



## The Environmental Action Committee *of* West Marin

April 8, 2010

Ruby Pap  
California Coastal Commission  
45 Fremont Street #2000  
San Francisco, CA 94105-2219

Re: Lawson's Landing Coastal Development Permit, 137 Marine View Drive, Dillon Beach, Marin County, CA

Dear Ms. Pap,

Please accept the following comments on the Lawson's Landing CDP application. I am sending this now despite its being only a partial list of issues, because time is short. I will send another letter next week.

### RECREATIONAL CAMPING AREA

#### 1. Alternative campground location:

Under Marin's County Code and LCP Unit II, C-RCR and C-APZ properties require a Master Plan, which "shall include at least all contiguous properties under the same ownership" (22.56.027I). Since camping is a conditional use in C-APZ districts (§22.57.033I), the entire property should be considered before choosing the best location for camping. The existing unpermitted campgrounds and the access roads are located in an area dominated by wetlands and ESHA. We suggest that relocation of camping to a less sensitive area, such as the eastern part of the property along the Dillon Beach-Tomales Road, be considered. Many State and private RV parks have camping set back from the coastline with campers taking shuttles or walking to the beach. Such a relocation would have several advantages, including

- reducing conflict between recreation and natural resource protection;
- reducing traffic impacts on Dillon Beach by allowing access to the camping area directly from the Tomales-Dillon Beach road;
- eliminating the need to have roads through wetlands;
- eliminating the need to pump wastewater uphill and through wetlands and ESHA;
- allowing the possibility of replenishment of the mobile dunes through re-establishing a connection between the beach and the dunes.

#### 2. Roads through wetlands:

Any road running through a wetland should be eliminated unless there is evidence of a vested right to that road. As far as I am aware the applicant has not made a claim of vested right for any road, including the main road. According to the applicants' Written Narrative (p.2, attached), the main road did not exist, even as a dirt road, until after 1955. It was not an agricultural road, but specifically for recreational access and so would presumably have required a permit under Marin's Planning Code, adopted in 1935.

The proposal to have roads running through wetland areas is especially serious given California's requirements for roads in RV parks. "Each lot shall have access to a two-way roadway of not less than eighteen (18) feet, or a one-lane, one-way roadway not less than twelve (12) feet, in unobstructed width" (SOP Regs §2106). The existing roads do not appear to meet this standard. It is not clear from the plans whether this requirement has been incorporated into the proposed layouts.

3. Tent camping as a wetland buffer:

In Areas 4, 5, 6, 7 & 8, the applicants propose to protect wetlands with "minimum 25 ft wide buffer tent campsites." Are all these proposed "tent buffer areas" walk-in only or is the intention to have cars parked there also? Is there adequate car parking nearby for all walk-in campsites? How will the applicants ensure that cars are not driven into walk-in campsites?

4. Parking spaces:

Is the number of parking spaces adequate for all tent campers and day-use campers? Will each parking space be marked, or will there be open parking lots?

5. Number of campsites:

There are numerous inconsistencies and contradictions in the submittals regarding camping numbers. The latest revisions (March 15) indicate that the applicant is proposing 213 travel trailers (including 9 for employees, 7 for ex-employees, and 4 for caretakers), 436 RV campsites, 302 tent campsites and 8 car campsites for a total of 959. Is that correct?

6. Lawson's Landing Center:

A 12-room hotel with dining area is indicated on the plans submitted in January, 2010. Is there a kitchen proposed to service the dining area or deli? The septic system was designed before all these facilities were proposed; has it been revised to take any increase in use into account?

PERMANENT RESIDENCES:

There are several classes of permanent residents at Lawson's Landing: current employees of the agricultural operation, current employers of the recreational operation, and non-employees. Under Marin's Zoning Code, housing for agricultural workers is a conditional use in C-APZ districts. In C-RCR districts "all uses and normal accessory uses which the planning commission finds are appropriate for a resort area or which are desirable or necessary for public service, utility service or for the servicing of the recreation industry" are permitted with a master plan. But "residential, industrial, institutional, general commercial uses, mobile home parks and floating home marinas are not permitted." Therefore, it is our understanding that

- permanent residences for agricultural employees should be on the C-APZ portion of the property;
- permanent residences for employees of the recreational operation should be on the C-RCR portion of the property;
- permanent residences are not a permitted use on this property for people who are not currently employees of either the agricultural or recreational operations.

WASTEWATER DISPOSAL SYSTEM

1. Marin County approval:

The applicants have not provided evidence that Marin County has reviewed and approved the final leachfield design and capacity.

2. RWQCB approval:

The Regional Water Quality Control Board, which has asserted that the new onsite wastewater treatment and disposal system is "subject to regulation and permitting by the California Regional Water Quality Control Board, San Francisco Bay", has not yet reviewed and approved the proposed system. (See RWQCB letter dated 1/16/2005 to Mr. Tim Haddad, Marin County.)

3. Fall Creek Engineering comments:

The attached letter from Fall Creek Engineering raises a number of questions about the calculations, assumptions and models used by Questa Engineering in concluding that the wastewater disposal system is adequate to protect the Bay and groundwater. The questions raised merit serious attention, especially in view of the fact that several large, alternative wastewater systems installed in Western Marin County with all relevant permits have recently experienced problems due to overloading and/or have caused groundwater contamination.

#### 4. Wastewater flow assumptions:

According to calculations by Questa, the applicants' wastewater disposal consultant, the proposed treatment plant and disposal field capacity are inadequate for estimated summer wastewater flows at Lawson's Landing under EPA Criteria-High and Marin County Criteria-High and Criteria-Low flows (DEIR, Vol II, Appendix D, Attachment C). The discrepancy would have been greater had not Questa characterized Lawson's Landing as a "resort camp with limited plumbing" for which Marin's flow standard is 50 gallons per day (gpd). A more realistic choice would have been "tourist camps or trailer parks with central bathhouse", for which Marin's standard is 75 gpd or camps "with individual bath units", for which Marin's standard is 100 gpd. Only the EPA Criteria-Low flow assumption meets the designed capacity. However, the EPA Criteria-Low standard of 15 gallons per person per day for camping does not meet Marin County standards.

#### 6. Alternatives:

Despite your request, no alternative wastewater disposal systems have been proposed. The applicants should at least consider the possibility of not providing any hook-ups for RVs or travel trailers, thus eliminating the need for an expensive wastewater system with an elaborate pumping system. State law requires 1 toilet, shower and washbasin for every 25 camp lots. Bath houses could be pumped out or sited to minimize distance from and pumping to a leachfield.

#### 7. Continued use of existing septic systems:

The September 2009 submission refers to a "phased" approach that would prolong the use of the existing unpermitted septic tanks for an indefinite period. Although there has been some remedial work done on the existing systems, there has been no watertight testing, as recommended by the Regional Water Quality Control Board (pers comm.. Blair Allen). The inadequacy of the existing systems and the need to replace them was the main motivation for the current application. (See attached letter from the RWQCB dated July 20, 1990, which orders all the septic systems at Lawson's Landing to be pumped out due to the threat to groundwater and Tomales Bay.) We recommend that Lawson's Landing be required to submit to the Coastal Commission or the Regional Water Quality Control Board a contract with an approved chemical toilet pumping company along with a work order (and payment receipt) for pumping septage from all unpermitted septic tanks including those in the quasi-residential travel trailer park, within a month of CDP approval. The contract should continue until a new wastewater disposal system is in place.

### WETLANDS:

#### 1. Wetland delineation:

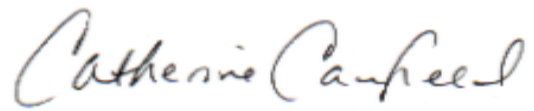
In your February 18, 2010 letter to the applicants, Commission staff pointed out that Monk and Associates appears (in Sheet 1 (9)) to be incorrectly distinguishing wetland from upland: "The difference between wetland and upland is determined by whether or not more than 50% of the dominant species are wetland indicators," not whether or not more than 50% of the vegetative cover is *Pennisetum*. The applicants' response (March 15, 2010, p. 4) does not address the point. However, on page 7 of their 2006 "Vegetation Communities" Report, they state "*Pennisetum* grasslands are characterized by short, prostrate growing mats of *Pennisetum clandestinum* that exhibit greater than 50 percent of the total plant cover," which indicates that they have indeed been using the wrong parameter to distinguish wetland from upland.

#### 2. Self-buffering wetlands:

The applicants make the assertion (Project Description, Sept. 21, 2009, p. 25) that by removing camping from the wetlands, "native wetland vegetation will thrive and flourish, providing a new herbaceous vegetative buffer." The presence of native wetland vegetation in a wetland does not constitute a wetland buffer. A buffer is a zone surrounding a wetland or other ESHA where development is prohibited in order to protect (or "buffer") the wetland or ESHA.

Thank you for taking the time to consider these comments.

Sincerely,

A handwritten signature in cursive script that reads "Catherine Caufield". The signature is written in a dark ink and is positioned below the word "Sincerely,".

Catherine Caufield

Attachments: Falls Creek letter, RWQCB July 20, 1990, Written Narrative, p 2