



The Environmental Action Committee *of* West Marin

May 1, 2008

Ben Berto
Marin County Community Development Agency (CDA)
Civic Center, Room 308
3501 Civic Center Drive
San Rafael, CA 94903

Re: Lawson's Landing Master Plan, Coastal Permit and Tideland Permit

Dear Ben,

We appreciate the efforts the applicants have made to make the reconfigured Master Plan (RMP) more protective of the environment of Tomales Dunes. Because this project is so large in scope and the RMP so complex, we will make initial comments on the merits of the project in a separate letter. Here we confine ourselves to noting aspects of the RMP that need clarification or more information. Although we realize that Master Plans are not required to contain the level of detail needed for a Precise Development Plan, the RMP does not contain enough information for us to make a recommendation even at a Master Plan level of detail.

General Comments:

First of all, the RMP is lacking a clear and detailed list of the developments and uses for which Master Plan approval is sought. It is not clear whether the RMP is intended to stand alone or as an addendum to and, in certain cases, a correction to the 1998 Master Plan. In any case, the result is a lack of clarity about exactly what the reconfigured Master Plan proposes. Below we have asked for more information on individual items, but a simple list of proposed changes would also be helpful.

Where the RMP does explicitly propose changes to the original Master Plan, the changes are often mere sketches or intentions, rather than fully fleshed-out proposals. These elements we have also tried to highlight for clarification below.

Again, as a general point, it is difficult to interpret some of the maps attached to the RMP because the map colors do not match the legend. Specifically, Maps 4, 5, and 6 have inaccurate legends, and, as noted below, Map 3 is inaccurate in other regards.

Provision of information during a multi-phased permit process:

The RMP makes it clear that Master Plan approval will be followed by the submittal of more detailed Precise Development Plans. However, it is essential to know now

- which elements of the Master Plan will require PDPs;
- what additional information about those elements will be provided at this stage so that there can be some confidence that conditions attached to the Master Plan can be met at PDP stage; and
- what information will not be provided until the PDP stage.

It is likely, for example, that the Master Plan will be conditional not only on approval of an adequate design for the septic system, but also on the willingness of a public entity to manage the septic system (as required by §22.56.130I.B.2 for alternative septic systems). Information must be provided now to indicate that such a public entity exists, or it is hardly worth proceeding with the Master Plan in its present form. Other key elements for which at least some preliminary assurance will be needed at Master Plan stage are sensitive species and habitat restoration plans, and traffic and road improvement plans.

Moreover, there is now a need for information about the impact of elements of the Master Plan whose impacts were not considered in the EIR because they are existing, though unpermitted, uses. The public has been assured that at this stage the impacts of existing, unpermitted uses for which permits are now being sought will be evaluated and considered. Thus, information is now needed about the impact of all proposed recreational uses (especially those existing uses not considered in the EIR) with respect to the environment, hazard zones, and traffic, for example.

Property size and parcel information:

- Attachment 3 gives an inaccurate listing of the parcels on the property, as compared with title records at the Marin Assessors office. For example, APN-100-208-01 & 02 are not listed, and many parcels that are not part of Lawson's Landing, including 100-100-47, are listed.)
- Please provide the correct APN of the parcel mapped as APN 100-230-51, which is elsewhere (in the original Master Plan and Marin County Assessors records) identified as APN 100-230-03. A similar confusion surrounds the parcel identified as both APN 100-100-12 and APN 100-100-59.
- The sizes listed for parcels 100-100-48 & 100-100-49 differ from those in the Assessors records. Is this because they refer only to that portion of the parcels that is within the direct jurisdiction of the Coastal Commission? If so, were those figures obtained by survey? Please clarify.
- Please clarify the precise size of the property, which is listed, variously as 940 acres, 944.42 acres and 960 acres.
- The area of the South Ranch (given as 180 acres) is not marked on the map. Please mark this area.
- Please specify which parcels are covered by an agricultural contract under the Williamson Act.
- Please indicate the location of existing public access easements.

Historic Use Analysis:

- No Historic Use Analysis is provided in the RMP. The only reference to historic use is an inaccurate statement (p.7) that “The earliest declaration of trailer numbers occurs in the 1976 Draft EIR.” The County’s own Chronology lists several earlier references to trailer numbers:
 - On 8/17/62 the State Division of Housing inspected Lawson's Landing “and noted that 15 trailers located on the property constituted an illegal activity.”

- On 09/14/62 “the State Division of Housing advised the property owner that the 15 trailers were in violation with State laws and that permits were necessary.”
- On 12/14/66, Marin County sent a report to the property owner “that described various illegal uses on the property. The report noted...approximately 125 to 150 house trailers and campers.” The report concluded that there had been no use permits granted to allow the uses inspected on site.

Visitor Use levels:

- The RMP (p.3) states that the number of visitors and campers “starting in about 1968” averaged about 600 to 800, with up to 1000 campers at peak periods. Please clarify
 - whether the 600-800 figure is the average daily use throughout the year (apart from peak periods);
 - whether it refers to day-use visitors and overnight campers;
 - whether it includes users of the travel trailers?
 - whether it refers to individuals or vehicles;
 - whether this use level is currently accurate;
 - whether the peak-use figure of 1000 campers refers to RV campers or trailer trailers or day users, or a combination of these users; and
 - whether 1000 campers refers to individuals or vehicles.
- Recently, the Lawson family estimated the average peak-use to be 1600-1800 people daily. Please relate this figure to the figures provided in the Master Plan.
- Please provide information about the increased water supply and and septic needs that would result if daily use rose from current average levels to or near maximum permitted levels (100 day use visitors, 212 trailers, and 600 overnight campsites, along with proposed new residential uses).

Permanent Travel Trailers:

- The RMP states that the number of travel trailers will be reduced from 233 to 213. It also makes reference to 205 trailers (pp.6 & 13). Please clarify
 - whether the 20 proposed “permanent residential use” trailers are included in the 213 trailer figure or are in addition to it; and
 - what the figure of 205 trailers refers to.
- The RMP, like the original Master Plan, does not propose electricity hook-ups for the travel trailers, which currently get their power from solar or propane. However, the new Travel Trailer Lease Agreement included in the RMP includes a provision for Electricity Hookup. Please clarify.
- In 2007 the applicants informed the Coastal Commission in writing that no more than six people are allowed to use the travel trailers at one time. But the new travel Trailer Regulations attached to the RMP state that “no more than ten people may occupy vehicle at any one time.” Please clarify the impact of this change, including on septic system and water supply demands.
- Please clarify how the vehicles carrying ten people intending to occupy one permanent travel trailer would be counted and where parking provisions are made for such vehicles.

Permanent Residential Use Trailers:

- The RMP states that 20 travel trailers will be set aside as “permanent residential use” for current and former employees of Lawson's Landing and other people employed locally. Please clarify
 - ❑ where the 20 proposed “permanent residential use” trailers would be located;
 - ❑ whether the 20 proposed “permanent residential use” trailers would have their own individual septic systems, like other residences on the property, or be served by the proposed new septic system; and
 - ❑ what other provisions for full-time occupancy, including parking and visitor parking, will be made for these trailers.
- More information is required to clarify the consistency of the proposed 20 “permanent residential use” trailers for current and former employees and other locally-employed people with all relevant regulations and policies.
- A tenancy agreement for “permanent residential use” trailers should be included, indicating maximum number of residents per trailer.

RV Camping:

- The RMP (p.9) identifies two permanent RV camping areas (Area 1: Gateway Entry Camping, 10.8 acres & Area 2: Sand Point & Landing Camping, 8.4 acres) and one seasonal camping area (Meadow Grassland Camping, “about 5 acres”), which, combined with the permanent travel trailer area of 12.6 acres, makes a total of 36.8 acres. On page 5, the area devoted to camping is said to be 37.4 acres. Does the discrepancy between these two figures indicate that the Meadow Grassland Camping Area is actually 5.6 acres, or is there another explanation?
- Map 4 indicates Areas 1 and 2, but there is a third area, running east of the proposed permanent trailer park, along the coast that is not labeled. Please clarify if this is part of Area 2, or, if not, where it fits in to the RMP.
- The RMP defines the camping sites in two ways, by area and by the number of campsites each area can accommodate. (Area 1 200-225; Area 2 175-200, Seasonal Area 175-200). Spaces are to be limited to 25’ x 40’, but not marked out. Please clarify if the level of camping requested in the RMP is for a certain area (acreage), for a certain number of vehicles, or (if more than one vehicle is permitted per campsite) for a certain number of campsites.
- More information is needed regarding how individual campsites will be designated.
- Although the RMP (p.10) has an “objective” of avoiding camping and vehicle parking in wetlands, Map 4 has campsites in delineated wetlands in Camping Area 2. Please clarify how this conflict is to be resolved, and how that resolution will affect the size of the camping area, number of campsites and number of vehicles requested under the RMP.

Day Use:

- How many parking sites will be provided for the 100 day use visitors the RMP proposes?
- Is the RMP requesting permission for 100 day use visitors or 100 day use vehicles?

- Is the RMP requesting permission for 100 day use visitors/vehicles per day or 100 day use visitors/vehicles at any given time?
- If the latter, is a system proposed for monitoring the coming and going of day use visitors/vehicles to ensure that the total never rises above 100?

Pier and Boating Facilities:

- No information is given about whether Lawson's Landing has permits for the 16-35 boats proposed to be moored on a monthly basis. Please clarify.
- Please provide details of how gas would be delivered to boats at the pier from the fuel depot at the proposed Lawson's Center.

Project Phasing:

- The work to be carried out in Phase I includes the recreational uses, (boating, day-use, overnight camping and the trailer park), as well as the new “permanent residential housing.” It is unclear whether the construction of the proposed new septic system is in Phase I or II.
 - Please clarify in which phase the proposed new septic system will be constructed.
 - If in Phase II, please provide information about the waste disposal facilities planned for the recreational uses and “permanent residential housing” until Phase II is completed.
- The timing for Phase I is given as “1-2 years following Master Plan approval” and for Phase II as “3-5 years following Master Plan approval.”
 - Please clarify whether this means that the work in each phase will be begun within the time stated or will be completed within that time. If the former, please give a timeline for completion of the work in each phase.
 - Are these timelines a commitment, within the Master Plan approval or proposed as a condition of approval?
 - Please explain how these timelines fit in with the need for subsequent Precise Development Plan approval and Coastal Commission consideration of a Coastal Permit.

New Septic System:

- What public entity will “formally assume responsibility for inspecting, monitoring and enforcing the maintenance of the system,” as required by Marin Code §22.56.130I.B.2 and the LCP, p. 190?
- Please clarify the statement (p.17) that the project sponsors will collaborate with the NMWD to “develop a plan for water and septic management.” It is our understanding that NMWD manages the Oceana Marin sewer service facility, but has nothing to do with the individual septic systems that serve Dillon Beach or with the water systems of the two communities.

- Given the strong encouragement for “a consolidated community sewage system” serving Oceana Marin and Dillon Beach, and Lawson's Landing, information is needed regarding the capacity of the property to accommodate community sewage disposal and treatment needs.

Interim Septic System Measures:

- Please clarify if these are proposed as part of the Master Plan, and, if so, whether they have been approved and will be monitored by the Regional Water Quality Control Board.

Water Facilities:

- Please clarify the statement (p.17) that there is “a clear interest” on the part of the North Marin Water District to work with the project sponsors to develop “an improved community water system for the greater Dillon Beach community.” Again, it is our understanding that North Marin Water District does not provide water to Dillon Beach or Oceana Marin, which are served by two other water companies.
- Due to the inaccurate coloring, it is difficult to determine the exact location of the 3 wells. Please clarify the relationship of their locations to sensitive habitats.
- The RMP does not make clear the location of the two proposed 100,000 gallon tanks. The previous Master Plan (p.56) said that one would be located in the main meadow and one in the scale house field, but the EIR states that both will be near the wells, in the main meadow area. Please clarify the location of both proposed tanks and their relation to sensitive habitats.
- Does the RMP propose water hook-ups to the travel trailers, as described in the new travel trailer Regulations included in the RMP?

Traffic/Roads:

- The existing roads are 18-22 feet wide with no shoulders. In a letter dated Dec. 29, 1997, Marin County planning staff informed the applicants that “the main access road must be improved to a minimum of 28 feet with 4-foot shoulders, while secondary access roads must be improved to a minimum paved width of 26 feet with 4-foot shoulders.” The RMP appears to have no provision for widening and creating shoulders for the existing roads. Please clarify.
- Please clarify whether the RMP seeks to eliminate the widening of Cliff Street as a mitigation for traffic congestion (Page 17 of the RMP and the section of Table 1 dealing with Mitigation 4.8-3 appear to contradict one another.)

Natural Resource Management Plan:

- Please submit “supplemental biological information prepared by a qualified ecologist at a scale sufficient to identify...the area of the proposed buffer areas,” as required by the LCP and Marin County Zoning Code for applications for a coastal development permit on any parcel adjacent to Tomales Bay (LCP Unit II, p. 74; Marin County Code § 22.56.130I.G.5.e).
- There is a contradiction between Mitigation 4-13-3(d), which calls for a minimum 100-foot wetland buffer and the RMP, which does not provide for such buffers. Please clarify.

- Approval of the Master Plan must be conditional upon natural resource management plans that have been seen and studied in advance, whereas the RMP postpones all important decisions to an indefinite future. There is insufficient information to make judgments about the proposed sensitive habitat protection, restoration, management, restoration and monitoring plans. There are also many errors in this section of the RMP, but presumably that deficiency will be corrected once detailed, scientifically-based plans are produced.
- More information is needed about eradication of invasive non-native plant species in view of the fact that Marin County Code (§22.56.130I.J) requires that where “a project site contains a significant number or type of non-indigenous, invasive plant species which would threaten the preservation or reestablishment of native plant species, either on or off the site, the project’s approval shall be conditioned upon the removal of such non-indigenous plant material.”
- The information provided about protection plans for special status species is inadequate. Among the many unanswered questions are
 - How will be “red-legged frog pond” be protected from disturbance?
 - What associated upland RLF habitat will be protected and how?
 - How will Point Reyes bird’s beak and Woolly-head spineflower be protected?
 - Since Tidestrom’s Lupine has not been seen on the property since the 1990s, the Natural Resource Management Plan should include a plan for reintroduction as well as protection.
 - How will grazing be managed to avoid negative impacts on environmentally sensitive habitats and special status species?

Other issues:

- Please clarify whether the RMP still proposes the plan for a helicopter landing area in main meadow mentioned in the original Master Plan.
- Please provide more information on how the Master Plan will deal with expected sea level rise.
- Please provide complete hazard response plans for earthquakes and tsunamis.
- Please provide a visual analysis of the RMP, especially from the national Seashore viewpoints along the Pierce Point Trail.
- Please submit an agricultural management plan.

While this is a long list and we are all eager to complete this permit process as quickly as possible, the information requested is necessary to determine whether the proposed Master Plan, Coastal Permit and Tidelands Permit can be approved.

Thank you for the opportunity to comment.

Sincerely,



Catherine Caufield