

**JULY 17, 2006 AMENDMENT OF  
THE APPRAISAL OF**

**GIACOMINI PARCELS  
APN 114-213-03, 119-040-12 AND 119-240-65 (PORTION)  
AND  
NATIONAL PARK SERVICE PARCELS  
APN 114-262-04 AND PORTIONS OF 119-040-26, 119-240-66 & 75**

**LOCATED AT  
POINT REYES AND INVERNESS  
MARIN COUNTY, CALIFORNIA**

**GOGA 05-159 (GIACOMINI) EXCHANGE**

**AS OF**

**FEBRUARY 19, 2004**

**FOR**

**ROBERT BASILA, MAI  
APPRAISAL SERVICES DIRECTORATE  
DEPARTMENT OF THE INTERIOR  
1111 JACKSON ST., SUITE 700  
OAKLAND, CA 94607**

**BY**

**CASE & ASSOCIATES  
REAL ESTATE APPRAISERS AND CONSULTANTS  
50 SEACAPE DRIVE, SAUSALITO, CA 94965**

Herb Case  
Principal

**CASE & ASSOCIATES**  
REAL ESTATE APPRAISERS & CONSULTANTS  
50 Seacape Drive, Sausalito, California 94965

Telephone  
(415) 388-0757  
Facsimile  
(415) 388-8719

July 17, 2006

Mr. Robert Basila  
Appraisal Services Directorate  
1111 Jackson St., Suite 700  
Oakland, CA 94607

Re: Amendment of **GOGA 05-159 (GIACOMINI) EXCHANGE**  
the Appraisal of Portions of Assessor's parcels 119-040-26, 119-240-66 and  
119-240-75, 4.30 acres of Improved Dairy, Included in the February 19, 2004  
Appraisal of the Following Parcels:

Giacomini:

119-040-12  
2.90 acres of unimproved marshland  
119-240-65 (portion)  
0.31 acre unimproved portion of 1.3 acre lot improved with a  
residence and outbuildings  
114-213-03  
6.40 acres of unimproved pasture

National Park Service:

114-262-04  
1.08 acre lot improved with a residence *out*  
Portions of 119-040-26, 119-240-66 and 119-240-75  
4.30 acres of improved dairy

Dear Mr. Basila,

In response to your request, I have prepared the following amendment of my February 19, 2004 appraisal. I will refer to the my appraisal prior to this amendment as the original appraisal. This letter report includes amended spreadsheets of sales comparison for each of two new configurations for the above 4.3 acre property and parcel maps of each of the two new scenarios. The 4.3 acre property and the two alternative configurations of the property will be referred to as the subject property

and opinions of value for the two scenarios and the original opinion of value will be presented at the end of this letter report.

The only property that is reappraised in this amendment is the last of the properties listed above: the property owned by the National Park Service that is identified above as portions of Assessor's parcels 19-040-26, 119-240-66 and 119-240-75 (4.30 acres of improved dairy as stated in the scope of work and the survey of the property by Pacific Land Surveys). This land is one of two parcels owned by the National Park Service, listed above, that are proposed to be exchanged for three properties owned by the Giacomini family, also listed above. Valuation of this property begins on page 71 of the original appraisal.

I inspected the subject properties August 29, 2003 with Robert and Rich Giacomini and February 19, 2004 with Paul Popisil of Questa Engineering. I reinspected the property June 15, 2006. I discussed the appraisal assignment with property owners Richard and Robert Giacomini on July 10, 2006. Neither felt it necessary to accompany a site inspection.

The opinions of market value expressed in this report are based on my research, findings and analyses outlined in this letter and as contained in my February 19, 2004 appraisal, which must be read and considered as an integral part of the background and reasoning inherent in the scenario valuations that constitute this amendment.

The Uniform Standards of Professional Appraisal Practice requires that I invoke a jurisdictional exception to its standards in order to recognize the standard in the Uniform Appraisal Standards for Federal Land Acquisition standard that appraised value shall not be linked to a specific period of market exposure prior to the effective date of value.

The purpose and function of the appraisal, the client, the definition of market value, the date of value opinion, property rights appraised, and approaches used are all the same as in the original appraisal.

No changes are made to the assumptions and limiting conditions associated with the original appraisal. The special assumption remains that all improvements have been removed and the land is cleared for construction and that the subject parcel is a

legal lot of record and therefore saleable on the open market. The assumption that the subject property is a legal lot of record is a special assumption of this appraisal that is made in order to arrive at an opinion of market value for each of the scenarios. The subject parcel is considered the "larger parcel" for purposes of appraisal.

The scope of the appraisal assignment, as prepared by the National Park Service, is included in the addenda to this amendment. The statement of scope specifies that the subject portion of the dairy property owned by the National Park Service is to be appraised as of February 19, 2004 under two scenarios, both of which describe a subject property area that has been reduced in size from the former 4.3 acres. I obtained approximations of the parcel area of each of the scenarios by scaling and calculating from the survey prepared by Pacific Land Surveys. My calculations of area must be regarded as rough approximations and any significant deviation from a more accurate calculation of land area would require an amendment to the value conclusions herein.

The two scenarios (exhibits in the addenda) may be described as follows:

Scenario 1

an approximately 1.83 acre area comprised only of land zoned C-R-A:B2 and restricted by easement from any commercial agricultural use;

Scenario 2

an approximately 2.80 acre area, restricted by easement from any commercial agricultural use, comprised of approximately 1.83 acres zoned C-R-A:B2 and a 50 foot wide strip of land zoned C-APZ-60, approximately 0.97 acres in area, situated to the west of the C-R-A:B2 land.

In both scenarios and the original appraisal, the frontage along C Street is 345 feet. In the original appraisal, the depth of the parcel from C Street varied in relation to an irregular western boundary line. In both scenarios the western boundary is a straight line. In scenario 1, the depth of the 1.83 acre parcel from C Street is 200 feet. In scenario 2, the depth of the 2.80 acre parcel from C Street is 250 feet.

The prospective changes in the size and shape of the 4.3 acre dairy property do not include any change to the size and shape of the portion of the property zoned C-R-A:B2. Only the portion of the property zoned C-APZ-60 is proposed to be either eliminated or reduced in size. Although the C-APZ-60 zoned land is removed in Scenario 1 and reduced in size in Scenario 2, there is no change in the potential number of lots that can be created or houses that can ultimately be built on the subject property, because the C-APZ-60 zoned land is too small to constitute a separate lot in either the original 4.3 acre parcel configuration or the scenario that includes a reduced portion of C-APZ-60 zoned land. Potential residential density therefore does not change. It follows that the analysis of highest and best use remains the same.

The provision applicable to both scenarios for an easement restricting any commercial agricultural activity is not reflected in the original 4.3 acre property. The introduction of the restriction, however, does not constitute a significant change in terms of value because the highest and best use of the subject 1.83 acre and 2.80 acre properties, as well as the original 4.3 acre property, is for residential subdivision that attributes no value to the potential for commercial agricultural use. It is my understanding that the restriction on commercial agricultural use would not change the potential for limited agricultural activities specified as principal permitted uses in the C-R-A:B2 zone. It would not permit, however, the conditional use described in the C-R-A:B2 zone as "livestock farming exceeding three cows or three horses or three hogs or six sheep" or any of the uses in the C-APZ-60 zone that are not included as principal permitted uses in the C-R-A:B2 zone. Copies of the C-APZ-60 and C-R-A:B2 use regulations are included in the addenda.

The date of value is not changed, therefore there are no changes in physical, neighborhood or market conditions. The selected comparable sales remain the best comparables.

Other than change in value directly related to a reduction in average potential lot size, there is only one other change that effects the value of one of the scenarios. As a result of eliminating all land zoned C-APZ-60 in Scenario 1, convenient public access is provided from a pathway extension of Third Street to National Park Service land on the bluff west of and abutting the rear yards of potential residential lots on the subject dairy property. The map of Scenario 1 in the addenda shows the top of the bluff's bank (green) in relation to potential public access (yellow) from the intersection

of C and Third Streets to an approximately 10 foot wide area of National Park Service land between the top of the bank and land owned by the Giacomini family. It is apparent that Scenario 1 provides a potential for convenient pedestrian and perhaps vehicular access to the bluff in a manner that is not provided by the configuration of the 4.3 acre property nor the 2.80 acre property in Scenario 2.

The parcel configurations of the 4.3 acre property and the 2.80 acre Scenario 2 property are such that fill of wetlands would be required to obtain adequate public access to the mentioned portion of the dairy bluff that would remain as parkland.

With convenient access, the nature of public use of the public portion of the bluff could range from light daily use by sightseers to periodic outdoor community gatherings. Any potential for development of picnic facilities probably would be related to the potential to secure a parking lot dedicated to such recreational use. The intensity of public use would effect the level of privacy enjoyed by prospective residences that may be developed on the subject property proposed to be exchanged.

Valuation of each of the two scenarios is accomplished by use of the same comparables, the same spreadsheet and the same formulas for quantitative adjustment of items of comparison between the subject and the sales as used in the original appraisal. Adjustment for difference in size, for example, will utilize the same adjustment formula. The one change to the spreadsheet is the introduction of a new item of adjustment for the 1.83 acre Scenario 1 property: an adjustment for abutting recreational use that may reduce privacy.

As previously noted, with change in property size, there is a change in the adjustment for the size of the average potential lot to be obtained by subdivision. There is no change in adjustment for location, project scale, development cost, view, and sewer/septic.

Project scale for subdivision land such as the subject property and the comparables, is measured in terms of the number of potential lots. As previously mentioned, the reduction in parcel size reflected by each of the two scenarios does not change the number of potential lots.

Often the cost of development for subdivision land increases with increase in average lot size, largely because a larger average lot size requires greater expense for roads, and extension of water, electrical and sewer services. This is not the case for the subject because there are no internal roads and water and power lines are within the C Street right-of-way. Average lot size therefore does not have an effect on development cost.

Views from the subject remain basically the same. The change in property size reflected by the two scenarios reduces the land area in which trees can be maintained by a residential property owner to enhance views, but there remains sufficient land beyond the subject area for trees on parkland that the difference has no perceptible effect on value.

Aspects of value related to location and sewer versus septic comparisons have not changed and the adjustments for these items of comparison therefore have not changed.

The average lot size of the three potential lots of the 1.83 acre Scenario 1 property is 0.61 acres, as compared to 0.37 acres, 0.77 acres and 0.45 acres for comparables 8 through 10, respectively. Using the same adjustment formula for average lot size as used in the original appraisal, Comparable 8 is adjusted up 12%, Comparable 9 is adjusted down 8%, and Comparable 10 is adjusted up 8%.

The average lot size of the three potential lots of the 2.80 acre Scenario 2 property is 0.93 acres. Accordingly, Comparable 8 is adjusted up 28%, Comparable 9 is adjusted up 8%, and Comparable 10 is adjusted up 24%.

Only Scenario 1 is adjusted for abutting recreational use effecting privacy. The impact on value associated with the potential for abutting recreational use as previously described is considered relatively benign but of some significance for a site with an otherwise very private rear yard setting. A downward adjustment of 5% is considered appropriate.

No change is required, for reasons as stated above, to any of the other items of adjustment.

## **Scenario 1**

After making adjustments to the sale prices of the comparables as previously discussed, the range in the indicated market value of the subject property is \$155,000 to \$201,000.

Comparables 8 and 9, with indicated subject values of \$201,000 and \$155,000, respectively, are preferred because they are located in Marin County. With a strong preference for these two comparables, \$178,000 is selected as the most appropriate indication of the average market value of the three potential lots considered to be the most profitable potential subdivision of the subject property. With the highest and best use of the sale parcel indicating a potential for three lots, the indicated subject value is therefore \$534,000.

## **Scenario 2**

After making adjustments to the sale prices of the comparables as previously discussed, the range in the indicated market value of the subject property is \$176,000 to \$245,000.

Comparables 8 and 9, with indicated subject values of \$245,000 and \$176,000, respectively, are preferred because they are located in Marin County. With a strong preference for these two comparables, \$210,500 is selected as the most appropriate indication of the average market value of the three potential lots considered to be the most profitable potential subdivision of the subject property. With the highest and best use of the sale parcel indicating a potential for three lots, the indicated subject value is therefore \$631,500, say \$632,000.

**SCENARIO 1 USA 1.83 ACRE PARCEL**  
**APN 119-040-26 (PORTION); 119-240-66 (PORTION) AND 75 (PORTION)**  
**02/10**  
**COMPARABLE SALES**

SALE NUMBER	SUBJECT	8	9	10
STREET NUMBER		273	209	619
STREET NAME	C St.	San Pedro Tomales -Dillon Beach		Ely
COMMUNITY	Point Reyes	San Rafael	Tomales	Petaluma
DATE		04/26	08/06	05/04
LOT ACRES	1.83	2.21	13.93	5.00
POTENTIAL LOTS	3.00	6.00	18.00	11.00
ACRES/POTENTIAL LOT	0.61	0.37	0.77	0.45
SALE PRICE		1,075,000	1,490,000	975,000
PRICE/POTENTIAL LOT		179,167	82,778	88,636
SALE CONDITION			0.20	
BUYER MOTIVATION				
FINANCING		(0.01)		
MARKET CHANGE	0.0050	0.18	0.03	0.18
UPDATED NORMAL PRICE/LOT		209,625	101,817	104,591
LOCATION		(0.30)	0.20	0.35
PROJECT SCALE		0.05	0.25	0.13
DEVELOPMENT COST		0.10	0.15	0.10
VIEW		0.10	0.05	0.15
ABUTTING RECREATIONAL USE		(0.05)	(0.05)	(0.05)
SEWER/SEPTIC		(0.06)	0.00	(0.06)
POTENTIAL LOT SIZE		0.12	(0.08)	0.08
TOTAL ADJUSTMENTS		(0.04)	0.52	0.70
SUBJECT VALUE/LOT (rounded)		201,000	155,000	178,000

**SCENARIO 2 USA 2.80 ACRE PARCEL**  
**APN 119-040-26 (PORTION); 119-240-66 (PORTION) AND 75 (PORTION)**  
**02/10**  
**COMPARABLE SALES**

SALE NUMBER	SUBJECT	8	9	10
STREET NUMBER		273	209	619
STREET NAME	C St.	San Pedro	Tomales -Dillon Beach	Ely
COMMUNITY	Point Reyes	San Rafael	Tomales	Petaluma
DATE		04/26	08/06	05/04
LOT ACRES	2.80	2.21	13.93	5.00
POTENTIAL LOTS	3.00	6.00	18.00	11.00
ACRES/POTENTIAL LOT	0.93	0.37	0.77	0.45
SALE PRICE		1,075,000	1,490,000	975,000
PRICE/POTENTIAL LOT		179,167	82,778	88,636
SALE CONDITION			0.20	
BUYER MOTIVATION				
FINANCING		(0.01)		
MARKET CHANGE	0.0050	0.18	0.03	0.18
UPDATED NORMAL PRICE/LOT		209,625	101,817	104,591
LOCATION		(0.30)	0.20	0.35
PROJECT SCALE		0.05	0.25	0.13
DEVELOPMENT COST		0.10	0.15	0.10
VIEW		0.10	0.05	0.15
SEWER/SEPTIC		(0.06)	0.00	(0.06)
POTENTIAL LOT SIZE		0.28	0.08	0.24
TOTAL ADJUSTMENTS		0.17	0.73	0.91
SUBJECT VALUE/LOT (rounded)		245,000	176,000	200,000

Based on my analysis and professional judgement, and the background and findings of the original appraisal of the subject property (which must be read as an integral part of the reasoning and support for this amendment of the appraisal), it is my opinion that the market values of fee simple interests in the two properties that are the subjects of this amendment, Scenario 1 and Scenario 2, as of February 19, 2004, are as follows:

**OPINION OF MARKET VALUES**

**Scenario 1**

Portion of 119-240-75

1.83 acres of improved dairy ..... \$534,000

**Scenario 2**

Portions of 119-040-26, 119-240-66 and 119-240-75

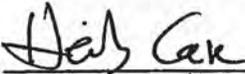
2.80 acres of improved dairy ..... \$631,000

**Original Configuration**

Portions of 119-040-26, 119-240-66 and 119-240-75

4.30 acres of improved dairy ..... \$750,000

Respectfully submitted,



Herb Case, ASA, AICP

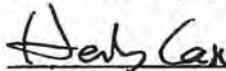
California Certified General Real Estate Appraiser #AG001620

## APPRAISER'S CERTIFICATION

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I certify that to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions, limiting conditions, and legal instructions, and are the personal, unbiased professional analyses, opinions, and conclusions of the appraiser.
- The appraiser has no present or prospective future interest in or bias toward the property appraised and no personal interest in or bias toward the parties involved.
- Our engagement in this assignment and the compensation received for the appraisal is not contingent on the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- The appraisal was made and the appraisal report prepared in conformity with the Uniform Standards of Professional Appraisal Practice and the Uniform Appraisal Standards for Federal Land Acquisition.
- The appraisal was made and the appraisal report prepared in conformity with the Code of Ethics and the Standards of Professional Practice of the American Society of Appraisers, and the Appraisal Foundation's Uniform Standards of Professional Appraisal Practice, except to the extent that the Uniform Standards of Professional Appraisal Practice required invocation of USPAP's Jurisdictional Exception Rule, as described in Section D-1 of the Uniform Appraisal Standards for Federal Land Acquisition.
- Unless co-signed below, no one provided significant professional assistance to the appraiser in the research and in the preparation of analysis, conclusions or opinions set forth in this report.
- The appraiser has made a personal inspection of the property appraised and that the property owner, or his/her designated representative, was given the opportunity to accompany the appraiser on the property inspection;



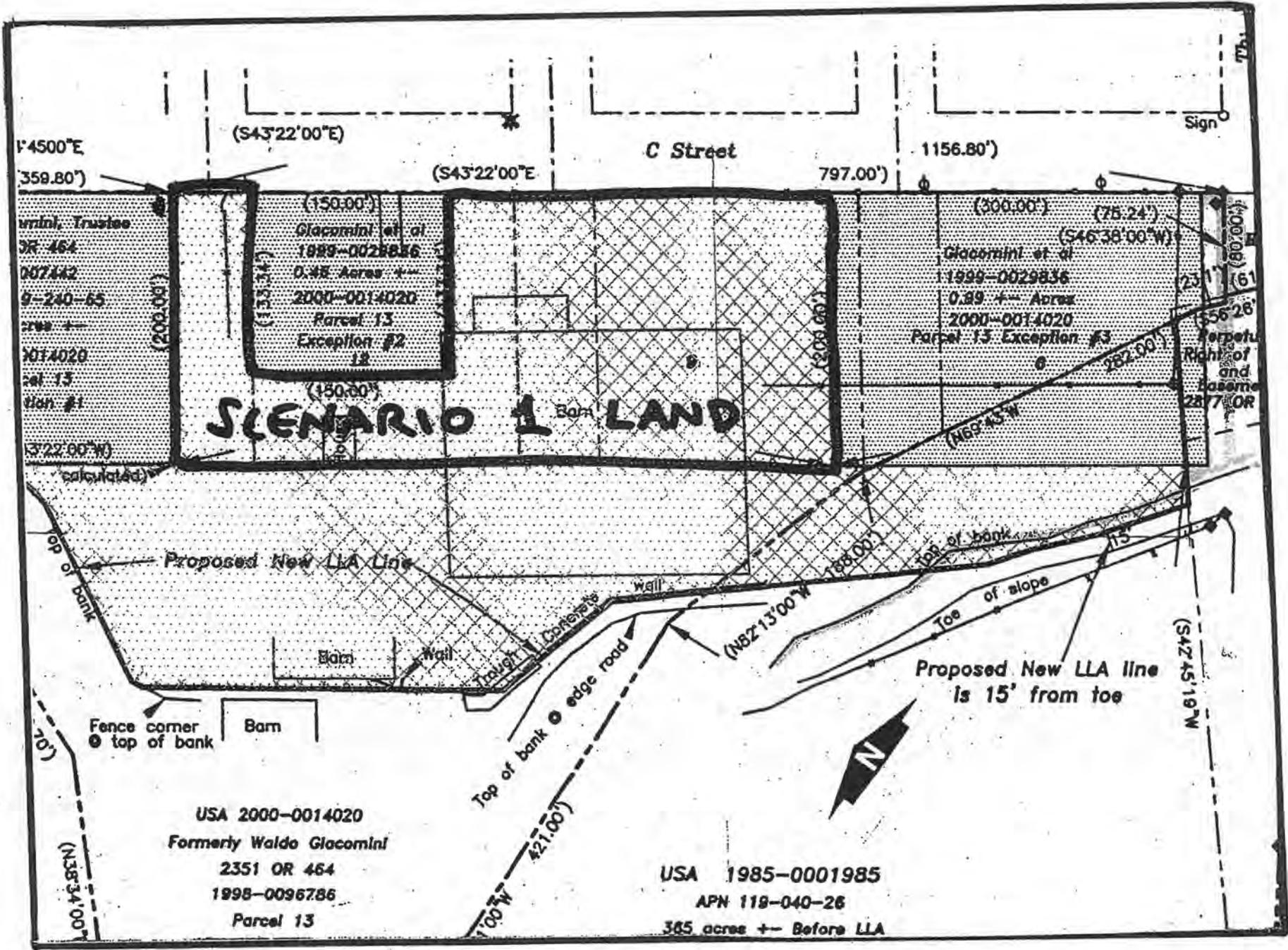
Herb Case ASA, AICP

Certified General Real Estate Appraiser CA #AG001620

## **ADDENDA**



1.83 ACRE AREA ZONED C-RA-B2 OUTLINED IN YELLOW AND 0.97 ACRE 50' STRIP ZONED C-APZ-60 OUTLINED IN RED



P 4500°E  
359.80'

(S43°22'00"E)

(S43°22'00"E)

C Street

797.00'

1156.80'

Sign

Glacimini, Trustee  
OR 464  
007442  
9-240-65  
Parcel 13  
Exception #2

(150.00')  
Glacimini et al  
1999-0029836  
0.48 Acres +/-  
2000-0014020  
Parcel 13  
Exception #2

(300.00') (75.24')  
Glacimini et al  
1999-0029836  
0.89 +/- Acres  
2000-0014020  
Parcel 13 Exception #3

**SCENARIO 1 LAND**

(80.00')  
231' (6)  
556.26'  
Perpetu  
Right of  
and  
Baseme  
287' OR

(S43°22'00"W)  
calculated

Proposed New LLA Line

op of bank  
Fence corner  
top of bank

Barn

Fence corner  
top of bank

USA 2000-0014020  
Formerly Waldo Glacimini  
2351 OR 464  
1998-0096786  
Parcel 13

Top of bank  
edge road  
Trough  
Concrete  
wall

(N82°13'00"W)  
188.00'

top of bank  
Toe of slope

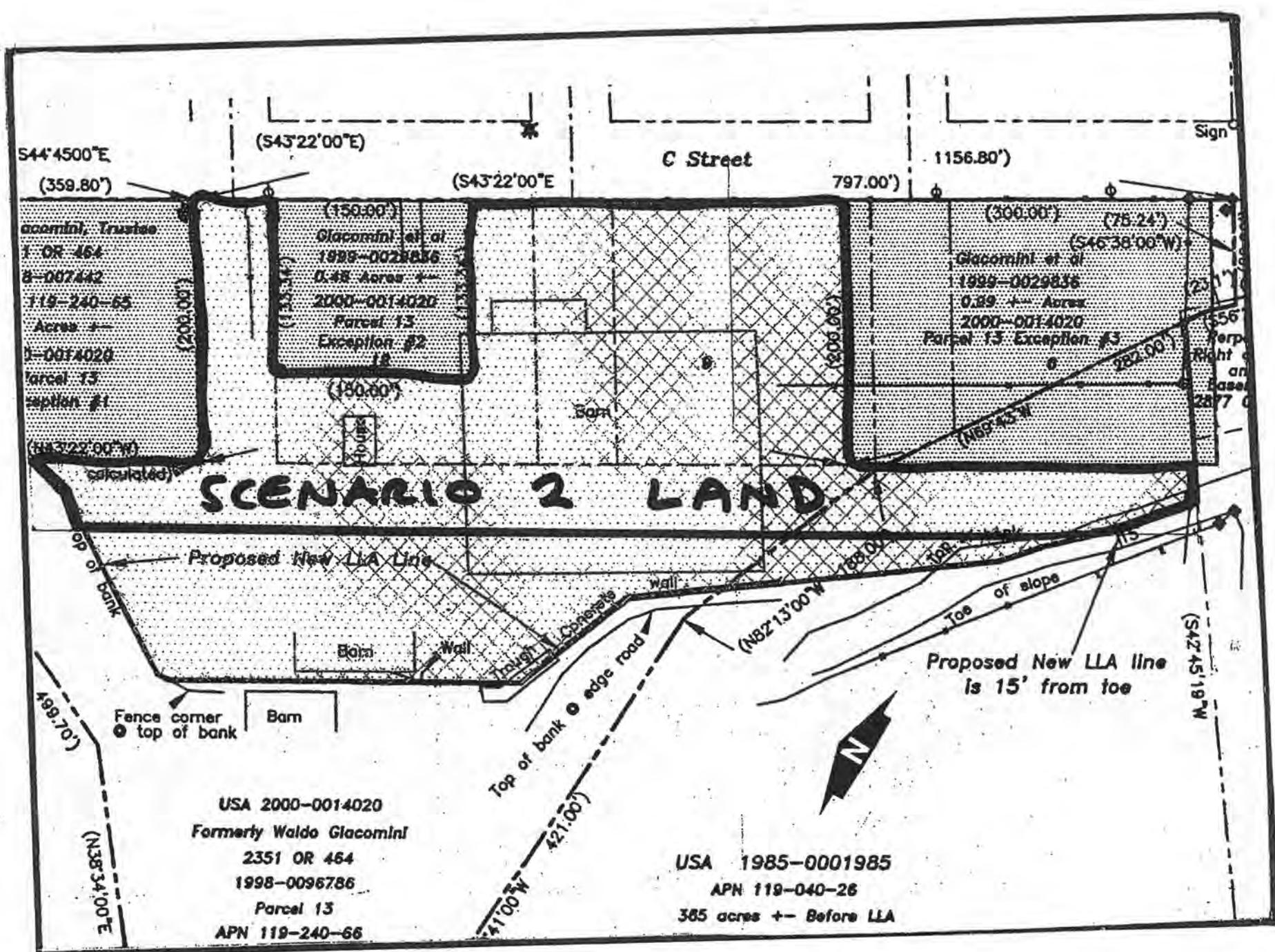
Proposed New LLA line  
is 15' from toe



USA 1985-0001985  
APN 119-040-26  
385 acres +/- Before LLA

(S42°45'16"W)

(N38°34'00"W)



May 30, 2006

1.0 Background

1.1- The property to be appraised for this assignment is known as GOGA 05-159 (Giacomini) Exchange, located in Marin County, California. The appraisal is to estimate the impact on value to changes to the parcel identified as the 4.30 acre parcel of improved dairy, under the ownership of the National Park Service, one of five parcels appraised in the appraisal report dated March 18, 2004, date of value February 19, 2004. The appraisal will be prepared as an addendum to the March 18, 2004 appraisal report. The date of value will be February 19, 2004. The appraisal will be used to assist the National Park Service in negotiations to facilitate exchange of the subject properties. The appraisal client is the United States Department of the Interior, Appraisal Services Directorate (ASD), Pacific Regional Office.

2.0 Scope

2.1- The subject property is located in Point Reyes. The subject consists of portions of three parcels, assessor parcels 119-040-26, 119-040-66, and 119-240-75. The subject is to be appraised with under two scenarios.

1.) Removal of the C-APZ-60 zoned land from the subject property. This would give a remaining area to be calculated. In addition all agricultural activity will be restricted by easement from the subject property as of close of escrow.

2.) Removal of the C-APZ-60 zoned land except for a 50 feet to the west and parallel to the C-RA:B2 zoned land from the subject property. This would give a remaining area to be calculated. In addition all agricultural activity will be restricted by easement from the subject property as of close of escrow.

2.2- The appraisal assignment requires preparation of a narrative appraisal report in accordance with the most recent version of USPAP, Uniform Standards of Professional Appraisal Practice. Additionally the appraisal must comply with the UASFLA, Uniform Appraisal Standards for Federal Land Acquisition. In the event there is a conflict, federal regulations will prevail and the appraiser may invoke Jurisdictional Exception. The report will follow a pattern similar to the Recommended Format for Federal Appraisal Reports as outlined in Appendix B of the UASFLA. Each appraisal regardless of property type must address the "Larger Parcel" issue as outlined in the UASFLA.

The above documents are available on the internet at:

- USPAP (<http://commerce.appraisalfoundation.org/html/USPAP2005/toc.htm>)
- UASFLA (<http://www.usdoj.gov/enrd/land-ack/index.html>)

2.3- The value requested is the current market value. Per the UASFLA, the following definition of market value will be used:

Chapter 22.57 SPECIFIC REGULATIONS FOR VARIOUS COASTAL DISTRICTS

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**Section 22.57.040 C-R-A -- Coastal residential, agricultural districts.**

22.57.041 Purpose. The purpose of this district is to provide for residential use, combined with small scale agricultural activities, subject to specific development standards.

22.57.042 Principal Permitted Uses. The following uses are permitted in all C-R-A districts:

1. Single-family residence;
2. Small livestock farming; provided, that not to exceed one horse, or one cow, or one hog, or three sheep, or three goats, or other similar livestock may be kept for each twenty thousand square feet of area of the lot, to a maximum of three horses, or three cows, or three hogs, or six sheep, or six goats or other similar livestock maintained on any one lot;
3. Crops, horticulture, nurseries and greenhouses;
4. Accessory buildings;
5. Home occupations; and
6. Bed and breakfast operations as defined in Section 22.02.103, for such operations which offer or provide not more than three guest rooms.

22.57.043 Conditional Uses. The following uses are permitted in all C-R-A districts, subject to securing a use permit in each case:

1. Public and private stables and riding academies;
2. Sale of agricultural products produced on the premises;
3. Public parks and playgrounds;
4. Buildings for the sale of agricultural and nursery products;
5. Schools, libraries, museums, churches, retreats, noncommercial tennis courts, and day child-care centers for seven or more children;
6. Dog kennels;
7. Livestock farming exceeding three cows or three horses or three hogs or six sheep;
8. Bed and breakfast operations as defined in Section 22.02.103, which provide four but not more than five guest rooms.

22.57.044 Design Standards. Building site area and width; building setbacks, height and floor area ratio shall comply with the standards listed in Section 22.57.200, "Design standards table."

22.57.045 Exceptions. Any parcel of land with an area of less than seven thousand five hundred square feet, and/or with an average width of less than sixty feet, which was under one ownership on September 2, 1938, which owner thereof owned or has owned no adjoining land and provided that no succeeding owner has owned adjoining land, or which parcel is shown as a lot on any subdivision map or land division or parcel map or record of survey which was recorded after approval of the map in the manner provided by law, may be used as a building site for one-family dwelling by the owner of such parcel of land or by his successor in interest, provided that all other regulations for the district, as prescribed in this title, shall be complied with; provided further, that in lieu of the foregoing building site area regulations in any C-R-A district, in which there are also applied the regulations of any B district under the provisions of this title, each one-family dwelling with its accessory buildings, hereafter erected, shall be located on a building site, in one ownership, having an area not less than specified for such B district. In no case, however, shall there be more than one dwelling on any one lot. (Ord. 2884 § 4 (5, 6), 1985; Ord. 2637 § 6 (part), 1981)

described in the form of an agricultural management plan.

Management plans should consider intensity of grazing, runoff protection, chemical and fertilizer use and, in order to preserve agricultural land practices, separation from existing or proposed residential uses. In some cases, the county may require reasonable public access across those lands remaining in private ownership. Such pedestrian and/or equestrian access shall be provided where consistent with adopted county and coastal plans and where liability issues have been resolved. Public access for pedestrian and/or equestrian purposes shall only be required as a condition of plan approval.

j. Open Space Dedication and Maintenance. Nonagricultural land to be preserved as open space may be dedicated by fee title to the county of Marin. The county of Marin or other designated public jurisdiction will maintain all open space lands accepted in fee title.

2. Site Preparation. Where appropriate, site preparation plans shall be referred to the North Marin Water District and/or Marin Municipal Water District for review and comment.

a. Grading. Grading shall be held to a minimum. Every reasonable effort shall be made to retain the natural features of the land, skylines and ridgetops, rolling land forms, knolls, native vegetation, trees, rock outcroppings, watercourses. Where grading is required, it shall be done in such a manner as to eliminate flat planes and sharp angles of intersection with natural terrain. Slopes shall be rounded and contoured to blend with existing topography. All grading shall conform to the applicable standards contained in Chapter 22.56I and Title 24 of this code.

b. Erosion Control. Grading plans shall include erosion control and revegetation programs. Where erosion potential exists, silt traps or other engineering solutions may be required. The timing of grading and construction shall be controlled by the department of public works to avoid failure during construction.

c. Drainage. The areas adjacent to creeks shall be kept as much as possible in their natural state. All construction shall assure drainage into the natural watershed in a manner that will avoid significant erosion or damage to adjacent properties. To reduce runoff, impervious surfaces shall be minimized. At major creek crossings, bridges should be utilized, whenever possible, in place of culverts.

d. Trees and Vegetation. In all instances, every effort shall be made to avoid removal, changes or construction which would cause the death of trees or rare plant communities and wildlife habitats.

22.57.025I Density. The ordinance adopting any C-ARP district shall specify the number of acres per dwelling unit, which will be allowed within the C-ARP district.

22.57.026I Submission Requirements. Applicant shall submit:

1. Requirements contained in Chapters 22.45 and 22.56I except that, all or a portion of the general submission requirements for master plan and development plan approval (Chapter 22.45) may be waived by the planning director. If these requirements are waived, a proposal shall be submitted which meets the requirements of Chapter 22.82I (Design Review). (Ord. 2884 § 4 (1, 2), 1985; Ord. 2637 § 6 (part), 1981)

#### **22.57.030I C-APZ -- Coastal agricultural production zone districts.**

22.57.031I Purpose. The purpose of the agricultural production zone is to preserve lands within the zone for agricultural use. The principal use of lands in the C-APZ districts shall be agricultural. Development shall be accessory, incidental, or in support of agricultural land uses, and shall conform to the policies and standards as set forth in this chapter.

22.57.032I Principal Permitted Uses. The following uses are permitted in all C-APZ districts subject to an approved master plan:

1. Agricultural Uses. For the purposes of the coastal agricultural production zone, agricultural uses are defined as uses of land to grow and/or produce agricultural commodities for commercial purposes, including:

a. Livestock and poultry: cattle, sheep, poultry, goats, rabbits, horses unless they are the primary animals raised;

b. Livestock and poultry products: milk, wool, eggs;

c. Field, fruit, nut and vegetable crops: hay, grain, silage, pasture, fruits, nuts and vegetables;

d. Nursery products: nursery crops, cut plants.

2. One single-family dwelling per parcel. Parcel is defined as all contiguous assessor's parcels under common ownership (unless legally divided as per Title 20, Marin County Code).

3. Accessory structures or uses appurtenant and necessary to the operation of agricultural uses, other than dwelling units of any kind; but, including barns, fences, stables, corrals, coops and pens, and utility facilities.

4. Bed and breakfast operations as defined in Section 22.02.103I, for such operations which offer or provide

not more than three guest rooms.

22.57.033I Conditional Uses. The following uses are permitted in all coastal agricultural production zone districts, subject to the securing of a use permit in each case. When it is determined by the planning director that any of the following uses constitute a major land use change, a master plan submitted in accordance with Chapter 22.45 may be required.

1. Farmworker housing;
2. Mobile homes which are used exclusively for employees of the owner who are actively and directly engaged in the agricultural use of the land;
3. Hog ranch;
4. Veterinary facilities;
5. Fish hatcheries and rearing ponds;
6. Stabling of more than five horses on ranches where horses are the primary or only animals raised;
7. Raising of other food and fiber producing animals not listed under subsection (1) of Section 22.57.032I;
8. Planting, raising or harvesting of trees for timber, fuel or Christmas tree production;
9. Facilities for processing or retail sale of agricultural products;
10. Greenhouses;
11. Commercial storage and sale of garden supply products;
12. Water conservation dams and ponds;
13. Mineral resource production;
14. Game or nature preserve or refuge;
15. Public or private recreational activities, such as hunting, fishing and camping;
16. Bed and breakfast operations as defined in Section 22.02.103I, which provide four but not more than five guest rooms;
17. Construction or alteration of gas, electric, water, communication or flood control facilities, unrelated to an agricultural use, as approved by the appropriate governmental agencies;
18. Dump.

22.57.034I Density. The ordinance adopting a C-APZ district shall specify the minimum number of acres per dwelling unit which will be required within the C-APZ district. The C-APZ district shall have a maximum density of one unit per sixty acres; actual density shall be determined through the master plan process.

22.57.035I Development Standards and Requirements. All development permits in the C-APZ district shall be subject to the following standards and requirements:

1. All development shall be clustered to retain the maximum amount of land in agricultural production or available for agricultural use. Development, including all land converted from agricultural use such as roads and residential support facilities, shall be clustered on no more than five percent of the gross acreage, to the extent feasible, with the remaining acreage to be left in agricultural production and/or open space. Development shall be located close to existing roads and shall be sited to minimize impacts on scenic resources, wildlife habitat and streams, and adjacent agricultural operations.
2. Permanent conservation easements over that portion of the property not used for physical development or services shall be required to promote the long-term preservation of these lands. Only agricultural uses shall be allowed under the easements. In addition, the county shall require the execution of a covenant not to divide the parcels created under this division so that they are retained as a single unit and are not further subdivided.
3. The creation of a homeowner's or other organization and/or the submission of the agricultural management plans may be required to provide for the proper utilization of agricultural lands and their availability on a lease basis or for the maintenance of community roads or mutual water systems.
4. Design standards as set forth in Section 22.57.024I.

22.57.036I Required Findings. Review and approval of development permits including a determination of density shall be subject to the following findings:

1. The development will protect and enhance continued agricultural use and contribute to agricultural viability.
2. The development is necessary because agricultural use of the property is no longer feasible. The purpose of this standard is to permit agricultural landowners who face economic hardship to demonstrate how development on a portion of their land would ease this hardship and enhance agricultural operations on the

remainder of the property.

3. The land division of development will not conflict with the continuation or initiation of agriculture, on that portion of the property which is not proposed for development, on adjacent parcels, or those within one mile of the perimeter of the proposed development.

4. Adequate water supply, sewage disposal, road access and capacity and other public services are available to service the proposed development after provision has been made for existing and continued agricultural operations. Water diversions or use for a proposed development shall not adversely impact stream habitats or significantly reduce freshwater inflows to Tomales Bay, either individually or cumulatively.

5. Appropriate public agencies are able to provide necessary services (fire protection, police protection, schools, etc.) to serve the proposed development.

6. The proposed land division and/or development will have no significant adverse impacts on environmental quality or natural habitats, including stream or riparian habitats and scenic resources. In all cases, LCP policies on streams and natural resources shall be met.

22.56.0371 Transfer of Development Rights (TDR) in C-APZ Districts. Notwithstanding provisions of this and other sections regarding density, the number of units permitted on one property (the donor property) may be transferred and built on another (receiving) property (either contiguous or noncontiguous), resulting in a higher density than that which the (receiving) property is zoned for, under certain circumstances, as described in this section. This process, which allows development rights from one property to be determined and transferred to a second property, is called transfer of development rights (TDR).

1. Purpose. The purpose of TDR is to relocate potential development from areas where environmental or land use impacts could be severe to other areas where those impacts can be minimized, while still granting appropriate development rights to each property.

2. Application. The participation of a property owner in TDR shall be on a voluntary basis and shall be subject to approval by the County through the Master Plan Process. The property for which TDR is proposed must be located within a community plan, countywide plan or local coastal plan area and the adopted community plan, countywide plan or local coastal plan policy must recommend TDR as an appropriate plan implementation. Through the master plan approval process, the applicant(s) must demonstrate that it is necessary to conserve the property from which density is being transferred, and that the property which receives this additional density can accommodate it. This demonstration shall be consistent with the criteria for evaluation of TDR proposals described in applicable community plans or countywide Plan policies.

3. Submission requirements. In addition to the information required for a master plan submission under Chapter 22.45, the following additional information shall be provided where TDR is being considered:

a. Affidavits of consent from all registered property owners of all property subject to the master plan. This shall include the property being conserved and the property being developed and receiving the transferred density rights;

b. A description of the property proposed for conservation outlining how the subject property fulfills the TDR conservation criteria as set out in the appropriate community plan or countywide plan policies;

c. A calculation of the number of units available to be transferred. The calculation shall be made as follows: The area of the parcel to be conserved divided by the number of acres per dwelling unit required by the zoning minus the existing number of dwellings. Any fraction of a unit, resulting from such a determination, of 0.90 or greater will be counted as a whole unit;

d. A description of the property proposed to receive the transferred density outlining the availability of support services and infra-structure necessary for development and how the subject property fulfills the TDR development criteria as set out in the appropriate community plan;

e. A description of the proposed conservation easement or restriction, as described and required in subsection (5) of Section 22.57.0351.

4. Approval Process. The approval process for a master plan involving TDR shall require the same approval process as set forth in subsection A of Section 22.45.050.

5. Conservation Easements or Restrictions. A condition of TDR between properties is that the property proposed for restricted development or conservation shall have conservation easements or restrictions recorded against it which reflect the conditions of approval of the master plan and which restrict the future development or division of the donor property in accordance with those conditions. Such conservation easements or restrictions must be recorded against the donor property prior to the recording of a parcel map or final map for the receiver property.

6. Density bonuses shall be considered if the proposed TDR meets the criteria set forth in the appropriate community plan or LCP. (Ord. 2909 § 2 (part), 1986; Ord. 2884 § 4 (3, 4), 1985; Ord. 2703 § 12, 1982)

## QUALIFICATIONS

### HERB CASE

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#### EDUCATION

Appraisal Institute courses completed:  
all courses for education requirement of MAI candidacy  
B.A. Degree: Pomona College, Claremont, California  
M.A. Degree: UCLA. Graduate Div., Urban and Regional Planning  
Thesis: Housing Economics

#### PROFESSIONAL AFFILIATIONS

Senior Member - ASA - American Society of Appraisers  
Member - AICP - American Institute of Certified Planners  
Member - Marin County Appraisers Association  
Member - Marin County Board of Realtors  
California Certified General Real Estate Appraiser #AG001620

#### EXPERT WITNESS QUALIFICATIONS

Qualified as expert witness in Land Use: U.S. District Court at San Francisco and the Superior Courts of Marin and Sonoma Counties.

#### EXPERIENCE

Case & Associates, Principal Real Estate Appraiser 12/86 -  
  
Urban Land Research, Principal Real Estate Appraiser/Analyst  
1983 to 1986, 1977 to 1981  
  
City of Santee: Director, Planning/Building 1981 to 1983  
  
City of Sausalito: Planning Director 1973 to 1977

#### SCOPE OF LAND USE ANALYSES

Conservation easements  
Land development potential  
Office, retail, and industrial properties  
Pleasure boat and commercial fishing marinas  
Ranches, tidelands and natural resource properties  
Public open space, utility easements, right-of-way, railroad corridors

## **REPRESENTATIVE SAMPLE OF CLIENTS**

### Law Firms

Freitas, McCarthy, MacMahon & Keating  
MacDonald, Praetzel, Mitchell, Hedin, and Breiner  
Farella, Braun & Martel  
Myron Greenberg

### Corporations

Lucasfilm, Pacific Bell, Chevron, The Nature Company, Bianco  
Cadillac, Wayne Cross Ford

### Government

National Park Service  
San Francisco Housing Authority  
Marin County Real Estate Division  
Sonoma County Real Estate Division  
Sonoma County Regional Parks Department  
Santa Cruz County Conservation Easement Program  
Cities of San Francisco, Novato, Corte Madera  
Dixie School District  
Marin Municipal Water District  
North Marin Municipal Water District  
Tiburon Fire Department  
Tamalpais Fire Department  
Alto-Richardson Bay Fire District  
Novato Fire Protection District  
California Coastal Conservancy  
Sonoma County Agricultural Preservation and Open Space Dist.

### Non-Profit Agencies

Marin Agricultural Land Trust (MALT)  
Sonoma Land Trust  
Audubon Society of Marin  
Point Reyes Bird Observatory

