MINUTE ITEM

**57**

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S 3

12/03/99
W 24665
D. Plummer

**CALIFORNIA STATE LANDS COMMISSION; CALIFORNIA COASTAL COMMISSION; WALDO GIACOMINI & SONS, INC. (PARTIES):**

**PULLED PRIOR TO COMMISSION MEETING**

**Item attached**

CALENDAR PAGE _____
MINUTE PAGE 0007023

# CALENDAR ITEM
# C57

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12/03/99
W 24665
D. Plummer

## CONSIDER ACCEPTANCE OF AN OFFER TO DEDICATE A CONSERVATION AND SCENIC EASEMENT

**PARTY WHICH HAS RECORDED AN OFFER OF DEDICATION:**

Waldo Giacomini & Sons, Inc.
P.O. Box 12
Point Reyes Station, California 94956-0012

**PARTY TO ACCEPT CONSERVATION EASEMENT:**

California State Lands Commission
100 Howe Avenue, Suite 100-South
Sacramento, California 95825-8202

**INTERESTED PARTY:**

California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, California 94105-2219

**AREA, LAND TYPE, AND LOCATION:**

714 acres of agricultural land located adjacent to Tomales Bay, Marin County.

**BACKGROUND:**

Waldo Giacomini & Sons, Inc., a California corporation (Giacomini) owned 714 acres in Marin County. In 1979, Giacomini desired to divide the ranch into two separate parcels, and to convey one parcel to ROBERT GIACOMINI DAIRY, Inc., a California corporation.

The Giacomini ranch lay within the bounds of the coastal zone as that term is defined in Section 30103 of the California Public Resources Code. The California Coastal Act of 1976 (the Act) required that any development approved by the California Coastal Commission (Coastal Commission) must be consistent with the policies of the Act as set forth in Chapter 3 of Division 20 of the Public Resources Code. The Coastal

Commission found that the Giacomini Ranch represents a significant resource of the coastal zone in that it contributes to the preservation of agriculture in the area. The Coastal Commission further found that an open space easement over the Giacomini Ranch would protect the agricultural value of the property, thereby accomplishing the purposes required by Sections 30241 and 30242 of the Act.

The Coastal Commission granted a coastal permit, Permit No. 81-79, and conferred thereby a benefit upon Giacomini. In consideration of the mutual benefits and the substantial public benefits for the protection of coastal resources, the preservation of the Giacomini Ranch in open space uses, and the advantages which accrued to Giacomini as a result of the ability to divide the Giacomini Ranch, Giacomini executed an irrevocable offer to dedicate a conservation and scenic easement over the ranch. The irrevocable offer to dedicate the easement was to run for a period of twenty (20) years from the date of the document, December 28, 1979, after which the offer will expire if the conservation easement remains unaccepted.

The State Lands Commission has been requested by the Coastal Commission to consider acceptance of the conservation easement. Staff believes that acceptance of this conservation easement will provide long term public benefits by providing protection of the property from future development, while ensuring preservation of agricultural land in agricultural uses.

**OTHER PERTINENT INFORMATION:**

Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA because the activity is not a "project" as defined by the CEQA and the State CEQA guidelines.

Authority: Public Resources Code Section 21065 and Title 14, California Code of Regulations, section 15378.

**EXHIBITS:**

A. Location and Site Map

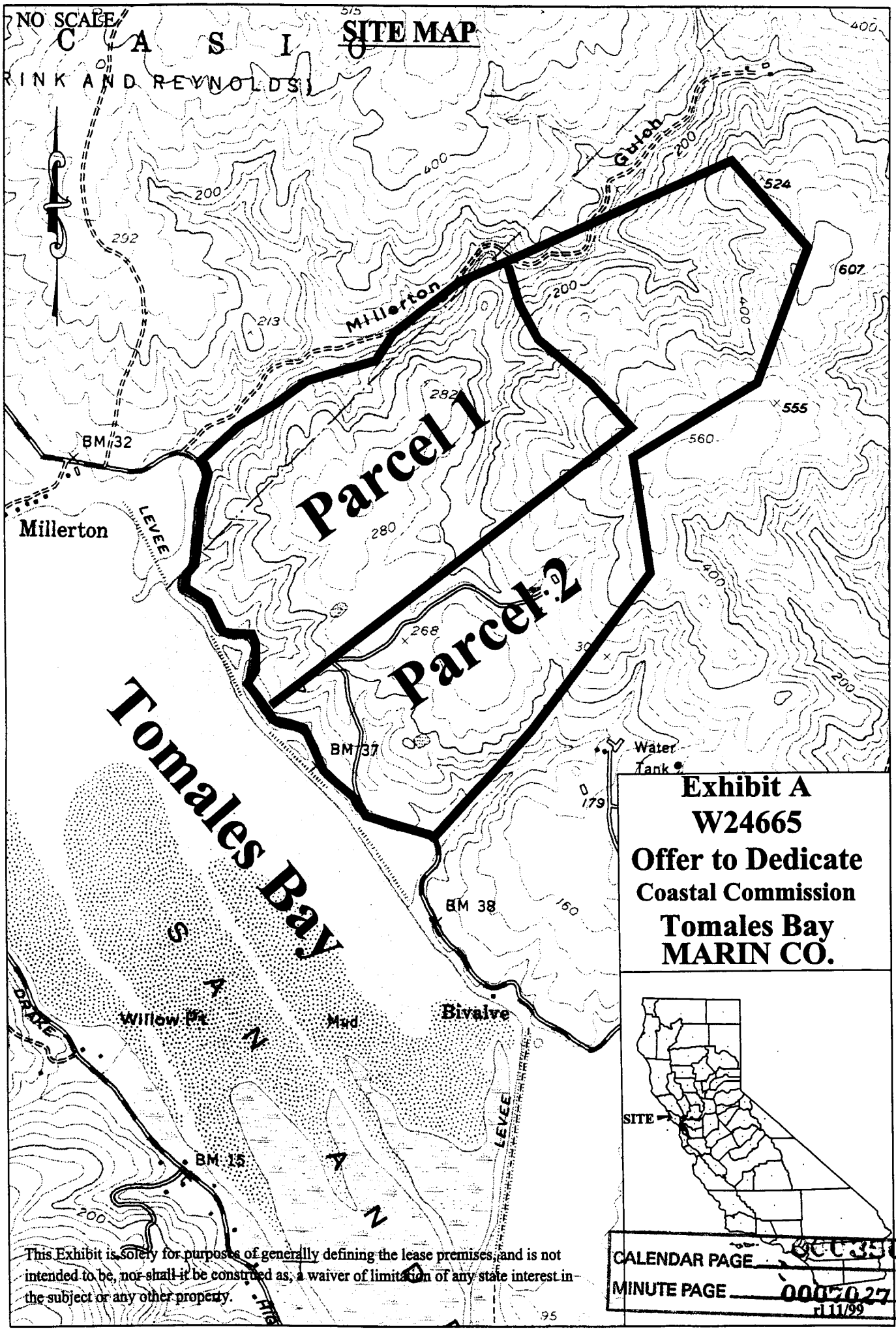
**PERMIT STREAMLINING ACT DEADLINE:**

N/A

**RECOMMENDED ACTION:**
IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING:**
FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CALIFORNIA CODE OF REGULATIONS, SECTION 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

**AUTHORIZATION:**
AUTHORIZE THE ACCEPTANCE OF THE OFFER TO DEDICATE A CONSERVATION AND SCENIC EASEMENT ON THOSE LANDS IDENTIFIED IN THE IRREVOCABLE OFFER FOR DEDICATION OF EASEMENT AND DECLARATION OF RESTRICTIONS RECORDED IN BOOK 3661 AT PAGE 299 OF THE OFFICIAL RECORDS OF MARIN COUNTY, CALIFORNIA, AND AUTHORIZE THE EXECUTIVE OFFICER OR HIS DESIGNEE TO EXECUTE ALL NECESSARY DOCUMENTS TO EFFECTUATE THIS TRANSACTION.


NO SCALE
SITE MAP
C A S I O
RINK AND REYNOLDS
Millerton
Gulch
Parcel 1
Parcel 2
Tomales Bay
Millerton
LEVEE
BM 32
BM 37
BM 38
BM 15
Water Tank
Willow Pt
Mud
Bivalve
DRAKE
LEVEE
524
607
555
560
400
200
292
213
282
280
268
179
160
95
Exhibit A
W24665
Offer to Dedicate
Coastal Commission
Tomales Bay
MARIN CO.
SITE
This Exhibit is solely for purposes of generally defining the lease premises, and is not intended to be, nor shall it be construed as, a waiver of limitation of any state interest in the subject or any other property.
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