy

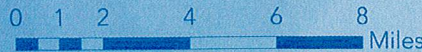
Marin County Farmland Protected by MARIN AGRICULTURAL LAND TRUST

Farmland protected by MALT conservation easement

-  Farmland protected by Marin County conservation easement
-  Agriculturally zoned land larger than 20 acres
-  National Park Service lands in agricultural use
-  Residential, urban & other uses
-  Public lands
-  Marin County roads

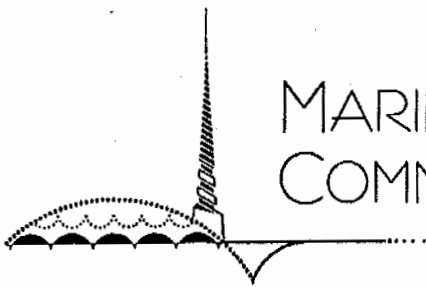


www.malt.org



Map Prepared for Marin Agricultural Land Trust by Joseph Klyden ADP and updated by MALT awardship staff 1/2011
Map made possible through the generosity of the CDFA Cooperation Program

San Francisco County



MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY

BRIAN C. CRAWFORD, DIRECTOR

Th 12a

May 10, 2011

Ms. Sara Wan, Chair
California Coastal Commission
c/o North Central Coast District Office
45 Fremont Street, Suite 2000
San Francisco, CA 94105

RE: Application No. 2-09-13
Tomales Farm and Dairy, LLC
Tomales, Marin County

Dear Ms. Wan:

I am writing in support of the proposed application by Tomales Farm and Dairy seeking approval of a Coastal Development Permit to undertake lot line adjustments that are part of the overall master planning of a larger land holding that comprises the historic Cerini ranch in Tomales. The project supports the County's policies promoting agriculture and the creation of agricultural ecosystems or "agroecosystems" by integrating natural systems and managed agricultural practices that balance environmental protection with economic viability. This project will strengthen the agricultural base in Tomales and surrounding areas to support the dairying and specialty crop industries.

The applicant has expended good faith efforts to obtain community support and pursue partnerships with the Marin Agricultural Land Trust (MALT) and the State Coastal Conservancy. Approval of the project would complete voluntary efforts by the applicant to reduce the development potential over the approximately 500-acre land holding from 28 lots to 16 lots, three of which would be further protected by permanent conservation easements with MALT.

The future development of a Creamery on Central Lot 2 and planned agricultural uses on West Lot 3 would help revitalize and transform historic dairying and row cropping into viable specialty agricultural uses. While County staff is pleased to see that the project has the general support of Coastal Commission staff, the recommended special conditions requiring the execution of agricultural and open space deed restrictions on proposed Central Lot 2 and West Lot 3 could adversely affect the overall viability of the project as these are two key lots underpinning the overall agricultural plan. For the reasons cited below, we believe that the recommendation may also be inconsistent with the County's Local Coastal Program (LCP) and implementing zoning ordinance.

- Restricting the use of Central Lot 2 to agriculture would be inconsistent with the LCP and the split Coastal, Agricultural Planned (C-ARP), and Coastal Village Commercial Residential (C-VCR) zoning to the extent it would impose the requirements of the more restrictive Coastal, Agricultural Production Zone (C-APZ) zoning where agriculture is the sole principal use of the property. Absent an amendment to the LCP and zoning, it could create confusion over future development and use of the property.

3501 Civic Center Drive, Room 308 - San Rafael, CA 94903-4157

Phone 415-499-6269 - Fax 415-499-7880 - Website: <http://www.co.marin.ca.us/comdev>

- Restricting the sole use of West Lot 3 to agriculture would similarly be inconsistent with the LCP and the split Coastal, Agricultural Planned (C-ARP) and Coastal, Agricultural Production Zone (C-APZ) zoning by making the existing residence located on the C-ARP-zoned portion of the property a legal non-conforming use. This would be inconsistent with the C-ARP zoning which allows a residence as a principally-permitted use. It would also create confusion over the allowed development and use of the property under the County's LCP and zoning.

In the interest of maintaining consistency with the County's Local Coastal Program and coastal zoning, County staff respectfully requests that the Coastal Commission reconsider the appropriateness of the proposed restrictions on Central Lot 2 and West Lot 3 as these would unfairly limit their future use and development and potentially jeopardize the viability of the overall agricultural plan that is proposed by Tomales Farm and Dairy.

Sincerely,



Brian C. Crawford, Director

Cc: Supervisor Steve Kinsey, 4th District
Ruby Pap, California Coastal Commission
Nicholas Dreher, California Coastal Commission
Ted Hall

RECEIVED

MAY 04 2011

CALIFORNIA
COASTAL COMMISSION

Th12a

May 2, 2011

Mr. Nicholas Dreher
California Coastal Commission
North Central Coast District Office
45 Fremont St.
Suite 2000
San Francisco, CA 94105

RE: Application # 2-09-013; Tomales Farm and Dairy

Dear Nick:

Thank you for the work on the revised staff report on our application.

We are requesting that the staff revise its recommendations by eliminating the proposed deed restrictions on proposed Central Lot 2 and proposed West Lot 3, which, if unchanged, will materially diminish the potential agricultural use of these and other important agricultural properties in the Tomales area.

As you know, along with the application for the "merge and re-subdivide of property," Tomales Farm and Dairy (TFD) submitted a master plan for these properties. The plan reconfigures the previously existing parcels on approximately 505 acres of property owned by TFD into financially viable farms and ranches with the additional benefit of providing the Tomales area with a base of agro-tourism businesses. The plan has been substantially unchanged since it was created in 2006 and has been presented to the public and to local and county jurisdictions on numerous occasions (e.g., Tomales Design Review Committee). The plan enjoys widespread local support.

More specifically, the plan includes:

- Two large farms – 178 acres and 238 acres – which will continue to employ sustainable, organic farming practices and will be utilized for rotational livestock grazing in the proposed grass-based dairy operation.
- A third farm – 22.96 acres, proposed Central Lot 2 – planned as a commercial creamery and part of the contiguous dairy farm, subject to feasibility and economic viability studies.
- A fourth farm -- 21.04 acres, proposed West Lot 3 – planned as a specialty crop and/or small animal livestock farm and a potential visitor-serving B & B.

And the following parcels determined to be outside the Commissions retained jurisdiction:

- A fifth farm – 15.7 acres – planned as a live/work farm and space for ranch management.
- Two single-family residential lots – 1.66 and 1.5 acres
- One 2.05 acre lot currently used by and to be donated to the local Catholic Church.

As the TFD project is important to the preservation and strengthening of agricultural activity in the area, Marin Agricultural Land Trust and the State Coastal Conservancy invested \$1 million in public funds, and \$1 million in privately raised funds to purchase permanent conservation easements across 410 acres of the agricultural land (80% of the total lands owned by TFD). In addition, TFD donated and extinguished development rights valued at more than \$3 million to enable these easement projects.

In support of maintaining and promoting agricultural activity, the TFD plan takes 28 pre-existing legal parcels and rationalizes them into 16 new legal parcels, which also extinguished substantial development rights which might otherwise impair agricultural activities if exercised.

In addition, proposed West Lot 4 is, by irrevocable agreement between MALT and TFD subject to approval of this application, covered in its entirety by a conservation easement. The approval of our application will increase the area under MALT conservation easement by 17 acres, thereby encompassing all riparian and wetlands on the West portion of the TFD property.

The Commission staff report recommends imposing several deed restrictions on proposed lot Central lot 2 and West lots 3 and 4.

1. "No development, as defined in Section 30106 of the coastal act...except for"
 - a. Certain agricultural activities include cultivation of a limited range of crops and grazing.
 - b. Construction and maintenance of agricultural support facilities
 - c. Construction and operation of facilities for processing or retail sale of agricultural products (only on Central lot 2).
 - d. Repair and maintenance of existing development (residence, fences, sheds, etc.)
2. "No structures shall be located within any wetlands, streams, riparian corridor, or sensitive habitat areas...or within 100-foot buffer from these areas"

TFD supports the protection of wetland and riparian areas. The wetlands on the proposed West lots are all subject to a permanent MALT conservation easement and are covered by a detailed management plan with annual monitoring and enforcement. TFD also agrees that no structures such as agricultural facilities should be constructed in these areas. However, as part of the management plan as developed and approved by the Resource Conservation District (RCD) and MALT, TFD herds graze in the riparian corridors during the dry season to reduce the vegetation growth, helping to minimize the retention of silt in the corridor. To properly control the herds, TFD needs to construct fencing and watering systems within these areas, but would do so only in consultation with MALT and in a fashion consistent with the wetland/riparian corridor management plan.

However, TFD does not support the "no development" restrictions also being recommended. First and foremost, it is important to note that none of the parcels contain any prime agricultural land and the only land considered of statewide importance by the NRCS is the Blucher-Cole complex soils contained in the riparian corridor along Keys Creek, already protected by the wetland/riparian corridor buffer. It is unclear why additional restrictions are warranted, legally valid, or necessary. More critically, these restrictions are arbitrary and potentially fatally impair the economic viability of the planned agricultural operations.

Proposed West Lot 3

The restrictions for West Lot 3 prevent the owner from moving or upgrading the residential structure or the farm support buildings. The circa 1930s current structures are situated based upon the previous parcel configuration. The “no development” restriction prevents TFD from repositioning the structures to more logical locations and replacing them with residential and farm buildings meeting modern standards. TFD has from the outset proposed, subject to feasibility, that this parcel be used for an agro-tourist B&B, which is consistent with the Commission’s mandate, the current zoning, and all of the public discussions held on this plan.

The current Marin County zoning of C-APZ 60 is endorsed by the staff report and has as its purpose to “preserve lands within the zone for agricultural use”. This zoning is totally consistent with the Commission’s mandate.

TFD therefore requests that the Commission staff revise their recommendation to be consistent with the analysis in the staff report by relying on the C-APZ 60 zoning. The existing Marin County C-APZ zoning requirements are substantial and are clearly sufficient for the preservation of this parcel for agricultural production without additional restrictions.

Proposed Central Lot 2

As noted in the report, Central Lot 2 is split-zoned with one-third C-VCR:B-4 and two-thirds C-ARP-20 by Marin County. The C-VCR zoning is Coastal Village Commercial Residential which allows development which “foster opportunities for village commercial growth, including those land uses that serve coastal visitors.”

As stated initially, TFD plans to develop this parcel into a creamery which would utilize the milk of the TFD herd along with milk from local Tomales farmers thereby supporting and increasing local agricultural production. The economic viability of the creamery and retail sales is likely insufficient as a standalone operation, and may require additional complementary activities in the commercial portion of the parcel to make the creamery financially viable. If any additional activity is categorically disallowed before anything is actually proposed as part of this process, then the restrictions will actually diminish, rather than promote, the development of agricultural activities within the coastal region.

The Commission can approve this application without these additional restrictions without concern that it is permitting development which is inconsistent with its mandate. As stated in the staff report, the proposed creamery and any other development of this parcel will require an entirely separate application to be approved by Marin County or the Coastal Commission before TFD can proceed with any project. Therefore, TFD requests that the Commission staff revise their recommendations, retaining the restriction on structures in the wetland and riparian buffer areas (with the above suggested modification) but eliminating the additional restrictions on development.

Proposed West Lot 4

This parcel is totally contained within the MALT easement and no development would be allowed by that easement.

* * *

We understand and appreciate the staff's intent, and the Coastal Commission's mandate, to protect the agricultural use of the property involved in our application. However, the deed restrictions, as proposed, threaten the economic viability of the entire 500+ acre agricultural project by restricting the flexibility to properly develop the two lots which function as the economic hubs of the larger project. Further, the restrictions impair the project's ability to serve other neighboring farms. Without the flexibility to place buildings in the most appropriate locations, create visitor-serving accommodations and retail spaces, and construct agricultural production facilities in the most sensible configuration, the project's viability is substantially diminished.

In the Tomales and West Marin community, this project is viewed as a cornerstone to the development of a re-invigorated specialty agriculture and food community. MALT and the Coastal Conservancy, in addition to TFD, have invested heavily in the prospects for this agriculture-based project. As these properties are adequately protected by existing zoning and by future regulatory reviews, we ask that the deed restrictions be eliminated.

Sincerely,

Signature on File

Ted W. Hall
Tomales Farm & Dairy LLC

Copies: Brian Crawford, Director, Marin Community Development Agency
Robert Berner, Executive Director, Marin Agricultural Land Trust
Sam Schuchat, Executive Officer, California Coastal Conservancy

CALIFORNIA STATE LANDS COMMISSION

100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202

**RECEIVED**

MAY 06 2011

CALIFORNIA
COASTAL COMMISSION

May 5, 2011

CURTIS L. FOSSUM, Executive Officer

(916) 574-1800 FAX (916) 574-1810

California Relay Service from TDD Phone 1-800-735-2929
from Voice Phone 1-800-735-2922

Contact Phone: (916) 574-1892

Contact FAX: (916) 574-1925

Th12a

File Ref: TLS 176

Nicholas Dreher
California Coastal Commission
45 Fremont Street
San Francisco, CA 94105-2219

Dear Mr. Dreher:

SUBJECT: Coastal Development Permit Application 2-09-013, Tomales Farm and Dairy, LLC

Staff of the State Lands Commission (SLC) has reviewed the subject application that will be considered by the California Coastal Commission (CCC) on May 12, 2011. The applicant, Tomales Farm and Dairy, LLC, is proposing to merge and resubdivide approximately 100 acres of lands in agricultural use located at 26457, 26650 and 26285 State Route One in Tomales, Marin County.

The proposed resubdivision includes Keys Creek (proposed West Lot 4). The State patented the area within Keys Creek pursuant to Tideland Survey 176 (Marin County) in the 1880s. However, pursuant to the California Supreme Court decision in *Marks v. Whitney* (6 Cal3d. 251 (1970)), which involved a Tideland patent in Tomales Bay, the State retains a Public Trust Easement for various uses including waterborne commerce, navigation, fisheries, recreation, open space, and ecological preservation.

The Marin County Unit II LCP contains a number of protective policies describing the State's interest in Public Trust Lands. While the proposed West Lot 4 is not identical in configuration with the surveyed location of Tideland Survey 176, the true boundaries and interests in the area have not been resolved between the State and private parties. However, given the historic character of this land the State believes it is important to ensure that all parties recognize potential State easement property interests in this area and that the SLC be informed of any development proposals affecting the property.

If you have any questions, please contact Jane Smith, Public Land Management Specialist, at (916) 574-1892 or by email at smithj@slc.ca.gov.

Sincerely,

Signature on File

Brian Bugsch, Chief
Land Management Division

cc: Curtis Fossum
Cy Oggins
Grace Kato
Jane Smith

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
 45 FREMONT ST, SUITE 2000
 SAN FRANCISCO, CA 94105-2219
 VOICE (415) 904-5260
 FAX (415) 904-5400
 TDD (415) 597-5885

Th12a

Filed: August 17, 2010
 180th Day: February 13, 2011
 90-day extension: May 13, 2011
 Hearing Date: May 12, 2011
 Staff Report: April 22, 2011
 Staff Analyst: Nicholas B. 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 proposed project has the potential to convert viable agricultural land for future non-agricultural purposes 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 important 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.

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 limit allowable uses on the subject property. Special condition 1 requires the applicant to execute and record an agricultural and open space deed restriction that restricts the land uses on proposed lots within the west and central components to agricultural uses to prevent residential development and ensure that agricultural viability and productivity is not impaired, consistent with the requirements of Coastal Act Sections 30241 and 30250. Other recommended special conditions include a generic deed restriction requiring recordation of all of the special conditions of the permit and a future development restriction requiring a coastal development permit for any future development. Upon adoption of these special conditions, staff believes the proposed project reflects the purpose and intent of the Coastal Act.

TABLE OF CONTENTS

I. Motion and Resolution.....	3
II. Standard Conditions.....	4
III. Special Conditions.....	4
IV. Findings and Declarations.....	7
A. Environmental Setting & Project Description.....	7
B. Land Divisions Outside of Existing Developed Areas.....	13
C. Protection of Agricultural Lands.....	20
D. Locating & Planning New Development.....	34
E. Environmentally Sensitive Habitat Areas and Wetlands.....	35
F. Visual Resources.....	39
G. California Environmental Quality Act.....	39

EXHIBITS

1. Regional Location Map
2. Aerial View
3. Parcel Map
4. Zoning Districts
5. Jurisdictional Boundary
6. Detail of Proposed West Component
7. Detail of Proposed Central Component
8. Parcel Size Analysis Study Area Map
9. Wetlands and Riparian Habitat Maps
10. Agricultural and Open Space Deed Restriction Maps
11. Soils Map

STAFF NOTE

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. 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 west lot 1, west lot 2 and 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. Agricultural and Open Space Deed Restriction

A. No development, as defined in Section 30106 of the Coastal Act, shall occur within:

- (1) the portion of existing central lot 3 that will become proposed central lot 2;

(2) the portion of existing west lots 2, 3 and 4 that will become proposed west lot 3; or
(3) the portion of existing west lots 1, 3 and 4 that will become proposed west lot 4,
as depicted on the final exhibit attached to the NOI for this coastal development permit,
except for:

1. The following agricultural activities :

- a. 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.
- b. Grazing activities.

2. The following development if approved as a coastal development permit amendment:

- a. 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.
- b. Construction and operation of facilities for processing or retail sale of agricultural products on the portion of existing central lot 3 that will become 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.
- c. Construction of underground utilities.

3. Repair or Maintenance of the following:

- a. Underground utilities.
- b. Repair and Maintenance of existing development on existing lots.

Specifically: (i) the single-family residence, two sheds and fencing on existing west lot 2; and (ii) the fencing and the two barns and wells on existing central lot 3.

B. PRIOR TO THE ISSUANCE BY THE EXECUTIVE DIRECTOR OF THE NOI FOR THIS COASTAL DEVELOPMENT PERMIT, the Property Owner shall submit for the review and approval of the Executive Director, and upon such approval, for attachment as an Exhibit to the NOI, a formal metes and bounds legal description and graphic depiction of (1) the area restricted by subsection 1A and (2) the area restricted by 2a and 2b, prepared by a licensed surveyor, of the portion of the subject property affected by this condition, as generally depicted on both **Exhibit 9** and **Exhibit 10** attached to the findings in support of approval of this permit.

2. 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.

3. 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 dairy creamery, 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.

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 Central 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 overall 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-divided 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). Table 1 below summarizes the existing and proposed parcels on the subject property. See Exhibits 6 and 7 for an illustration.

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 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:

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.

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. The County of Marin issued a categorical exemption for a lot line adjustment for this lot. As proposed, no portion of this lot is within the Commission's retained permit jurisdiction and therefore the County's lot line adjustment categorical exclusion authorized this lot as of April 27, 2007.

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. The County of Marin issued a categorical exemption for a lot line adjustment for this lot. As proposed, no portion of this lot is within the Commission's retained permit jurisdiction and therefore the County's lot line adjustment categorical exclusion authorized this lot as of April 27, 2007.

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, no portion of this lot is within the Commission's retained permit jurisdiction and therefore the County's lot line adjustment categorical exclusion authorized this lot as of March 4, 2009.

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 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.² 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 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

² The Tomales Community Plan and maps within, while not certified as part of the Marin LCP, are referenced in the LCP language.

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.³ 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 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

³ Even inside the community boundary, a distinct rural village character exists.

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 ($n = 3$).⁴ 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

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. However, as proposed, this entire lot would be outside of the Commission's retained jurisdiction. On April 27, 2007, Marin County processed a categorical exclusion for the lot line adjustment that created this lot and the Commission did not appeal this decision. While proposed west lot 1 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.

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. The Commission's review is confined to only those lots or portions of lots within its jurisdiction. As proposed, this entire lot would be outside of the Commission's retained jurisdiction. On April 27, 2007, Marin County processed a categorical exclusion for this lot and the Commission did not appeal this decision.

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

⁴ 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

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 15 acres to proposed west lot 4 for agricultural and natural resource protection purposes (see below) and surrenders roughly 3 acres to west lots 1 and 2. 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 1 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 the stable urban-rural boundary that Sections 30241 and 30250(a) is meant to address. As discussed in Section C, this restriction also serves to ensure that non-agricultural development will not impair the agricultural viability of the rural area as required by Section 30241. 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 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 (MALT). 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 stated 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 1 requires a deed restriction to be recorded on this lot, to limit this site to agricultural and resource protection uses, which will serve to help protect rural character and coastal resources, consistent with Coastal Act Sections 30233, 30240-42 and 30250(a). In addition, given the fact that proposed west lot 4 is almost entirely comprised of wetland, ESHA and riparian resources, Special Conditions No. 1 and 2 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 these conditions are necessary to ensure that (a) the restricted property is never developed inconsistent with the resource protections of 30233 and 30240-41; (b) a stable urban/rural boundary is maintained as required by Section 30241 and 30250; (c) the current or future owners understand the development limitations associated with the newly created lot at the time of its creation; and (d) 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, in addition to Sections 30233 and 30240-42, this lot is consistent with Section 30250(a) of the Coastal Act.

In conclusion due to the fact that the proposed lots reflect the character of this urban rural boundary and the special conditions restrict development to agricultural uses, as described in detail herein, the Commission finds that the portion of the West Component of the proposed development that is within the Commission's purview (proposed west lots 3 and 4) is consistent with Coastal Act Section 30250(a).

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 1 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 and maintain the stable urban/rural boundary that Sections 30241 and 30250(a) are meant to protect. As also discussed in Section C, this restriction also serves to ensure that non-agricultural development will not impair the agricultural viability of the rural areas as required by Section 30241. 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) (Class II) on the subject property, most of which is within existing west lot 4 (Exhibit 6 and 11). 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,⁵ 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 NRCS land use capability classification for the Blucher-Cole Complex is II and describes these soils as “prime” only where irrigated. Otherwise, the Blucher-Cole Complex soils are considered class III where not irrigated. The subject soils are not currently irrigated and are therefore not prime for purposes of determining prime agricultural land under the Coastal Act. According to Jeff Stump, Easement Program Director at the Marin Agricultural Land Trust (MALT):

...the soils on the [subject] property are not, and have never been, irrigated, and thus are designated by NRCS as Class III. Neither MALT nor NRCS staff consulted on the matter-see any gray area in either the NRCS Land Classification System or the Class III rating designated by NRCS for the [subject] property.

...

Furthermore, the vast majority of the Blucher Cole Complex soils are either currently protected by the MALT Agricultural Conservation Easement (ACE) or will be added to the easement area if the west area lot line adjustment is approved and completed.

...

Given the [easement's] restrictions, we do not think that MALT could allow field crops and the irrigation that would be necessary to sustain those crops within the [protected] area.⁶

Although under the first criterion for the definition of prime agricultural soils, the Blucher-Cole complex soils at the project site are not considered prime, they do constitute lands of statewide importance (NRCS) that should be kept in agricultural use. As described above, Coastal Act Section 30241 still clearly limits development or conversion of all lands suitable for agriculture. However, the Commission finds that at this time, those lands containing Blucher-Cole Complex soils are not prime agricultural lands, consistent with the first criterion of Section 30113 of the

⁵ The NRCS official soil series description can be found at:
<http://soils.usda.gov/technical/classification/osd/index.html>

⁶ Electronic communication with Jeff Stump regarding prime agricultural land on proposed project property, received 3/21/2011

Coastal Act and Section 51201(c) of the California Government Code because they comprise Class III soils rather than Class I or II soils.

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 Applicant also stated that it grazes cattle (the Applicant owns approximately 240 head of cattle) on a rotational basis 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.⁷ Jeff Stump from MALT 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.⁸ 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

⁷ Personal communication with David Lewis regarding prime agricultural land in Marin County, on 2/18/2011.

⁸ Personal communication with Jeff Stump regarding prime agricultural land on proposed project property, on 2/16/2011.

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 not contain land that qualifies as prime agricultural land. While 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 11), these lands are not currently irrigated and the Applicant has no intention of irrigating them in the future. Moreover, an existing agricultural easement (owned by MALT) prohibits irrigation over these soils within existing west lot 4, and this prohibition will extend to all lands associated with proposed west lot 4 following this approval (when the easement is recorded).

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 none of the subject agricultural land meets 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.

Coastal Act Section 30241 consistency analysis

In many respects, the proposed project is consistent with the agricultural resources protection goals of Coastal Act 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 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 Applicant also submitted materials suggesting proposed central lot 3 could be a suitable site for a strawberry farm, although this lot would be outside the Commission’s retained jurisdiction. With the exception of proposed central lot 1, which is located inside the community boundary and will be given to the Arch Diocese of San Francisco, all proposed lots contain agricultural land that could and should be put to productive agricultural use.⁹

It is therefore critically important to ensure that future residential development will: (1) not adversely impact the agricultural productivity on proposed west lots 3 and 4; (2) assure the

⁹ 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 important agricultural land (near proposed lot 3). However, as proposed, west lots 1 and 2 would be outside of the Commission’s retained jurisdiction. On April 27, 2007, Marin County processed a categorical exemption for these lots and the Commission did not appeal this decision.

protection of the areas' agricultural economy; and (3) minimize conflicts between agricultural and urban land uses, consistent with Coastal Act Section 30241.

The linkage between prime land production and the local agricultural economy 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.

With regard to the land divisions undertaken for agricultural purposes, although no conversions are proposed to take place, Section 30241 (a) and (e) still require that conflicts between agriculture and urban uses be minimized in specified ways and that non-agricultural development not impair agricultural viability. While the proposed project within the Commission's purview is a land division intended for agriculture, there are no assurances that conflicts between agriculture and urban uses will be minimized, nor that potential future non-agricultural development would not impair agricultural viability.

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 its proximity to non-agricultural uses (such as residential) raises issues and/or concerns with standard agricultural practices (such as chemical spraying and fertilizing) or on-going agricultural by-products (such as dust and noise from machine operations associated with cultivating, spraying, and harvesting), which may pose a threat to non-agricultural uses, such as the proposed residential development.

Proposed West Lot 3

The Applicant has not submitted evidence assuring the Commission that proposed west lot 3 will not result in future development that could impair agricultural viability, either through increased assessment costs or degraded air and water quality. Because of this, there are also no concrete assurances that a stable boundary separating urban and rural areas will be maintained and conflicts between agriculture and urban uses will be minimized. Proposed west lot 3 (21.04 acres) would 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. Following the expansion of existing west lot 4 to its proposed size, and the further reduction of roughly 3 acres for proposed west lots 1 and 2, existing lot 3 will be reduced from 36.65 acres to 21.04 acres. Future residential development on proposed west lots 1 and 2 will further constrain this agricultural lot. To ensure that proposed west lot 3 remains in agricultural use, thereby maintaining the stable boundary separating the urban and rural area and avoid conflicts between agricultural and urban land uses, the Commission requires, pursuant to Special Condition 1, 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 3, the Commission imposes a future development restriction on the site that requires the Applicant to obtain a coastal development permit for any future development on the site. Therefore, as conditioned, the Commission finds that proposed west lot 3 is consistent with Section 30241(a) and (e).

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 future development that could impair agricultural viability, either through increased assessment costs or degraded air and water quality. Because of this, there are also no concrete assurances that a stable boundary separating urban and rural areas will be maintained and conflicts between agriculture and urban uses will be minimized. 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 1, 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 3, the Commission imposes a future development restriction on the site that requires the Applicant to obtain a coastal development permit for any future development on the site. Therefore, as conditioned, the Commission finds that proposed west lot 4 is consistent with Section 30241(a) and (e).

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. While not currently proposed, the Applicants have stated their desire to locate the future creamery in the C-ARP-20 zone. Facilities for processing for retail sale of agricultural products are allowed in this zone and the Applicant intends to allow tastings and other visitor-serving uses at the site once the creamery is in operation. Although this lot straddles the urban/rural boundary and does allow for commercial uses, 30241(a) requires that stable urban/rural boundaries be maintained, and 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 1, requires a deed restriction on the lot to ensure that no future land division or conversion of agricultural lands to non-agricultural uses occurs on the lot. This restriction would allow agricultural facilities for processing for retail sale of agricultural products, 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 future development that could impair agricultural viability, either through increased assessment costs or degraded air and water quality, 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 1, 2, and 3. As conditioned, the Commission finds the agricultural land division consistent with 30241(a) and (e).

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 potential development. As conditioned, future development would be restricted to agricultural uses and any such development would require a coastal development permit. 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. 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, which could serve a potential future dairy creamery and water for cattle grazing, and finally proposed central lot 3 has a 10 gpm well.¹⁰

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:

¹⁰ Proposed Central Lot 3 and Proposed West Lots 1 and 2 will be located entirely outside the Commission's retained jurisdiction.

(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 Report¹¹ 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 indicated that the stream channel is mostly lined with herbaceous wetland-adapted species along the banks and channel bottom. Therefore, 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, in order to ensure that use of those portions of the site that are ESHA would be limited to that which is allowed under Section 30240, the Commission adopts Special Condition 1 prohibiting any future development of property other than agricultural development 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

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

¹¹ "Memorandum for Tomales Farm & Dairy, LLC: Central Project: Lot line adjustment, Tomales, Marin County," dated June 15, 2009, by Prunske Chatham, Inc.

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 also 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 finds that the entirety of proposed west lot 4 must be afforded the full protections of Sections 30233 and 30240 of the Coastal Act. Thus, it is possible that the creation of proposed west lot 4 would result in the creation of 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 existing west lot 4 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 and that the property owner is aware of and agrees to the limitations on future development before proposed west lot 4 is created, the Commission adopts Special Condition 1, 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. 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.

Proposed west lots 3 and 4 and proposed central lot 2 are currently used for agricultural purposes (such as grazing) and will be restricted to agricultural uses pursuant to Special Condition 1. Accordingly, future development will maintain the agricultural and rural character of existing west lots 3 and 4 and proposed central lot 2. Further, any future development of any of these lots 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.

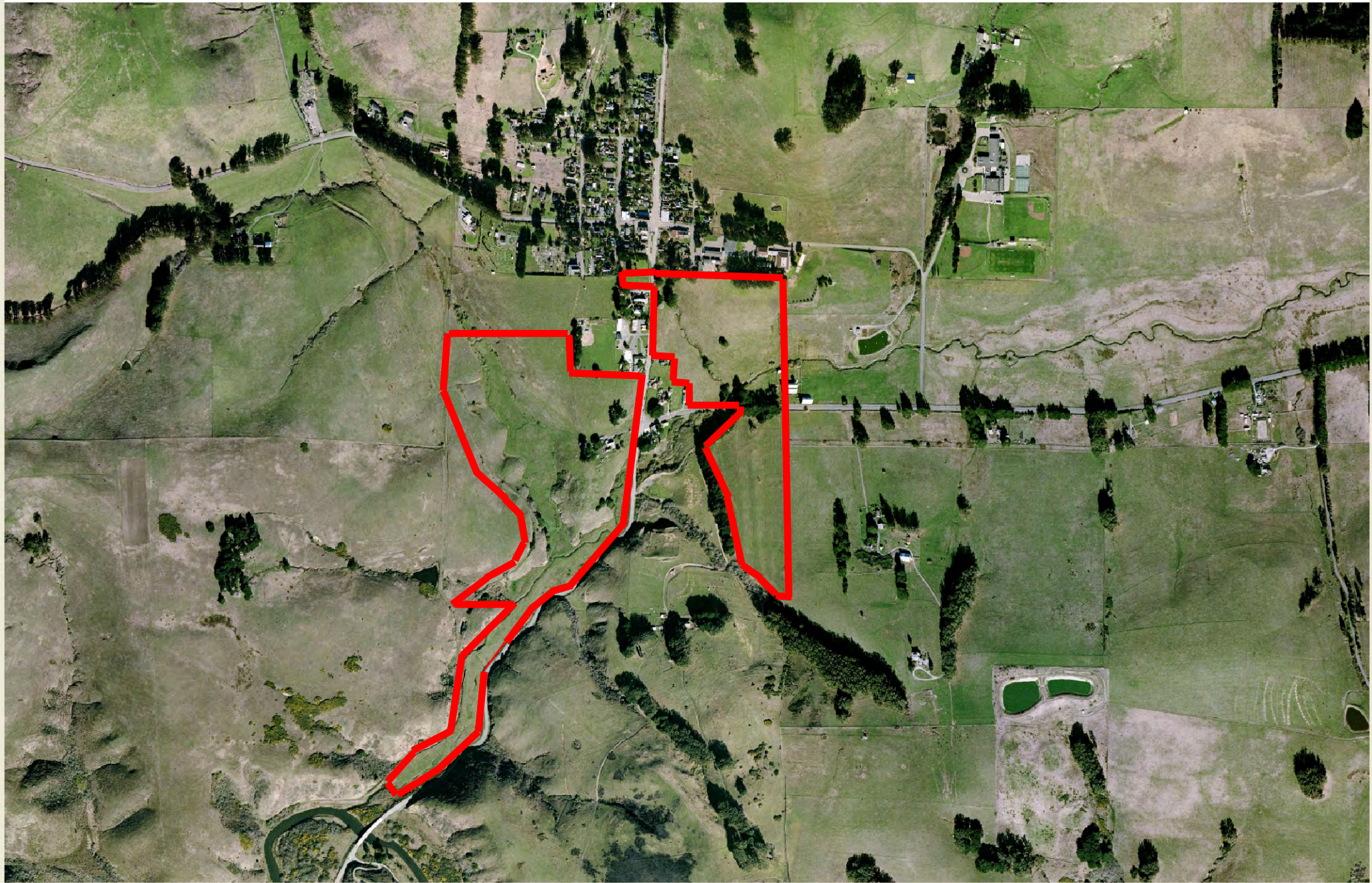
The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. As discussed above, the proposed project has been conditioned to be consistent with the policies of the Coastal Act. The findings address and respond to all public comments regarding potential significant 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

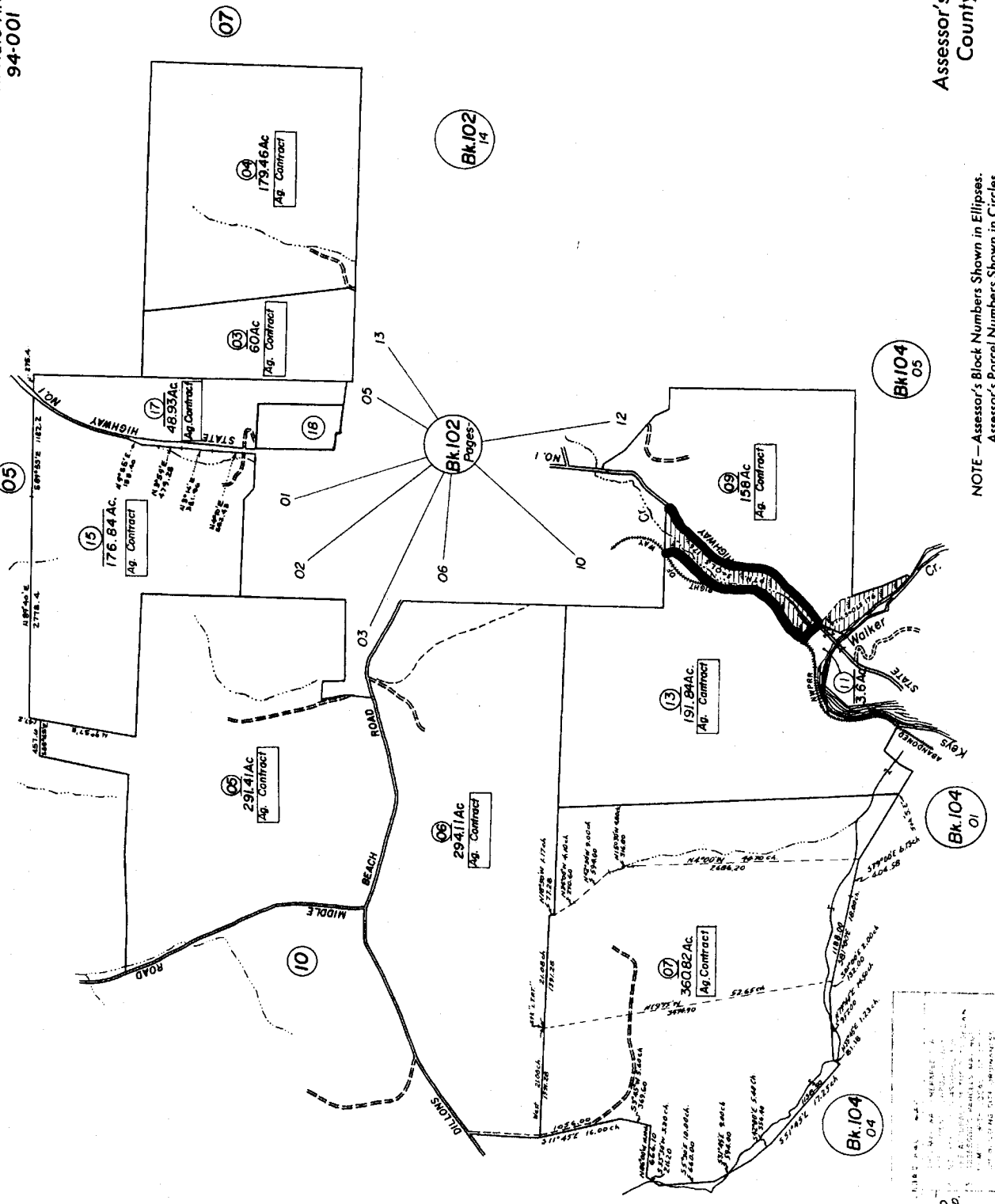






Tax Rate Area
94-001 100-09

POR. RANCHO BALSA DE TOMALES



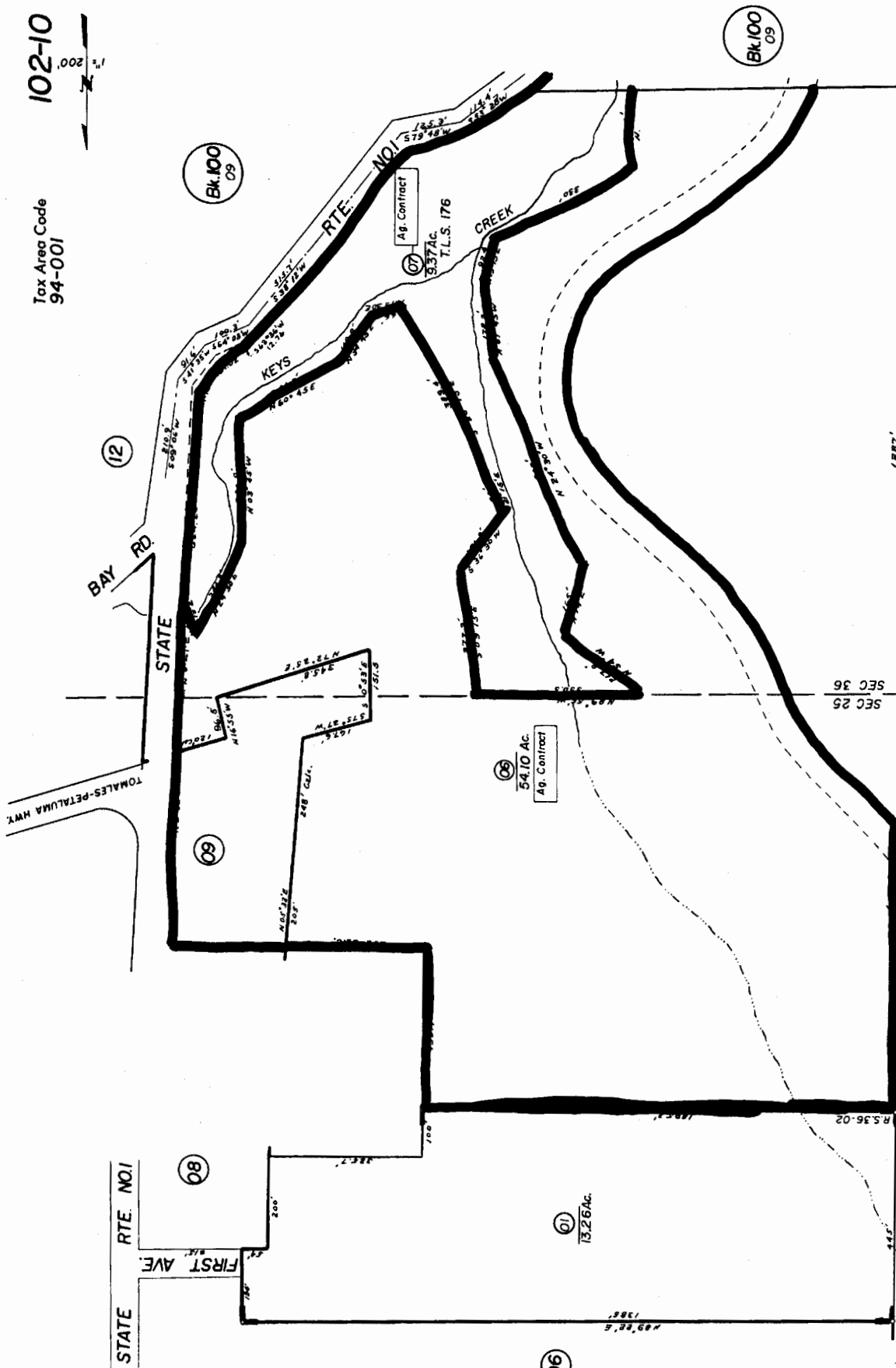
Assessor's Map Bk.100-Pg.09
County of Marin, Calif.

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

12-06-94 CD
1-26-95 C.D.

102-10

Tax Area Code
94-001



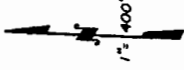
TOWN OF TOMALES
Assessor's Map Bk.102 -Pg.10
County of Marin, Calif.

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

ADJUSTED VAL
3-98 MS
11-95 L F

102-13

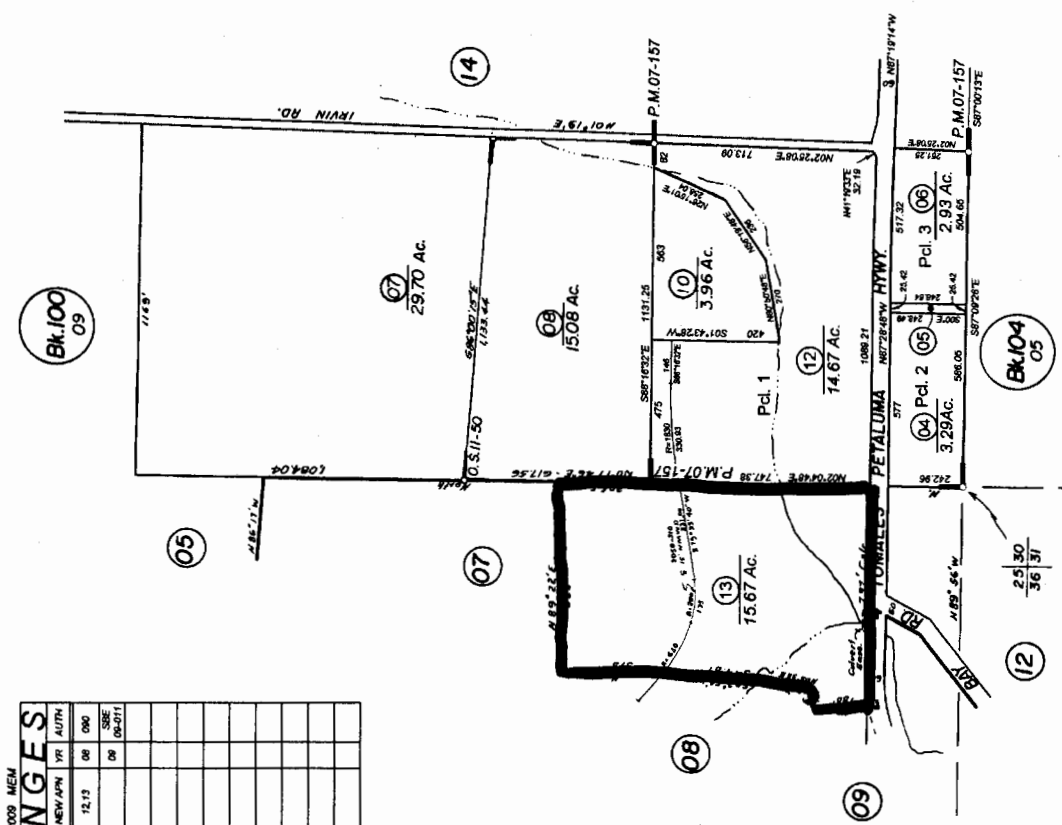
Tax Area Code
94-001
94-023
94-055



4262009 MEM

CHANGES

BLK	PROCD	APR	NEW	APR	YR	AUTH
130	11		12,13		06	090
					09	090-011



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

TOWN OF TOMALES
Assessor's Map Bk.102-Pg.13
County of Marin, Calif.

102-08

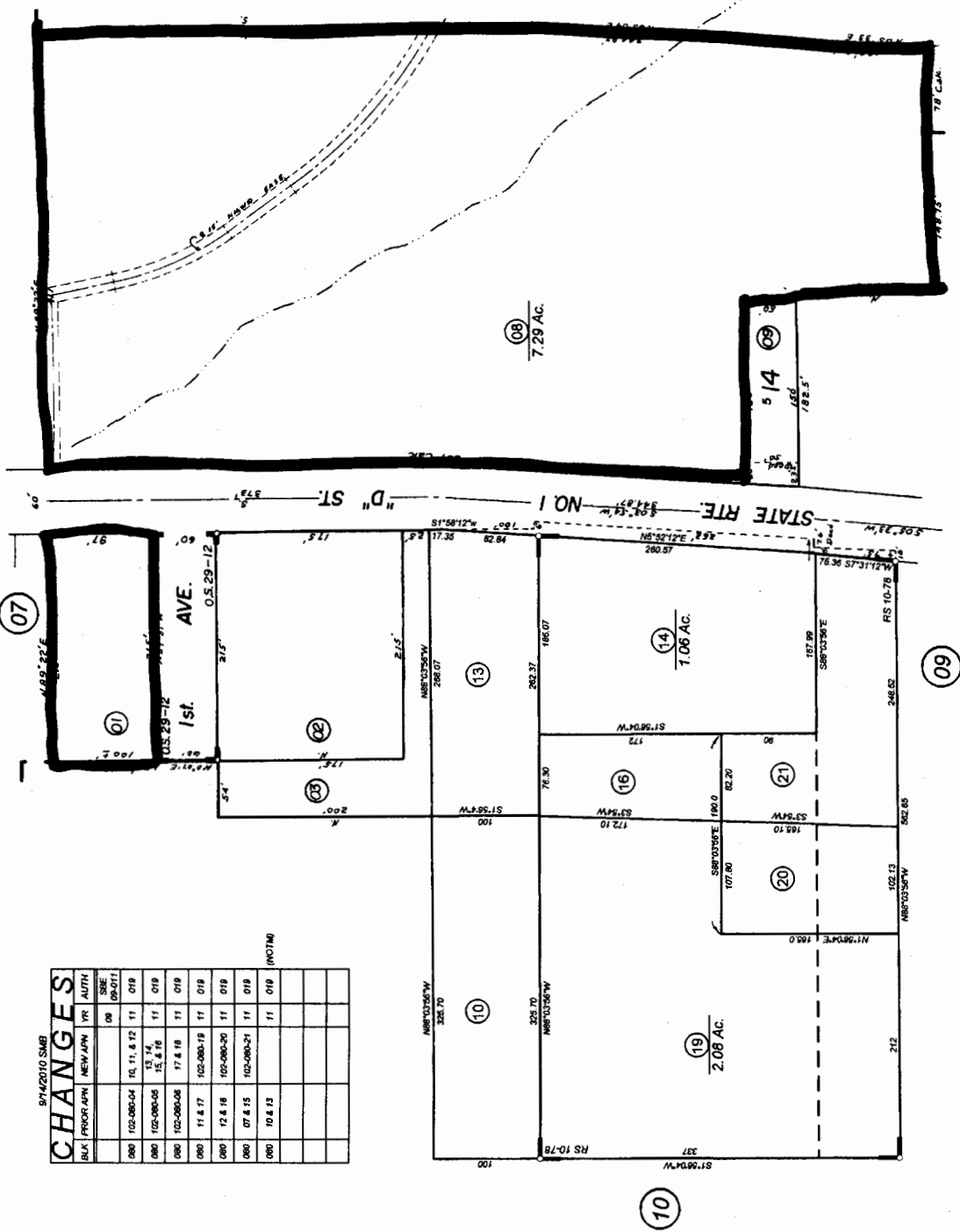
Tax Area Code
 94-002
 94-023
 94-030
 94-056

9/14/2010 SMB

CHANGES

BLK	PROG	APN	NEW	APN	YR	AUTH
					08	SRE 09-011
000	102-000-04	10, 11, & 12	11	019		
000	102-000-05	13, 14, 15, & 16	11	019		
000	102-000-06	17 & 18	11	019		
000	11 & 17	102-000-19	11	019		
000	12 & 18	102-000-20	11	019		
000	07 & 15	102-000-21	11	019		
000	10 & 13		11	019	(NOTM)	

POR. OF RANCHO DE TOMALES

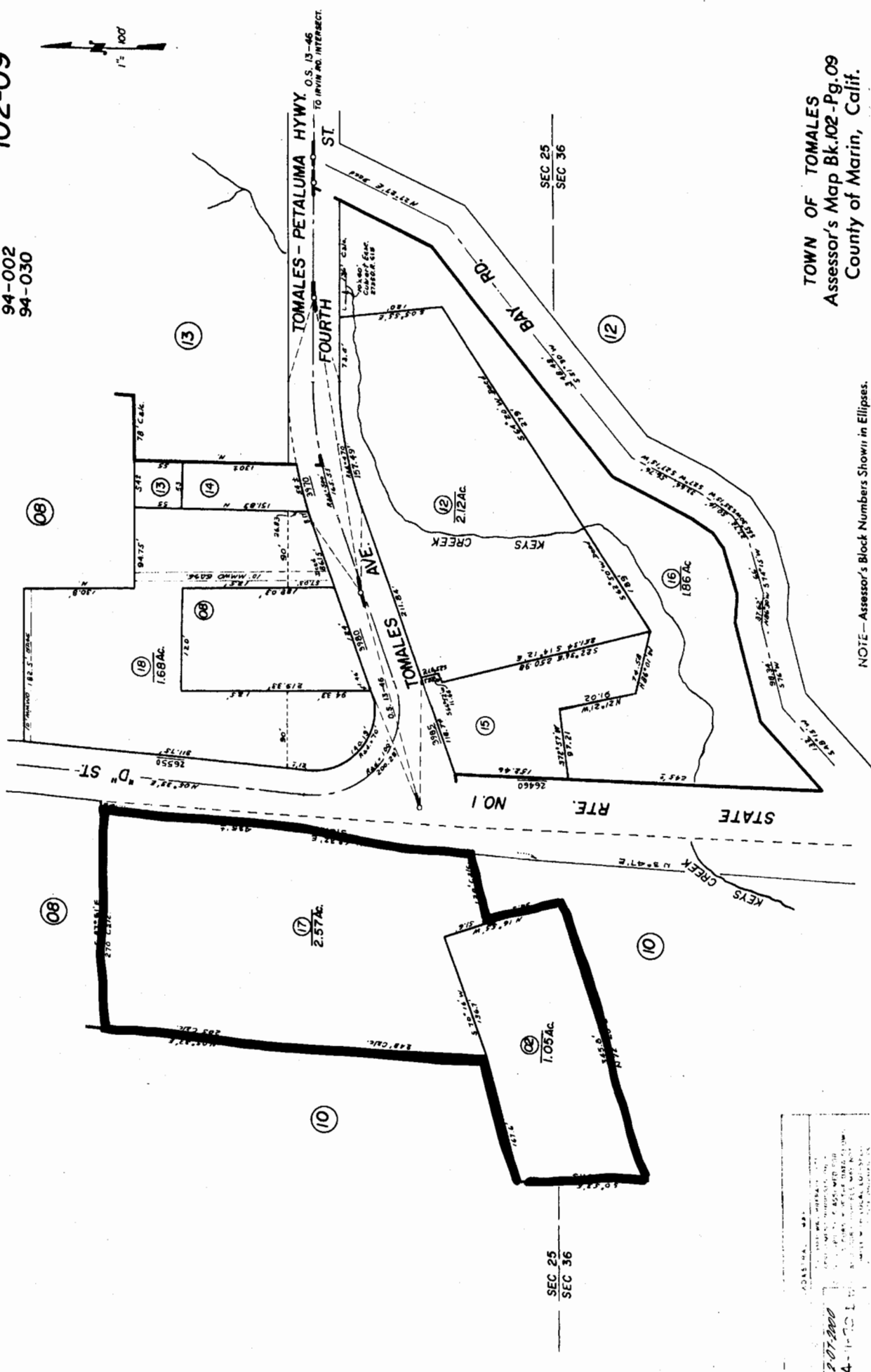
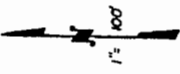


TOWN OF TOMALES
 Assessor's Map Bk. 102 - Pg. 08
 County of Marin, Calif.

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

102-09

Tax Rate Area
94-002
94-030



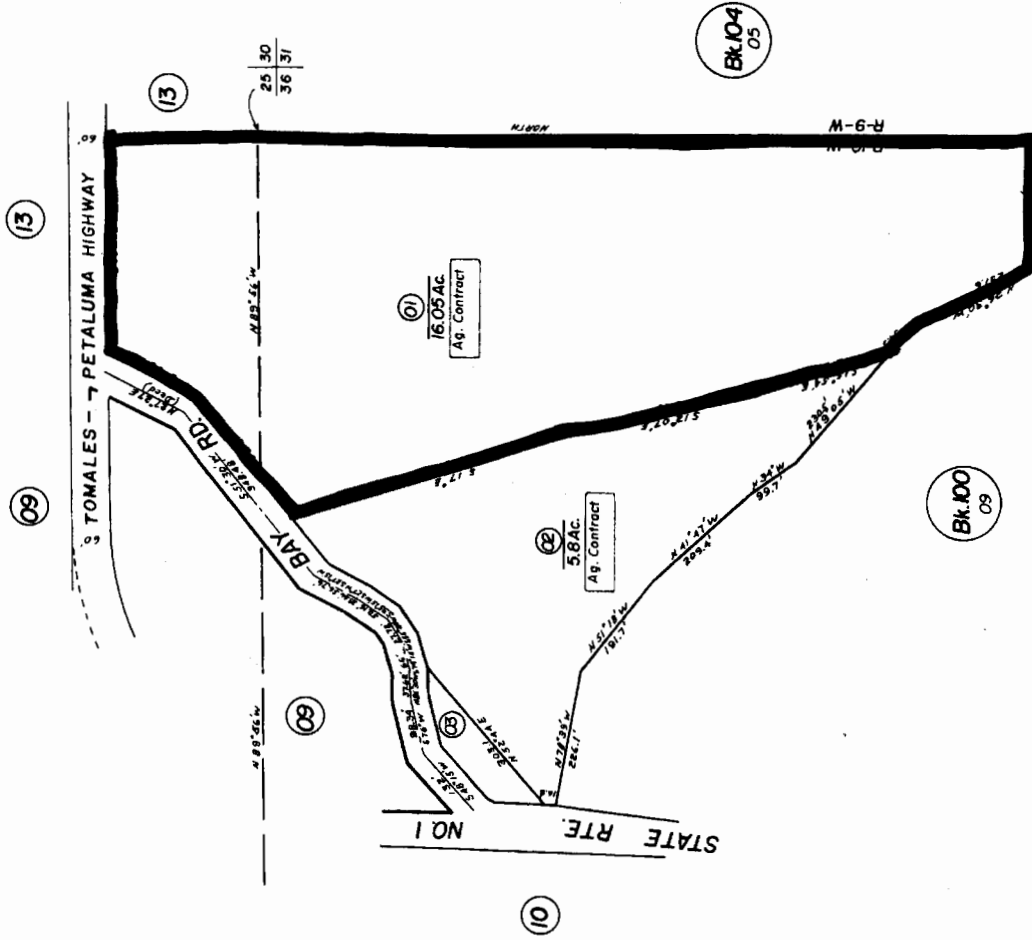
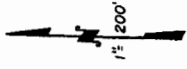
TOWN OF TOMALES
Assessor's Map Bk.102-Pg.09
County of Marin, Calif.

NOTE - Assessor's Block Numbers Show in Ellipses.

COASTAL...
2-07-2000
4-1-2011

Tax Area Code
94-001

102-12



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

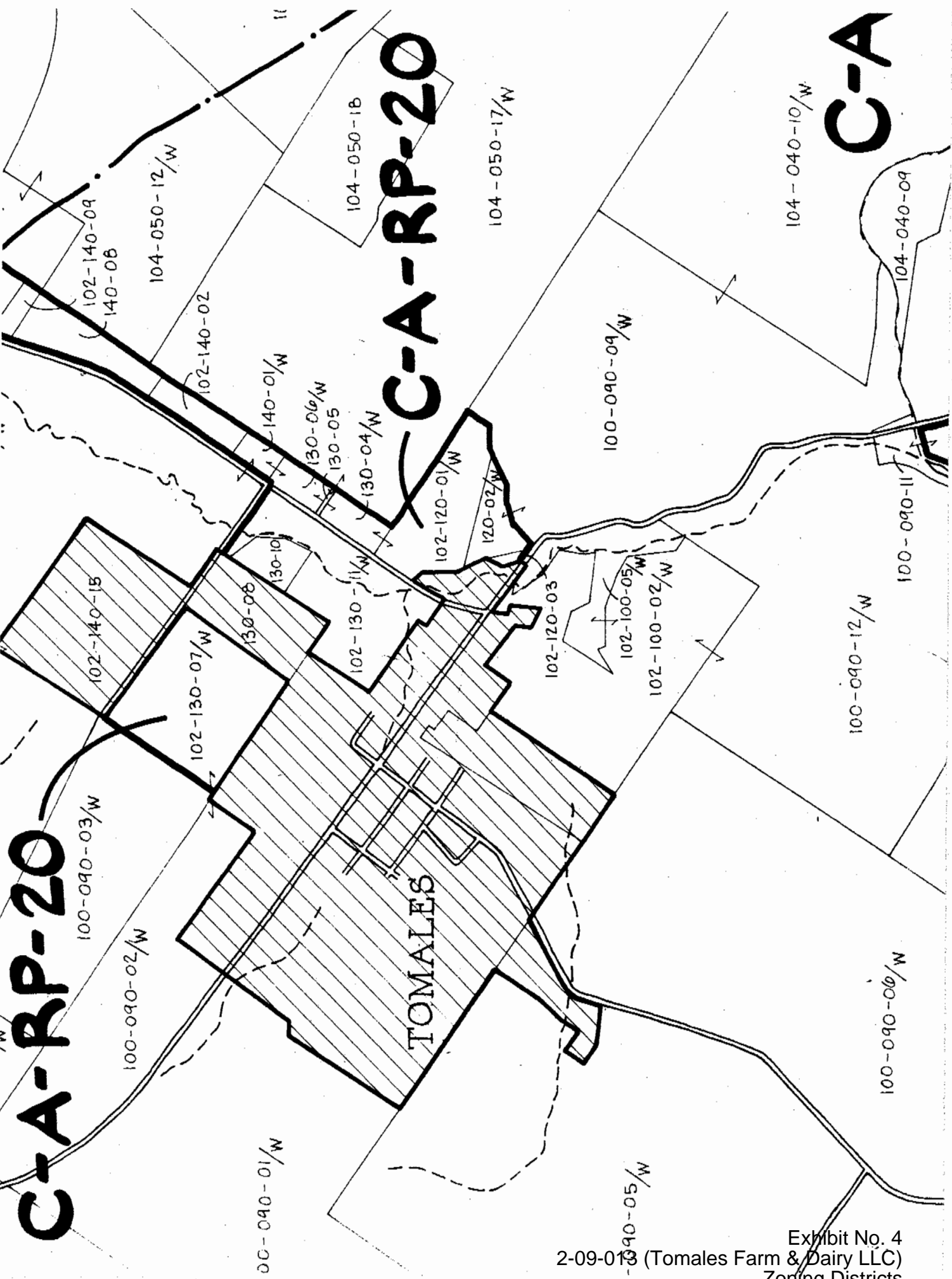
NOTE - Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Circles.

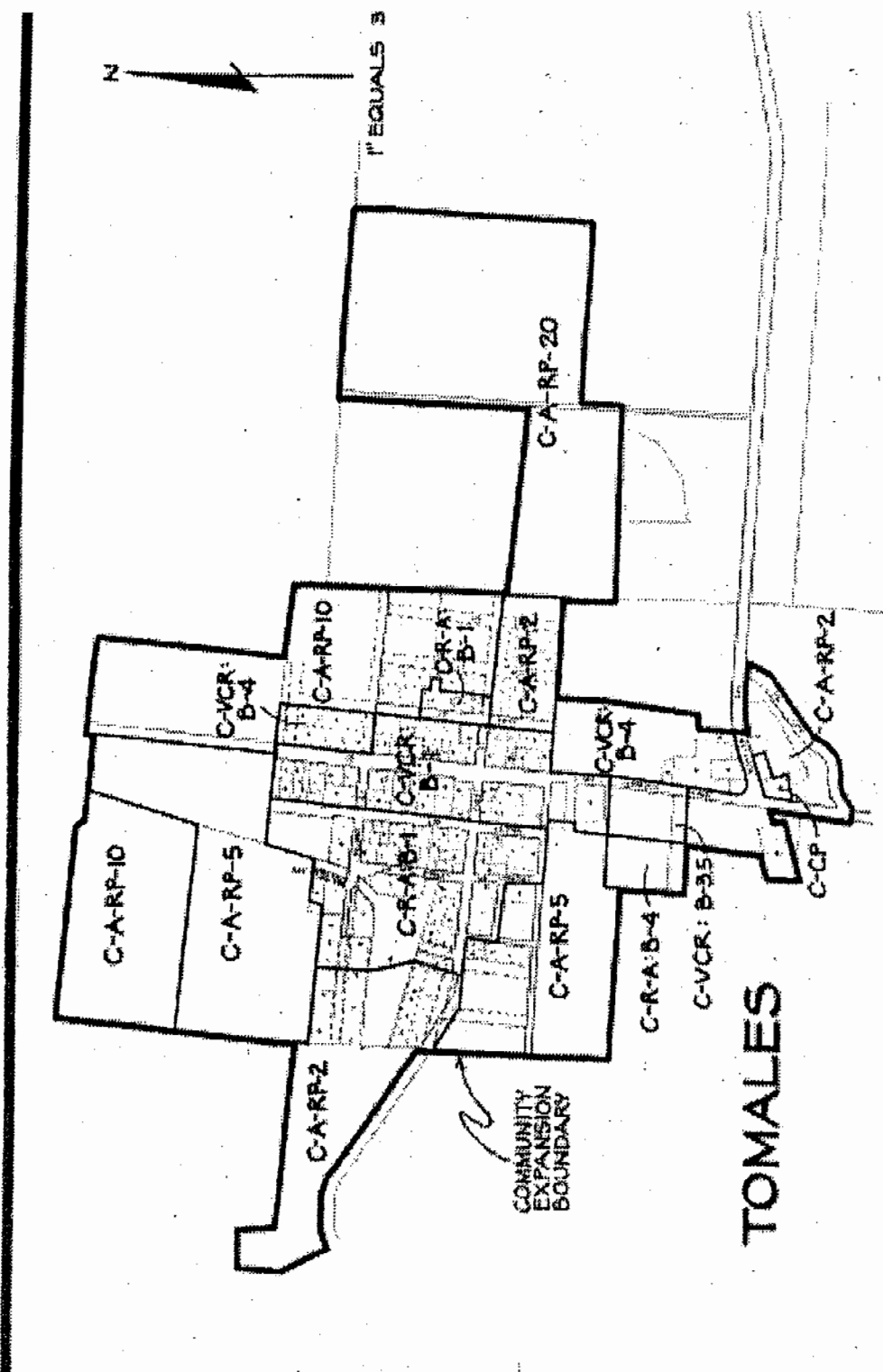
Block	Parcel	Area	Use
102-12	01	16.05 AC	Ag. Contract
102-12	02	5.8 AC	Ag. Contract
102-12	03	25.30 AC, 36.31 AC	
102-12	04	16.05 AC	Ag. Contract
102-12	05	5.8 AC	Ag. Contract
102-12	06	16.05 AC	Ag. Contract
102-12	07	5.8 AC	Ag. Contract
102-12	08	16.05 AC	Ag. Contract
102-12	09	5.8 AC	Ag. Contract
102-12	10	16.05 AC	Ag. Contract
102-12	11	5.8 AC	Ag. Contract
102-12	12	16.05 AC	Ag. Contract
102-12	13	5.8 AC	Ag. Contract

C-A-RP-20

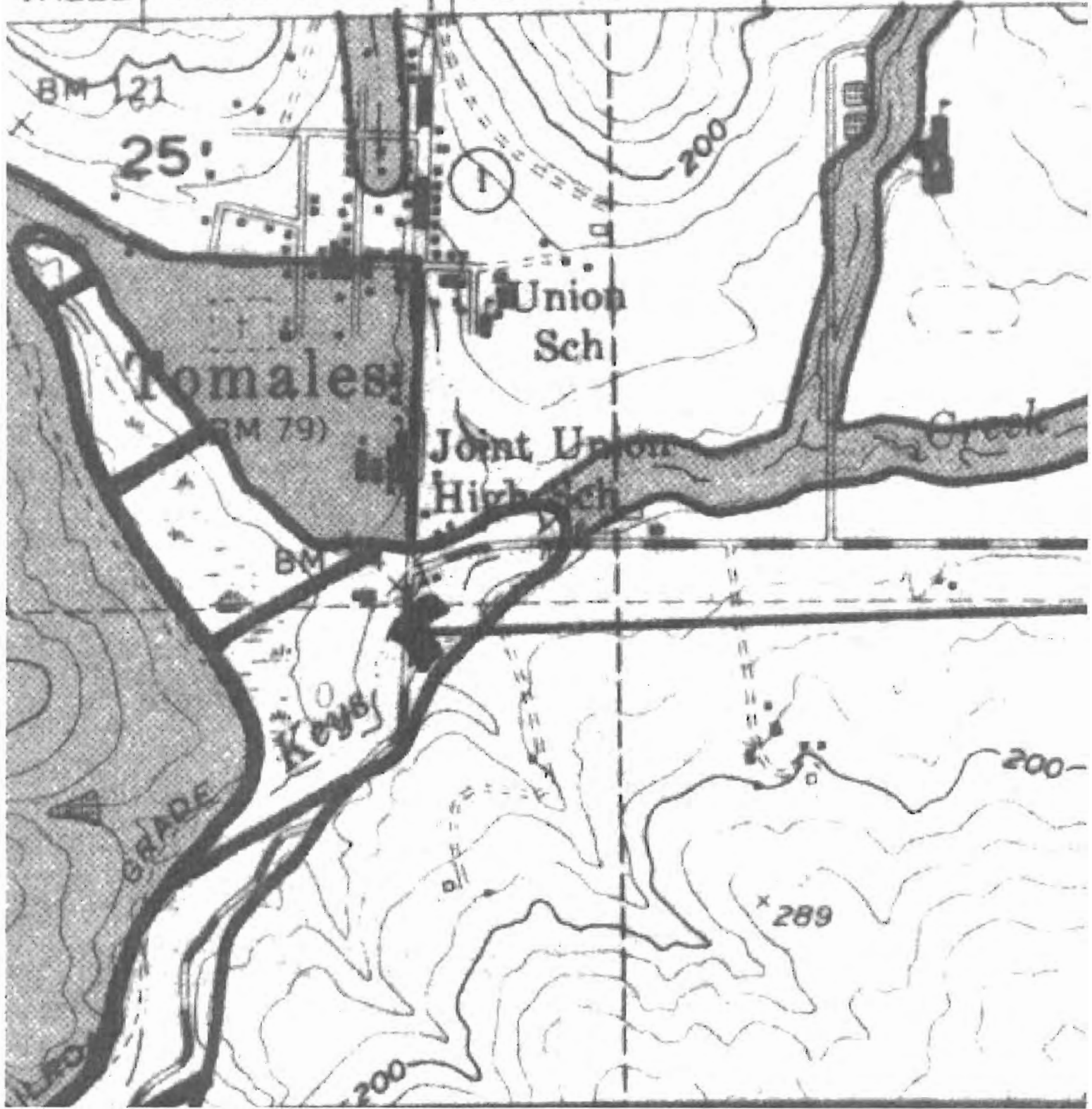
C-A-RP-20

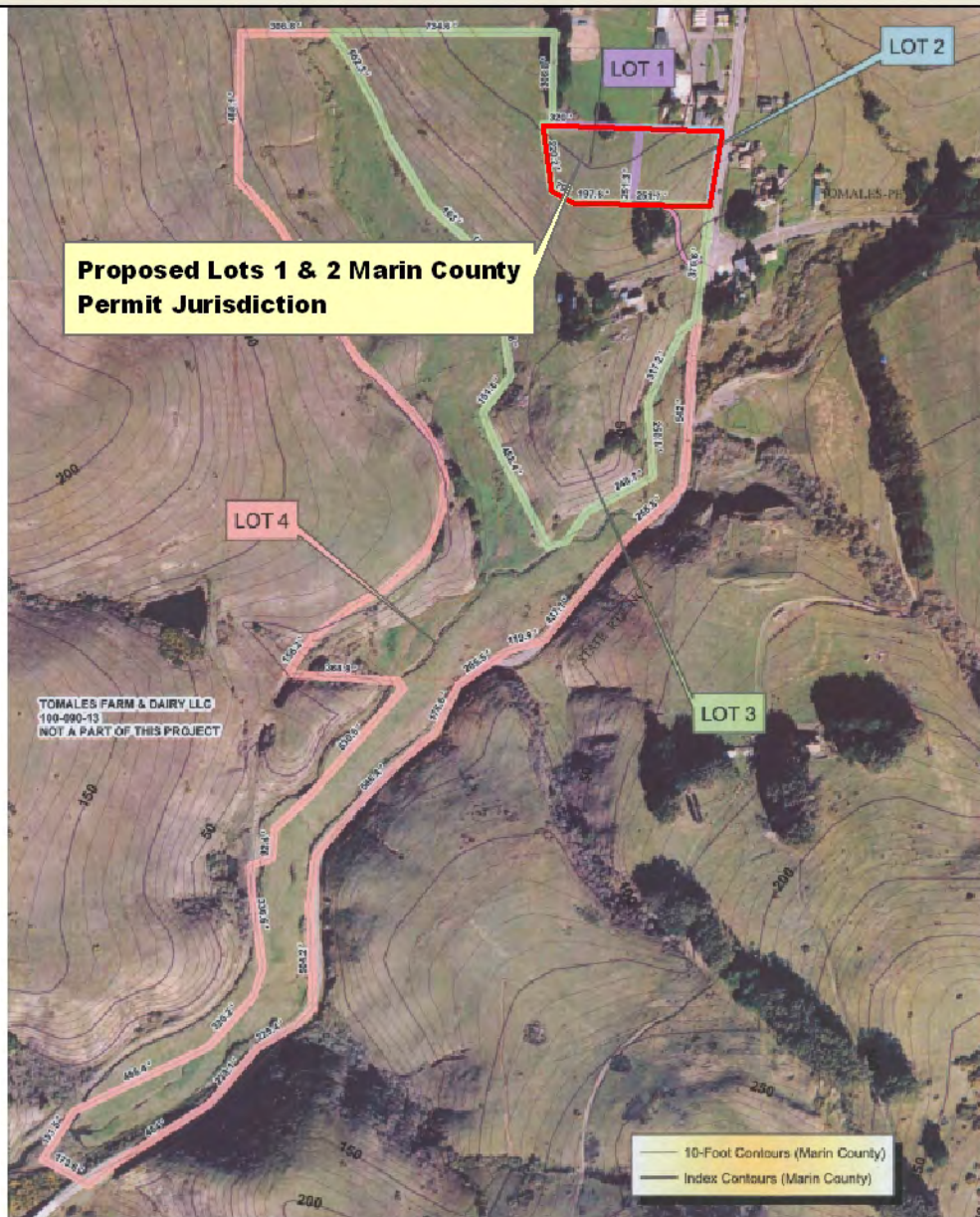
C-A





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





Proposed Lots 1 & 2 Marin County Permit Jurisdiction

TOMALES FARM & DAIRY LLC
199-990-13
NOT A PART OF THIS PROJECT

— 10-Foot Contours (Marin County)
— Index Contours (Marin County)

TOMALES, CA 94971
(707) 978-3889

APNS: 199-099-13, 102-090-02 & 17, 102-100-06 (PTN) & 07
26650 & 28457 STATE RT 1, TOMALES, CA

SEWER: TOMALES VILLAGE SERVICES DISTRICT
P.O. BOX 900 TOMALES, CA 94971

WATER: PRIVATE WELL

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

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

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

LOT	EXISTING	PROPOSED	% CHANGE
1	3.82 AC +/-	1.68 AC +/-	- 54
2	1.84 AC +/-	1.59 AC +/-	- 14
3	35.63 AC +/-	21.04 AC +/-	- 41
4	19.69 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 AREA 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 2015-009281 MARIN COUNTY RECORDS (AN APPLICATION FOR CERTIFICATES OF COMPLIANCE HAS BEEN SUBMITTED AND IS BEING REVIEWED FOR THESE LANDS)


LYING WITHIN SEC. 25 AND 30, T9N, R10W M. D. S. & M.
COUNTY OF MARIN STATE OF CALIFORNIA

RAY CARLSON
AND ASSOCIATES, INC.
Mapping a Better World™

411 Russell Ave., Searle Plaza, CA 94903 | (707) 508-7649 FAX (707) 571-6641 | www.raycarlson.com

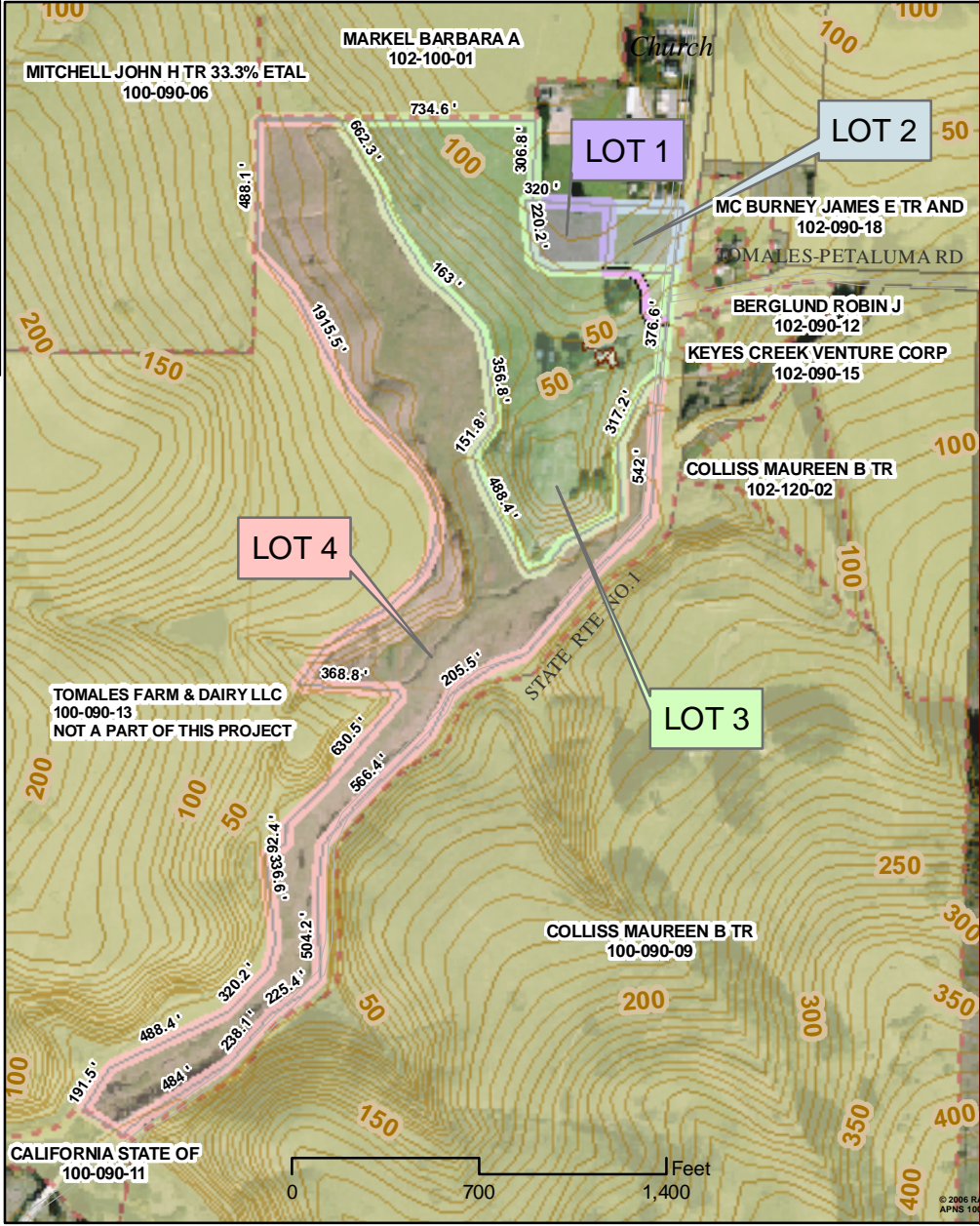
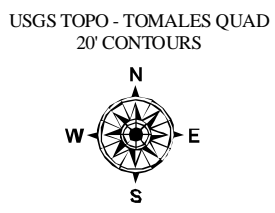
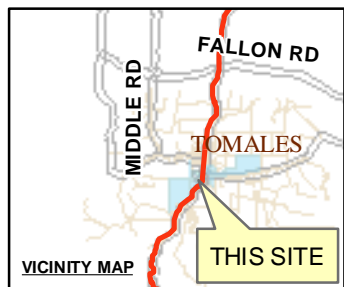
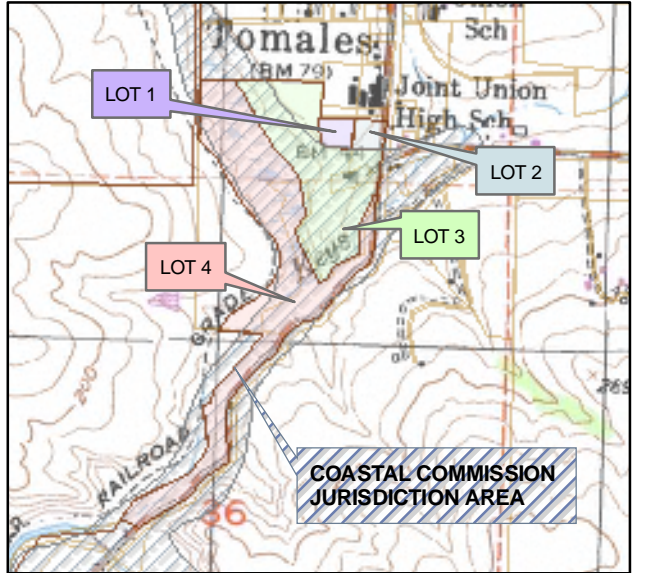
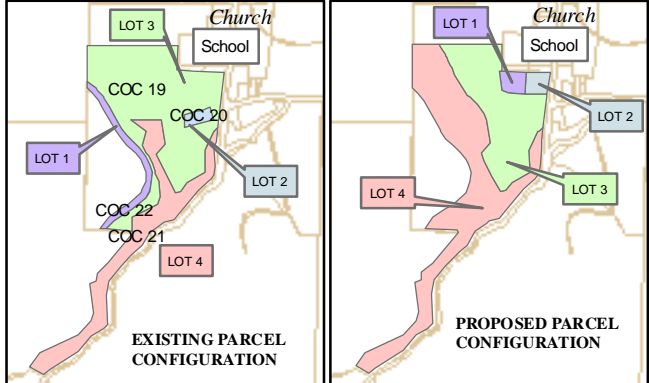
© 2011 RAY CARLSON & ASSOCIATES, INC. 2006, REVISED APRIL 2007, March 2011
APNS 199-099-13, 102-090-02 & 17, 102-100-06 & 07 MAY 2006 SHEET 1 OF 1 JOB# 05-001

BD 05-2011
Proposed Lot Line Adjustment
Lot Nos. 1 & 2
Tomales Farm & Dairy, LLC
Marin County

 **Proposed Lot Nos. 1 & 2
Marin County Coastal Development Permit Jurisdiction**

**Exhibit No. 5
2-09-013 (Tomales
Farm & Dairy LLC)
Jurisdictional Boundary
Page 2 of 2**





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 LS3990 DATE

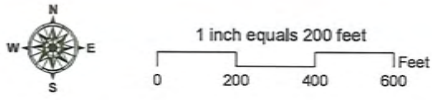
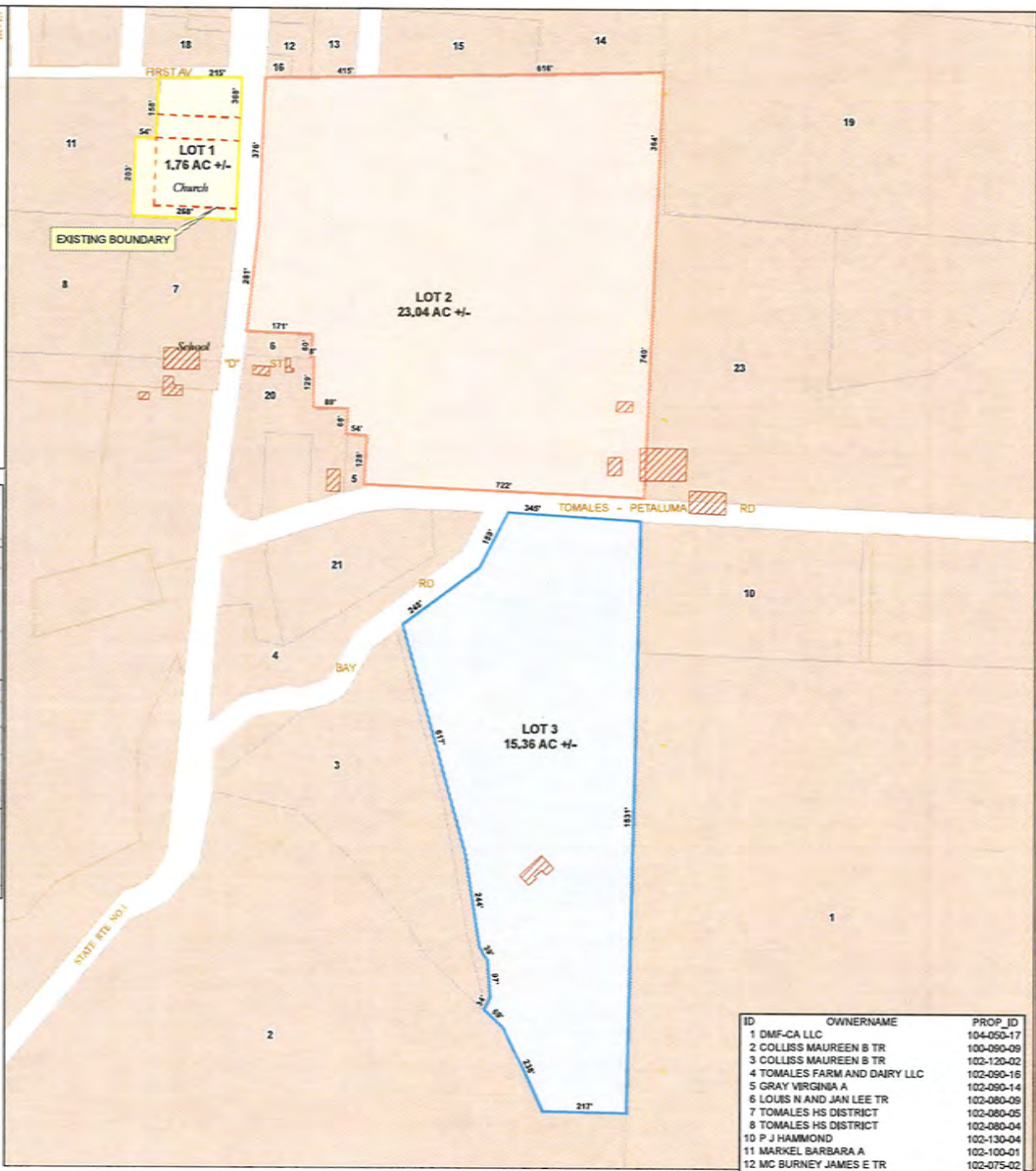
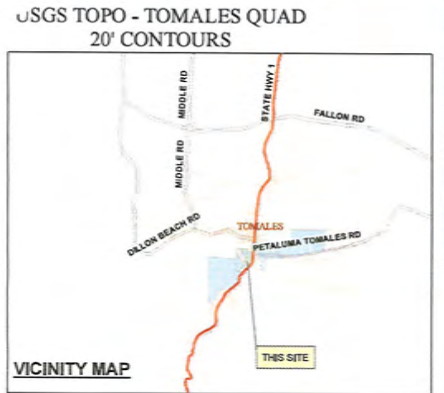
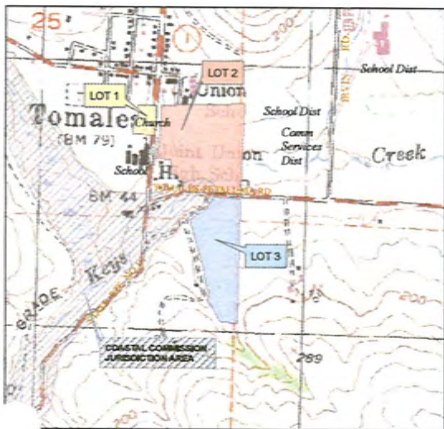
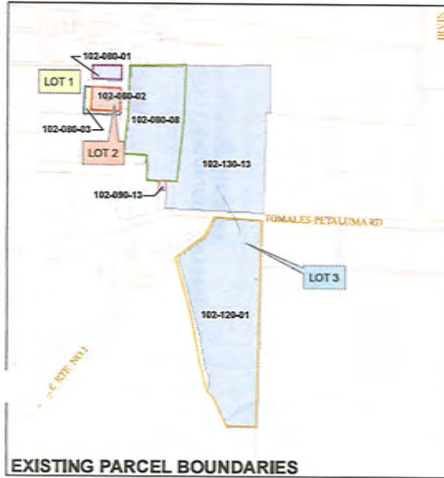
SITE MAP

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 2005-090631, 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	102-090-14
6	LOUIS N AND JAN LEE TR	102-080-09
7	TOMALES HS DISTRICT	102-080-05
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	102-071-09
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 210 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 _____

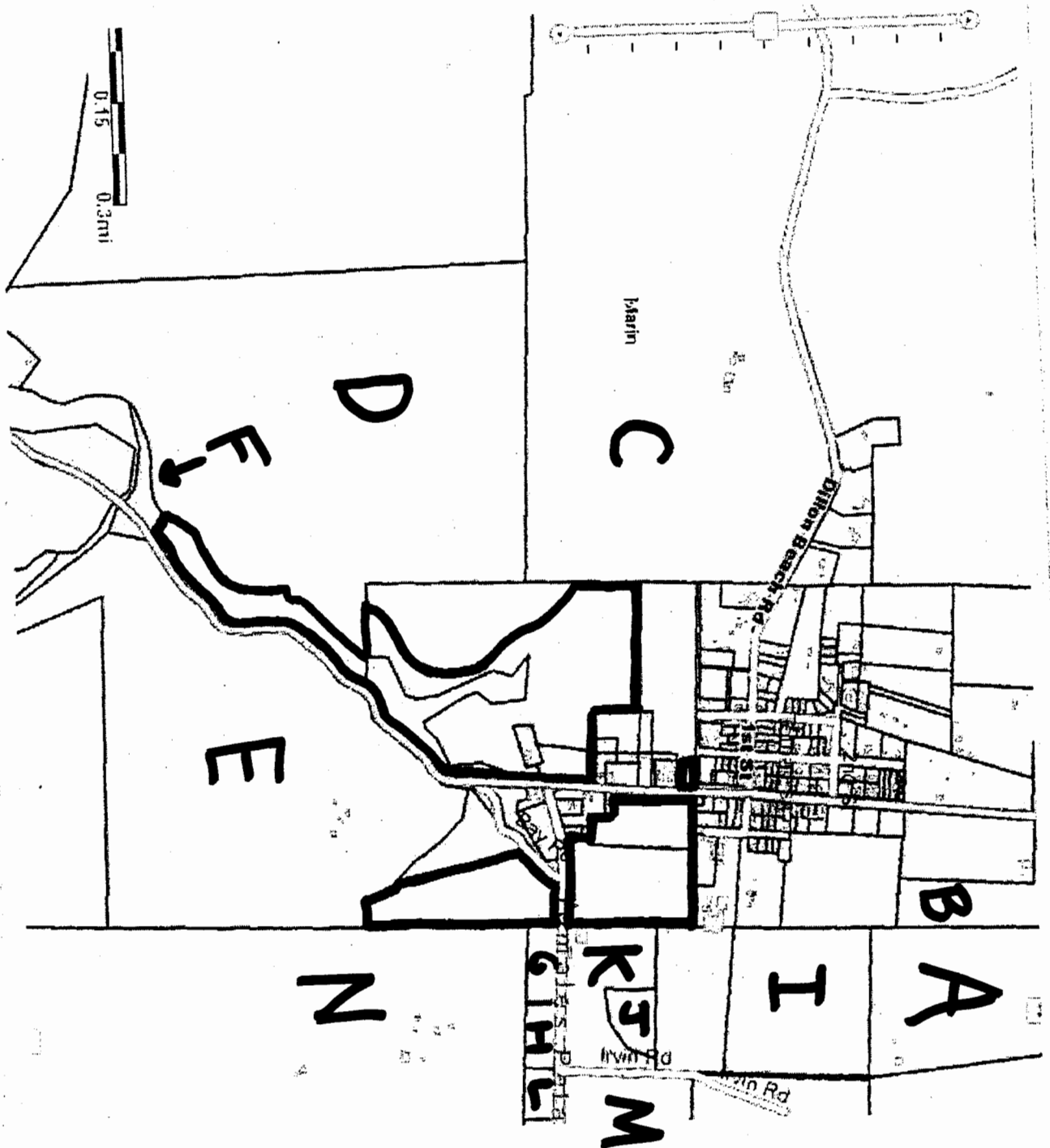
SITE MAP

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

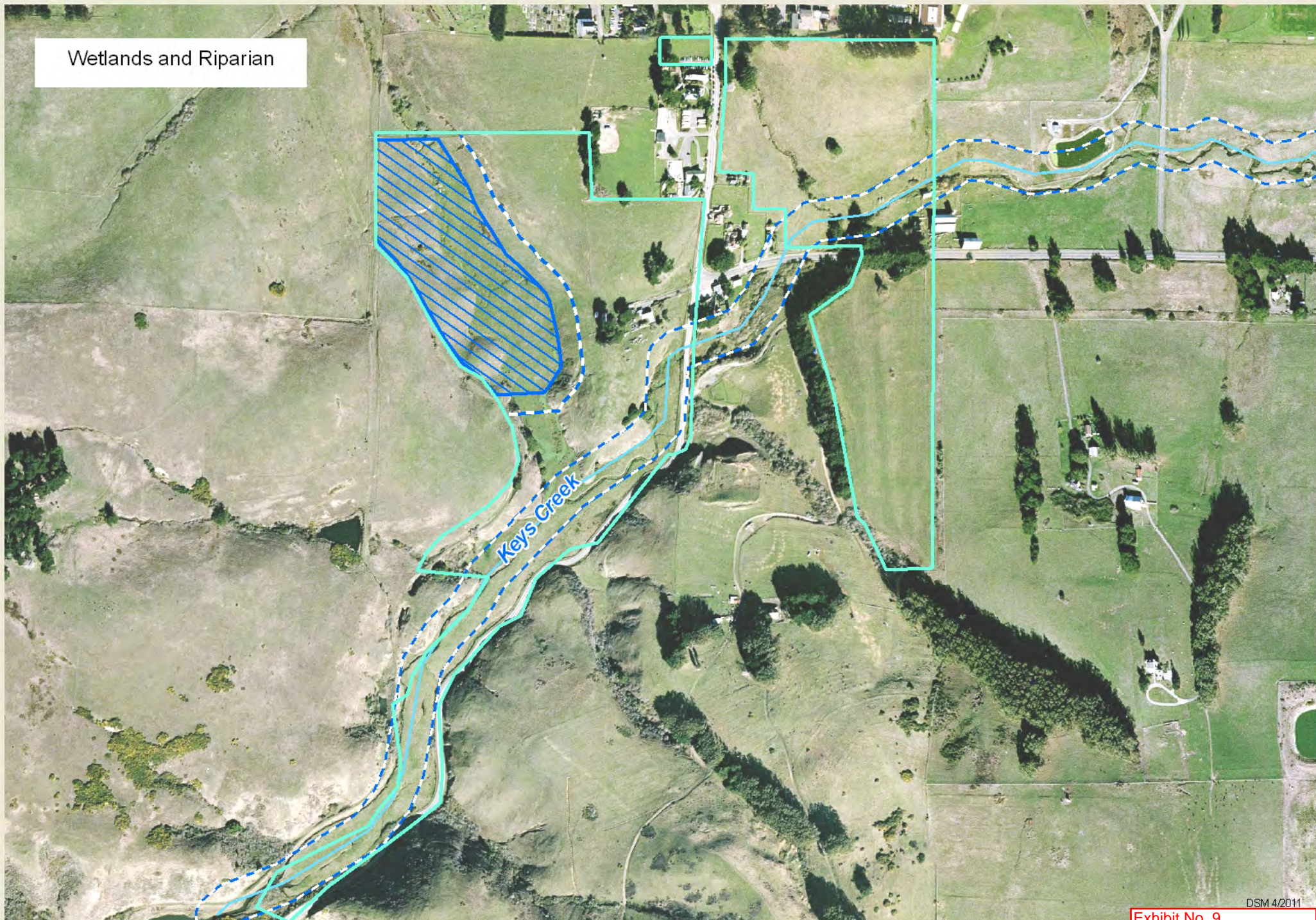
RAY CARLSON AND ASSOCIATES, INC.
 Mapping a Better World™
 LAND SURVEYING - GIS - PLANNING - RESEARCH

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

© 2008 RAY CARLSON & ASSOCIATES, INC.
 APNS 102-090-13, 102-090-13, 102-080-01, 02, 03, & 08, & 102-120-01 MAY 2008 SHEET 1 OF 1 JOB# 05-081

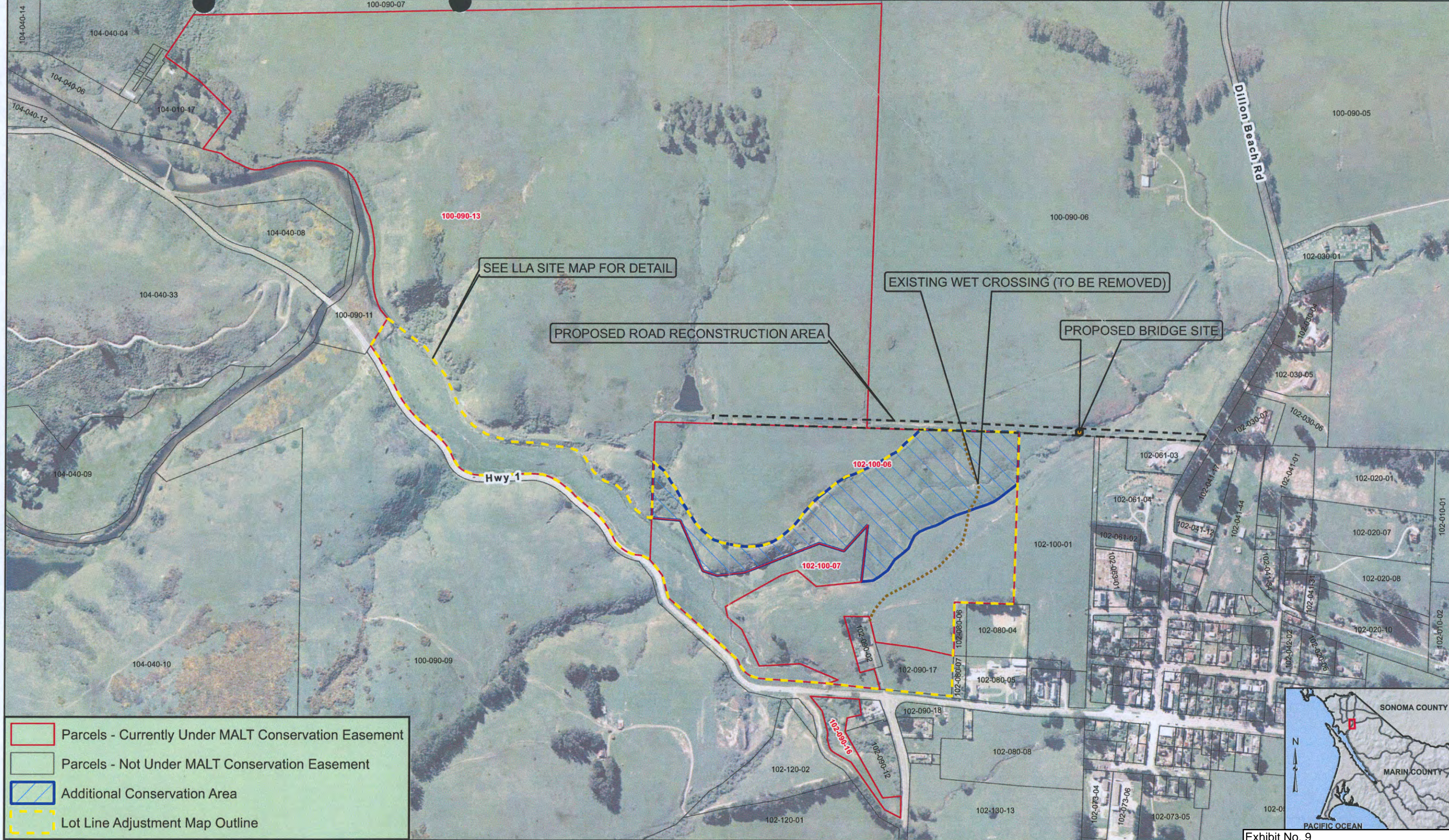


Wetlands and Riparian



DSM 4/2011





- 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 Maps
 Page 2 of 2

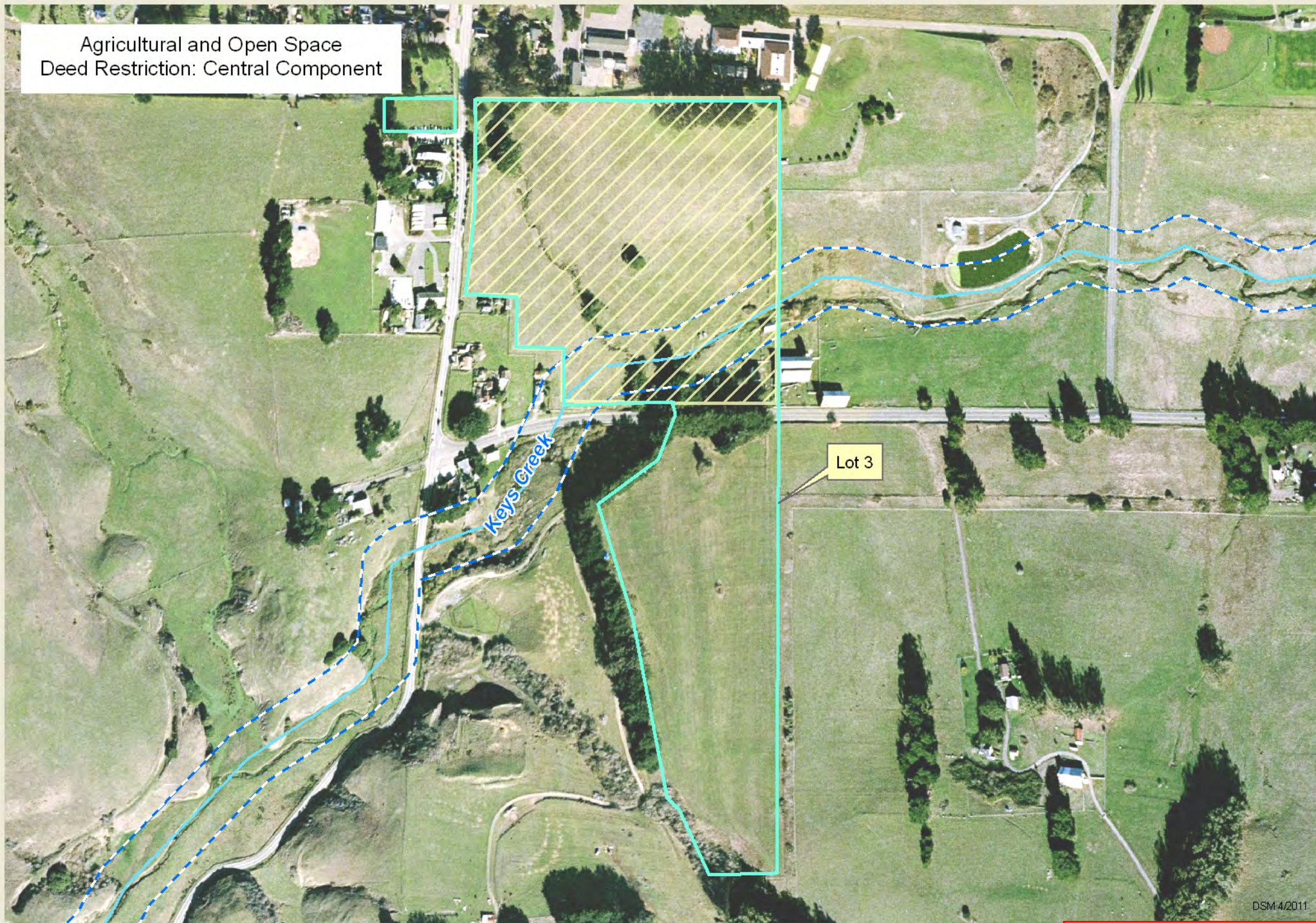
PRUNUSKE CHATHAM, INC.
 400 MORRIS STREET, SUITE G
 SEBASTOPOL, CA 95472
 (707) 824-4600

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 P
 PLAN VIEW**

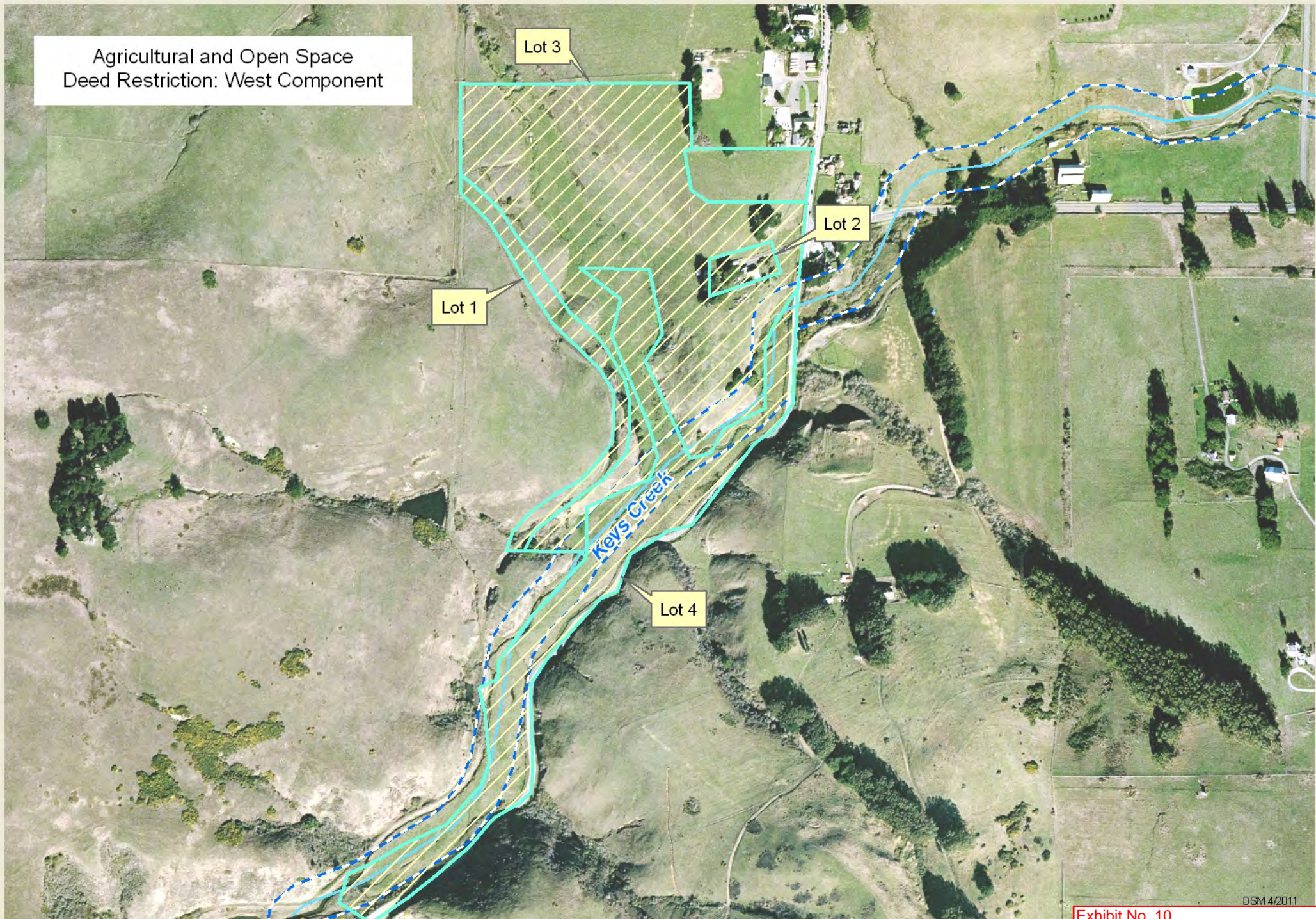
Agricultural and Open Space
Deed Restriction: Central Component



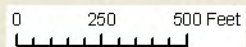
DSM 4/2011



Agricultural and Open Space
Deed Restriction: West Component



DSM 4/2011



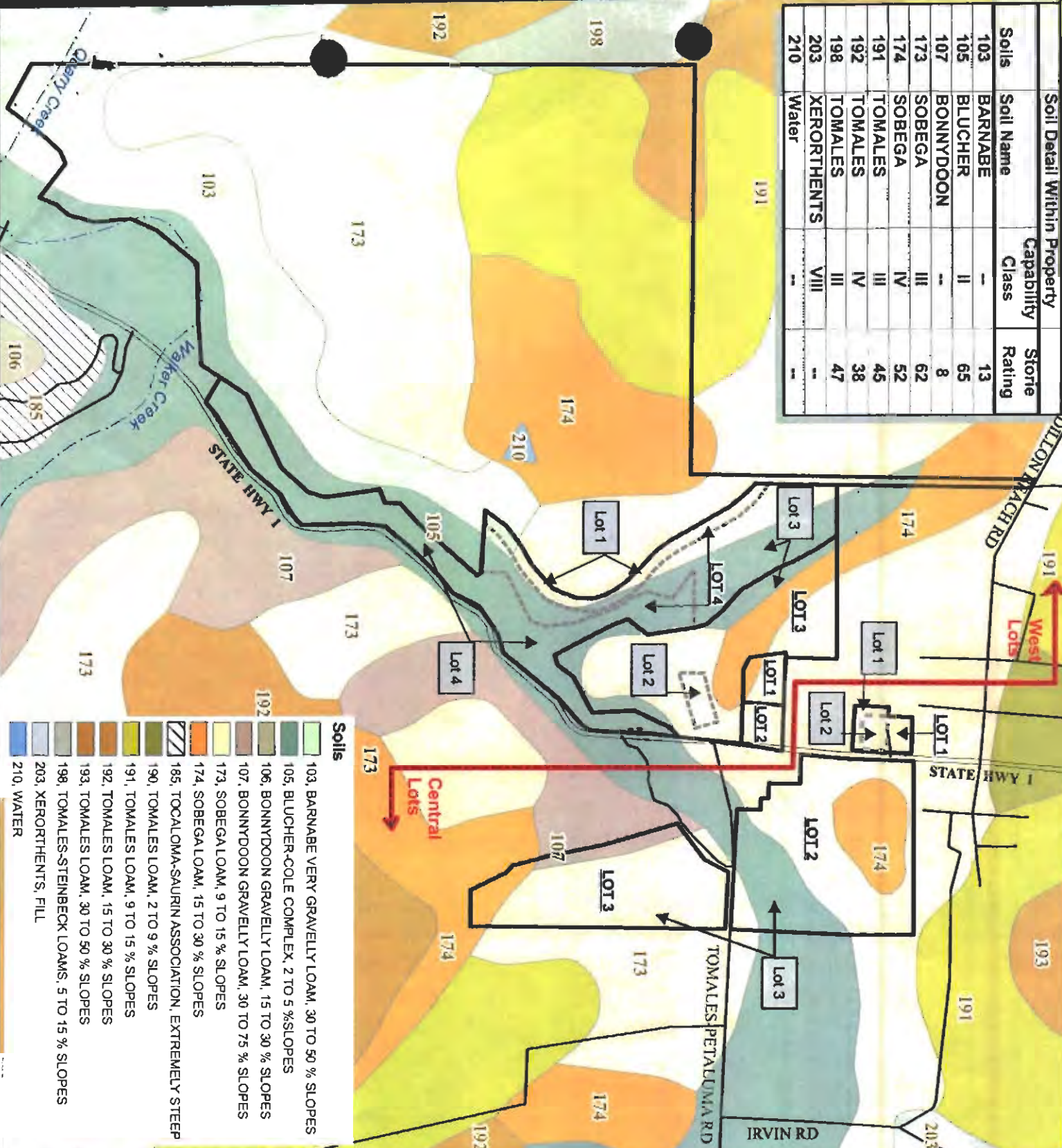
Existing West Lots 1 - 4

Agricultural and Open Space
Deed Restriction

Keys Creek

Approx. 100 ft. Creek Buffer

Soils	Soil Name	Capability Class	Property	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	--		--






Soils	Description
103	BARNABE VERY GRAVELLY LOAM, 30 TO 50 % SLOPES
105	BLUCHER-COLE COMPLEX, 2 TO 5 % SLOPES
106	BONNYDOON GRAVELLY LOAM, 15 TO 30 % SLOPES
107	BONNYDOON GRAVELLY LOAM, 30 TO 75 % SLOPES
173	SOBEGA LOAM, 9 TO 15 % SLOPES
174	SOBEGA LOAM, 15 TO 30 % SLOPES
185	TOTAL-OMA-SAURIN ASSOCIATION, EXTREMELY STEEP
190	TOMALES LOAM, 2 TO 9 % SLOPES
191	TOMALES LOAM, 9 TO 15 % SLOPES
192	TOMALES LOAM, 15 TO 30 % SLOPES
193	TOMALES LOAM, 30 TO 50 % SLOPES
198	TOMALES-STEINBECK LOAMS, 5 TO 15 % SLOPES
203	XERORTMENTS, FILL
210	WATER

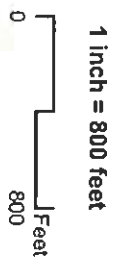
EXHIBIT A

PROJECT SOILS DETAIL

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



MAP REQUESTED BY: TOMALES FARM & DAIRY LLC, 2005-0096381. RECORD DATA SOURCES: A RECONSTRUCTION SURVEY HAS NOT BEEN PERFORMED BY THE SURVEYOR OF THE LANDS RELATED HEREON. NO LABELS ARE ASSIGNED OR APPLIED TO THE LOCATION OF EXISTING OR PROPOSED LOTS OR DENOTATIONS. THE LOCATION OF EXISTING OR PROPOSED LOTS OR DENOTATIONS IS BASED ON THE SURVEY DATA PROVIDED TO RAY CARLSON & ASSOCIATES, INC. BY THE CLIENT (SEE THE PORTION AND APRIL 2005 CENTRAL PORTION).
 RAY CARLSON & ASSOCIATES, INC. IS NOT RESPONSIBLE FOR THE ACCURACY OF THE DATA PROVIDED TO IT BY THE CLIENT. THE CLIENT IS RESPONSIBLE FOR THE ACCURACY OF THE DATA PROVIDED TO IT BY THE CLIENT.
 CONSULTATION SERVICES PER MARSHALL 2004-001. Contact: State and National, every customer needs a map to reflect their current and future needs. This map is an interpretation of the "ground" conditions.



RAY CARLSON AND ASSOCIATES, INC.
 Mapping a Better World™
 © 2009 RAY CARLSON & ASSOCIATES, INC.
 4000 TORO-PUL, REDWOODS & 17, 102-0004 & 07
 DECEMBER 2009 STREET COR 1 2009-05-01