CALIFORNIA COASTAL COMMISSION
NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
(415) 904-5260 FAX (415) 904-5400
www.coastal.ca.gov

NOTIFICATION OF APPEAL PERIOD

DATE: December 3, 2008

TO: Benjamin Berto, Principal Planner
County of Marin, Community Development Agency
3501 Civic Center Drive, #308
San Rafael, CA 94903-4157

FROM: Ruby Pap, District Supervisor RP

RE: **Application No. 2-MAR-02-226**

Please be advised that on December 1, 2008 our office received notice of local action on the coastal development permit described below:

Local Permit #: **CP 91-068**

Applicant(s): **Bill & Nancy Vogler**

Description: **Recreational and agricultural uses of a 940 to 960-acre property and use of approximately 245 acres of land for campground related uses on numerous parcels at 137 Marine View Drive in Dillon Beach.**

Location: **137 Marine View Drive, Dillon Beach (Marin County) (APN(s) 100-100-07, 100-100-08, 100-100-10, 100-100-21, 100-100-49, 100-100-58, 100-100-59, 100-201-01, 100-201-02, 100-202-01, 100-202-02, 100-203-01, 100-203-02, 100-203-03, 100-204-01, 100-204-02, 100-205-03, 100-206-02, 100-207-03, 100-208-01, 100-208-02, 100-211-01, 100-211-02, 100-212-01, 100-212-02, 100-213-01, 100-213-02, 100-214-01, 100-214-02, 100-215-01, 100-215-02, 100-216-01, 100-216-02, 100-217-01, 100-217-02, 100-218-01, 100-218-02, 100-220-06, 100-230-03, 100-100-22, 100-206-01, 100-100-48)**

Unless an appeal is filed with the Coastal Commission, the action will become final at the end of the Commission appeal period. The appeal period will end at 5:00 PM on December 15, 2008.

Our office will notify you if an appeal is filed.

If you have any questions, please contact me at the address and telephone number shown above.

cc: Bill & Nancy Vogler
Leah Goldberg, Meyers, Nave, Riback
Gary Giacomini, Hansen, Bridgett, Marcus
Ted Harris, California Strategies
Catherine Caufield, EAC

MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY
BRIAN C. CRAWFORD, DIRECTOR

NOTICE OF FINAL LOCAL (BOARD OF SUPERVISORS) DECISION

Pursuant to Coastal Act Section 30603(d), Coastal Commission Regulations Section 13571, and LCP Policy and/or Implementation Plan.

November 25, 2008

RECEIVED
DEC 01 2008
CALIFORNIA
COASTAL COMMISSION

California Coastal Commission
45 Fremont Street, #2000
San Francisco, CA 94105

Attention: Coastal Planner

Applicant's Name:	Lawson's Landing
Coastal Permit Number:	CP-91-068
Assessor's Parcel Number:	100-100-48 et al
Project Location:	137 Marine View Drive, Dillon Beach
Determination:	Approved With Conditions
Decision Date:	November 18, 2008
County Appeal Period:	Five (5) Working Days

Local review is now complete.

This permit **IS** appealable to the California Coastal Commission (see Marin County Code Section 22.56.080

Any correspondence concerning this matter should be directed to Benjamin Berto, Principal Planner at 499-3658.

Sincerely,

Benjamin Berto
Principal Planner

3501 CIVIC CENTER DRIVE, ROOM 308 – SAN RAFAEL, CA 94903-4157 – 415-499-6269 – FAX 415-499-7880

356991

NOTICE OF DETERMINATION
Marin County Environmental Coordination and Review

FILED

NOV 19 2008

MICHAEL J. SMITH
MARIN COUNTY CLERK
BY J. WHITNEY
DEPUTY

TO: ☒ Office of Planning and Research
☒ County Clerk, County of Marin

FROM: Marin County Community Development Agency
(Lead Agency)

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

RECEIVED
DEC 01 2008
CALIFORNIA COASTAL COMMISSION

Project Title: **Lawson's Landing Master Plan, Coastal Permit, and Tidelands Permit**

State Clearinghouse #: 2000092067
(if submitted to State Clearinghouse)

Contact Person: Tim Haddad, Environmental Coordinator **Telephone Number: (415) 499-6274**

Assessor's Parcel: 100-100-48 et al. **Project Location: 137 Marine View Drive, Dillon Beach**

Project Description: The Lawson's Landing, Inc. application for the Lawson's Landing Master Plan, Coastal Permit, and Tidelands Permit seeks approval for the proposed Master Plan which includes a land use and development plan and a resource management plan for all uses on the 450+ acre property. The property consists of beaches, coastal sand dunes, various types of wetlands, and hillside lands. The property is located immediately south of the community of Dillon Beach, and is bordered by Tomales Bay to the south, the Pacific Ocean to the west, and adjoining agricultural properties and Valley Ford-Franklin School Road to the east. The primary use on the property, and focus of the Master Plan, Coastal Permit, and Tidelands Permit, are the existing recreational uses and changes proposed therein, located on approximately 180 acres in the southwestern corner of the property.

This is to advise that the Board of Supervisors approved the above described project on November 18, 2008, and has made the following determinations regarding the above described project:

1. The project in its approved form will not have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan was adopted for this project.
5. A statement of Overriding Considerations was not adopted for this project.
6. Findings were made pursuant to the provisions of CEQA.

This is to certify that a copy of the Final EIR, with comments and responses, and record of project approval is available to the General Public and is on file and may be examined at:

Agency: Marin County Community Development Agency

Address: 3501 Civic Center Drive, #308
San Rafael, CA 94903

POSTED 11/19/08 TO 12/19/08

By: _____ Date: 11/18/08
Tim Haddad, Environmental Coordinator

The filing of this Notice of Determination starts a 30 day statute of limitations on court challenges to the approval under CEQA.

E-09-05 ECE-09-79

I/adm/tt/NODLawsonsLanding.doc

Exhibit No. 3
A-2-MAR-08-028
LAWSON'S LANDING
Notice of Final Local Action
Page 3 of 157

RESOLUTION NO. 2008-131

A RESOLUTION OF THE MARIN COUNTY BOARD OF SUPERVISORS APPROVING THE LAWSON'S LANDING COASTAL PERMIT (CP 91-068) AND TIDELANDS PERMIT

137 MARINE VIEW DRIVE, DILLON BEACH ASSESSOR'S PARCELS 100-100-48 ET AL.

* *

SECTION 1: CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

I. WHEREAS an Environmental Impact Report (hereinafter, "EIR") was prepared for the Lawson's Landing Master Plan, Coastal Permit, and Tidelands Permit applications pursuant to requirements of the California Environmental Quality Act ("CEQA," Public Resource Code Sections 21000-21177), State CEQA Guidelines, and County CEQA procedures.

II. WHEREAS on March 13, 2008, the Marin County Board of Supervisors adopted Resolution No. 2008-28 which certified the Final EIR for the Lawson's Landing project as adequate for purposes of taking an action on the project.

III. WHEREAS the Marin County Board of Supervisors hereby makes findings pursuant to CEQA as contained in "Exhibit 1" attached to this resolution and incorporated herein by reference.

SECTION 2: FINDINGS RELEVANT TO COASTAL PERMIT AND TIDELANDS PERMIT APPROVAL AND FOR DETERMINATION OF PROJECT CONSISTENCY WITH APPLICABLE COUNTY PLANS

IV. WHEREAS the Marin County Board of Supervisors hereby makes findings for project approval and for determination of project consistency with the Marin Countywide Plan, Dillon Beach Community Plan, and the Local Coastal Program as contained in "Exhibit 2" attached to this resolution and incorporated herein by reference.

SECTION 3: RESOLUTION APPROVING THE LAWSON'S LANDING PROJECT, SUBJECT TO CONDITIONS OF APPROVAL AND IMPLEMENTATION OF A MITIGATION MONITORING AND REPORTING PROGRAM

NOW, THEREFORE BE IT RESOLVED that the Marin County Board of Supervisors hereby adopts a resolution which approves the Lawson's Landing Coastal Permit (CP 91-068) and Tidelands Permit applications, subject to the Conditions of Approval contained in "Exhibit 3" and implementation of the Mitigation Monitoring and Reporting Program contained in "Exhibit 4" of this resolution. Both Exhibit 3 and Exhibit 4 are attached to this resolution and incorporated herein by reference.

SECTION 4: VOTE

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin, State of California, on the 18th day of November 2008, by the following vote, to wit:

AYES: SUPERVISORS Steve Kinsey, Harold C. Brown, Jr., Judy Arnold, Susan L. Adams, Charles McGlashan

NOES: NONE

ABSENT: NONE

CHARLES MCGLASHAN, PRESIDENT
MARIN COUNTY BOARD OF SUPERVISORS

Attest:

Clerk to the Board

The foregoing instrument is a correct copy of the original on record in this office.
MATTHEW H. HYMEL, Clerk
of the Board of Supervisors
of the County of Marin
State of California

By Toni Stewart
Deputy Clerk

"EXHIBIT 1"

FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT
Lawson's Landing Master Plan, Coastal Permit, and Tidelands Permit

I. OVERVIEW

A. Purpose of the Findings

These findings relate to the Lawson's Landing Project. The original proposal (hereinafter, "proposed project") and alternatives to the proposed project have been evaluated in the environmental impact report (EIR). The EIR found that the proposed project resulted in unavoidable significant effects on the environment that warranted consideration of an alternative design for approval. In response to the EIR and in order to facilitate resolution of the non-permitted status of various longstanding uses on the property and to reduce the environmental impacts of these uses which were included in the EIR's baseline, the applicant submitted the 2008 Reconfigured and Reduced Master Plan Alternative (hereinafter, "MPA"). A subsequent modified version of the MPA (hereinafter, "Revised MPA") would meet the project's basic objectives and result in further reductions to the severity of environmental impacts while better meeting policy objectives and applicable regulations. Consequently, the Revised MPA is being brought forward for approval. These findings are made and adopted in satisfaction of State and local requirements relative to the environmental review, analysis, consideration, and approval of the Revised MPA, and its environmental, planning, zoning, and development documents. These findings provide the written analysis and conclusions of the County's Board of Supervisors relative to the Revised MPA. They are divided into general sections. Each of these sections is further divided into subsections, each of which addresses a particular topic and/or requirement of law. At times, these findings refer to materials in the administrative record, which are either attached to these findings or are readily available for review at the County.

B. The Applicant and the Proposed Project

The applicant is Lawson's Landing, Inc. The Master Plan, Coastal Permit, and Tidelands Permit review and approval process will result in a conceptual plan that sets forth land uses, locations and intensities, and other relevant standards and conditions pertaining to the project and will serve to guide future submittal of precise project plans, including site and structural improvements, for subsequent County review.

The total area of proposed campsite-related development on the 940 to 960 acre property in the MPA, according to the applicant, is limited to approximately 245 acres. Although individual elements take up far fewer acres, the aggregate area encompassed by all campground improvements (including, for example, water tanks and wastewater

treatment) totals 245 acres. The MPA would reduce the total proposed camping area from 82.6 acres to 39.4 acres (a 52 percent reduction in area), affecting the areas identified as wet meadow, wetlands, wetland buffers, and dune grasslands. The 1998 Master Plan proposal of 1,000 campsites would be reduced to a maximum of 650 in the MPA, a 35 percent reduction in campsites.

The following provides a summary of the proposed uses in the eight subareas of the property proposed for various campground uses, and additional areas for ancillary facilities such as water and sewer.

1. Area 1 – Sea Wall is proposed in the MPA for approximately 100 travel trailers and recreational vehicles (RV) on 4.6 acres. No rigid structures will be allowed except for vehicle skirting. Temporary fabric-sided windscreens will be allowed outside the vehicle.

2. The number of travel trailers currently located in the approximately 12-acre Area 2 – Landing are proposed to be reduced from 233 to 213, an 8.6 percent reduction. Additionally, the applicant is in the process of finalizing the removal of approximately 120,000 square feet of additions that have been made to the trailers over the years. Trailer additions will be limited to a shed addition with a maximum area of 35 square feet, and a deck or porch. All mobile homes/travel trailers will be required to be fully mobile and maintain a current vehicle license. Removal of derelict trailers and disallowed appurtenances in Area 2 will create space for 50 additional RV spaces, available for short-term use, resulting in an increase from 233 to 263 in the total number of lots available in Area 2 for travel trailers and RVs combined (a 12.9% increase).

   Day use parking is proposed to be reduced from the 1998 Master Plan's 200 vehicles to the MPA's 100 vehicles. Boating facilities and the associated pier and poles are proposed to continue in the State-leased area, with approximately 16 to 35 vessels moored from June through September, and approximately 2,000 vessels launched from the beach annually. The store/shop will be substantially reduced in area, with primary retail and fuel pumping relocated to the Lawson's Center upland location away from the waterfront.

   Permanent residential use is proposed to be changed in the MPA. Whereas the 1998 MP proposed two new houses, to be added to the seven permanent homes currently occupied by the owners, their families, and their employees, the MPA is now eliminating any additional homes. The MPA also notes the current presence of 20 "permanent trailers", trailers that are presently occupied on a fulltime basis by 12 current employees, the rest by former employees or by members of the local workforce.

3. Use of Area 3 - Sand Point currently features some travel trailer and RV usage. Under the MPA, use of this area is proposed to be expanded to a maximum of approximately 100 travel trailers and RV's on approximately 8.1 acres.

4. Camping area will be reduced in the main meadow from current levels of approximately 43 acres to 5 acres in the MPA's proposed Area 4 – Meadow campsites. These camping areas will be located in various upland Pennisetum grassland areas adjacent to the main access road. Use will be limited to seasonal RV and tent camping.

5. The area comprising Area 5 - Gateway currently features seasonal RV and tent camping. Area 5 – Gateway proposes 50 RV spaces on approximately 2.1 acres.

6. The existing quarry operations area and buildings are proposed to be converted into a new, approximately 4.7-acre Area 6 - Lawson's Center, containing the main store, administrative offices, employee housing, a recreation center, boat sales and repair, and fuel service and storage. The majority of these uses will be relocated from the area near the pier, away from the shoreline and out of the earthquake and tsunami hazard areas.

7. Upon MPA implementation, approximately 150 RV campsites are proposed to be relocated from the meadow area to approximately 7.6 upland acres, identified as Area 7 - Upland, and Area 8 - Sand Haul Road, east of and uphill from the Gateway. These would be new camping areas.

A revised waste water/septic system is proposed to be located in an upland location outside of the mobile dunefields that has been determined to be feasible. Proposed in the Scale House Hayfield and Scale House West Pasture areas, the system would consist of approximately 2 acres of leachfield area and 6 acres of drip irrigation. All wastewater producing or receiving facilities would be connected to a community sewer line running to the disposal area. Cattle would be kept out of these pasture areas during the wet season. A pump station is proposed near the entry to lift the wastewater to the treatment facility.

As interim measures, the existing wastewater disposal systems are being evaluated by a wastewater consultant. The functioning status of all systems will be evaluated, and maintenance/corrective work done on obvious problem systems. Work will be conducted in two phases, with the first phase efforts focused on highest priority areas such as public rest rooms, the store and office, the laundry, and mobile homes with permanent or regular occupancy or are located near internal drainage swales. In the second phase, all other systems will be evaluated and addressed. All interim work is scheduled to be completed by Spring 2009.

Water supply and storage facilities will utilize groundwater on the property. Proposed water supply improvements include two new 100,000 gallon tanks, preliminarily proposed to be located near the existing tanks, although the applicant has expressed a willingness to be responsive to site-specific constraints, including proximity to wetlands.

The MPA will substantially reduce daily trips and congestion due to the 35 percent reduction in onsite campsites, and 50 percent reduction in day users. Per the FEIR, the entry Gateway will widen the vehicle accessway to 3 lanes inbound with one lane outbound. The MPA has been amended to include the FEIR's widening of three Cliff Street turns.

Traffic management is also considered in the Revised MPA, where an alternative being considered is utilization of Sand Haul Road during peak traffic periods (e.g., spring to fall holidays and peak weekend periods). This option would depend on an engineering study determining its feasibility, and what modifications might be necessary. At a minimum, Sand Haul Road will be upgraded adequately to serve as an emergency vehicle accessway.

An existing road crossing the wet meadow to access the Sand Point area is proposed to be abandoned for motor vehicular purposes, although left useable for bicyclist and pedestrian use.

The MPA will comply with EIR recommendations concerning earthquake- and tsunami-proofing all structures. A siren warning system is proposed, and all construction will fully comply with relevant building standards. Full mobility amongst the travel trailers and mobile homes will potentially facilitate relocation to minimize tsunami and earthquake risk. Emergency evacuation is proposed to continue to use Sand Haul Road as an option.

Natural Resource Management Plans are important components of the MPA and the County's review. The MPA includes a variety of approaches for management of natural resources. The first involves the overall reductions in campground operations, including relocation out of the wetlands. An Adaptive Management Plan (AMP) approach has been proposed by the applicant to manage the site's natural resources. Given the wide array of special status species, potentially different management approaches for those species, and the dynamism of the ecosystems on the site, the applicant believes the adaptive management approach best suits the property and its resources. An AMP proposal outline has been submitted and discusses the wetlands, dunes and beachgrass, and special status species management in this context. The MPA also includes a public education component about its resources.

The MPA includes a Proposal for a Grazing Management Plan. One of the stated purposes for the Grazing Management Plan is what effects grazing has on plant communities on the site – which ones benefit from

grazing and which do not. This is incorporated into the Proposal's preliminary grazing management objectives. A Certified Rangeland Manager is proposed to assist in preparation of the Grazing Management Plan.

Construction and Utilities are proposed to comply with the FEIR's mitigations with respect to noise, traffic, construction periods, locations, and water and air quality Best-Management-Practices (BMPs).

C. The Revised MPA

The Revised MPA is based on the applicant's MPA and will provide one cohesive approval of all uses which have historically operated on the property and will confirm consistency with the Local Coastal Program, the Dillon Beach Community Plan and Marin County zoning requirements. The Revised MPA is considered for approval by the Board of Supervisors. The Findings described below address the environmental effects of the Revised MPA. Differences between the description of the applicant's MPA and the Revised MPA are summarized below.

The Revised MPA would reduce the intensity and location of the proposed camping uses by allowing up to 533 recreational vehicle ("RV")/trailer/tent sites with potential for additional sites in Area 8 subject to approval of a Precise Development Plan, where 863 are proposed, and restricting the maximum number of recreational lots in each of the existing and potential use areas. The Revised MPA would also reduce the number of sites located within the designated buffers. The Revised MPA would also impose additional requirements for implementation of an interim/phased plan that would reduce the maximum number of recreational lots to 634 while implementing requirements from an adaptive management plan, grazing management plan, and traffic and circulation management plan. (Please refer to Exhibit "3" for a detailed description of the Revised MPA.)

D. Defined Terms

To provide consistency in the use of terms and to increase readability, these findings often provide short terms for certain longer, more encompassing terms or concepts. Unless the context requires a different meaning, any term or phrase used in these findings which uses initial-letter capitalization shall have that meaning given to it by these findings. Certain such terms and phrases are referenced below, while others are defined where they appear in the text of these findings.

Applicant – Lawson's Landing, Inc.

CEQA - The California Environmental Quality Act: Public Resources Code §21000 et seq.

Condition - An adopted Condition of Approval for the Lawson's Landing Project contained in "Exhibit 3" of the approval resolution and incorporated herein by reference.

County - The County of Marin.

Countywide Plan - The *Marin Countywide Plan*, which is the County's General Plan indicating land use designations and plan policies.

EIR - The term "EIR" (environmental impact report) is a general reference to the Final Environmental Impact Report, and other documents incorporated by reference into the Final EIR, including the Appendices and other documents incorporated by reference into the Final EIR.

Mitigation Measures - CEQA requires that, where feasible, significant impacts of a project be avoided or mitigated. Measures to avoid or mitigate such impacts are referred to herein as Mitigation Measures.

MMRP - The term "MMRP" (Mitigation Monitoring and Reporting Program) refers to a mitigation monitoring program that is adopted if a project is approved with an EIR that identifies significant environmental impacts pursuant to Public Resources Code §21081.6. The MMRP, derived from Appendix C of the EIR and contained in "Exhibit 4" of the approved resolutions and incorporated herein by reference, is designed to ensure project compliance with adopted Mitigation Measures during project implementation.

Proposed Project - The Lawson's Landing development. This is the "project" pursuant to CEQA §21065 and State CEQA Guidelines §15378.

State CEQA Guidelines - The State regulations implementing CEQA; California Code of Regulations, Title 14, Chapter 3 §15000 et seq.

E. Severability

If any term, provision, or portion of these findings or the application of same to a particular situation is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of these findings, or the application of the same to other situations, shall continue in full force and effect unless amended or modified by the County.

F. Program EIR

The EIR serves as a program EIR as provided in the State CEQA Guidelines Section 15168. As such, its purpose is to consider the environmental effects of the whole of the Proposed Project, consider alternatives to the entire project, and examine cumulative impacts of the collection of proposed facilities and resource management actions that make up the Proposed Project. A program EIR is typically prepared on a

series of actions that can be characterized as one large project. A program EIR can be used with plans or other general criteria (such as a Master Plan), to govern the conduct of an ongoing program. A program EIR can also be used as a first tier EIR that covers the general impacts of a plan or program. The level of detail in this type of EIR need not be greater than the detail of the plan or program being analyzed. When the development of detailed, site-specific information may not be feasible in this more general first-tier, program-level analysis, it may be deferred until a more detailed site-specific project is proposed (such as a Precise Development Plan) which may require further environmental documentation at that time, as long as an adequate environmental review of the overall plan is provided in the first tier of review.

The planning and project review process of Marin County provides for various development permit applications, including but not limited to Master Plans, Use Permits, Tentative and Final Subdivision Maps, Coastal Permits, Precise Development Plans, Improvement Plans, and grading and building permits. A project sponsor may file development applications necessary for a project concurrently or in stages at succeeding steps of the planning and development process, such as through subsequent, detailed, specific design-level plans required for a Precise Development Plan application. As a program EIR, the EIR was prepared to simplify the task of preparing environmental documents on subsequent parts of the program by providing the basis for an initial study for determining whether the later activity may have any significant effects, by incorporating the EIR by reference to address secondary effects, cumulative impacts, and other factors that apply to the program as a whole, and to focus on a subsequent project to permit discussion solely of new effects which had not been considered at the level of the program EIR. The program EIR complies with the provisions of State CEQA Guidelines §15168.

II. COMPLIANCE WITH CEQA

WHEREAS the Board of Supervisors has reviewed and considered the administrative record of the procedural history for the Proposed Project and Revised MPA, and finds, as supported by the record, that it has complied with all requirements of CEQA.

III. MITIGATION MEASURES AND CONDITIONS OF APPROVAL IN FULL

WHEREAS the Board of Supervisors has modified the Proposed Project, by the approval of the Revised MPA and adoption of Conditions of Approval (Exhibit 3), Mitigation Monitoring and Reporting Program (Exhibit 4), and these findings, to attempt to avoid or mitigate to a less-than-significant level all environmental impacts, and to otherwise consider, address and resolve all of the environmental concerns raised during public review of the EIR. Each finding made by the Board of Supervisors is set forth under the caption "CEQA §21081(A) Finding;" the discussion under the caption "Evidence Supporting the Finding" contains substantiating information about the mitigation that is provided and how it reduces the significant impact. Therefore, the

Board of Supervisors finds that the specific references to Mitigation Measures and Conditions of Approval provided herein are intended to indicate where the particular measure or condition can be found, and not to indicate that adoption of the precise mitigation or condition is limited to the information in the findings, where instead, the referenced Mitigation Measures and Conditions of Approval are adopted in full.

IV. CONCURRENCE WITH POTENTIAL IMPACTS DETERMINED TO BE LESS-THAN-SIGNIFICANT IMPACTS WITHOUT NEED FOR IMPOSITION OF MITIGATION

WHEREAS the Board of Supervisors has reviewed and considered the information in the EIR, including those chapters that address environmental effects, mitigation measures, and alternatives. Therefore, the Board of Supervisors, relying on the facts and analyses in the EIR, concurs with the conclusions of the EIR regarding the less-than-significant environmental impacts with regard to the Revised MPA.

V. CEQA §21081(a) FINDINGS REGARDING SIGNIFICANT IMPACTS

WHEREAS the EIR recommends specific mitigation measures to reduce these impacts to a less-than-significant level, and the Board of Supervisors has certified the EIR as being adequate according to CEQA, and the Board of Supervisors has reviewed and considered the information in the EIR and in the entire record; therefore, the Board of Supervisors makes specific findings, as follows, for each significant impact, pursuant to CEQA §21081(a), based not only on the EIR, but on the evidence in the entire record, including all written and oral testimony.

According to CEQA §21081, as amended by Chapter 1294 of the Statutes of 1994, no public agency shall approve or carry out a project for which an environmental impact report has been certified which identified one or more significant effects on the environment that would occur if the project is approved or carried out unless both of the following occur:

a. The public agency makes one or more of the following findings with respect to each significant effect:

    1. Changes or alternations have been required in, or incorporated into, the project, which mitigate or avoid the significant effects on the environment (referred to herein as: "Finding 1: The impact is mitigated to a less-than-significant level").

    2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency (referred to herein as "Finding 2: Another public agency can and should mitigate the impact.")

The following facts, findings, and substantial evidence supporting the Findings related to significant effects of the Revised MPA do not repeat the full analysis of impacts and description of mitigation measures contained in documents making up the administrative

record. Instead, the following discussion specifically references particular sections in the EIR that contain such information. The referenced documents are either included or attached herein, or are readily available to the public for review at the Marin County Community Development Agency - Planning Division, 3501 Civic Center Drive, Room 308, San Rafael, California. The numerical assignments used in these facts, findings, and substantial supporting evidence correspond exactly to the numbering system used in the EIR.

IMPACT 4.4-3: FEASIBILITY OF LONG-TERM OPERATION OF WASTEWATER TREATMENT AND DISPOSAL SYSTEM

Facts

The EIR found that it is uncertain if the proposed sand dune stabilization methods could feasibly stabilize the onsite dunes to prevent the sand dune from shifting and causing the leachfield to fail. Potentially significant health hazard impacts could result if the public is exposed to untreated effluent if the system fails.

CEQA §21081(A) FINDING

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Implementation of mitigations to relocate the proposed leachfield and access road to the recirculating sand filter system to a non-sand dune location, such as in the northern portion of the site, would mitigate the impact to a less-than-significant level.

IMPACT 4.5-2: EXPOSURE OF PEOPLE TO WATER-RELATED HAZARDS

Facts

The EIR found that the project would construct new facilities within areas designated by FEMA as subject to minimal flooding. Onsite recreational activities associated with the use of the facilities could result in the potential exposure of people or structures to hazards associated with flood events.

CEQA §21081(A) FINDING

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

The EIR identified a mitigation that would require all construction within the delineated floodplain to adhere to Marin County's Flood Plain Management Ordinance which requires that the lowest floor of new and substantial improvements be at or above the Base Flood Elevation (BFE) for non V designated areas. This would mitigate the impact to a less-than-significant level.

IMPACT 4.5-4: CONSTRUCTION-RELATED WATER QUALITY DEGRADATION

Facts

Temporary construction-related ground disturbances could result in the discharge of stormwater and non-stormwater discharges containing pollutants to drainage systems and ultimately to Tomales Bay, causing water quality impacts.

CEQA §21081(A) FINDING

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Mitigations identified in the EIR would require the applicant to implement erosion and sedimentation Best Management Practices in conformance with Chapter 23.08 of the Marin County Code in order to control stormwater and protect surface water quality including Dillon Creek and Tomales Bay. This would reduce the potential impact to a less-than-significant level.

IMPACT 4.5-5: INCREASED OFF-SITE SURFACE RUNOFF

Facts

The EIR found that runoff from isolated areas of the project site could carry contaminants to local waterways. If runoff is uncontrolled and not treated, the discharge could adversely affect the water quality of these waterways.

CEQA §21081(A) FINDING

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

The EIR identified a mitigation that would require the project's drainage system to incorporate devices that treat stormwater runoff to preproject conditions. Such devices may include, but not be limited to, biofilter strips, vegetated channels, or wet ponds. Incorporation of these stormwater treatment devices would reduce the degree of impact to less-than-significant.

IMPACT 4.5-12: CUMULATIVE CONSTRUCTION-RELATED WATER QUALITY DEGRADATION

Facts

The EIR found that soils would be exposed to wind and water erosion that could result in sediment or other contaminants being carried to Dillon Creek, Tomales Bay, and the Pacific Ocean when considering the effects of the Proposed Project with other projects cumulatively.

CEQA §21081(A) FINDING

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Mitigations identified in the EIR would require the applicant to implement erosion and sedimentation Best Management Practices in conformance with Chapter 23.08 of the Marin County Code in order to control stormwater and protect surface water quality including Dillon Creek and Tomales Bay. This would reduce the potential impact to a less-than-significant level.

IMPACT 4.6-1: IMPACTS OF STABILIZING DUNES ON DUNE PROCESSES

Facts

The proposed leachfield site and the access road to the recirculating sand filter system lie within areas of actively moving sand dunes of high instability. Stabilizing the dunes could lead to unnatural fragmentation of the active dune areas, which could in turn influence the short- and long-term development of the dune system at the project site.

CEQA §21081(A) FINDING

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

The EIR identified a mitigation that would require the applicant to relocate the proposed leachfield and access road to the recirculating sand filter system to a non-sand dune location, such as in the northern portion of the project site. Three potential alternate locations for the leachfield and sand filter system were identified during the EIR preparation and are presented in Exhibit 4.6-10 of the EIR. Preliminary evaluation of these locations indicates that from a dune stability and viability standpoint these locations would eliminate the impacts of the proposed leachfield on the dune system, because they would be located outside even the most stable sand dune areas. A preliminary engineering review of the potential alternate locations indicates that based on the soil types, slopes, and erosion hazards present in these areas, construction of a septic tank and leachfield system would be feasible as long as the leachfield were located in areas with less than 15% slope. Construction of a leachfield in this location would require the installation of force main piping and a pump station to pump wastewater from Sand Point to the alternate location.

Based on preliminary environmental review of these alternate locations, the EIR found that no new sensitive habitat or species would be adversely affected. Further, because of the existing roadways near these locations, it is likely that construction of a new access road to the leachfield would not be required. Therefore, the impact would be reduced to a less-than-significant level.

IMPACT 4.6-2: IMPACTS OF PROPOSED PATHWAYS ON FOREDUNE SYSTEM

Facts

The EIR found that the formal pedestrian pathways could result in the development of dune blowouts.

CEQA §21081(A) FINDING

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

The EIR identified mitigation measures that would require the applicant to plan and design the trails in the foredune system to reduce the potential for the development of dune blowouts onsite to reduce the impact to a less-than-significant level. Specific actions include the following:

(a) All pedestrian paths crossing the primary foredune for the entire length of the planning area shall be planned and designated in coordination with a coastal geomorphologist and approved by the County of Marin. At each designated site, pathways shall be planned for naturally low elevation "passes" through the ridge, or other locations where erosion potential is lowest.

(b) In consultation with a coastal geomorphologist, pedestrian pathways through the primary foredune shall be oriented in a southwesterly direction, so that strong winds do not create sand blowouts in the dune face. Paths shall be planned to follow topographically low routes, minimize sharp turns and avoid steep pitches. The design of the paths should include consideration of a meandering zig-zag design to minimize the linear surface area that would be exposed to the northeast winds.

(c) In consultation with a coastal geomorphologist, all entry paths through the primary foredune shall be monitored for geomorphic or vegetative changes or signs of deterioration. Monitoring techniques could include, but not be limited to, ground photo points, aerial photographs, and physical measurement. Other forms of monitoring may be required, as determined by the coastal geomorphologist and approved by the County of Marin.

(d) Paths that cannot be stabilized or that do not remain stable during their use shall be closed and the area restored in consultation with a coastal geomorphologist and as approved by the County of Marin.

(e) Designated pathways shall be fenced to prevent off-trail pedestrian activities and bovine traffic. Fencing can be used to cordon off foredunes in high-use areas where recreational activities are not permitted. Fencing with signs indicating dune protection or other similar language shall be used.

(f) Provide public education on sand dune processes and reasons for protection through signs, displays at key access points, brochures for beach and dune users, and/or presentations to organized user groups.

Implementation of the above measures would reduce the impact to a less-than-significant level.

IMPACT 4.6-3: INCREASED RISKS OF SURFACE FAULT RUPTURE

Facts

The EIR found that the proposed boathouse is located in an area of secondary deformation where additional displacement could occur due to the site's location in the Alquist-Priolo Earthquake Hazards Zone.

CEQA §21081(A) FINDING

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

The EIR identified a mitigation that would require the applicant to secure a California-certified engineering geologist and civil engineer to provide the project structural engineer with seismic design criteria and recommendations based on state and county regulations for development in areas exposed to moderate to severe earthquakes. This would reduce the degree of impact to less-than-significant.

IMPACT 4.6-11: CUMULATIVE GEOLOGIC IMPACTS

Facts

The EIR found that the project would increase the number of facilities that would support and continue camping activities in tsunami and fault hazard areas.

CEQA §21081(A) FINDING

Finding 1: The project has been modified to avoid an increase in facilities that support and continue camping activities in tsunami and fault hazard areas. For example, the Lawson's Landing center and store will be relocated to an upland location outside of tsunami run-up and Alquist-Priolo areas.

Evidence Supporting the Finding

The Revised MPA provides for relocation of the Lawson's Landing Center and store from Area 2 Landing to Area 6 Lawson's Center.

IMPACT 4.6-12: CUMULATIVE DUNE IMPACTS

Facts

The EIR found that the project in combination with cumulative projects would result in cumulative development of the Tomales Bay shoreline areas, which could result in significant cumulative impacts related to dune systems as a whole in the region. Further, the project would result in the continuation of recreational activities at the site which would contribute to the degradation of on-site sand dunes. These activities create an existing adverse baseline condition to which the project contribution would result in a significant cumulative dune impact.

CEQA §21081(A) FINDING

Finding 1: This impact is mitigated to a less-than-significant level through implementation of the Revised MPA which significantly reduces the level of camping and recreational activities at the project site.

Evidence Supporting the Finding

Existing camping and recreational activities are part of the baseline condition against which project impacts are measured, and the Revised MPA will substantially reduce the levels and resulting impacts of those activities. The Revised MPA will reduce campground levels from their current 1,000 camping visitors, 200 day users, and 233 permanent travel trailers to a maximum of 533 camping lots and 200 day users with potential for additional sites in Area 8 subject to approval of a Precise Development Plan. These levels of use are comparable to those evaluated by the EIR through the Reduced Project Alternative. The Reduced Project Alternative reduces by one-third the number of existing campsites, trailers, and day users and retains other project components similar to those in the Revised MPA. The EIR found that the Reduced Project Alternative would reduce the existing significant cumulative baseline sand dune impacts. The reduced levels of recreational use, relocated sewage treatment system, and conditions under which the campground will operate, compared to the previously-proposed project, will reduce the impact to a less-than-significant level.

IMPACT 4.8-1: INCREASED ROADWAY CONGESTION FROM CONSTRUCTION TRAFFIC

Facts

The EIR found that construction traffic could result in adverse traffic effects on a daily basis during peak construction periods.

CEQA §21081(A) FINDING

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

A mitigation identified in the EIR would require the applicant to prepare and implement a construction traffic control plan for all construction activities associated with the project in order to reduce the impact to a less-than-significant level.

IMPACT 4.8-3: INCREASED TRAFFIC CONGESTION

Facts

The EIR found that the project's minor contribution of daily trips would result in a significant traffic hazard impact because of the existing substandard design of Cliff Street.

CEQA §21081(A) FINDING

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

The EIR included a mitigation that would require Cliff Street to be widened to the extent of the existing right-of-way at the three sharp curves to soften the curves and improve sight distances. This would reduce the impact to a less-than-significant level.

IMPACT 4.8-4: EMERGENCY VEHICLE ACCESS

Facts

The EIR found that the project would continue to provide inadequate emergency access routes to the project site because a secondary public emergency access point for public evacuation is not provided.

CEQA §21081(A) FINDING

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

The EIR identified a mitigation measure that would require emergency access improvements to Sand Haul Road that would designate and improve the road (i.e., grade/paved) within its existing alignment as an alternative public emergency access route. Improvements to Sand Haul Road shall include grading, graveling, or paving of certain sections of the alignment to provide a smooth traveling surface for passenger cars to travel easily. Signs and placards showing the emergency route along Sand Haul Road shall be installed by the applicant and posted in appropriate locations. Implementation of this mitigation measure would reduce the impact to less-than-significant.

IMPACT 4.8-7: DEGRADATION OF LOS AT UNSIGNALIZED INTERSECTIONS

Facts

The EIR found that under cumulative plus project conditions, the project would contribute vehicle trips to an existing adverse traffic condition along Cliff Street.

CEQA §21081(A) FINDING

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Widening of Cliff Street would reduce existing traffic congestion that occurs along Cliff Street and would further improve the operation of this roadway. Further, Mitigation Measure 4.8-4 would improve Sand Haul Road for emergency access by the public and emergency vehicles thereby improving emergency access to and from the project site. Although periods of congestion may still occur, the project would reduce its contribution to cumulative congestion impacts along Cliff Street to a less-than-significant level.

IMPACT 4.9-1 SHORT-TERM EMISSIONS FROM CONSTRUCTION ACTIVITIES

Facts

The EIR found that the project would result in short-term generation of fugitive dust, equipment exhaust, temporary employee trip emissions, and other construction-related emissions. These short-term emissions could result in or contribute to a violation of applicable air quality standards.

CEQA §21081(A) FINDING

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

The EIR identified a mitigation measure that would require the project to comply with BAAQMD-recommended Basic, Enhanced, and Optional Control Measures as well as all applicable BAAQMD rules and regulations, specifically Rule 8-3 regarding architectural coatings, Rule 8-15 regarding asphalt paving, Rule 11-2 regarding demolition, and Regulation 6 regarding particulate matter and visible emissions. Implementation of these measures would reduce construction-generated emissions and render the impact less-than-significant.

IMPACT 4.10-1 CONSTRUCTION-GENERATED NOISE

Facts

The EIR found that the location of construction activities and the equipment used may result in increases in average daily noise levels that potentially exceed the County's land use compatibility noise thresholds at nearby noise-sensitive receptors and result in an increase of average daily noise levels of 3 dBA or greater.

CEQA §21081(A) FINDING

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Implementation of the following mitigations from the EIR would reduce the impact to less-than-significant: (1) Construction activities shall adhere to the Dillon Beach

Community Plan requirements with respect to hours of operation: Heavy or otherwise "noisy" construction equipment (e.g. bulldozers, backhoes, scrapers/graders, heavy trucks, compactors, pavers, and pneumatic tools) should be operated during the hours of 8 a.m.-5 p.m. only, Monday through Saturday. Construction activities shall be prohibited on Sundays and holidays; (2) equipment engine doors on motorized equipment shall be closed during equipment operation; (3) all construction equipment shall be equipped with mufflers; (4) when not in use, motorized construction equipment shall not be left idling; and (5) stationary noise-generating construction equipment (e.g., generators and compressors) shall be located the greatest distance possible from nearby noise-sensitive land uses.

IMPACT 4.12-1 POTENTIAL DESTRUCTION OF OR DAMAGE TO KNOWN CULTURAL RESOURCES

Facts

The EIR found that disturbance to potential resources at the site of the proposed mobile home and leachfield could result in a significant impact.

CEQA §21081(A) FINDING

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

The Revised MPA eliminated the proposed mobile home and relocated the leachfield to an upland location. These changes would eliminate the identified impact to potential cultural resources entirely. As a precaution, the EIR identified general mitigation measures that would require a qualified professional archaeologist to be retained to monitor all ground-disturbing activities, to evaluate materials that may be uncovered, and to advance mitigation measures depending on the potential significance of the finds.

IMPACT 4.12-2 POTENTIAL DESTRUCTION OF OR DAMAGE TO PREVIOUSLY UNDISCOVERED CULTURAL RESOURCES

Facts

The EIR found that subsurface disturbances could potentially destroy or damage previously undiscovered important prehistoric and historic cultural resources.

CEQA §21081(A) FINDING

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

The EIR identified a mitigation that would require the applicant to prepare and implement a Monitoring Plan and to halt ground-disturbing activities in the event of accidental discovery of a cultural resource. Implementation of this mitigation would be undertaken

by a qualified archaeologist approved by Marin County. If cultural resources are discovered during construction, construction activities shall halt and the property owner will be notified regarding the discovery. The archaeologist shall evaluate the resource in accordance with state and federal guidelines and shall determine whether the resource is significant. All archaeological excavation and monitoring activities shall be conducted in accordance with prevailing professional standards as outlined in Section 21083-2 of CEQA. Mitigation in accordance with a plan approved by the Marin County Community Development Agency shall be implemented prior to commencement of work within the area of the resource find.

IMPACT 4.12-3 POTENTIAL TO UNCOVER HUMAN REMAINS

Facts

The EIR found that subsurface disturbances could uncover previously undiscovered prehistoric burials.

CEQA §21081(A) FINDING

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

The EIR identified a mitigation measure that would require the applicant to stop work if human remains are uncovered during construction, to assess the significance of the find, and to pursue appropriate management consistent with state law. Implementation of this mitigation measure would reduce the impact to less-than-significant.

IMPACT 4.12-4 CUMULATIVE IMPACTS ON PREHISTORIC RESOURCES

Facts

The EIR found that subsurface disturbances could potentially uncover previously unknown prehistoric resources on the cumulative project sites.

CEQA §21081(A) FINDING

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Implementation of Mitigation Measures 4.12.2 and 4.12-3 on a project-by-project basis would reduce significant cumulative impacts to archaeological resources to a less-than-significant level.

IMPACT 4.13-1 IMPACTS ON SENSITIVE HABITATS

Facts

The EIR found that implementation of the project could result in the removal, disturbance, or degradation of sensitive habitats on the project site.

CEQA §21081(A) FINDING

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

The applicant has modified the project to relocate the wastewater treatment facility to the northern portion of the project site outside of the on-site sand dunes. This would reduce the impact to a less-than-significant level.

IMPACT 4.13-2 IMPACTS ON SPECIAL-STATUS PLANTS

Facts

The EIR found that the project could result in the disturbance or removal of special-status plant species and their associated habitat, and could substantially reduce the number or restrict the range of endangered, rare, or threatened species.

CEQA §21081(A) FINDING

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

The EIR identified mitigation measures that would reduce the potential impact on special-status plant species to a less-than-significant level by requiring the applicant to retain a qualified botanist to conduct preconstruction, focused surveys to confirm the location of suitable habitats and to develop and implement a plan that would avoid all plant populations that are found subject to review by the Department of Fish and Game and the U.S. Fish and Wildlife Service.

IMPACT 4.13-3 IMPACTS TO WETLANDS

Facts

The EIR found that site grading or other activities during the construction of the proposed improvements could result in disturbance or fill, to waters of the United States, including wetlands and coastal wetlands.

CEQA §21081(A) FINDING

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

The EIR identified mitigation measures that are designed to avoid impacts on coastal and Section 404 wetlands and other waters of the United States in order to render the impact less-than-significant. This includes implementing measures that would avoid disturbance or fill of protected coastal wetlands and obtaining approval from the State Department of Fish and Game, Regional Water Quality Control Board, the Army Corps of Engineers, and other permitting agencies for any work that falls within the appropriate agency's jurisdiction.

IMPACT 4.13-4 IMPACTS TO SPECIAL-STATUS WILDLIFE

Facts

The EIR found that implementation of the project could result in disturbance or removal of coastal dunes, coastal scrub, and wet meadow habitats that could provide habitat for a number of special status wildlife species.

CEQA §21081(A) FINDING

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

The EIR found that mitigation measures can be implemented to minimize and mitigation impacts on the California Red-legged Frog and special status invertebrates to render the impact less-than-significant. This includes conduct of pre-construction habitat surveys and implementation of measures that would avoid disturbance of the identified habitat and mitigate for any disturbance of the habitat, consistent with the requirements of the Department of Fish and Game and the United States Fish and Wildlife Service.

IMPACT 4.13-5 IMPACTS TO SENSITIVE HABITATS, INCLUDING COASTAL WETLANDS

Facts

The EIR found that the project could contribute to cumulatively significant impacts on sensitive habitats and wetlands in the coastal zone.

CEQA §21081(A) FINDING

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Implementation of mitigation measures to mitigate impact 4.13-3 would reduce project-related impacts to special-status plants and wildlife to less-than-significant levels. Because adverse camping activities were part of the baseline conditions, no other feasible mitigation is available to reduce this impact.

IMPACT 4.13-6 CUMULATIVE IMPACTS TO SPECIAL-STATUS SPECIES

Facts

The EIR found that the project could contribute to cumulatively significant impacts on special-status plant and wildlife species.

CEQA §21081(A) FINDING

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Implementation of mitigation measures in response to Impacts 4.13-2 and 4.13-4 above would reduce project-related impacts special-status plants and wildlife to less-than-significant levels.

VI. FINDINGS REGARDING PROJECT ALTERNATIVES

A. CEQA Alternatives Analysis

CEQA and the State CEQA Guidelines require that an EIR "[d]escribe a range of reasonable alternatives to the project, or to the location of the project, which could feasibly attain the basic objectives of the project." (State CEQA Guidelines 15126[d]). The EIR evaluates and compares several alternatives to the project, and the Board of Supervisor's findings regarding these alternatives are set forth below.

B. Definition of Feasibility of Alternatives

Public Resources Code §21081(b)(3) provides that when approving a project for which an EIR has been prepared, a public agency may find that "[s]pecific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report." Under Public Resources Code §21061.1, the term "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

C. Environmentally Superior Alternative

The EIR discusses which alternative is environmentally superior, based on the alternatives analysis. The EIR concluded that the Reduced Alternative is environmentally superior to the project and all other alternatives because it would meet most (but not all) of the project objectives and avoid the project cumulative impacts. The applicant's MPA is intended to implement a combination of the Reduced and Reconfigured Alternative, while the Revised MPA that is recommended for approval would incorporate additional refinements to the MPA to reduce both cumulative impacts that were identified in the EIR to a less-than-significant level and to correct adverse use baseline conditions associated with existing long-term uses.

D. Findings on Feasibility of Alternatives

The EIR examined six alternatives to the Proposed Project, including the No Project Alternative - Continued Existing Conditions; Modified No Project Alternative; Reduced Project Alternative; Reconfigured Uses Project Alternative; Mitigated Project Alternative, and Mixed Use Project Alternative.

After the Board of Supervisors certified the Final EIR for the project, the applicant submitted a Master Plan Alternative (MPA) that is intended to incorporate the Reduced Alternative from the EIR and includes some aspects of other EIR alternatives, such as the Reconfigured Uses Project Alternative and the Mitigated Project Alternative, to further address project baseline issues and accommodate project objectives. The applicant's MPA reduces potential impacts consistent with the EIR mitigations and comports most closely to the EIR's Reduced Project Alternative.

WHEREAS, for the reasons set forth below and considering the entire record, the Board of Supervisors hereby determines that the EIR presents a reasonable range of alternatives, in accordance with CEQA, and recommends approval of a project that refines the Reduced Project Alternative and further reduces the less-than-significant impacts of the Reduced Project Alternative. The Board of Supervisors has rejected the project as originally proposed and analyzed in the EIR. The Board of Supervisors further finds that the No Project Alternative - Continued Existing Conditions, Modified No Project Alternative, Reconfigured Uses Project Alternative, Mitigated Project Alternative, and Mixed Use Project Alternative, are less desirable, have greater potential impacts, or are infeasible based on analysis in the EIR. Each reason set forth below is a separate and independent ground for the Board of Supervisors' determination.

1. No Project Alternative - Continued Existing Conditions

Description of the Alternative

The "No Project Alternative-Continued Existing Conditions" is discussed at pages 6-7 through 6-9 of the EIR. The No Project Alternative-Continued Existing Conditions assumes that existing conditions at the site are continued. Thus, under this alternative, the existing baseline uses, including RV's and travel trailers, would continue to occupy sensitive habitat adjacent to or including wetlands. Other environmentally beneficial improvements associated with the Proposed Project, such as construction of onsite wastewater collection and treatment, traffic circulation improvements, adaptive management plan, environmental education, parcel merger, and relocation of Lawson's Center, would not be implemented under this Alternative. Other growth in the area projected in the Marin Countywide Plan would continue with the No Project Alternative-Continued Existing Conditions, but this alternative would not contribute to such cumulative development. This alternative would not foreclose any site development at a later date but assumes maintenance of the existing use *status quo* for the foreseeable future. Implementation of this Alternative would not result in the approval of a Master Plan to consolidate, plan, and control land uses on this site or result in authorization of any existing land uses at the project site.

Reasons for Rejecting the Alternative

The No Project Alternative-Continued Existing Conditions would not be the environmentally superior alternative, because it would not correct existing adverse use baseline environmental conditions, and would not result in the environmental benefits associated with the Reduced Project Alternative. This alternative would not meet basic project objectives.

2. Modified No Project Alternative

Description of the Alternative

The "Modified No Project Alternative" is discussed at pages 6-10 through 6-11 of the EIR. The Modified No Project Alternative assumes that no change would occur to the current conditions. However, some existing uses have not been authorized and may be found to be inconsistent with Countywide Plan and Local Coastal Program policies. Future enforcement actions taken by the County and other regulatory agencies could result in a reduction of current uses, to an unknown level. It is too speculative to conclude the extent to which regulatory compliance-driven changes would occur, so for environmental review purposes, existing conditions at the site would continue. Travel trailers would continue to occupy sensitive habitat in/near wetlands, and other environmentally beneficial improvements associated with the MPA, such as construction of onsite wastewater collection and treatment, traffic circulation improvements, adaptive management plan, environmental education, parcel merger, and

relocation of Lawson's Center, would not be implemented. Other growth in the area projected in the Marin Countywide Plan would continue with the Modified No Project Alternative, but this alternative would not contribute to such cumulative development. This alternative would not foreclose any site development at a later date but considers the possibility that maintenance of the existing use *status quo* would not continue indefinitely. Implementation of this Alternative would not result in the approval of a Master Plan to consolidate, plan, and control land uses on this site or result in authorization of any existing land uses at the project site.

Reasons for Rejecting the Alternative

The Modified No Project Alternative would not be the environmentally superior alternative, because it may not correct all of the existing adverse environmental conditions, and would not result in the environmental benefits associated with the Reduced Project Alternative. This alternative would also not meet several of the project objectives.

3. Reduced Project Alternative

Description of the Alternative

The "Reduced Project Alternative" is discussed at pages 6-11 through 6-14 of the EIR. The Reduced Project Alternative assumes that a reduced number of facilities would be constructed onsite and existing recreational activities at the site would be reduced by one-third. The alternative would also include construction of a new wastewater treatment system in a non-sensitive location. It would reduce the number of campsites to 677, the number of trailers to 155, and the number of day users to 133. The project would not result in construction of new water storage tanks or fire fighting capacity at the site. This Alternative would apply all EIR mitigations for the original Proposed Project that are still relevant to the revised reduced design and use concept for this alternative. Because of the reduced number of system users, wastewater treatment and disposal impacts would be reduced. The location of wastewater treatment facilities in a non-sand dune location would avoid the project's impacts from development in sensitive dune habitats. The project would result in similar levels of impacts associated with seismic and liquefiable soil conditions with current conditions, because uses would still be located in areas subject to such conditions. Tsunami and cumulative flood hazard impacts would be lessened with the reduced number of structures. This alternative would improve roadway design conditions in the local area, while at the same time reducing vehicle trips, so it would result in less traffic and circulation impacts. No new facilities would be constructed in wetlands. Implementation of this Alternative would result in the approval of a Master Plan and authorization of some existing land uses and proposed uses at the project site. This alternative further incorporates features and components of the EIR Reconfigured Uses Project Alternative and Mitigated Project

Alternative along with other conditions that will reduce cumulative impacts of adverse baseline uses.

Reasons for Approving the Alternative

The Revised Master Plan Alternative (Revised MPA) project most closely comports to the Reduced Project Alternative, with further refinements. It would result in further reductions in the existing baseline uses, with potential for up to 533 RV, travel trailer, and tent lots with potential for additional sites in Area 8 subject to approval of a Precise Development Plan. The Board of Supervisors finds that the Revised MPA better addresses existing baseline conditions and uses, further avoids or reduces cumulative impacts below the level of significance, furthers compliance with policy objectives and required findings for the Master Plan, Coastal Permit, and Tidelands Permit, better achieves project objectives, and enhances the environmental superiority of the Reduced Project Alternative. It would incorporate all EIR mitigations for the originally Proposed Project that are still relevant to the Revised MPA. It would have many environmental effects similar to the MPA, but would further reduce activities in sensitive wetlands and wetlands buffers. This alternative would meet most, but not all, of the project objectives, including an adaptive management plan environmental protection program, installing an uplands wastewater treatment system, and providing improvements to existing onsite recreational uses and facilities. Transportation and circulation impacts between the MPA and the Revised MPA would be very similar. As discussed further in the discussion of EIR mitigations, the Revised MPA either avoids potentially significant cumulative impacts or reduces them to less-than-significant.

4. Reconfigured Uses Alternative

Description of the Alternative

The "Reconfigured Uses Alternative" is discussed at pages 6-15 through 6-18 of the EIR. This alternative would relocate some of the facilities and structures onsite to avoid potentially significant and cumulative project impacts, for example, relocation of the wastewater treatment system to a non-dune location. The boathouse and associated activities (fueling, repair, etc.), as well as the laundry, would be located outside the San Andreas Fault deformation. Trailers and campsites would also be relocated and clustered in the least constrained areas of the site. Proposed facilities would be relocated in non-wetland areas. Cattle grazing would be relocated to areas east and north of active sand dunes. Implementation of this Alternative would result in the approval of a Master Plan and authorization of some existing land uses and proposed uses at the project site.

Reasons for Rejecting the Alternative

The Reconfigured Uses Alternative would present environmental tradeoffs compared to the Proposed Project. As fully implemented the Reconfigured Uses Alternative would create the potential for grading, biology, and cultural resource effects. The Alternative would not meet project objectives. As discussed above, both the MPA and the Revised MPA incorporate certain elements of the Reconfigured Uses Alternative (for example, relocation of the boathouse facilities, main store, laundry, and administrative offices would be relocated out of the San Andreas Fault deformation zone) which comport to project objectives and avoid environmental tradeoffs.

5. Mitigated Project Alternative

Description of the Alternative

The "Mitigated Project Alternative " is discussed at pages 6-18 through 6-21 of the EIR. The Mitigated Project Alternative would reduce the total number of campsites to 750, and would avoid potentially significant impacts associated with the originally Proposed Project, for example, a sand dune wastewater treatment facility and location of new facilities in the wetlands. With the Mitigated Alternative, the wastewater treatment system would be relocated to the northern portion of the project site, away from sensitive resources. Any new facilities would be located at least 100 feet away from any wetlands. The mitigated alternative would continue existing recreational activities at current levels (for example, 233 travel trailers, 200 day use visitors). Implementation of this Alternative would result in the approval of a Master Plan and authorization of some existing land uses and proposed uses at the project site.

Reasons for Rejecting the Alternative

The Mitigated Project Alternative would not fully avoid cumulative impacts associated with existing baseline conditions. For example, although the project would reduce the number of campsites, it would not relocate all existing campsites out of wetlands areas. This alternative would not achieve the level of environmental protection and environmental superiority of the Revised MPA reduced alternative identified above.

6. Mixed Use Project Alternative

Description of the Alternative

The "Mixed Use Project Alternative " is discussed at pages 6-22 through 6-25 of the EIR. The Mixed Use Project Alternative would allow an increase in day use visitors of up to 400 total, while reducing the total number of campsites to 500, and removing one-half of the travel trailers in Sand Point (116 travel trailers would remain). A small

market/gas station would be constructed near the entrance, and a 100-room/100-conference seat hotel/motel would be constructed in the northeastern portion of the project site. It would be uncertain what wastewater treatment facilities would be required for the new uses, however it is likely that the alternative would result in similar wastewater treatment and disposal impacts as the original project. The new facilities could introduce a source of new nighttime lighting to the surrounding area. Development of the hotel/motel could significantly intensify land uses resulting in a substantial change in the site's visual character. Operational trips associated with recreational activities would likely be similar to the original project. The Mixed Use Project Alternative would result in approval of a Master Plan and authorization of some existing land uses and proposed uses at the project site.

Reasons for Rejecting the Alternative

The Mixed Use Project Alternative would result in new, potentially significant water supply, wastewater treatment, and biological resource impacts. It would not meet all of the project objectives. This alternative would have greater potential impacts than the other alternatives considered, and is not environmentally superior.

"EXHIBIT 2"

FINDINGS FOR PROJECT APPROVAL AND FOR DETERMINATION OF PROJECT CONSISTENCY WITH THE MARIN COUNTYWIDE PLAN, DILLON BEACH COMMUNITY PLAN, AND THE LOCAL COASTAL PROGRAM UNIT II

Lawson's Landing Master Plan, Coastal Permit, and Tidelands Permit

I. WHEREAS the applicant, Lawson's Landing, Inc., submitted the Lawson's Landing Master Plan, Coastal Permit, and Tidelands Permit seeking approval of a conceptual plan that sets forth land uses, locations and intensities, and other relevant standards and conditions pertaining to the use of the 940- to 960-acre property that will guide future submittal of precise project plans, including site and structural improvements, for subsequent County review. In response to the EIR, the applicant revised the proposal through submittal of the 2008 Reconfigured and Reduced Master Plan Alternative ("MPA").

The total area of proposed campsite-related development on the property in the MPA, according to the applicant, is limited to approximately 245 acres. Although individual elements take up far fewer acres, the aggregate area encompassed by all campground improvements (including, for example, water tanks and wastewater treatment) totals approximately 245 acres. The MPA would reduce the total proposed camping area from 82.6 acres to 39.4 acres (a 52 percent reduction in area), affecting the areas identified as wet meadow, wetlands, wetland buffers, and dune grasslands. The 1998 Master Plan proposal of 1,000 campsites would be reduced to a maximum of 650 RV and 213 travel trailer campsites.

The following provides a summary of the proposed uses in the eight subareas of the property proposed for various campground uses, and additional areas for ancillary facilities such as water and sewer.

1. Area 1 – Sea Wall is proposed in the MPA for approximately 100 travel trailers and recreational vehicles (RV) on 4.6 acres. No rigid structures will be allowed except for vehicle skirting. Temporary fabric-sided windscreens will be allowed outside the vehicle.

2. The number of travel trailers currently located in the approximately 12-acre Area 2 – Landing are proposed to be increased from 233 to 263, a 12.9 percent increase. Additionally, the applicant is in the process of finalizing the removal of approximately 120,000 square feet of additions that have been made to the trailers over the years. Trailer additions will be limited to a shed addition with a maximum area of 35 square feet, and a deck or porch. All mobile homes/travel trailers will be required to be fully mobile and maintain a current vehicle license. Removal of derelict trailers and disallowed appurtenances in Area 2 will create space for 50 additional RV spaces, available for short-term use, resulting in an increase from 233 to 263 in the total number of lots available in Area 2 for travel trailers and RVs combined (a 12.9% increase).

Day use parking is proposed to be reduced from the 1998 Master Plan's 200 vehicles to the MPA's 100 vehicles. Boating facilities and the associated pier and poles are proposed to continue in the State-leased area, with approximately 16 to 35 vessels moored from June through September, and approximately 2,000 vessels launched from the beach annually. The store/shop will be substantially reduced in area, with fuel pumping relocated to the Lawson's Landing Center upland location away from the waterfront.

Permanent residential use is proposed to be changed in the MPA. Whereas the 1998 MP proposed two new houses, to be added to the seven permanent homes currently occupied by the owners, their families, and their employees, the MPA is now eliminating any additional homes. The MPA also notes the current presence of 20 "permanent trailers", trailers that are presently occupied on a fulltime basis by 12 current employees, the rest by former employees or by members of the local workforce.

3. Use of Area 3 - Sand Point currently features some travel trailer and RV usage. Under the MPA, use of this area is proposed to be expanded to a maximum of approximately 100 travel trailers and RV's on approximately 8.1 acres.

4. Camping area will be reduced in the main meadow from current levels of approximately 43 acres to 5 acres in the MPA's proposed Area 4 – Meadow campsites. These camping areas will be located in various upland Pennisetum grassland areas adjacent to the main access road. Use will be limited to seasonal RV and tent camping. Two hundred RV campsites are proposed in Area 4.

5. The area comprising Area 5 - Gateway currently features seasonal RV and tent camping. Area 5 – Gateway proposes 50 RV spaces on approximately 2.1 acres.

6. The existing quarry operations area and buildings are proposed to be converted into a new, approximately 4.7-acre Area 6 - Lawson's Center, containing the main store, administrative offices, employee housing, a recreation center, boat sales and repair, and fuel service and storage. The majority of these uses will be relocated from the area near the pier, away from the shoreline and out of the earthquake and tsunami hazard areas.

7. Upon MPA implementation, approximately 150 RV campsites are proposed to be relocated from the meadow area to approximately 7.6 upland acres, identified as Area 7 - Upland and Area 8 - Sand Haul Road east of and uphill from the Gateway. These would be new camping areas.

   A revised waste water/septic system is proposed to be located in an upland location outside of the mobile dunefields that has been determined to be feasible. Proposed in the Scale House Hayfield and Scale House West Pasture areas, the system would consist of approximately 2 acres of leachfield area and 6 acres of drip irrigation. All wastewater producing or receiving

facilities would be connected to a community sewer line running to the disposal area. Cattle would be kept out of these pasture areas during the wet season. A pump station is proposed near the entry to lift the wastewater to the treatment facility.

As interim measures, the existing wastewater disposal systems are being evaluated by a waste water consultant. The functioning status of all systems will be evaluated, and maintenance/corrective work done on obvious problem systems. Work will be conducted in two phases, with the first phase efforts focused on highest priority areas such as public rest rooms, the store and office, the laundry, and mobile homes with permanent or regular occupancy or are located near internal drainage swales. In the second phase, all other systems will be evaluated and addressed. All interim work is scheduled to be completed by Spring 2009.

Water supply and storage facilities will utilize groundwater on the property. Proposed water supply improvements include two new 100,000 gallon tanks, preliminarily proposed to be located near the existing tanks, although the applicant has indicated they will be responsive to site-specific constraints, including proximity to wetlands.

Traffic management is considered in the MPA. The MPA states that it will substantially reduce daily trips and congestion due to the 35 percent reduction in onsite campsites, 8.6 percent decrease in trailer sites, and 50 percent reduction in day users. Per the FEIR, the entry Gateway will widen the vehicle accessway to 3 lanes inbound with one lane outbound. The MPA has been amended to include the FEIR's widening of three Cliff Street turns.

An alternative being considered is utilization of Sand Haul Road during peak traffic periods (e.g., spring-fall holidays and peak weekend periods). This option would depend on an engineering study determining its feasibility, and what modifications might be necessary. At a minimum, Sand Haul Road will be upgraded adequately to serve as an emergency vehicle accessway. An existing road crossing the wet meadow to access the Sand Point area is proposed to be abandoned for motor vehicular purposes, although left useable for bicyclist and pedestrian use.

The MPA will comply with EIR recommendations concerning earthquake- and tsunami-proofing all structures. A siren warning system is proposed, and all construction will fully comply with relevant building standards. Full mobility amongst the travel trailers and mobile homes will potentially facilitate relocation to minimize tsunami and earthquake risk. Emergency evacuation is proposed to continue to use Sand Haul Road as an option.

Natural Resource Management Plans are important components of the MPA and the County's review. The MPA includes a variety of approaches for management of natural resources. The first involves the overall reductions in campground operations, including relocation out of the wetlands. An Adaptive Management Plan (AMP) approach has been proposed by the applicant to

manage the site's natural resources. Given the wide array of special status species, potentially different management approaches for those species, and the dynamism of the ecosystems on the site, the applicant believes the adaptive management approach best suits the property and its resources. An AMP outline has been submitted and discusses the wetlands, dunes and beachgrass, and special status species management in this context. The MPA also includes a public education component about its resources.

The MPA includes a Proposal for a Grazing Management Plan. One of the stated purposes for the Grazing Management Plan is to evaluate what effects grazing has on plant communities on the site – which ones benefit from grazing and which do not. This is incorporated into the Proposal's preliminary grazing management objectives. A Certified Rangeland Manager is proposed to assist in preparation of the Grazing Management Plan.

Construction and Utilities are proposed to comply with the FEIR's mitigations with respect to noise, traffic, construction periods, locations, and water and air quality Best-Management-Practices (BMPs).

II. WHEREAS after conducting a public workshop on May 27, 2008, and duly-noticed public hearings on June 23, 2008, August 11, 2008, August 28, 2008, September 8, 2008, and September 22, 2008, the Planning Commission submitted its recommendation for approval of the Revised MPA to the Board of Supervisors.

III. WHEREAS the Board of Supervisors conducted a duly-noticed public hearing on October 14, 2008 which was continued to November 18, 2008, to consider the Planning Commission's recommendation, and testimony in favor of, and against, the project.

IV. WHEREAS the Board of Supervisors finds that the proposed project, as modified through incorporation of the Revised MPA alternative, and subject to the mandatory EIR mitigation and monitoring measures and the conditions of approval contained herein, is consistent with the goals and applicable policies of the Marin Countywide Plan ("Countywide Plan"), for reasons including, but not limited to, the following:

A. The property is located in the Coastal Corridor where lands are primarily designated for federal parklands, recreational uses, agriculture, and the preservation of existing small coastal communities. The project would maintain land uses that are consistent with the Coastal Recreational Commercial (C-RC) and Coastal Agricultural (C-AG1) land use designations by continuing to provide opportunities for visitor-serving and recreational uses and protect existing agricultural uses of the property. (CD-1.1, Map 7.4.1)

B. The Revised MPA would provide for the protection of coastal dunes, wetlands, and sensitive wildlife habitat. It would not result in the encroachment of mapped wetlands, while encroachments into the wetland buffer in Areas 1 and 2 would be offset by use of biofiltration drainage control measures that intercept and filter sediments to prevent degradation of adjacent wetlands and

ensure that there will be no deterioration of wetland function and habitat values. The Revised MPA would allow limited encroachments for an interim period of up to 5 years into the wetland buffer areas in Areas 3 and 4 and 5 with provisions to implement an Adaptive Management Plan approach to evaluate the effects of camping activity on sensitive habitats. Camping, parking, bicycles, and motor vehicles are restricted from encroaching into the beach, dune areas, and wetlands. The Revised MPA requires trails to be designed to minimize impacts on the dune system in order to preserve dune formations, vegetation, and wildlife habitats. (BIO-2.7, BIO-3.B, BIO-3.d, BIO-3.f, BIO-3.1)

C. The Revised MPA would avoid or minimize potential hazards from earthquakes and unstable ground conditions and provide for early warning for tsunami wave run-up and inundation threats. Improvements will be designed to be resistant to damage from flooding, tsunamis, and related water-borne debris. (EH-2.1, EH-2.4, EH-3.a)

D. The Revised MPA would protect wetlands, habitat for special-status species, and sensitive natural communities by restricting use of areas containing essential habitat for special–status species, sensitive natural communities, wetlands, coastal habitat, such as the snowy plover and red-legged frog, in order to ensure the continued health and survival of these species and sensitive areas. (BIO-1.1, BIO-2.2)

E. The Revised MPA would protect the scenic coastal quality and views of the natural environment by ensuring that development is located below coastal ridgelines and are sited to minimally impact surrounding roadways. (DES-4.1)

F. Implementation of the adaptive management approach to the property would effectively manage and enhance native habitat, maintain viable native plant and animal populations, and monitor development and resource preservation efforts. (Goal BIO-1)

G. The Revised MPA would provide for the management of invasive, non-native plant species, and include a program for monitoring. (BIO-1.7)

V. WHEREAS the Board of Supervisors finds that the project, as modified through incorporation of the Revised MPA alternative, and subject to the mandatory EIR mitigation and monitoring measures and the conditions of approval contained herein, is consistent with the goals and applicable policies of the Dillon Beach Community Plan ("Community Plan"), for reasons including, but not limited to, the following:

A. The Revised MPA would result in land uses that are consistent with the Coastal Resource and Commercial Recreation Planned District and Agriculture land use designations and maintain the Landing as a coastal resort and commercial recreation area. (CD-13.2, Figure 3-1)

B. The new Lawson's Landing Center would provide small-scale, coastal, visitor-serving uses, including a store, tackle and bait shop that is supportive of the commercial recreational uses. (CD-13.4)

C. Sewage disposal would be provided by a new up-to-code system that meets all requirements of the Regional Water Quality Control Board. (CD-13.5)

D. The Revised MPA has taken into consideration the adequacy of water for domestic and fire protection demands and sewage treatment and disposal facilities, the degree of impact to traffic and parking, and impacts to the visual character of the site as seen from public areas (including the Point Reyes National Seashore), Dillon Beach Village, and Oceana Marin. A condition of approval would require visual analysis for the location and design of the water storage tanks. (CD-13.6)

E. The Revised MPA would ensure that only resource-dependent activities would occur within designated wetlands, while minimizing non-wetland-dependent uses in the buffer areas. (EQ-6.2, EQ-6.4)

F. The Revised MPA would comply with the intent of the Community Plan's wetland policies while providing for limited encroachments into the buffer that do not impair the attainment of the overall intent of the these policies. (EQ-6.1, EQ-6.2, EQ-6.4)

G. No development of the foredunes and rear dunes would result from implementation of the Revised MPA. This would allow preservation of the dune formations, vegetation, and wildlife habitats. The development has been sited to the greatest extent possible outside of the coastal sand dune area. All recreational vehicles would be restricted to areas immediately adjacent to roadways, and away from fragile dune areas. (EQ-7.1, EQ-7.2, CD-13.7)

H. Structures within the designated tsunami runup and earthquake zones would be required to incorporate flood-proofing measures and to comply with the requirements of the Alquist-Priolo Special Studies zone. (EH-1.4, EH-1.5)

I. The Revised MPA would require that future structures be sited in locations that preserve views of the surrounding landscape from campsites and along roads. (CD-13.8)

J. Required public access through a limited number of public access parking spaces located at the entrance to the Landing would ensure conformance with the DBCP policy that promotes provision of public access to the shoreline and parking for that access. (CD-13.11)

K. The Revised MPA would provide for circulation improvements at the entry gate to provide for improved stacking of vehicles during peak visitor periods. Use of Sand Haul Road as an alternative public emergency access route to and from the Landing would be required. In addition, improvements to expand Sand Haul Road into a permanent additional means of access to the Landing will be

required to be evaluated by a future Precise Development Plan to minimize traffic congestion along Dillon Beach Road and in Dillon Beach Village. (T-5.1, T-5.5)

VI. WHEREAS the Board of Supervisors finds that the project, as modified through incorporation of the Revised MPA alternative, and subject to the mandatory EIR mitigation and monitoring measures and the conditions of approval contained herein, is consistent with the goals and applicable policies of the Local Coastal Program, Unit II ("Local Coastal Program"), for reasons including, but not limited to, the following:

A. The Recreation and Visitor-serving Facilities element of the LCP contains policies that support and encourage the enhancement of public recreational opportunities and the development of visitor-serving facilities that preserve the coast and protect natural resources and agriculture. The project is consistent with these policies by continuing to maintain the existing low cost overnight accommodations for RV, travel trailer, and tent camping. *(Recreation and Visitor Policies 1, 3A, 3C)*

B. The project is consistent with the Natural Resources element of the LCP because it would avoid filling of seasonal on-site wetlands or permanent surficial encroachments into the 100-foot wetland buffer. *(Natural Resources Policy 4, Diking Filling and Dredging Policy 1)*

C. The LCP establishes a 100-foot wide buffer strip from development to the edge of wetlands. The Revised MPA proposes to eliminate all camping and other development from any wetland area, and to reduce and/or modify camping uses in the buffer area, as described further below.

1. Camping in the main meadow camping area (Area 4 Meadow and Area 5 Gateway) that currently occurs in both the wetland and wetland buffer areas would be reduced in area from approximately 42.6 acres to 9.86 acres and permitted only for seasonal, overflow use for a period of five years. (As used herein, the time period covered by seasonal use begins on the Friday immediately preceding the Memorial Day holiday and ends on October 15.)
2. Camping use of the wetland buffer in Area 1 Seawall and Area 2 Landing would be permitted and restricted to the existing graveled parking areas, subject to requirements for the applicant to employ biofiltration drainage control measures that have been approved as part of the Precise Development Plan to be filed within six months from approval of the Revised MPA. The applicant shall demonstrate that the drainage control measures to reduce the rate of runoff, filter pollutants, and facilitate infiltration of water in order to prevent degradation of adjacent wetlands and ensure that the measures taken would not interfere with the restoration of the wetlands to their natural state. This can be accomplished by incorporating strategies from the County's Low Impact Development stormwater management program to reduce the rate of runoff, filter pollutants, and facilitate infiltration of water.

3. Camping use of the wetland buffer in Area 3 Sand Point would be limited to a period of five years.

Consequently, the Revised MPA would be in substantial conformance with the LCP's wetland policies. (*Natural Resources Policy 4*)

D. The LCP prohibits grazing or other agricultural uses within wetlands. It has been a historic practice by the property owners to permit seasonal grazing in the wetland areas on the property. The Revised MPA would allow this practice to continue until further evaluation of the impacts of grazing within wetlands can be made through review of the required Grazing Management Plan and Adaptive Management Plan. (Natural Resources Policy 4c)

E. The project would not result in development within the coastal dunes. Development has been sited out of the dunes in order to preserve dune formations, vegetation, and wildlife habitats. Additionally, conditions of approval would restrict parking, directing pedestrians across designated pathways to access the beach, prohibit motor vehicles in beach or dune areas, and require appropriate barriers to be installed. *(Natural Resources Policy 5a)*

F. The EIR found that the project would result in less-than-significant impacts on all special-status species and communities on the property with implementation of mitigation measures that protect habitat for the Red Legged Frog and invertebrates, consistent with the LCP policies. *(Natural Resources Policy 5b)*

G. The project is consistent with applicable policies contained in the Agriculture element of the LCP. The agriculture policies encourage the preservation of productive agriculture and lands with the potential for agricultural use and require that non-agricultural development not conflict with agricultural uses or result in incompatibilities with the rural character of the County's coastal zone. By setting aside approximately 700 acres of land for continued use of agricultural (grazing) operations, the project would be consistent with the LCP's agriculture policies. *(Agriculture Policy 1)*

H. Adequate public services and resources, including water supply, sewage disposal, and road access and capacity would be available to serve the proposed development. Adequate road access is available from Marine View Drive, Cliff Street, and Tomales-Dillon Beach Road to serve the project. *(Public Services Policies 1, 2, 3, 4)*

I. While the EIR found evidence of prehistoric or historic cultural resources on the subject property, the revised project would not affect an area of known or suspected archaeological or paleontological significance, and conditions of approval would require the applicant to retain a qualified professional archaeologist to monitor all ground-disturbing activities and to develop a monitoring plan for resources that might be uncovered during construction. *(New Development and Land Use Policy 2)*

VII. WHEREAS the Board of Supervisors finds that the project, as modified through incorporation of the Revised MPA alternative, and subject to the mandatory EIR mitigation and monitoring measures and the conditions of approval contained herein, is consistent with the mandatory findings to approve a Coastal Permit pursuant to Marin County Code Section 22.56.130I, as specified below:

A. Adequate water supply is available from onsite wells to serve the project, while construction of the two new 100,000 gallon water storage tanks with associated fire hydrants would ensure that adequate pressure and volume are maintained.

B. The project site is not currently served by a wastewater collection or treatment facility that is operated by a local or regional agency. However, the proposed new wastewater treatment facility would ensure that existing residences, restroom facilities, and onsite disposal facilities would be adequate to accommodate the wastewater disposal demands from the project. In addition, the project would abandon or remove existing septic tanks and substandard sewage disposal facilities, resulting in an overall improvement in the wastewater collection and disposal at the facility.

C. The project would comply with the coastal development requirements relative to grading and excavation because the uses would be located in areas of the property that have been historically altered to accommodate temporary structures such as RV/trailer park/tent camping) or would be required to meet the applicable building code and Alquist Priolo Act requirements. In addition, conditions of approval would require the incorporation of best management practices in the design of stormwater drainage systems and the use of appropriate vegetation, seeding, mulching, or other suitable stabilization methods to protect soils which have been exposed during grading or development.

D. The project would not impact archaeological, cultural, or historic resources, and conditions of approval would require the applicant to retain a qualified professional archaeologist to monitor all ground-disturbing activities and to develop a monitoring plan for resources that might be uncovered during construction.

E. The project would continue to provide low cost public access to the coast. Lawson's Landing represents an important low-cost overnight facility in northern California. Public access would be maintained to coastal beaches and tidelands, and conditions of approval would require that additional free public access be provided through the provision of parking spaces for general public use near the entrance to Lawson's Landing. Overall, the project would significantly further the LCP's policies that encourage the provision of low cost recreational opportunities and access to the coast.

F. The project would not remove existing residential buildings which provide housing for persons of low and moderate income. Housing for employees engaged in the commercial recreational use of the property would be retained.

G. The subject property is not located on or near any perennial or intermittent stream which has been identified on the National Resources Map for Unit II of the Local Coastal Program. Therefore, the stream conservation area policies do not apply to the project. The project would remove camping uses from designated wetlands and substantially maintain the 100-foot wetland buffer strip, while requiring a phased transition of existing uses outside of these areas.

H. The project would not adversely affect the sensitive coastal dune habitat on the property. Mitigations from the EIR would require the applicant to implement protective measures in the foredune system in order to reduce the potential for development of dune blowouts. These measures include choosing pathways at naturally low elevations or other locations where erosion potential is lowest, aligning the pathways to follow topographically low routes, and fencing designated pathways to prevent off-trail pedestrian activities. Overall, the project is consistent with the LCP's dune protection requirements.

I. The project would not result in significant adverse effects on wildlife, native plant communities, vegetation, and any special-status species (i.e., species listed by the State and federal government as rare, threatened or endangered, or species proposed or considered candidates for such listing) provided the recommended Adaptive Management Plan and mitigation measures identified in the EIR are implemented. These include preparing preconstruction, focused surveys to confirm the location of suitable habitats and implementation of a plan that would avoid all special-status wildlife species and their habitats. Consistent with Section 22.56.130.J., a condition of approval would require the applicant to remove nonindigenous plant material within the areas covered by the Adaptive Management Plan. In addition, the adaptive management plan component of the Revised MPA would provide a framework for the applicant to develop, implement, and monitor strategies that protect the site's resource values, ensure that co-existence with human intrusion occurs without detriment to the wildlife and vegetation, and restore natural ecological functioning and habitat values.

J. The proposed construction does not encompass provisions for revetments, breakwaters, seawalls, or other manmade alterations that would alter the existing shoreline condition.

K. The property is located in an area with known geologic hazards. The San Andreas fault crosses through part of the site, and portions of the Sand Point area are located within the Alquist-Priolo Earthquake Hazards Zone. These factors increase the potential for seismic-related ground failure. In order to meet coastal development standards, conditions of approval require that subsequent Precise Development Plan(s) include requirements to provide design-level geotechnical investigation and to incorporate seismic engineering standards into the design of the structures. In addition, all improvements will be constructed in accordance with the current building and seismic codes as well as development standards contained in Marin County Code Title 24.

L. Proposed turnout improvements along Dillon Beach Road would result in an improvement to public safety and convenience, and would not detract from the rural, scenic characteristics of this public roadway.

M. The project does not include a division of property. A condition of approval would require the applicant to complete the voluntary offer to merge historic lots that underlie part of the area that is designated by the Revised MPA for recreational and resource protection uses, to bring the lot size into conformance with its overall function and eliminate the possibility of incompatible development.

N. The project would not conflict with the visual character of the surrounding Dillon Beach community. The project would not result in development that impairs or obstructs existing coastal views from Highway 1. All new utility lines would be installed underground in order to minimize impacts to views from roads and other off-site vantage points.

O. The project does not affect property in the Village Commercial Residential zoning.

P. The project site is not located within the historic preservation boundaries as established by the Marin County Historic Study for the Local Coastal Program. In addition, the project would not affect pre-1930 structures.

VIII. WHEREAS the Marin County Board of Supervisors finds that the project, subject to the mandatory EIR mitigation and monitoring measures and the conditions of approval contained herein, is consistent with the mandatory findings to approve a Tidelands Permit pursuant to Marin County Code Section 22.77.040I of the Interim Zoning Ordinance, as specified below:

A. The encroachment of the tidelands is the minimum necessary and involves use of previously-disturbed areas of the property for recreational camping uses.

B. The project will not inhibit navigation, inhibit access to publicly-owned tidelands, increase water pollution, increase flooding hazards, destroy fish and wildlife habitat, or interfere with the public view of the water or the enjoyment of the scenic beauty of the shoreline.

C. The project is in substantial conformance with the Countywide Plan, Dillon Beach Community Plan, and the Local Coastal Program Unit II for the reasons cited in Sections III, IV, and V above.

D. Public benefits would continue to be provided as part of the Revised MPA.

E. The project will not adversely affect existing public rights on the property.

IX. WHEREAS the Board of Supervisors finds that the proposal, as modified through incorporation of the Revised MPA alternative, and subject to the mandatory EIR mitigation and monitoring measures and the conditions of approval contained

herein, complies with the purpose of the Coastal Resort and Commercial Recreation (C-RCR) zoning district as set forth in Section 22.57.150I of the Interim Zoning Ordinance because existing resort and visitor serving uses, including camping, would be maintained on the Lawson's Landing property. In addition, the continuation of agricultural grazing uses on portions of the property under the C-APZ (Coastal Agricultural Production Zone) zoning district would comply with the purpose of the zoning district to preserve lands for agricultural use, as set forth in Section 22.57.030I.

"EXHIBIT 3"

CONDITIONS OF APPROVAL
Lawson's Landing Master Plan, Coastal Permit, Tidelands Permit

Marin County Community Development Agency - Planning Division

GENERAL

1. Pursuant to Chapters 22.45I, 22.56I, and 22.77I of the Marin County Code Interim Zoning Ordinance, the Lawson's Landing Master Plan, Coastal Permit, and Tidelands Permit are approved for the following uses:

   A. Recreational and agricultural uses of a 940- to 960-acre property consisting of Assessor's Parcels 100-100-07, -08,10,21,22,48, 49,58,59, 100-201-01,02, 100-202-01,02, 100-203-01,02,03, 100-204-01,02, 100-205-03, 100-206-01,02, 100-207-03, 100-208-01,02, 100-211-01,02, 100-212-01,02, 100-213-01,02, 100-214-01,02, 100-215-01,02, 100-216-01,02, 100-217-01,02, 100-218-01,02, 100-220-06, 100-230-03.

   B. Approximately 245 acres of land for campground-related uses, more specifically consisting of Assessor's Parcels 100-201-01, 100-202-01,02, 100-203-02,03,100-204-01,02, 100-205-03, 100-206-01,02, 100-207-03, 100-208-01,02, 100-211-01,02, 100-212-01,02, 100-213-01,02, 100-214-01,02, 100-215-01,02, 100-216-01,02, 100-217-01,02, 100-218-01,02, and portions of 100-100-48 and -59.

2. Except as amended by these Conditions of Approval, the Lawson's Landing Master Plan, Coastal Permit, and Tidelands Permit application comprises a development layout that is depicted on plans and information on file in the Community Development Agency and identified as:

   A. "Exhibit A," entitled "Lawson's Landing, Inc. Master Plan Tidelands & Coastal Permit 2008 Master Plan Alternative," prepared by Adobe Associates, Inc., consisting of 7 sheets (numbered 0-6), received April 18, 2008, and comprised of the following sheets.
      1. Sheet 0 of 6, Index Sheet
      2. Sheet 1 of 6, Monk & Huffman [Huffman-Broadway Group, Inc.] – Resource Constraints and Opportunities Map
      3. Sheet 2 of 6, Existing Conditions
      4. Sheet 3 of 6, Jurisdictional Boundary, Marin County Zoning, Coastal Commission Zoning
      5. Sheet 4 of 6, Composite Master Plan Alternative
      6. Sheet 5 of 6, Concept Utility Plan
      7. Sheet 6 of 6, Resource Management Plan

   B. "Exhibit B," entitled "Lawson's Landing, Inc. Reconfigured and Reduced Use Master Plan Alternative," prepared by Adobe Associates, Inc., consisting of 9 sheets (numbered 0-6 and A-B), received June 25, 2008, and comprised of the following sheets:
      1. Sheet 0 of 6, Index Sheet

2. Sheet 1 of 6, Lawson's Landing with Assessor Parcel Numbers
3. Sheet 2 of 6, Williamson Act Contract Area
4. Sheet 3 of 6, Marin County Zoning
5. Sheet 4 of 6, Comprehensive Overlay Environmental Constraints
6. Sheet 5 of 6, Jurisdictional Wetlands & 100 Foot Buffer
7. Sheet 6 of 6, Central Dune Scrub Habitat
8. Sheet A, "Reconfigured And Reduced Use Master Plan Alternative Lawson's Landing Project" 1" = 200'
9. Sheet B, "Reconfigured And Reduced Use Master Plan Alternative Lawson's Landing Project" 1" = 400'

C. "Exhibit C," entitled "Proposed Management Areas (29.17 acres)", prepared by Monk & Associates, [Huffman-Broadway Group, Inc.], consisting of one undated, 11 inch by 17 inch map.

D. Letter dated July 31, 2008, entitled "Merits Direction – Response to Letter of June 27, 2008", and prepared by IPA Inc. The July 31, 2008 IPA submittal includes the "Lawson's Landing Reconfigured and Reduced Use Master Plan Alternative Concept Phasing Plan," "Proposal for Grazing Plan," and "Marin County Dillon Beach Tsunami Evacuation Planning Map." Letter from Monk and Associates outlining a Resource Management Plan (in lieu of an earlier proposed Adaptive Management Plan), dated September 18, 2008. One-way Road Alternative Site Layout plans, prepared by Adobe Associates, Inc. and dated November 4, 2008.

E. "Exhibit D," consisting of "Sheet A, Reconfigured and Reduced Use Master Plan Alternative Lawson's Landing Project," prepared by Adobe Associates, Inc., as overlain on the plan sheet entitled "Figure 6B. Map of Areas Potentially Subject to Jurisdiction as Wetlands under the California Coastal Act" by The Huffman-Broadway Group, Inc.

3. The Revised MPA conceptually authorizes the Reconfigured and Reduced Use Master Plan Alternative, as modified herein and referred to as the Revised Reconfigured and Reduced Use Master Plan Alternative (Revised MPA), to include the following:

A. Designation of six reconfigured existing campground areas, addition of one campground area and potential addition for one additional campground area;
B. Reduction of peak daily vehicle trips from current levels;
C. Relocation of all campground areas, including restrooms and showers, out of wetlands;
D. Development of an uplands wastewater treatment and disposal facility and related infrastructure (including piping from campground areas);
E. Maintenance of owner and campground employee housing;
F. Permanent cessation of the sand quarry operation;
G. Interim plan, detailing schedules for activities and structures, including existing septic system inspections and if necessary upgrades, fuel bunker upgrades, removal of excess ancillary structures, improved reservation system, closure of "new" wetland road, elimination of current camping in wetlands;
H. Project phasing plan, detailing schedules for levels of use, activities and structures;
I. Future submittal of design, architectural, engineering plans and programs showing activity areas, resource protection measures, existing structures to remain and new

structures proposed (including restrooms, septic and Lawson's Center), pursuant to completion of a Precise Development Plan;

J. New Lawson's Center in upland (Area 6) location outside of Alquist Priolo zone, with potential maximum of 15,000 square feet for recreation support services, including store, boat repairs, retail sales, storage, fueling, administrative offices, recreation and meeting rooms, and a laundry;
K. Grazing Management Plan, with continued cattle grazing, fencing, pasture rotation, and integration with the Adaptive Management Plan;
L. Adaptive Management Plan;
M. Elimination of over 120,000 square feet of excess ancillary structures from permanent travel trailers.
N. Development of an Emergency Response Plan, including shelter-in-place, siren, and evacuation;
O. Upgrades to Sand Haul Road (along the existing, primary alignment from Dillon Beach Road to Area 6) for primary vehicle access, subject to acceptance of a study at the Precise Development Plan stage of its use for regular vehicle access;
P. Management of ground disturbing activities;
Q. Continuation and expansion of visitor environmental education program;
R. Implementation of new travel trailer lease agreement: and
S. Voluntary merger of small parcels in the C-RCR zoned district.

4. Except as otherwise provided in these conditions of approval, no development and/or land improvements and/or building construction shall commence until a Precise Development Plan is approved. A Coastal Permit at the level of the Precise Development Plan shall be included as part of the Precise Development Plan submittals. No subsequent Tidelands Permit is required as long as the Precise Development Plan and Coastal Permit applications are consistent with the approved Master Plan.

5. The Master Plan, Coastal Permit, and Tidelands Permit approvals shall be valid for an initial period of two years, and thereafter shall not expire as long as a Precise Development Plan has been submitted to the County and deemed complete, or has received County approval. The approvals may be extended for up to four additional years pursuant to Sections 22.45.063I and 22.56.120I, and if applicable, Section 22.77.040I.

6. Future development and use of all portions of the property shall be subject to the restrictions and conditions specified herein by the Master Plan, including those governing interim and phased uses.

There are no protective buffers

Interim and Phased Uses

7. Interim and phasing elements and schedules shall comply with the ~~[illegible] requirements.~~

   A. Starting with the 2009 camping season, interim camping use of the property shall be limited to Areas 1 through 5 and shall comply with the limits specified for these areas by Conditions 11 through 16 and 20 through 23. The applicant shall install temporary barriers to demarcate all camping and day use areas from wetlands and their protected buffers, where specified.

   B. Use of RVs and mobile homes by employees engaged in agricultural use of the property shall cease within 3 years from the date of project approval, unless the applicant submits evidence, for review and approval by the Director, confirming the legal non-conforming status of the agricultural employee housing units. The applicant may submit a Precise Development Plan to either relocate existing agricultural employee units or to install new units within the C-APZ-zoned portions of the property.

   C. Within 6 months from Master Plan approval, the applicant shall complete the following:

      1) Obtain permits and complete inspection/remediation of septic systems in Areas 1 through 3, including repair and abandonment and provisions for pumping septage from unpermitted septic tanks, subject to review and approval by Marin County Environmental Health Services;
      2) Complete the removal of additions to travel trailers in order to meet the State requirements for a Recreational Vehicle Park;
      3) Improve the existing fuel bunker or develop an alternative that meets federal standards;
      4) Implement a reservation system to expedite check-in and assignment of overnighting guests to specific camping areas or campground lots;
      5) Restrict the road that serves the southeast camping areas (Areas 1 and 3) to a pedestrian/bicycle pathway only and install barriers to eliminate vehicle traffic on this road;
      6) Implement public education on sand dune processes through signs, brochures, presentations, etc.;
      7) Submit a revised Adaptive Management Plan scope of work and initiate biological monitoring;
      8) Submit evidence demonstrating which of the travel trailers or mobile homes in Area 2 are for employees engaged in the recreational commercial use of the property;
      9) Identify the 8 travel trailers in Area 2 that are being used as housing for low or very low income residents, submit documentation that the residents qualify as low or very low income households, and submit confirmation that the applicant has executed a life estate agreement permitting the continued use of these trailers for the current residents. Following the expiration of the life estate, use of the travel trailers shall be for short-term rentals;
      10) Submit evidence demonstrating the feasibility of the upland sewage disposal site;

(left off)

D. Within 6 months from project approval, the applicant shall submit a completed Precise Development Plan and Coastal Permit application that includes the following, at a minimum:

1) Precise layout for camp lots in Areas 1 through 5;
2) Drainage designs incorporating Low Impact Development strategies for Areas 1 and 2 to reduce the rate of runoff, filter pollutants, and facilitate infiltration of water in order to prevent degradation of adjacent wetlands and ensure that the measures taken would not interfere with the restoration of the wetlands to their natural state,;
3) Short-term occupancy plan for the travel trailers in Area 2;
4) Repair the existing sea wall in Area 1;
5) Designate means of controlling ashes and litter (e.g., fire pits, garbage cans) and include siting criteria for fire pits in wetland buffer areas;
6) Designate the day use public parking area and submit a permanent coastal access public parking and coastal and campground access easement; and
7) Designate and demarcate (through fences, etc.) public access points to the beach and restrict users to pathway areas in the foredunes.

E. Within one year from project approval, the applicant shall submit a completed Precise Development Plan and Coastal Permit application that includes the following, at a minimum:

1) Adaptive Management Plan;
2) Grazing Management Plan coordinated with the Adaptive Management Plan;
3) Traffic and circulation management plan as required in Condition 36 (including improvements identified in the EIR for Sand Haul Road and Cliff Street, and an evaluation of the use of Sand Haul Road as an additional access to the Landing); and
4) Emergency Response Plan.

F. Within three years from project approval, the applicant shall submit a completed Precise Development Plan and Coastal Permit application that includes installation of the sewage disposal system.

8. Until approval of the first Precise Development Plan, day use visitor parking is allowed in Areas 1, 2, 3, 4, 5, 6, and 7 outside of wetlands.

9. The deadlines established by these conditions pertain to project approval conditions. Except for those conditions that are tied to the date of the Master Plan approval which shall take effect immediately, additional time may be added to any schedule pursuant to approval of an application submitted in a timely manner by the applicant for such additional time, with a requirement that the applicant demonstrate that the need for the additional time, as well as the amount of additional time needed, are reasonable, and that the delay factor was outside the control of the applicant. The Community Development Director may act on the time extension request or refer it to the Planning Commission.

10. Within 60 days from approval of the Precise Development Plan and Coastal Permit which authorizes the precise layout for camp lots in the areas covered by the following Assessor's Parcels, the applicant shall confirm that the voluntary offer to merge all of the historic parcels within the following parcels into one lot has been completed through the filing of a Merger application with the Community Development Agency: 100-201-01, 100-202-01,02, 100-203-02,03, 100-204-01,02, 100-205-03, 100-206-01,02, 100-207-03, 100-208-01,02, 100-211-01,02, 100-212-01,02, 100-213-01,02, 100-214-01,02, 100-215-01,02, 100-216-01,02, 100-217-01,02, 100-218-01,02.

Camping Areas

The following restrictions shall apply to the individual camping areas noted:

11. Area boundaries shall approximately be as shown in overlay "Sheet A, Reconfigured And Reduced Use Master Plan Alternative Lawson's Landing Project," prepared by Adobe Associates, Inc., as overlain on the plan sheet entitled "Figure 6B. Map of Areas Potentially Subject to Jurisdiction as Wetlands under the California Coastal Act" by The Huffman-Broadway Group, Inc.

12. Area 1 Seawall is permitted for use by up to 125 camp lots. The driving and parking surface shall be gravel.

    A. Within 6 months from project approval, the applicant shall submit drainage designs incorporating Low Impact Development strategies for Area 1 to reduce the rate of runoff, filter pollutants, and facilitate infiltration of water in order to prevent degradation of adjacent wetlands and ensure that the measures taken would not interfere with the restoration of the wetlands to their natural state.

13. Area 2 is permitted for use by up to 263 camp lots, subject to the following restrictions:

    A. Within 6 months from project approval, the applicant shall submit a plan for short-term, visitor-serving occupancies, for review and approval by the County as part of a Precise Development Plan, for the 193 current "permanent" travel trailers that are not used by campground employees, property owners, or other permanent residents, as well as for future travel trailers in approved camp lots. The plan shall limit usage of each non-residential trailer by its current owner to a maximum of 90 days annually with a requirement for the owner to offer the trailer for short-term rental (up to 60 days per short-term occupancy) if the owner chooses not to remove the trailer from the campground when it is not being used by the owner. The 60-day occupancy restriction pursuant to Condition 20 shall apply in the event the plan for short-term, visitor-serving occupancies is not approved.
    B. Except for the eight life-estate travel trailers, travel trailers that do not meet the employee residential or short-term occupancy requirement shall be removed from the site.
    C. The wetland area to the north and east of the lots shall be demarcated as off-limits.
    D. The maximum square footage for any RV or mobile home shall be 400 square feet, further subject to appropriate engineering studies to verify Alquist-Priolo compliance.

E. The square footage restriction shall be in full effect one (1) year after this project approval.
F. Within 6 months from project approval, the applicant shall submit drainage designs incorporating Low Impact Development strategies for Area 2 to reduce the rate of runoff, filter pollutants, and facilitate infiltration of water in order to prevent degradation of adjacent wetlands and ensure that the measures taken would not interfere with the restoration of the wetlands to their natural state.

14. Area 3 Sand Point is permitted for use by up to 100 camp lots. Within the 100-foot wetland buffer area, camping is permitted on a seasonal basis for five years, after which the area will function as an undeveloped wetlands buffer. Seasonal camping consists of the period beginning on the Friday immediately preceding the Memorial Day holiday and ending on October 15. Future requests to allow camping in the wetlands buffer shall require an amendment to this Master Plan.

15. Area 4 Meadow is permitted for use by up to 146 camp lots (total number includes Area 5, below), in the identified upland areas next to the main entry road, subject to the following conditions:

    A. All camping shall be on a seasonal basis, beginning on the Friday immediately preceding the Memorial Day holiday and ending on October 15.

    B. The applicant shall submit and obtain approval of a plan for demarcating the edges of camping, prior to use of any of the wetland buffer areas for camping.

    C. The time period for camping use shall be for the five consecutive high seasons subsequent to project approval, after which the area will function as an undeveloped wetlands buffer. In addition, if Lawson's Landing materially breaches the conditions of approval, the County may seek to judicially enjoin the interim camping uses until such time as the material violation is corrected.

16. Area 5 Gateway shall be considered to be merged with Area 4 Meadow for purposes of allocating camp lots. The same camping restrictions applied to Area 4 lots (including seasonal and transitional restrictions) shall apply to Area 5 lots. Lots that meet the 100-foot wetland buffer setbacks are allowed on a permanent basis.

17. Area 6 Lawson's Center allows new buildings with a potential maximum area of 15,000 square feet for recreation support services, including store, boat repairs, retail sales, storage, fueling, administrative offices, recreation and meeting rooms, and a laundry. All demolition and replacement structures are subject to Precise Development Plan review. Up to 25 designated camp lots are allowed. The camp lots may be established in the interim, prior to construction of Lawson's Center and the permanent sewage disposal system, provided the applicant submits and obtains approval of a Precise Development Plan and includes provisions for sewage disposal. A visitor-serving use such as a bed-and breakfast or small (up to 10-room) inn that is consistent with the C-RCR zoning may potentially be allowed within the Lawson's Center, subject to approval of a Precise Development Plan and operation of the new permanent sewage disposal system.

18. Area 7 Upland is allowed for up to 20 tent camping lots, subject to compliance with the 100-foot wetland buffer setback.

19. Area 8 Sand Haul Road may continue to be used for storage of RV's, travel trailers, and boats. Area 8 has the potential for use for RV, travel trailer, and tent camping lots. The area has not been subject to the detailed biological assessment that accompanied the original 1997 Master Plan and subsequent FEIR. Therefore, the area remains only as a potential camping area, subject to subsequent biological evaluation and confirmation as acceptable for camping activities without disturbing biological resources. The maximum number of camp lots shall be determined through a subsequent Precise Development Plan. All lots shall be located outside the wetlands and 100-foot buffer. Further details for use of Area 8 shall be included as part of a subsequent Precise Development Plan application.

General Campsite-related

20. Except as otherwise provided for herein, no visitor or visitor vehicle shall occupy the campground for more than 60 days annually.

21. For purposes of the Master Plan, campsite areas designated for recreational vehicle (RV) use are available for passenger cars and all vehicles that meet the definition of a RV pursuant to State Health and Safety Code Section 18010, including motor home, travel trailer, truck camper, or park trailer.

22. Consistent with HCD regulations, total area measured from the greatest horizontal extension of any RV or travel trailer used for campground visitors shall not exceed 400 square feet.

23. The applicant shall apply to the State Department of Housing and Community Development (HCD) to update the Recreational Vehicle Park Permit within 6 months of approval of any project phase, including this Master Plan. Following HCD permit approval, the applicant shall comply with all permit requirements.

Biological Management

24. Except for boat launching and day-use boat trailer parking along a lineal shoreline area extending generally 50 feet east of the pier and 500 feet west of the pier and coinciding with the area that is covered by the existing lease from the State Lands Commission, camping, parking, motor vehicles, and bicycles shall be strictly prohibited on the beach, in all dune areas, and in wetlands. Use of vehicles on the beach to facilitate trash pick-up and transport of fencing and signage in support of snowy plover protection measures is permitted.

25. Notwithstanding resource-related condition 32.E dune trails shall preserve dune formations, vegetation, and wildlife habitats.

26. Any fill that may be proposed in wetlands or other Coastal waters is subject to Coastal Permit requirements, including applicable mitigation ratios.

27. The applicant shall submit a revised Adaptive Management Plan scope of work within 6 months of Master Plan approval for review by the Planning Director. The proposal shall include the following elements:

A. The AMP shall include clear resource protection and restoration objectives, including specific restoration goals for those areas that have been impacted by human activities. The objectives shall further the following goals: (1) restoration of wetlands and their buffers to full ecological functioning; and (2) management of non-native vegetation by native vegetation, including removal of nonindigenous plant materials.

B. The AMP shall reflect the applicant's voluntary offer to grant a permanent deed restriction to protect the western snowy plover habitat in accordance with reasonable conditions and direction from the United States Fish and Wildlife Service.

C. The AMP shall include a funding mechanism with the applicant's contribution of at least $40,000 per year towards its implementation during the term of the AMP. This amount shall be adjusted annually to account for inflation, based on an index that is acceptable to the Community Development Agency Director.

D. The scope of the AMP shall extend at a minimum to the biological resources in permanently vacated camping locations to determine if upland habitats revert to wetland habitats in the absence of camping. In addition, the AMP shall include a strategy for management non-native vegetation within the areas designated for coastal recreation.

E. The AMP shall observe trends over time by conducting vegetation monitoring and sampling in vacated camping areas employing a sampling design suitable for monitoring wetland (dune slack) plant species and associated coastal plant communities.

F. The AMP shall require implementation of management actions, as necessary, if vegetation monitoring and sampling determines a need for restoration and/or remedial actions.

G. The AMP shall provide for monitoring, management, and restoration activities, as necessary, for a maximum period of 10 years from project approval, consistent with the maximum monitoring time frames typically required by state and federal resource agencies. The applicant shall submit annual monitoring reports to the Community Development Agency which includes the results from the monitoring program and an evaluation of the AMP's ability to attain its objectives.

H. Consistent with the applicant's voluntary offer, the property shall be made available to those interested in studying the site's unique natural resources, to be made at the visitor's own expense. The applicants shall consider implementation of the recommendations in the studies provided they (1) do not adversely impact the economically viable continuation of low cost visitor serving recreation uses; and (2) can be conducted within the constraints of the applicant's annual funding.

I. The AMP scope of work shall be subject to peer review, to be conducted by a consultant selected by the County.

J. The Grazing Management Plan shall be developed and implemented in coordination with the AMP.

28. Within one year of project approval, the applicant shall submit a complete AMP, based on the approved AMP proposal, as part of a Precise Development Plan application. The AMP shall be subject to peer review, to be conducted by a consultant selected by the County.

Precise Development Plan

Plans submitted for the subsequent Precise Development Plan(s) and/or all work undertaken in furtherance of subsequent Precise Development Plan(s) and Coastal Permit (s) shall comply with the following requirements:

29. All new utilities shall be undergrounded.

30. Any future exterior lighting shall be minimized with respect to number, height, and light output, and shall be shielded from offsite views, including from any public access easement.

31. All new project structural and layout elements, including water tanks and the new Lawson's Center, shall be subject to visual analysis, and shall be located and designed to minimize offsite visual effects. Particular attention shall be paid to visual impacts from public areas, Dillon Beach Village, and Oceana Marin.

32. Project Environmental Impact Report Mitigations. The following conditions of approval, lettered A. through O., have been derived from mitigations contained in the Environmental Impact Report for the project. All stages of project development shall conform with the adopted Mitigation, Monitoring and Reporting Program (MMRP), and the County of Marin will verify compliance with each of the required mitigations. Pursuant to the MMRP, the applicant shall bear all costs associated with management of the MMRP, including direct County staff costs. In the event County staff cannot absorb the task of managing the MMRP, an independent contractor will be hired by the County at the expense of the applicant to carry out the responsibilities for managing the MMRP. The detailed reporting checklist in a table format reflects the specific monitoring, implementation, and timing provision of the Environmental Impact Report mitigation measures and shall serve the purpose of verifying project compliance with the required conditions of approval. The source of each condition is provided as a bracketed reference at the end of each condition. For example, (Geology 1.1-1) refers to geology mitigation measure 1.1-1 from the EIR.

A. All construction within the delineated floodplain shall adhere to Marin County's Flood Plain Management Ordinance which requires that the lowest floor of new and substantial improvements be at or above the Base Flood Elevation (BFE) for non V designated areas. It may be possible to have the lowest floor below the BFE of a non-residential structure if the building is flood proofed. All proposed plans shall be subject to review and approval by the Marin County Department of Public Works and Building Inspection. (Hydrology and Water Quality 4.5-2)

B. In accordance with Marin County Code Chapter 23.08, the project sponsor shall implement erosion and sedimentation Best Management Practices to control stormwater and protect surface water quality including Dillon Creek and Tomales Bay. Best Management Practices (BMPs), designed to protect stormwater quality, are summarized in the *California Storm Water Best Management Practice Handbooks* (Stormwater Quality Task Force 1993) and can be recommended by the Association of Bay Area Governments *Manual Standards for Erosion and Sediment Control Measures*. BMPs are subject to review and approval by Marin County Department of Public Works and shall be implemented during project construction. According to Marin County Code Section 24.04.625, grading shall not be conducted during the rainy season (October 15 through April 15) without prior approval by Marin County Department of Public Works. (Hydrology and Water Quality 4.5-4, 4.5-12)

The following measures shall be implemented in accordance with the LCP:

1. Sediment basins (including debris basin, desilting basins, or silt traps) shall be installed on the project site in conjunction with initial grading operations and maintained through the development process to remove sediment from runoff waters. All sediment shall be retained onsite unless removed to an appropriate dumping location.
2. Temporary vegetation, seeding using native species, mulching, or other suitable stabilization methods shall be used to protect soils exposed during grading. Cut and fill slopes shall be stabilized immediately with approved landscape vegetation.

All topsoil removed by grading operations shall be stockpiled for reuse onsite and shall be protected from compaction, wind, and erosion during stockpiling.

C. The applicant shall modify the project's drainage system by installing devices that treat stormwater runoff to preproject conditions. Such devices may include, but not be limited to, biofilter strips, vegetated channels, or wet ponds. These features shall be subject to review and approval by the Marin County Environmental Health Services Department. (Hydrology and Water Quality 4.5-5)

D. The project sponsor shall relocate the proposed leachfield and access road to the recirculating sand filter system to a non-sand dune location, such as in the northern portion of the project site. Three potential alternate locations for the leachfield and sand filter system were identified during the EIR preparation and are presented in Exhibit 4.6-10. Preliminary evaluation of these locations indicates that from a dune stability and viability standpoint these locations would eliminate the impacts of the proposed leachfield on the dune system, because they would be located outside even the most stable sand dune areas. A preliminary engineering review of the potential alternate locations indicates that based on the soil types, slopes, and erosion hazards present in these areas, construction of a septic tank and leachfield system would be feasible as long as the leachfield were located in areas with less than 15% slope (Appendix H). Construction of a leachfield in this location would require the installation of force main piping and a pump station to pump wastewater from Sand Point to the alternate location.

Prior to construction of the septic tank, pipelines, pump station, and leach field, the project sponsor shall have a qualified engineer prepare additional detailed design investigations for the siting and operation of the leachfield and these studies shall be submitted to the County and RWQCB for review and approval. Through the specific design and siting process for the alternate location for the wastewater treatment system, the project sponsor shall determine whether an alternate treatment system should be constructed. Final review and approval of the system will be made by the RWQCB. (Geology and Soils 4.6-1, 4.6-12, Wastewater Treatment and Disposal 4.4-3, Biological Resources 4.13-1)

E. The project sponsor shall plan and design the trails in the foredune system to reduce the potential for the development of dune blowouts onsite, subject to further evaluation by the Adaptive Management Plan. (Geology and Soils 4.6-2) Specific actions include the following:

1. All pedestrian paths crossing the primary foredune for the entire length of the planning area shall be planned and designated in coordination with a coastal geomorphologist and approved by the County of Marin. At each designated site, pathways shall be planned for naturally low elevation "passes" through the ridge, or other locations where erosion potential is lowest.
2. In consultation with a coastal geomorphologist, pedestrian pathways through the primary foredune shall be oriented in a southwesterly direction, so that strong winds do not create sand blowouts in the dune face. Paths shall be planned to follow topographically low routes, minimize sharp turns and avoid steep pitches. The design of the paths should include consideration of a meandering zig-zag design to minimize the linear surface area that would be exposed to the northeast winds.
3. In consultation with a coastal geomorphologist, all entry paths through the primary foredune shall be monitored for geomorphic or vegetative changes or signs of deterioration. Monitoring techniques could include, but not be limited to, ground photo points, aerial photographs, and physical measurement. Other forms of monitoring may be required, as determined by the coastal geomorphologist and approved by the County of Marin.
4. Paths that cannot be stabilized or that do not remain stable during their use shall be closed and the area restored in consultation with a coastal geomorphologist and as approved by the County of Marin.
5. Designated pathways shall be fenced to prevent off-trail pedestrian activities and bovine traffic. Fencing can be used to cordon off foredunes in high-use areas where recreational activities are not permitted. Fencing with signs indicating dune protection or other similar language shall be used.
6. Provide public education on sand dune processes and reasons for protection through signs, displays at key access points, brochures for beach and dune users, and/or presentations to organized user groups.

F. The project sponsor shall secure a California-certified engineering geologist and civil engineer to provide the project structural engineer with seismic design criteria and recommendations based on state and county regulations for development in areas exposed to moderate to severe earthquakes. The site-specific recommendations made

by this geologist and civil engineer shall be approved by the County Building Inspection Division before being implemented at the site. (Geology and Soils 4.6-3)

1. As an overall performance criterion, seismic design features shall be adequate to ensure that the proposed relocated boathouse withstands the maximum credible earthquake for the San Andreas and Hayward faults.
   Examples of the seismic design criteria to be provided to the project structural engineer include:
   - identification of the controlling fault for seismic engineering design;
   - design earthquake magnitude;
   - distance to energy source (earthquake);
   - likely duration of strong groundshaking and qualitative discussion of its intensity and frequency (e.g., high vs. low); and
   - discussion of the potential for amplified groundshaking and other impacts as a result of local geologic conditions.

   The specific structural features appropriate for the project would be determined based on the seismic engineering design process.
2. The project sponsor shall use appropriate grading and design, in accordance with the UBC and County Code requirements, to reduce the secondary effects of groundshaking on human-made improvements.
3. Fill used during the construction of the project shall be properly designed with subsurface drainage and adequately compacted (i.e., minimum of 90% relative compaction as defined by the American Society for Testing and Materials [ASTM D1557]) to significantly reduce fill settlement.
4. Before any grading or construction permits are issued, the project sponsor shall submit for review and approval by the County a design-level geotechnical investigation. Plan review and construction observation/testing is required by the project geotechnical engineer. Final design of the proposed improvements shall incorporate the results of the geotechnical investigation approved by the County.
5. The construction contractor shall consult with a foundation engineer to develop an appropriate foundation design for the proposed boathouse. The structure shall be designed to accommodate up to 2.3 feet of secondary deformation without collapse. A possible design involves using a thickened reinforced concrete slab over a layer of cohesionless granular backfill. This approach may allow the foundation to accommodate permanent ground deformation without brittle failure; it could also reduce the risk to the structure from the effects of soil liquefaction by helping to support the temporary loss of bearing capacity that could occur in the event of liquefaction. A pile supported foundation should not be employed, because of the possibility of surface fault rupture through the site.

G. Prior to start of construction activities, the project applicant shall prepare a construction traffic control plan that shall be applied to all construction activities associated with the project. (Transportation and Circulation 4.8-1) The plan shall include, at a minimum, the following conditions:
   1. No construction-related traffic shall be allowed on the local roadway network on Sundays or any holiday.

2. No construction delivery truck traffic shall be allowed on the local roadway network before 8:00 a.m. or after 4:30 p.m.
3. No construction worker traffic shall be allowed on the local roadway network between 7:00 and 8:00 a.m. and between 4:30 and 6:00 p.m.
4. Local roadways will be jointly monitored by the County and project applicant every six months to determine whether project related construction traffic is degrading roadway conditions. Roadways with potential to be damaged by construction traffic shall be so designated and included in the monitoring effort shall be agreed to by the County and the project applicant. All degradation of pavement conditions because of project construction traffic will be fully repaired by the project applicant to the satisfaction of Marin County.
5. The project applicant shall prepare detailed analysis of roadway structural cross-section for Cliff Street to determine whether the roadway can withstand the vehicle loading for construction and normal operations.

H. Cliff Street shall be widened to the extent of the existing right-of-way at the three sharp curves, as shown on Exhibit 4.8-3, to soften the curves and improve sight distance to the satisfaction of Marin County Department of Public Works Traffic Division. This may require construction of a retaining wall to enlarge the sharp turn where Beach Avenue becomes Cliff Street, and widening the roadway to soften the curves and to improve sight distance at the two curves on Cliff Street closest to the entry gatehouse. Based on visual observations of the areas of proposed improvements, these proposed improvements would be feasible within the existing roadway alignment (W-Trans 2004). (Transportation and Circulation 4.8-3, 4.8-7)

I. Sand Haul Road shall be designated and improved (i.e., graded/paved) within its existing alignment as an alternative public emergency access route. Improvements to Sand Haul Road shall include grading, graveling, or paving of certain sections of the alignment to provide a smooth traveling surface for passenger cars to travel easily. Signs and placards showing the emergency route along Sand Haul Road shall be installed by the applicant and posted in appropriate locations. (Transportation and Circulation 4.8-4, 4.8-7)

J. In accordance with BAAQMD CEQA Guidelines (BAAQMD 1999), the following mitigation, which includes BAAQMD-recommended Basic, Enhanced, and Optional Control Measures, shall be implemented to reduce construction generated emissions. (Air Quality 4.9-1)

1. Water all active construction areas at least twice daily;
2. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard;
3. Pave, apply water three times daily, or apply (nontoxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
4. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
5. Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets;

6. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more);
7. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.)
8. Limit traffic speeds on unpaved roads to 15 mph in construction areas.
9. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
10. Replant vegetation in disturbed areas as quickly as possible.
11. Install wheel washers for all exiting trucks, or wash off the tire or tracks of all trucks and equipment before leaving the site.
12. Install wind breaks, or plant trees/vegetative wind breaks at windward side(s) of construction areas.
13. Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.
14. Limit the area subject to excavation, grading, and other construction activity at any one time.
15. Minimize idling time.
16. Maintain properly tuned equipment.
17. Limit the hours of operation of heavy-duty equipment and/or the amount of equipment in use.

In addition to the measures identified above, construction activities are also required to comply with all applicable BAAQMD rules and regulations, specifically Rule 8-3 regarding architectural coatings, Rule 8-15 regarding asphalt paving, Rule 11-2 regarding demolition, and Regulation 6 regarding particulate matter and visible emissions.

K. Construction activities shall adhere to the Dillon Beach Community Plan requirements with respect to hours of operation. (Noise 4.10-1)
   1. Heavy or otherwise "noisy" construction equipment (e.g. bulldozers, backhoes, scrapers/graders, heavy trucks, compactors, pavers, and pneumatic tools) should be operated during the hours of 8 a.m.-5 p.m. only, Monday through Saturday. Construction activities shall be prohibited on Sundays and holidays.
   2. Equipment engine doors on motorized equipment shall be closed during equipment operation.
   3. All construction equipment shall be equipped with mufflers.
   4. When not in use, motorized construction equipment shall not be left idling.
   5. Stationary noise-generating construction equipment (e.g., generators and compressors) shall be located the greatest distance possible from nearby noise-sensitive land uses.

L. A qualified professional archaeologist shall be retained to monitor all ground-disturbing activities. If subsurface concentrations of artifacts or other cultural materials such as stone, bone, or shell are uncovered during excavation operations, all construction activities in the area shall halt until the finds can be assessed. The archaeologist shall evaluate the find, and additional mitigation measures may be required depending on the potential significance of the finds. The archaeologist shall recommend additional actions deemed necessary for the protection of these resources. Such actions may include subsurface testing, data recovery, mapping, capping, or avoidance of the resource. The

project proponent shall ensure that additional protection actions (if needed) are implemented before construction continues at this site. (Cultural Resources 4.12-1)

1. A qualified archaeologist approved by Marin County shall monitor all ground disturbing activities during construction. If cultural resources are discovered during construction, construction activities shall halt and the property owner will be notified regarding the discovery. The archaeologist shall evaluate the resource in accordance with state and federal guidelines and shall determine whether the resource is significant. All archaeological excavation and monitoring activities shall be conducted in accordance with prevailing professional standards as outlined in Section 21083-2 of CEQA. Mitigation in accordance with a plan approved by the Marin County Community Development Agency shall be implemented prior to commencement of work within the area of the resource find. (Cultural Resources 4.12-2, 4.12-4)

2. In addition, the project sponsor shall stop potentially damaging work if human remains are uncovered during construction, Assess the Significance of the Find, and Pursue Appropriate Management. California law recognizes the need to protect Native American human burials, skeletal remains, and items associated with Native American burials from vandalism and inadvertent destruction. The procedures for the treatment of Native American human remains are contained in California Health and Safety Code Sections 7050.5 and 7052 and California Public Resources Code Section 5097. (Cultural Resources 4.12-3, 4.12-4)

M. The project sponsor shall implement the following measures to reduce potential impacts on special-status plant species (Biological Resources 4.13-2, 4.13-6):

1. Before the initiation of any ground-disturbing or vegetation-clearing activities, the project applicant shall retain a qualified botanist to conduct preconstruction, focused surveys to confirm the location of potentially suitable habitats in the area of construction disturbance that would be indirectly or directly affected by project implementation for the special-status plants listed in Table 4.13-1, with special attention given to the four species that are presently or historically known to occur on the project site. For plants that require active dunes, this would include the entire dune system. The botanist shall conduct surveys for these special-status plant species at the appropriate time of year when the target species would be in flower and therefore clearly identifiable (i.e., blooming periods). Surveys shall be conducted following the DFG (Department of Fish and Game)-approved protocol for surveying for special-status plant species.
2. If no special-status plants are found during preconstruction, focused surveys, the botanist shall document the findings in a letter report to the project applicant and the appropriate regulatory agencies, and no further mitigation will be required.
3. If special-status plants are found during preconstruction, focused surveys, and the populations can be avoided, they shall be clearly marked in the field by a qualified botanist for avoidance during construction activities. If the populations cannot be avoided, consultations with DFG and/or USFWS (US Fish and Wildlife Service) shall be required depending on the listing status of the plant. Through consultations, appropriate mitigation measures will be developed and implemented. Appropriate measures may include the creation of off-site populations through seed collection or transplanting, preservation and enhancement of existing populations, or restoration

or creation of suitable habitat in sufficient quantities to compensate for the impact. The project applicant shall implement all mitigation measures determined necessary during this consultation.

N. Future development and use shall comply with the following measures which are designed to avoid impacts on coastal and Section 404 wetlands and other waters of the United States (Biological Resources 4.13-3, 4.13-5):

1. Before the project design is finalized, a qualified biologist shall conduct a Section 404 jurisdictional delineation of waters of the United States, (if one is not already prepared and verified), including wetlands, for any areas of project impact outside of the survey area for the existing verified wetland delineation from March 5, 2003. In addition, the project applicant or a qualified biologist shall conduct a delineation of wetlands, as defined by the California Coastal Act (CCA) of 1976.
2. The project applicant or a qualified biologist shall contact DFG to determine whether streambed alterations would occur to drainage features as defined under Section 1602 of the California Fish and Game Code. If this is the case, the project applicant shall obtain a streambed alteration agreement from DFG for any proposed modifications of the features.
3. Based on the verified delineation, the project applicant shall avoid disturbance or fill of the protected coastal wetlands, which would also lead to avoidance of Section 404 wetlands and other waters of the United States, for any uses not authorized by the CCA for wetland fill. This will likely require relocation of some proposed facilities (e.g., trails, restrooms) outside a 100-foot buffer area from onsite wetlands to less environmentally constrained areas as shown in Exhibit 6-1.
4. All jurisdictional wetlands as defined by Section 404 of the CWA shall be protected from impacts associated with implementation of the project by a minimum 100-foot buffer. In some cases, such as when a special-status species requires habitat adjacent to a wetland for part of its life cycle, buffers greater than 100 feet may be necessary. Precise buffer width will be based upon consultation between the project applicant and the California Coastal Commission (CCC). Prior to beginning implementation of the project, the project applicant shall submit a wetland avoidance plan to CCC for approval. The avoidance plan shall include a map that clearly demarcates jurisdiction waters and the buffer area. Based on CCC guidance for establishing buffer, it is likely that relocation of some proposed facilities (e.g., trails, restrooms) will be required outside the buffer areas.
5. Wetlands and other waters of the United States filled for uses that are authorized under the CCA shall be replaced, restored, or enhanced so that there is "no net loss" in accordance with USACE, DFG, and LCP requirements. The project applicant shall secure the following permits and regulatory approvals, as necessary, and implement all permit conditions before beginning implementation of the project:

    a. Authorization for fill of jurisdictional waters of the United States shall be secured the CWA Section 404 permitting process. Timing for compliance with the specific conditions of the 404 permit shall be per condition specified by the USACE (US Army Corps of Engineers) in a mitigation monitoring plan that must be included with the Section 404 permit application. USACE typically require that mitigation monitoring plans included proposed wetland restoration, enhancement, and/or replacement activities that would ensure no net loss of jurisdictional wetlands functions and values in the project vicinity. The wetland creation section of the

habitat mitigation and monitoring plan shall include the following: target areas for creation; a complete biological assessment of the existing resources on the target areas; performance standards for success that will illustrate that the compensation ratios are met; and a monitoring plan including schedule and annual report format. Habitat restoration, enhancement, and/or replacement shall be at a location and by methods agreeable to USACE, DFG, and the LCP. Disturbance or loss of wetlands under jurisdiction of the CCC may be immitigable; the project applicant shall therefore reposition affected project components to a location(s) agreeable to CCC and in areas less environmentally constrained as shown in Exhibit 6-1.

b. Prior to construction in any areas containing wetland features, the project applicant shall obtain water quality certification pursuant to Section 401 of the Clean Water Act for the project. Any measures required as part of the issuance of water quality certification shall be implemented.

c. The project applicant shall obtain a Streambed Alteration Agreement under Section 1600 et seq. of the California Fish and Game Code for impacts to Waters of the State as defined under Section 1602 of the California Fish and Game Code.

d. The project applicant shall file a report of waste discharge with the Regional Water Quality Control Board for activities affecting waters of the state.

O. The following measures shall be implemented in order to minimize and mitigate impacts on special-status wildlife (Biological Resources 4.13-4, 4.13-6):

1. The following measures avoid impacts or reduce impacts to California red-legged frogs to a less-than-significant level:

a. Red-legged frogs are known and have been documented to occur on the project site (Monk and Associates 2002). Before construction of any project facilities, and as a follow-up to the habitat assessment conducted in May 2002 by Monk and Associates, a qualified biologist shall conduct a pre-construction, habitat survey in accordance with the methods outlined in *Guidance on Site Assessment and Field Surveys for California Red-legged Frogs* (USFWS 1997).

b. The results of the red-legged frog preconstruction habitat survey shall be summarized in a report to be provided to the USFWS Ecological Services Division, Sacramento Field Office. This report shall also include additional information related to survey as described under USFWS protocol (USFWS 1997). Construction disturbance to redlegged frog habitat shall be avoided to the extent feasible. If all habitat area cannot be avoided, disturbance shall be minimized.

c. If USFWS (US Fish and Wildlife Service) determines that implementation of the project could result in take, the project proponent shall consult with USFWS under Section 7 or Section 10 to determine a future course of action, including whether incidental take authorization is needed. Through consultation and negotiations with USFWS, appropriate mitigation and avoidance measures shall be determined and required to be implemented for the take authorizations. These mitigation measures would typically include, but not be limited to, preservation or replacement of upland and aquatic habitat at a minimum 1:1 ratio, as well as

avoidance and minimization measures (e.g., preconstruction surveys, seasonal construction restrictions, etc.) to reduce the potential for take of California red-legged frog.

2. The following measures would reduce impacts to special status invertebrates to a less-than-significant level:

   a. Before the project design is finalized, the project applicant shall hire a qualified biologist to conduct focused surveys for special-status invertebrates on the project site.
   b. If no special-status invertebrates are identified on the project site, no further mitigation for special-status invertebrates is required.
   c. If special-status invertebrates are identified on the project site, the project applicant shall attempt to minimize disturbance to occupied habitat to the maximum extent feasible. If occupied habitat for Myrtle's silverspot butterfly cannot be avoided, consultations with USFWS under Section 7 or Section 10 to determine a future course of action, including whether incidental take authorization is needed, shall be required. Through consultation and negotiations with USFWS, appropriate mitigation measures shall be determined and required to be implemented for the take authorizations. These mitigation measures would typically include, but not be limited to, preservation or replacement of suitable habitat at a minimum 1:1 ratio, as well as avoidance and minimization measures (e.g., preconstruction surveys, seasonal construction restrictions, etc.) to reduce the potential for take of Myrtle's silverspot butterfly.

Public Coastal Access

33. No fewer than three (3) free public parking spaces shall be provided, reserved, and maintained in an open and useable condition for free public use adjacent to Area 6 outside the entry gate on the property. Use of the free parking spaces and coastal and campground access conveyed therein by members of the public shall be on a first-come, first-served basis, and shall be for day-use only (no after dark or overnight use), with appropriate signage that alerts the public of the parking. Once the parking spaces have been filled, public access shall be at the campground operators' discretion. Pursuant to California Civil Code Section 846, no liability shall accrue to the campground owners/operators for free public use of the property for recreational coastal access. Maintenance of said parking spaces shall be the responsibility of the grantor.

Traffic Management

34. Traffic levels attributable to campground visitors shall be limited to the following:

    A. The maximum allowable number of total daily camping-related vehicles shall be limited to the number of campground lots allowed at any project phase. A RV towing a maximum of one passenger car or small truck shall count as a single vehicle.
    B. The maximum number of day use visitor vehicles shall not exceed 200, excluding free public visitor vehicles.
    C. In addition, vehicle trips taken by the non-campground employee or owner occupants of Area 2 are permitted.

35. Daily traffic counts differentiating and monitoring the different types of motorists (overnight campground lot visitor, overnight Area 2 visitor, day use paying, day use free, employee/ owner, and other) shall be implemented by the next busy season (commencing Memorial Day 2009), and thereinafter shall be provided to the County CDA on an annual basis.

36. The applicant shall submit a Traffic Management Plan to the Planning Director for review and approval, within one (1) year of project approval. The applicant shall be responsible for paying all reasonable costs for implementation of the Traffic Management Plan. The Traffic Management Plan proposal shall include the following:

A. Goals and objectives
   1) Reduce impact of traffic on neighborhood and community;
   2) Enhance traffic safety, encourage use of on-site facilities to avoid off-site trips;
   3) Establish educational program to encourage walking and biking on/off site;
   4) Manage maximum vehicle levels for campsites to avoid congestion and park entry delays;
   5) Establish criteria for determining traffic impacts (e.g., level-of-service, congestion/delay);
   6) Provide indices of congestion (stacking, wait times from a given point); and
   7) Identify maximum levels for: peak-time numbers of vehicles, congestion/delay.

B. Interim traffic reduction measures
   1) Signage at Tomales/Highway 1 shall be provided indicating when the campground is full.

C. Traffic Study
   1) Current/previous conditions;
   2) Improvement Plans: entry lanes/throating, offsite improvements;
   3) ;
   4) Construction-related traffic management;
   5) Pedestrian and bicyclist safety and convenience on- and off-site;
   6) Inventory of all roadways including identification of: (1) which ones will continue to be used by the public; (2) which ones will continue to be used by employees only; (3) which ones will be closed to vehicular usage; and (4) which ones will be abandoned, along with plans for removal and restoration of areas proposed for abandonment.

D. Monitoring program
   1) Traffic counts
   2) Peak time (holiday proximity, good weather) vs. off-peak operations;
   3) Field examinations: numbers, locations, frequency, by independent traffic counting firm (e.g., include Lawson's Landing Resort), number of observers;
   4) Duration of monitoring, including frequency before, during, after project phase completions and numbers and types of vehicles (inbound vs. outbound);
   5) Types of visitors: day use, overnight, longer-term, employee/owner, other; and
   6) Unusual vehicle activities, e.g., blocking entrances/exits, U-turns.

E. Other potential traffic improvements
   1) Enhanced reservation system;

2) Staggered arrivals;
3) Reservation priority lane; and
4) Traffic: reduction incentives for campsite users: non-peak day arrivals/departures, multiple-occupant versus single-occupant vehicles, in-camp trip reductions, shuttle.

Circulation improvements to ensure consistency with Fire and HCD standards.

F. EIR mitigations

1) Dillon Beach Road, Cliff Street pullout and widening improvements identified in the EIR shall be provided. Provided the applicant can demonstrate that improvements to Sand Haul Road will result in an equivalent or better means of mitigating traffic circulation impacts identified in the EIR for Cliff Street and that the resultant use of Cliff Street as a secondary means of ingress and egress to Lawson's Landing would not create significant impacts to traffic and circulation, the extent of pullout and widening improvements to Cliff Street that were identified in the EIR may be modified or eliminated. Additional environmental review may be required.

G. Other physical improvements

1) Evaluate potential improvements to Beach Road.

H. Parking

1) Day use, camping, walk-in, tents, Lawson's Landing Center, and existing employee and residential uses.

I. Compliance

1) Verification and reporting; and
2) Penalties for noncompliance.

J. Sand Haul Road Alternative Access

The applicant shall submit an evaluation for the use of Sand Haul Road as a primary full-time, year-round ingress and egress to Lawson's Landing to the maximum extent feasible. At a minimum, the applicant shall submit improvement plans to upgrade Sand Haul Road to a one-way, 12 to 14-foot wide (plus turnouts) road. The plans shall include a horizontal and vertical curve analysis, sight distance analysis, turnaround accommodations, and other improvements to Sand Haul Road and Dillon Beach Road, as necessary, to provide for safe circulation conditions. Necessary modifications to the entrance kiosk and registration and reservation systems shall be incorporated into the traffic management plan.

Agricultural Management

37. The applicant shall submit a Grazing Management Plan, consistent with the Grazing Management Plan proposal, within one year of project approval, as part of the required Precise Development Plan.

Miscellaneous

38. The applicant shall provide a detailed Emergency Response Plan within one year of project approval. The Plan shall include provisions for shelter in place independent of any restroom

facilities, an emergency warning siren, and an emergency evacuation plan. It shall include provisions addressing ground instability-related issues resulting from an earthquake.

39. Prior to issuance of the first Building or Grading Permit, the applicant shall record a Waiver of Public Liability holding the County of Marin, other governmental agencies, and the public harmless because of loss experienced by geologic actions.

40. The applicant shall defend, indemnify, and hold harmless the County or its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, and employees to attack, set aside, void, or annul the approval by the County of the Lawson's Landing Master Plan, Coastal Permit, and Tidelands Permit, for which action is brought within the time period provided for in California Government Code Section 66499.37. The County shall promptly notify the developer of any claim, action, or proceeding, and the County shall cooperate fully in the defense.

Department of Public Works

41. Pursuant to Mitigation Measure 4.8-3, Master Plan shall show the proposed widening on Cliff Street (see FEIR Exhibit 4.8-3). Show the entire right-of-way of both roads, including existing and proposed improvements. Show locations of proposed Dillon Beach Road Pullouts and approximate widening, and area of Gate entrance improvements.

42. The Alquist-Priolo Earthquake Hazards Zone northern boundary shall be shown on Sheets 2, 4, 5, and 6 (not currently shown). Also show on same sheets the 'Main' and 'Secondary' Fault Zones shown on FEIR Exhibit 4.6-7. The current plans identify zones titled 'San Andreas Fault' and 'Alquist-Priolo Special Study Zone". If these boundaries are continued to be used in future submittals, provide associated geologic report in compliance with State regulations.

    A. Provide geologic report delineating the "active" fault trace as required by the Alquist Priolo Earthquake Fault Zoning Act (Act). Reference to Main Fault Zone Preferred and Possible, and secondary fault zone makes it unclear on where structures are prohibited or where setbacks begin under the Act.
    B. Following establishment of the active fault trace and setbacks, show on plans areas for all new "recreational vehicle" parking, "park trailer" or "mobilehome" and associated type of construction. Note that under the Act, structure for human occupancy means any structure used for sheltering human occupancy of more than 2,000 person hours per year. Exemptions from the Act are limited to single family wood framed or steel framed not exceeding two stories when that dwelling is not part of a development of four or more dwellings, or mobile home whose body is less than or equal to 8 feet in width, subject to appropriate engineering studies. Otherwise, the structure cannot be built across the fault trace or within 50 feet of an active fault zone.

43. Show limits of Special Hazard Flood Area (FEMA FIRM V flood zone) on maps and show all structures. All new construction and substantial improvements shall be elevated to or above the Base Flood Elevation, and shall fully comply with MCC Chapter 23.09.

44. All improvements shall conform to Title 24 of the Marin County Code (MCC) or as approved by DPW and the Fire Department. However, as proposed (ref. pg. 8), roadway circulation

and parking shall be consistent with State Special Occupancy Park Regulations, specifically, California Code of Regulations, Housing and Community Development, Title 25, Section 2106 (for "parks constructed after September 15, 1961").

45. An encroachment permit shall be required for construction within the road right-of-way and is subject to final review and approval by the Road Commissioner.

Prior to Approval of the Precise Development Plans, the following requirements shall be met:

46. Submit grading and drainage plans for all proposed development areas. Design engineer shall provide drainage calculations and reports necessary to confirm the design.

47. Site plan shall include sites reserved for persons with disabilities. Provide and show parking spaces and paths of travel that conform to State and federal accessibility requirements.

48. Plans shall show the local roadway network likely to be impacted by construction-related, delivery truck and construction worker traffic (MP 4.8-1).

49. Plans shall show the location and design (i.e. alignment, grades & slopes, pavements, widths, radii, etc.) of the emergency access improvements to Sand Haul Road. Show limits of grading and drainage provisions (MP 4.8-4). Note: Sand Haul Road shall be designed to accommodate all types of vehicles and equipment expected to use the road in an emergency and as approved by the Fire Department.

50. Provide pedestrian and bike circulation plan.

51. Provide plans for the Lawson's Landing Center showing access, traffic circulation and parking. Provide a detailed inventory of proposed structures, uses, square footage, parking requirements and accessible paths of travel that conforms to ADA standards.

52. Provide plans that show sediment basins, topsoil stockpile areas and stabilization measures for disturbed areas.

53. Provide stormwater control plan incorporating Low Impact Development, treatment controls and Best Management Practices, and other requirements found in the NPDES Phase II, Attachment 4 permit. Included in the stormwater control plan shall be an Operations and Maintenance Plan to implement post construction BMPs in perpetuity.

Prior to Issuance of Grading or Building Permit, the following requirements shall be met:

54. A registered Civil Engineer or Architect shall design the site retaining walls, drainage, and grading plans. Plans must have the engineer's or architect's signature and stamp.

55. Provide design level geotechnical investigation.

56. Submit a Stormwater Control Plan pursuant to MCC Chapter 23.18 and Stormwater Guidance Manual. Included shall be a signed statement form the developer accepting

responsibility for all structural and treatment control BMP maintenance until the time the property is transferred. Any sales agreement shall include the transfer of responsibility.

57. Provide a copy of the Notice of Intent (NOI) filed with the State Water Resources Control Board.

58. Provide written evidence that a qualified professional archeologist is retained to monitor all ground disturbing activities.

59. Note on the plans that the Design Engineer shall certify to the County in writing that all grading, drainage, and retaining wall construction was done in accordance with plans and field directions. Also note that driveway, parking, and other site improvements shall be inspected by a Department of Public Works engineer prior to final inspection. Certification letters shall contain the address, assessor's parcel number and building permit number as required by the Building & Safety Division.

"EXHIBIT 4"

MITIGATION MONITORING AND REPORTING PROGRAM
Lawson's Landing Project

I. INTRODUCTION

A. Background

Assembly Bill 3180, Statutes of 1988, became law in California on January 1, 1989. This bill requires all public agencies to adopt mitigation or reporting programs when they approve projects with Environmental Impact Reports or Negative Declarations that identify significant environmental impacts. The reporting and monitoring program must be adopted when a public agency makes its findings under the California Environmental Quality Act Chapter 2.6 Section 21081.6 so that the program can be made a condition of approval. The program must be designed to ensure project compliance with mitigation measures during project implementation. If certain project impacts extend beyond the project implementation phase, long-term mitigation monitoring should be provided in the monitoring program.

B. Purpose

The Lawson's Landing Project Mitigation Monitoring and Reporting Program ("MMRP") would ensure that all required mitigation measures are completed as part of project construction and maintained in a satisfactory manner during project implementation. This program is designed in a table format for ease of use by the responsible parties. The table identifies the individual impacts, corresponding mitigation measures, individual/agency responsible for implementation, time frame for implementation, and assigns a party responsible to implement, monitor, and confirm the implementation of the mitigation measure. The table will be used by the County of Marin to verify that all required mitigation measures are incorporated into the project, and will provide a convenient tool to determine whether required measures have been fulfilled.

II. MITIGATION MONITORING AND REPORTING PROGRAM

A. Management

The Marin County Community Development Agency (CDA) will be responsible for oversight, implementation and administration of the MMRP for the Lawson's Landing Project.

A staff member designated by the CDA Director will manage the MMRP. If current staffing in the CDA cannot absorb the task of managing the MMRP, an independent contractor will be hired at the expense of the project applicant. The independent contractor would serve under the direction of the Environmental Coordinator. Duties of the staff member responsible for program coordination,

whether a permanent County staff member or independent contractor, would include the following:

1. Conduct routine inspections, plan checking, and reporting activities.

2. Serve as a liaison between County and project applicant regarding mitigation monitoring issues.

3. Coordinate activities of consultants hired by the project applicant when such expertise and qualifications are necessary to implement and monitor mitigation measures.

4. Coordinate with agencies having mitigation monitoring responsibilities

5. Assure follow-up and response to citizen complaints.

6. Complete forms, checklists and other documentation provided by the County for reporting. Maintain reports and other records and documents generated by the monitoring program.

7. Coordinate and assure corrective actions or enforcement measures are taken, if necessary.

B. Baseline Data

The baseline data for each of the environmental impact report (EIR) mitigation measures to be monitored over the duration of the project is contained in the certified Lawson's Landing Project EIR (SCH 2000052112).

C. Dispute Resolution

The overall program goal to ensure compliance with required mitigation measures could create disputes between the County and project applicant over what constitutes compliance. Therefore, a procedure for conflict resolution needs to be established as part of the MMRP. In the event of disagreement about appropriate mitigation measure implementation, the responsible County staff member will notify the Environmental Coordinator via a brief memo and hold a meeting with the project applicant. After assessing the information, the responsible staff member will determine the appropriate method for mitigation implementation and will notify the Environmental Coordinator of the decision. The project applicant, Environmental Coordinator, or any interested member of the public may trigger Planning Commission review by timely appeal or direct referral. The decision of the Planning Commission may be appealed to the Board of Supervisors.

D. Enforcement

The MMRP will be incorporated as a condition of project approval. Therefore, all mitigation measures and monitoring requirements must be compiled with in order

to fulfill the requirements of the approval. A number of the mitigation measures will be implemented during the course of the development review process. These measures will be checked in plans, in reports, and in the field prior to granting of subsequent approvals and/or permits (e.g., grading, building, and occupancy permits). If compliance is not found, these approvals and permits would not be granted. The remaining mitigation measures will be implemented during the construction, or project implementation phase. If work were performed in violation of mitigation measures, a stop work order would be issued. Other mitigation measures will be monitored over time in order to ensure long-term compliance. CDA staff may provide for revisions to mitigation measures if necessary to assure success, subject to the appeal process and compliance with CEQA requirements for subsequent or supplemental review of any significant changes to the project EIR. Mitigation measures and monitoring actions are provided in the attached table.

E. The Program

The attached MMRP table is derived from Appendix N of the project EIR. The table identifies the impact, mitigation measure(s), and level of significance after mitigation. Each impact and mitigation measure number (i.e., Impact 4.9-1, Mitigation Measure 4.9-1) is the same as documented in the EIR for the Lawson's Landing Project. Each impact and mitigation measure is summarized. Detailed discussions of the impacts and mitigations can be found in the EIR. The summary format in the table was intended to avoid the creation of a cumbersome, unusable table. In addition, the table identifies the person/agency responsible for implementation and monitoring of the mitigation. The "When Implemented" column identifies at which stage during the review (or construction) process the mitigation should be implemented.

F. Funding

CEQA Section 21081.6 does not provide a specific funding mechanism for implementation of mitigation monitoring and reporting programs. However, public agencies have the authority to levy charges, fees or assessments to pay for the program, just as they currently do for the preparation of EIRs. For the Lawson's Landing Project, the project applicant would be responsible for the costs of mitigation monitoring.

LAWSON'S LANDING PROJECT MITIGATION MONITORING AND REPORTING PROGRAM					
Impact	**Mitigation**	**Implemented by**	**When implemented**	**Monitored by**	**Verified by and date**
4.4 Wastewater Treatment and Disposal					
4.4-3 The proposed sand dune stabilization methods may not prevent the sand dunes from shifting, thus causing the leachfield to fail, potentially resulting in significant health hazard impacts.	4.6-1 and 4.13-1 Relocate and install the sewage disposal system and access road away from the sand dunes.	Applicant	PDP	EHS	
4.5 Hydrology and Water Quality					
4.5-2 Onsite recreational activities associated with the use of the facilities could result in the potential exposure of people or structures to hazards associated with flood events.	4.5-2 All construction within the delineated floodplain shall adhere to Marin County's Flood Plain Management Ordinance which requires that the lowest floor of new and substantial improvements be at or above the Base Flood Elevation (BFE) for non V designated areas.	Applicant	PDP	DPW	
4.5-4 Temporary construction-related ground disturbances could result in the discharge of stormwater and non-stormwater discharges containing pollutants to drainage systems and ultimately to Tomales Bay, causing water quality impacts.	4.5-4 The applicants shall implement erosion and sedimentation Best Management Practices in conformance with Chapter 23.08 of the Marin County Code in order to control stormwater and protect surface water quality including Dillon Creek and Tomales Bay.	Applicant	BP	DPW	

LAWSON'S LANDING PROJECT MITIGATION MONITORING AND REPORTING PROGRAM					
Impact	**Mitigation**	**Implemented by**	**When implemented**	**Monitored by**	**Verified by and date**
4.5-5 If runoff from isolated areas of the site is uncontrolled and not treated, the discharge could adversely affect the water quality of these waterways.	4.5-5 The project's drainage system shall incorporate devices that treat stormwater runoff to preproject conditions. Such devices may include, but not be limited to, biofilter strips, vegetated channels, or wet ponds.	Applicant	BP	DPW	
4.5-12 Soils would be exposed to wind and water erosion that could result in sediment or other contaminants being carried to Dillon Creek, Tomales Bay, and the Pacific Ocean.	4.5-12 The applicants shall implement erosion and sedimentation Best Management Practices in conformance with Chapter 23.08 of the Marin County Code in order to control stormwater and protect surface water quality including Dillon Creek and Tomales Bay.	Applicant	BP	DPW	
4.6 Geology and Soils					
4.6-1 The proposed leachfield site and the access road to the recirculating sand filter system lie within areas of actively moving sand dunes of high instability. Stabilizing the dunes could lead to unnatural fragmentation of the active dune areas, which could in turn influence the short- and long-term development of the dune system at the project site.	4.6-1 The applicants shall relocate the proposed leachfield and access road to the recirculating sand filter system to a non-sand dune location, such as in the northern portion of the project site.	Applicant	PDP	EHS	

LAWSON'S LANDING PROJECT MITIGATION MONITORING AND REPORTING PROGRAM					
Impact	**Mitigation**	**Implemented by**	**When implemented**	**Monitored by**	**Verified by and date**
4.6-2 The formal pedestrian pathways could result in the development of dune blowouts.	4.6-2 The applicants shall plan and design the trails in the foredune system to reduce the potential for the development of dune blowouts onsite to reduce the impact to a less-than-significant level.	Applicant	PDP	CDA	
4.6-3 The proposed boathouse is located in an area of secondary deformation where additional displacement could occur due to the site's location in the Alquist-Priolo Earthquake Hazards Zone.	4.6-3 The applicants shall secure a California-certified engineering geologist and civil engineer to provide the project structural engineer with seismic design criteria and recommendations based on state and county regulations for development in areas exposed to moderate to severe earthquakes.	Applicant	BP	CDA	
4.8 Transportation and Circulation					
4.8-1 Construction traffic could result in adverse traffic effects on a daily basis during peak construction periods.	4.8-1 The applicants shall prepare and implement a construction traffic control plan for all construction activities associated with the project.	Applicant	BP	DPW	
4.8-3 The project's minor contribution of daily trips would result in a significant traffic hazard impact because of the existing	4.8-3 Cliff Street shall be widened to the extent of the existing right-of-way at the three sharp curves to soften the curves and improve sight distances.	Applicant	BP	DPW	

LAWSON'S LANDING PROJECT MITIGATION MONITORING AND REPORTING PROGRAM					
Impact	**Mitigation**	**Implemented by**	**When implemented**	**Monitored by**	**Verified by and date**
substandard design of Cliff Street.					
4.8-4 The project would continue to provide inadequate emergency access routes to the project site because a secondary public emergency access point for public evacuation is not provided.	4.8-4 Emergency access improvements shall be made to Sand Haul Road that would designate and improve the road (i.e., grade/paved) within its existing alignment as an alternative public emergency access route.	Applicant	BP	DPW	
4.8-7 Under cumulative plus project conditions, the project would contribute vehicle trips to an existing adverse traffic condition along Cliff Street.	4.8-7 Widening of Cliff Street would reduce existing traffic congestion that occurs along Cliff Street and would further improve the operation of this roadway. Further, Mitigation Measure 4.8-4 would improve Sand Haul Road for emergency access by the public and emergency vehicles, thereby improving emergency access to and from the project site.	Applicant	BP	DPW	
4.9 Air Quality					
4.9-1 The project would result in short-term generation of fugitive dust, equipment exhaust, temporary employee trip emissions, and other construction-related emissions.	4.9-1 The project shall comply with BAAQMD-recommended Basic, Enhanced, and Optional Control Measures, as well as with all applicable BAAQMD rules and regulations, specifically Rule 8-3 regarding	Applicant	BP	CDA	

LAWSON'S LANDING PROJECT MITIGATION MONITORING AND REPORTING PROGRAM					
Impact	**Mitigation**	**Implemented by**	**When implemented**	**Monitored by**	**Verified by and date**
These short-term emissions could result in or contribute to a violation of applicable air quality standards.	architectural coatings, Rule 8-15 regarding asphalt paving, Rule 11-2 regarding demolition, and Regulation 6 regarding particulate matter and visible emissions.				
4.10 Noise					
4.10-1 The location of construction activities and the equipment used may result in increases in average daily noise levels that potentially exceed the County's land use compatibility noise thresholds at nearby noise-sensitive receptors and result in an increase of average daily noise levels of 3 dBA or greater.	4.10-1 The applicants shall implement the following measures during construction: (1) Construction activities shall adhere to the Dillon Beach Community Plan requirements with respect to hours of operation: Heavy or otherwise "noisy" construction equipment (e.g. bulldozers, backhoes, scrapers/graders, heavy trucks, compactors, pavers, and pneumatic tools) should be operated during the hours of 8 a.m.-5 p.m. only, Monday through Saturday. Construction activities shall be prohibited on Sundays and holidays; (2) equipment engine doors on motorized equipment shall be closed during equipment operation; (3) all construction equipment shall be equipped with mufflers; (4) when not in use, motorized construction equipment shall not be left idling; and (5) stationary noise-generating construction equipment (e.g., generators and compressors) shall be located the greatest distance possible from	Applicant	BP	CDA	

LAWSON'S LANDING PROJECT MITIGATION MONITORING AND REPORTING PROGRAM					
Impact	**Mitigation**	**Implemented by**	**When implemented**	**Monitored by**	**Verified by and date**
	nearby noise-sensitive land uses.				
4.12 Cultural Resources					
4.12-1 Disturbance to potential resources at the site of the proposed mobile home and leachfield could result in a significant impact to cultural resources.	4.12-1 Elimination of the mobile home and relocation of the sewage disposal system would eliminate the potential impact.	Applicant	PDP	CDA	
4.12-2 Subsurface disturbances could potentially destroy or damage previously undiscovered important prehistoric and historic cultural resources.	4.12-2 The applicants shall prepare and implement a Monitoring Plan and halt ground-disturbing activities in the event of accidental discovery of a cultural resource. Implementation of this mitigation would be undertaken by a qualified archaeologist approved by Marin County. If cultural resources are discovered during construction, construction activities shall halt and the property owner will be notified regarding the discovery. The archaeologist shall evaluate the resource in accordance with state and federal guidelines and shall determine whether the resource is significant. All archaeologic excavation and monitoring activities shall be conducted in accordance with prevailing professional	Applicant	BP	CDA	

LAWSON'S LANDING PROJECT MITIGATION MONITORING AND REPORTING PROGRAM					
Impact	**Mitigation**	**Implemented by**	**When implemented**	**Monitored by**	**Verified by and date**
	standards as outlined in Section 21083-2 of CEQA. Mitigation in accordance with a plan approved by the Marin County Community Development Agency shall be implemented prior to commencement of work within the area of the resource find.				
4.12-3 Subsurface disturbances could uncover previously undiscovered prehistoric burials.	4.12-3 The applicants shall stop work if human remains are uncovered during construction, to assess the significance of the find and to pursue appropriate management consistent with state law.	Applicant	BP	CDA	
4.12-4 Subsurface disturbances could potentially uncover previously unknown prehistoric resources on the cumulative project sites.	4.12-4 Implementation of mitigation measures 4.12-2 and 4.12-3 will reduce the impact to a less-than-significant level.	Applicant	BP	CDA	
4.13 Biological Resources					
4.13-1 Implementation of the project could result in the removal, disturbance, or degradation of sensitive habitats on the project site.	4.13-1 The applicants shall relocate the wastewater treatment facility to the northern portion of the project site outside of the on-site sand dunes.	Applicant	PDP	CDA	

LAWSON'S LANDING PROJECT MITIGATION MONITORING AND REPORTING PROGRAM					
Impact	**Mitigation**	**Implemented by**	**When implemented**	**Monitored by**	**Verified by and date**
4.13-2 The project could result in the disturbance or removal of special-status plant species and their associated habitat, and could substantially reduce the number or restrict the range of endangered, rare, or threatened species.	4.13-2 The applicants shall retain a qualified botanist to conduct preconstruction focused surveys to confirm the location of suitable habitats and to develop and implement a plan that would avoid all plant populations that are found subject to review by the Department of Fish and Game and the U.S. Fish and Wildlife Service.	Applicant	BP	CDA	
4.13-3 Site grading or other activities during the construction of the proposed improvements could result in disturbance or fill to waters of the United States, including wetlands and coastal wetlands.	4.13-3 The Precise Development Plan shall be designed to avoid impacts on coastal and Section 404 wetlands and other waters of the United States. This includes implementing measures that would avoid disturbance or fill of protected coastal wetlands and obtaining approval from the State Department of Fish and Game, Regional Water Quality Control Board, the Army Corps of Engineers, and other permitting agencies for any work that falls within the appropriate agency's jurisdiction.	Applicant	PDP	CDA	
4.13-4 Implementation of the project could result in disturbance or removal of coastal dunes, coastal scrub, and wet meadow habitats	4.13-4 The applicants shall conduct pre-construction habitat surveys and implement measures that would avoid disturbance of the identified habitat and mitigate for any	Applicant	BP	CDA	

LAWSON'S LANDING PROJECT MITIGATION MONITORING AND REPORTING PROGRAM					
Impact	**Mitigation**	**Implemented by**	**When implemented**	**Monitored by**	**Verified by and date**
that could provide habitat for a number of special status wildlife species.	disturbance of the habitat, consistent with the requirements of the Department of Fish and Game and the United States Fish and Wildlife Service.				
4.13-5 The project could contribute to cumulatively significant impacts on sensitive habitats and wetlands in the coastal zone.	4.13-5 The applicants shall implement mitigation measure 4.13-3.	Applicant	PDP	CDA	
4.13-6 The project could contribute to cumulatively significant impacts on special-status plant and wildlife species.	4.13-6 The applicants shall implement mitigation measures 4.13-2 and 4.13-4.	Applicant	BP	CDA	

ORDINANCE NO. 3506

AN ORDINANCE OF THE MARIN COUNTY BOARD OF SUPERVISORS APPROVING THE LAWSON'S LANDING MASTER PLAN (MP 91-001)

137 MARINE VIEW DRIVE, DILLON BEACH ASSESSOR'S PARCELS 100-100-48 ET AL.

* *

The Board of Supervisors of the County of Marin ordains as follows.

SECTION 1: CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

I. WHEREAS an Environmental Impact Report (hereinafter, "EIR") was prepared for the Lawson's Landing Master Plan, Coastal Permit, and Tidelands Permit applications pursuant to requirements of the California Environmental Quality Act ("CEQA," Public Resource Code Sections 21000-21177), State CEQA Guidelines, and County CEQA procedures.

II. WHEREAS on March 13, 2008, the Marin County Board of Supervisors adopted Resolution No. 2008-28 which certified the Final EIR for the Lawson's Landing project as adequate for purposes of taking an action on the project.

III. WHEREAS the Marin County Board of Supervisors hereby makes findings pursuant to CEQA as contained in "Exhibit 1" attached to this ordinance and incorporated herein by reference.

SECTION 2: FINDINGS RELEVANT TO MASTER PLAN AND FOR DETERMINATION OF PROJECT CONSISTENCY WITH APPLICABLE COUNTY PLANS

IV. WHEREAS the Marin County Board of Supervisors hereby makes findings for project approval and for determination of project consistency with the Marin Countywide Plan, Dillon Beach Community Plan, and the Local Coastal Program as contained in "Exhibit 2" attached to this ordinance and incorporated herein by reference.

SECTION 3: ORDINANCE APPROVING THE LAWSON'S LANDING PROJECT, SUBJECT TO CONDITIONS OF APPROVAL AND IMPLEMENTATION OF A MITIGATION MONITORING AND REPORTING PROGRAM

NOW, THEREFORE BE IT RESOLVED that the Marin County Board of Supervisors hereby enacts an ordinance which approves the Lawson's Landing Master Plan (MP 91-001), subject to the Conditions of Approval contained in "Exhibit 3" and implementation of the Mitigation Monitoring and Reporting Program contained in "Exhibit 4" of this ordinance. Both Exhibit 3 and Exhibit 4 are attached to this ordinance and incorporated herein by reference.

SECTION 4: EFFECTIVE DATE

This Ordinance shall be and is hereby declared to be in full force and effect as of thirty (30) days from and after the date of its passage, and shall be published once before the expiration date of fifteen (15) days after its passage, with the names of the Supervisors voting for and against the same in the Marin Independent Journal, a newspaper of general circulation published in the County of Marin.

SECTION 5: VOTE

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin, State of California, on the 18th day of November 2008, by the following vote, to wit:

AYES: SUPERVISORS Steve Kinsey, Harold C. Brown, Jr., Judy Arnold, Susan L. Adams, Charles McGlashan

NOES: NONE

ABSENT: NONE

CHARLES MCGLASHAN, PRESIDENT
MARIN COUNTY BOARD OF SUPERVISORS

Attest:

Clerk to the Board

The foregoing instrument is a correct copy of the original on record in this office.
MATTHEW H. HYMEL, Clerk
of the Board of Supervisors
of the County of Marin
State of California

By Toni Stewart
Deputy Clerk

"EXHIBIT 1"

FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT
Lawson's Landing Master Plan, Coastal Permit, and Tidelands Permit

I. OVERVIEW

A. Purpose of the Findings

These findings relate to the Lawson's Landing Project. The original proposal (hereinafter, "proposed project") and alternatives to the proposed project have been evaluated in the environmental impact report (EIR). The EIR found that the proposed project resulted in unavoidable significant effects on the environment that warranted consideration of an alternative design for approval. In response to the EIR and in order to facilitate resolution of the non-permitted status of various longstanding uses on the property and to reduce the environmental impacts of these uses which were included in the EIR's baseline, the applicant submitted the 2008 Reconfigured and Reduced Master Plan Alternative (hereinafter, "MPA"). A subsequent modified version of the MPA (hereinafter, "Revised MPA") would meet the project's basic objectives and result in further reductions to the severity of environmental impacts while better meeting policy objectives and applicable regulations. Consequently, the Revised MPA is being brought forward for approval. These findings are made and adopted in satisfaction of State and local requirements relative to the environmental review, analysis, consideration, and approval of the Revised MPA, and its environmental, planning, zoning, and development documents. These findings provide the written analysis and conclusions of the County's Board of Supervisors relative to the Revised MPA. They are divided into general sections. Each of these sections is further divided into subsections, each of which addresses a particular topic and/or requirement of law. At times, these findings refer to materials in the administrative record, which are either attached to these findings or are readily available for review at the County.

B. The Applicant and the Proposed Project

The applicant is Lawson's Landing, Inc. The Master Plan, Coastal Permit, and Tidelands Permit review and approval process will result in a conceptual plan that sets forth land uses, locations and intensities, and other relevant standards and conditions pertaining to the project and will serve to guide future submittal of precise project plans, including site and structural improvements, for subsequent County review.

The total area of proposed campsite-related development on the 940 to 960 acre property in the MPA, according to the applicant, is limited to approximately 245 acres. Although individual elements take up far fewer acres, the aggregate area encompassed by all campground improvements (including, for example, water tanks and wastewater

treatment) totals 245 acres. The MPA would reduce the total proposed camping area from 82.6 acres to 39.4 acres (a 52 percent reduction in area), affecting the areas identified as wet meadow, wetlands, wetland buffers, and dune grasslands. The 1998 Master Plan proposal of 1,000 campsites would be reduced to a maximum of 650 in the MPA, a 35 percent reduction in campsites.

The following provides a summary of the proposed uses in the eight subareas of the property proposed for various campground uses, and additional areas for ancillary facilities such as water and sewer.

1. Area 1 – Sea Wall is proposed in the MPA for approximately 100 travel trailers and recreational vehicles (RV) on 4.6 acres. No rigid structures will be allowed except for vehicle skirting. Temporary fabric-sided windscreens will be allowed outside the vehicle.

2. The number of travel trailers currently located in the approximately 12-acre Area 2 – Landing are proposed to be reduced from 233 to 213, an 8.6 percent reduction. Additionally, the applicant is in the process of finalizing the removal of approximately 120,000 square feet of additions that have been made to the trailers over the years. Trailer additions will be limited to a shed addition with a maximum area of 35 square feet, and a deck or porch. All mobile homes/travel trailers will be required to be fully mobile and maintain a current vehicle license. Removal of derelict trailers and disallowed appurtenances in Area 2 will create space for 50 additional RV spaces, available for short-term use, resulting in an increase from 233 to 263 in the total number of lots available in Area 2 for travel trailers and RVs combined (a 12.9% increase).

   Day use parking is proposed to be reduced from the 1998 Master Plan's 200 vehicles to the MPA's 100 vehicles. Boating facilities and the associated pier and poles are proposed to continue in the State-leased area, with approximately 16 to 35 vessels moored from June through September, and approximately 2,000 vessels launched from the beach annually. The store/shop will be substantially reduced in area, with primary retail and fuel pumping relocated to the Lawson's Center upland location away from the waterfront.

   Permanent residential use is proposed to be changed in the MPA. Whereas the 1998 MP proposed two new houses, to be added to the seven permanent homes currently occupied by the owners, their families, and their employees, the MPA is now eliminating any additional homes. The MPA also notes the current presence of 20 "permanent trailers", trailers that are presently occupied on a fulltime basis by 12 current employees, the rest by former employees or by members of the local workforce.

3. Use of Area 3 - Sand Point currently features some travel trailer and RV usage. Under the MPA, use of this area is proposed to be expanded to a maximum of approximately 100 travel trailers and RV's on approximately 8.1 acres.

4. Camping area will be reduced in the main meadow from current levels of approximately 43 acres to 5 acres in the MPA's proposed Area 4 – Meadow campsites. These camping areas will be located in various upland Pennisetum grassland areas adjacent to the main access road. Use will be limited to seasonal RV and tent camping.

5. The area comprising Area 5 - Gateway currently features seasonal RV and tent camping. Area 5 – Gateway proposes 50 RV spaces on approximately 2.1 acres.

6. The existing quarry operations area and buildings are proposed to be converted into a new, approximately 4.7-acre Area 6 - Lawson's Center, containing the main store, administrative offices, employee housing, a recreation center, boat sales and repair, and fuel service and storage. The majority of these uses will be relocated from the area near the pier, away from the shoreline and out of the earthquake and tsunami hazard areas.

7. Upon MPA implementation, approximately 150 RV campsites are proposed to be relocated from the meadow area to approximately 7.6 upland acres, identified as Area 7 - Upland, and Area 8 - Sand Haul Road, east of and uphill from the Gateway. These would be new camping areas.

A revised waste water/septic system is proposed to be located in an upland location outside of the mobile dunefields that has been determined to be feasible. Proposed in the Scale House Hayfield and Scale House West Pasture areas, the system would consist of approximately 2 acres of leachfield area and 6 acres of drip irrigation. All wastewater producing or receiving facilities would be connected to a community sewer line running to the disposal area. Cattle would be kept out of these pasture areas during the wet season. A pump station is proposed near the entry to lift the wastewater to the treatment facility.

As interim measures, the existing wastewater disposal systems are being evaluated by a wastewater consultant. The functioning status of all systems will be evaluated, and maintenance/corrective work done on obvious problem systems. Work will be conducted in two phases, with the first phase efforts focused on highest priority areas such as public rest rooms, the store and office, the laundry, and mobile homes with permanent or regular occupancy or are located near internal drainage swales. In the second phase, all other systems will be evaluated and addressed. All interim work is scheduled to be completed by Spring 2009.

Water supply and storage facilities will utilize groundwater on the property. Proposed water supply improvements include two new 100,000 gallon tanks, preliminarily proposed to be located near the existing tanks, although the applicant has expressed a willingness to be responsive to site-specific constraints, including proximity to wetlands.

The MPA will substantially reduce daily trips and congestion due to the 35 percent reduction in onsite campsites, and 50 percent reduction in day users. Per the FEIR, the entry Gateway will widen the vehicle accessway to 3 lanes inbound with one lane outbound. The MPA has been amended to include the FEIR's widening of three Cliff Street turns.

Traffic management is also considered in the Revised MPA, where an alternative being considered is utilization of Sand Haul Road during peak traffic periods (e.g., spring to fall holidays and peak weekend periods). This option would depend on an engineering study determining its feasibility, and what modifications might be necessary. At a minimum, Sand Haul Road will be upgraded adequately to serve as an emergency vehicle accessway.

An existing road crossing the wet meadow to access the Sand Point area is proposed to be abandoned for motor vehicular purposes, although left useable for bicyclist and pedestrian use.

The MPA will comply with EIR recommendations concerning earthquake- and tsunami-proofing all structures. A siren warning system is proposed, and all construction will fully comply with relevant building standards. Full mobility amongst the travel trailers and mobile homes will potentially facilitate relocation to minimize tsunami and earthquake risk. Emergency evacuation is proposed to continue to use Sand Haul Road as an option.

Natural Resource Management Plans are important components of the MPA and the County's review. The MPA includes a variety of approaches for management of natural resources. The first involves the overall reductions in campground operations, including relocation out of the wetlands. An Adaptive Management Plan (AMP) approach has been proposed by the applicant to manage the site's natural resources. Given the wide array of special status species, potentially different management approaches for those species, and the dynamism of the ecosystems on the site, the applicant believes the adaptive management approach best suits the property and its resources. An AMP proposal outline has been submitted and discusses the wetlands, dunes and beachgrass, and special status species management in this context. The MPA also includes a public education component about its resources.

The MPA includes a Proposal for a Grazing Management Plan. One of the stated purposes for the Grazing Management Plan is what effects grazing has on plant communities on the site – which ones benefit from

grazing and which do not. This is incorporated into the Proposal's preliminary grazing management objectives. A Certified Rangeland Manager is proposed to assist in preparation of the Grazing Management Plan.

Construction and Utilities are proposed to comply with the FEIR's mitigations with respect to noise, traffic, construction periods, locations, and water and air quality Best-Management-Practices (BMPs).

C. The Revised MPA

The Revised MPA is based on the applicant's MPA and will provide one cohesive approval of all uses which have historically operated on the property and will confirm consistency with the Local Coastal Program, the Dillon Beach Community Plan and Marin County zoning requirements. The Revised MPA is considered for approval by the Board of Supervisors. The Findings described below address the environmental effects of the Revised MPA. Differences between the description of the applicant's MPA and the Revised MPA are summarized below.

The Revised MPA would reduce the intensity and location of the proposed camping uses by allowing up to 533 recreational vehicle ("RV")/trailer/tent sites with potential for additional sites in Area 8 subject to approval of a Precise Development Plan, where 863 are proposed, and restricting the maximum number of recreational lots in each of the existing and potential use areas. The Revised MPA would also reduce the number of sites located within the designated buffers. The Revised MPA would also impose additional requirements for implementation of an interim/phased plan that would reduce the maximum number of recreational lots to 634 while implementing requirements from an adaptive management plan, grazing management plan, and traffic and circulation management plan. (Please refer to Exhibit "3" for a detailed description of the Revised MPA.)

D. Defined Terms

To provide consistency in the use of terms and to increase readability, these findings often provide short terms for certain longer, more encompassing terms or concepts. Unless the context requires a different meaning, any term or phrase used in these findings which uses initial-letter capitalization shall have that meaning given to it by these findings. Certain such terms and phrases are referenced below, while others are defined where they appear in the text of these findings.

Applicant – Lawson's Landing, Inc.

CEQA - The California Environmental Quality Act: Public Resources Code §21000 et seq.

Condition - An adopted Condition of Approval for the Lawson's Landing Project contained in "Exhibit 3" of the approval resolution and incorporated herein by reference.

County - The County of Marin.

Countywide Plan - The *Marin Countywide Plan*, which is the County's General Plan indicating land use designations and plan policies.

EIR - The term "EIR" (environmental impact report) is a general reference to the Final Environmental Impact Report, and other documents incorporated by reference into the Final EIR, including the Appendices and other documents incorporated by reference into the Final EIR.

Mitigation Measures - CEQA requires that, where feasible, significant impacts of a project be avoided or mitigated. Measures to avoid or mitigate such impacts are referred to herein as Mitigation Measures.

MMRP - The term "MMRP" (Mitigation Monitoring and Reporting Program) refers to a mitigation monitoring program that is adopted if a project is approved with an EIR that identifies significant environmental impacts pursuant to Public Resources Code §21081.6. The MMRP, derived from Appendix C of the EIR and contained in "Exhibit 4" of the approved resolutions and incorporated herein by reference, is designed to ensure project compliance with adopted Mitigation Measures during project implementation.

Proposed Project - The Lawson's Landing development. This is the "project" pursuant to CEQA §21065 and State CEQA Guidelines §15378.

State CEQA Guidelines - The State regulations implementing CEQA; California Code of Regulations, Title 14, Chapter 3 §15000 et seq.

E. Severability

If any term, provision, or portion of these findings or the application of same to a particular situation is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of these findings, or the application of the same to other situations, shall continue in full force and effect unless amended or modified by the County.

F. Program EIR

The EIR serves as a program EIR as provided in the State CEQA Guidelines Section 15168. As such, its purpose is to consider the environmental effects of the whole of the Proposed Project, consider alternatives to the entire project, and examine cumulative impacts of the collection of proposed facilities and resource management actions that make up the Proposed Project. A program EIR is typically prepared on a

series of actions that can be characterized as one large project. A program EIR can be used with plans or other general criteria (such as a Master Plan), to govern the conduct of an ongoing program. A program EIR can also be used as a first tier EIR that covers the general impacts of a plan or program. The level of detail in this type of EIR need not be greater than the detail of the plan or program being analyzed. When the development of detailed, site-specific information may not be feasible in this more general first-tier, program-level analysis, it may be deferred until a more detailed site-specific project is proposed (such as a Precise Development Plan) which may require further environmental documentation at that time, as long as an adequate environmental review of the overall plan is provided in the first tier of review.

The planning and project review process of Marin County provides for various development permit applications, including but not limited to Master Plans, Use Permits, Tentative and Final Subdivision Maps, Coastal Permits, Precise Development Plans, Improvement Plans, and grading and building permits. A project sponsor may file development applications necessary for a project concurrently or in stages at succeeding steps of the planning and development process, such as through subsequent, detailed, specific design-level plans required for a Precise Development Plan application. As a program EIR, the EIR was prepared to simplify the task of preparing environmental documents on subsequent parts of the program by providing the basis for an initial study for determining whether the later activity may have any significant effects, by incorporating the EIR by reference to address secondary effects, cumulative impacts, and other factors that apply to the program as a whole, and to focus on a subsequent project to permit discussion solely of new effects which had not been considered at the level of the program EIR. The program EIR complies with the provisions of State CEQA Guidelines §15168.

II. COMPLIANCE WITH CEQA

WHEREAS the Board of Supervisors has reviewed and considered the administrative record of the procedural history for the Proposed Project and Revised MPA, and finds, as supported by the record, that it has complied with all requirements of CEQA.

III. MITIGATION MEASURES AND CONDITIONS OF APPROVAL IN FULL

WHEREAS the Board of Supervisors has modified the Proposed Project, by the approval of the Revised MPA and adoption of Conditions of Approval (Exhibit 3), Mitigation Monitoring and Reporting Program (Exhibit 4), and these findings, to attempt to avoid or mitigate to a less-than-significant level all environmental impacts, and to otherwise consider, address and resolve all of the environmental concerns raised during public review of the EIR. Each finding made by the Board of Supervisors is set forth under the caption "CEQA §21081(A) Finding;" the discussion under the caption "Evidence Supporting the Finding" contains substantiating information about the mitigation that is provided and how it reduces the significant impact. Therefore, the

Board of Supervisors finds that the specific references to Mitigation Measures and Conditions of Approval provided herein are intended to indicate where the particular measure or condition can be found, and not to indicate that adoption of the precise mitigation or condition is limited to the information in the findings, where instead, the referenced Mitigation Measures and Conditions of Approval are adopted in full.

IV. CONCURRENCE WITH POTENTIAL IMPACTS DETERMINED TO BE LESS-THAN-SIGNIFICANT IMPACTS WITHOUT NEED FOR IMPOSITION OF MITIGATION

WHEREAS the Board of Supervisors has reviewed and considered the information in the EIR, including those chapters that address environmental effects, mitigation measures, and alternatives. Therefore, the Board of Supervisors, relying on the facts and analyses in the EIR, concurs with the conclusions of the EIR regarding the less-than-significant environmental impacts with regard to the Revised MPA.

V. CEQA §21081(a) FINDINGS REGARDING SIGNIFICANT IMPACTS

WHEREAS the EIR recommends specific mitigation measures to reduce these impacts to a less-than-significant level, and the Board of Supervisors has certified the EIR as being adequate according to CEQA, and the Board of Supervisors has reviewed and considered the information in the EIR and in the entire record; therefore, the Board of Supervisors makes specific findings, as follows, for each significant impact, pursuant to CEQA §21081(a), based not only on the EIR, but on the evidence in the entire record, including all written and oral testimony.

According to CEQA §21081, as amended by Chapter 1294 of the Statutes of 1994, no public agency shall approve or carry out a project for which an environmental impact report has been certified which identified one or more significant effects on the environment that would occur if the project is approved or carried out unless both of the following occur:

a. The public agency makes one or more of the following findings with respect to each significant effect:

    1. Changes or alternations have been required in, or incorporated into, the project, which mitigate or avoid the significant effects on the environment (referred to herein as: "Finding 1: The impact is mitigated to a less-than-significant level").

    2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency (referred to herein as "Finding 2: Another public agency can and should mitigate the impact.")

The following facts, findings, and substantial evidence supporting the Findings related to significant effects of the Revised MPA do not repeat the full analysis of impacts and description of mitigation measures contained in documents making up the administrative

record. Instead, the following discussion specifically references particular sections in the EIR that contain such information. The referenced documents are either included or attached herein, or are readily available to the public for review at the Marin County Community Development Agency - Planning Division, 3501 Civic Center Drive, Room 308, San Rafael, California. The numerical assignments used in these facts, findings, and substantial supporting evidence correspond exactly to the numbering system used in the EIR.

IMPACT 4.4-3: FEASIBILITY OF LONG-TERM OPERATION OF WASTEWATER TREATMENT AND DISPOSAL SYSTEM

Facts

The EIR found that it is uncertain if the proposed sand dune stabilization methods could feasibly stabilize the onsite dunes to prevent the sand dune from shifting and causing the leachfield to fail. Potentially significant health hazard impacts could result if the public is exposed to untreated effluent if the system fails.

CEQA §21081(A) FINDING

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Implementation of mitigations to relocate the proposed leachfield and access road to the recirculating sand filter system to a non-sand dune location, such as in the northern portion of the site, would mitigate the impact to a less-than-significant level.

IMPACT 4.5-2: EXPOSURE OF PEOPLE TO WATER-RELATED HAZARDS

Facts

The EIR found that the project would construct new facilities within areas designated by FEMA as subject to minimal flooding. Onsite recreational activities associated with the use of the facilities could result in the potential exposure of people or structures to hazards associated with flood events.

CEQA §21081(A) FINDING

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

The EIR identified a mitigation that would require all construction within the delineated floodplain to adhere to Marin County's Flood Plain Management Ordinance which requires that the lowest floor of new and substantial improvements be at or above the Base Flood Elevation (BFE) for non V designated areas. This would mitigate the impact to a less-than-significant level.

IMPACT 4.5-4: CONSTRUCTION-RELATED WATER QUALITY DEGRADATION

Facts

Temporary construction-related ground disturbances could result in the discharge of stormwater and non-stormwater discharges containing pollutants to drainage systems and ultimately to Tomales Bay, causing water quality impacts.

CEQA §21081(A) FINDING

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Mitigations identified in the EIR would require the applicant to implement erosion and sedimentation Best Management Practices in conformance with Chapter 23.08 of the Marin County Code in order to control stormwater and protect surface water quality including Dillon Creek and Tomales Bay. This would reduce the potential impact to a less-than-significant level.

IMPACT 4.5-5: INCREASED OFF-SITE SURFACE RUNOFF

Facts

The EIR found that runoff from isolated areas of the project site could carry contaminants to local waterways. If runoff is uncontrolled and not treated, the discharge could adversely affect the water quality of these waterways.

CEQA §21081(A) FINDING

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

The EIR identified a mitigation that would require the project's drainage system to incorporate devices that treat stormwater runoff to preproject conditions. Such devices may include, but not be limited to, biofilter strips, vegetated channels, or wet ponds. Incorporation of these stormwater treatment devices would reduce the degree of impact to less-than-significant.

IMPACT 4.5-12: CUMULATIVE CONSTRUCTION-RELATED WATER QUALITY DEGRADATION

Facts

The EIR found that soils would be exposed to wind and water erosion that could result in sediment or other contaminants being carried to Dillon Creek, Tomales Bay, and the Pacific Ocean when considering the effects of the Proposed Project with other projects cumulatively.

CEQA §21081(A) FINDING

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Mitigations identified in the EIR would require the applicant to implement erosion and sedimentation Best Management Practices in conformance with Chapter 23.08 of the Marin County Code in order to control stormwater and protect surface water quality including Dillon Creek and Tomales Bay. This would reduce the potential impact to a less-than-significant level.

IMPACT 4.6-1: IMPACTS OF STABILIZING DUNES ON DUNE PROCESSES

Facts

The proposed leachfield site and the access road to the recirculating sand filter system lie within areas of actively moving sand dunes of high instability. Stabilizing the dunes could lead to unnatural fragmentation of the active dune areas, which could in turn influence the short- and long-term development of the dune system at the project site.

CEQA §21081(A) FINDING

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

The EIR identified a mitigation that would require the applicant to relocate the proposed leachfield and access road to the recirculating sand filter system to a non-sand dune location, such as in the northern portion of the project site. Three potential alternate locations for the leachfield and sand filter system were identified during the EIR preparation and are presented in Exhibit 4.6-10 of the EIR. Preliminary evaluation of these locations indicates that from a dune stability and viability standpoint these locations would eliminate the impacts of the proposed leachfield on the dune system, because they would be located outside even the most stable sand dune areas. A preliminary engineering review of the potential alternate locations indicates that based on the soil types, slopes, and erosion hazards present in these areas, construction of a septic tank and leachfield system would be feasible as long as the leachfield were located in areas with less than 15% slope. Construction of a leachfield in this location would require the installation of force main piping and a pump station to pump wastewater from Sand Point to the alternate location.

Based on preliminary environmental review of these alternate locations, the EIR found that no new sensitive habitat or species would be adversely affected. Further, because of the existing roadways near these locations, it is likely that construction of a new access road to the leachfield would not be required. Therefore, the impact would be reduced to a less-than-significant level.

IMPACT 4.6-2: IMPACTS OF PROPOSED PATHWAYS ON FOREDUNE SYSTEM

Facts

The EIR found that the formal pedestrian pathways could result in the development of dune blowouts.

CEQA §21081(A) FINDING

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

The EIR identified mitigation measures that would require the applicant to plan and design the trails in the foredune system to reduce the potential for the development of dune blowouts onsite to reduce the impact to a less-than-significant level. Specific actions include the following:

(a) All pedestrian paths crossing the primary foredune for the entire length of the planning area shall be planned and designated in coordination with a coastal geomorphologist and approved by the County of Marin. At each designated site, pathways shall be planned for naturally low elevation "passes" through the ridge, or other locations where erosion potential is lowest.

(b) In consultation with a coastal geomorphologist, pedestrian pathways through the primary foredune shall be oriented in a southwesterly direction, so that strong winds do not create sand blowouts in the dune face. Paths shall be planned to follow topographically low routes, minimize sharp turns and avoid steep pitches. The design of the paths should include consideration of a meandering zig-zag design to minimize the linear surface area that would be exposed to the northeast winds.

(c) In consultation with a coastal geomorphologist, all entry paths through the primary foredune shall be monitored for geomorphic or vegetative changes or signs of deterioration. Monitoring techniques could include, but not be limited to, ground photo points, aerial photographs, and physical measurement. Other forms of monitoring may be required, as determined by the coastal geomorphologist and approved by the County of Marin.

(d) Paths that cannot be stabilized or that do not remain stable during their use shall be closed and the area restored in consultation with a coastal geomorphologist and as approved by the County of Marin.

(e) Designated pathways shall be fenced to prevent off-trail pedestrian activities and bovine traffic. Fencing can be used to cordon off foredunes in high-use areas where recreational activities are not permitted. Fencing with signs indicating dune protection or other similar language shall be used.

(f) Provide public education on sand dune processes and reasons for protection through signs, displays at key access points, brochures for beach and dune users, and/or presentations to organized user groups.

Implementation of the above measures would reduce the impact to a less-than-significant level.

IMPACT 4.6-3: INCREASED RISKS OF SURFACE FAULT RUPTURE

Facts

The EIR found that the proposed boathouse is located in an area of secondary deformation where additional displacement could occur due to the site's location in the Alquist-Priolo Earthquake Hazards Zone.

CEQA §21081(A) FINDING

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

The EIR identified a mitigation that would require the applicant to secure a California-certified engineering geologist and civil engineer to provide the project structural engineer with seismic design criteria and recommendations based on state and county regulations for development in areas exposed to moderate to severe earthquakes. This would reduce the degree of impact to less-than-significant.

IMPACT 4.6-11: CUMULATIVE GEOLOGIC IMPACTS

Facts

The EIR found that the project would increase the number of facilities that would support and continue camping activities in tsunami and fault hazard areas.

CEQA §21081(A) FINDING

Finding 1: The project has been modified to avoid an increase in facilities that support and continue camping activities in tsunami and fault hazard areas. For example, the Lawson's Landing center and store will be relocated to an upland location outside of tsunami run-up and Alquist-Priolo areas.

Evidence Supporting the Finding

The Revised MPA provides for relocation of the Lawson's Landing Center and store from Area 2 Landing to Area 6 Lawson's Center.

IMPACT 4.6-12: CUMULATIVE DUNE IMPACTS

Facts

The EIR found that the project in combination with cumulative projects would result in cumulative development of the Tomales Bay shoreline areas, which could result in significant cumulative impacts related to dune systems as a whole in the region. Further, the project would result in the continuation of recreational activities at the site which would contribute to the degradation of on-site sand dunes. These activities create an existing adverse baseline condition to which the project contribution would result in a significant cumulative dune impact.

CEQA §21081(A) FINDING

Finding 1: This impact is mitigated to a less-than-significant level through implementation of the Revised MPA which significantly reduces the level of camping and recreational activities at the project site.

Evidence Supporting the Finding

Existing camping and recreational activities are part of the baseline condition against which project impacts are measured, and the Revised MPA will substantially reduce the levels and resulting impacts of those activities. The Revised MPA will reduce campground levels from their current 1,000 camping visitors, 200 day users, and 233 permanent travel trailers to a maximum of 533 camping lots and 200 day users with potential for additional sites in Area 8 subject to approval of a Precise Development Plan. These levels of use are comparable to those evaluated by the EIR through the Reduced Project Alternative. The Reduced Project Alternative reduces by one-third the number of existing campsites, trailers, and day users and retains other project components similar to those in the Revised MPA. The EIR found that the Reduced Project Alternative would reduce the existing significant cumulative baseline sand dune impacts. The reduced levels of recreational use, relocated sewage treatment system, and conditions under which the campground will operate, compared to the previously-proposed project, will reduce the impact to a less-than-significant level.

IMPACT 4.8-1: INCREASED ROADWAY CONGESTION FROM CONSTRUCTION TRAFFIC

Facts

The EIR found that construction traffic could result in adverse traffic effects on a daily basis during peak construction periods.

CEQA §21081(A) FINDING

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

A mitigation identified in the EIR would require the applicant to prepare and implement a construction traffic control plan for all construction activities associated with the project in order to reduce the impact to a less-than-significant level.

IMPACT 4.8-3: INCREASED TRAFFIC CONGESTION

Facts

The EIR found that the project's minor contribution of daily trips would result in a significant traffic hazard impact because of the existing substandard design of Cliff Street.

CEQA §21081(A) FINDING

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

The EIR included a mitigation that would require Cliff Street to be widened to the extent of the existing right-of-way at the three sharp curves to soften the curves and improve sight distances. This would reduce the impact to a less-than-significant level.

IMPACT 4.8-4: EMERGENCY VEHICLE ACCESS

Facts

The EIR found that the project would continue to provide inadequate emergency access routes to the project site because a secondary public emergency access point for public evacuation is not provided.

CEQA §21081(A) FINDING

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

The EIR identified a mitigation measure that would require emergency access improvements to Sand Haul Road that would designate and improve the road (i.e., grade/paved) within its existing alignment as an alternative public emergency access route. Improvements to Sand Haul Road shall include grading, graveling, or paving of certain sections of the alignment to provide a smooth traveling surface for passenger cars to travel easily. Signs and placards showing the emergency route along Sand Haul Road shall be installed by the applicant and posted in appropriate locations. Implementation of this mitigation measure would reduce the impact to less-than-significant.

IMPACT 4.8-7: DEGRADATION OF LOS AT UNSIGNALIZED INTERSECTIONS

Facts

The EIR found that under cumulative plus project conditions, the project would contribute vehicle trips to an existing adverse traffic condition along Cliff Street.

CEQA §21081(A) FINDING

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Widening of Cliff Street would reduce existing traffic congestion that occurs along Cliff Street and would further improve the operation of this roadway. Further, Mitigation Measure 4.8-4 would improve Sand Haul Road for emergency access by the public and emergency vehicles thereby improving emergency access to and from the project site. Although periods of congestion may still occur, the project would reduce its contribution to cumulative congestion impacts along Cliff Street to a less-than-significant level.

IMPACT 4.9-1 SHORT-TERM EMISSIONS FROM CONSTRUCTION ACTIVITIES

Facts

The EIR found that the project would result in short-term generation of fugitive dust, equipment exhaust, temporary employee trip emissions, and other construction-related emissions. These short-term emissions could result in or contribute to a violation of applicable air quality standards.

CEQA §21081(A) FINDING

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

The EIR identified a mitigation measure that would require the project to comply with BAAQMD-recommended Basic, Enhanced, and Optional Control Measures as well as all applicable BAAQMD rules and regulations, specifically Rule 8-3 regarding architectural coatings, Rule 8-15 regarding asphalt paving, Rule 11-2 regarding demolition, and Regulation 6 regarding particulate matter and visible emissions. Implementation of these measures would reduce construction-generated emissions and render the impact less-than-significant.

IMPACT 4.10-1 CONSTRUCTION-GENERATED NOISE

Facts

The EIR found that the location of construction activities and the equipment used may result in increases in average daily noise levels that potentially exceed the County's land use compatibility noise thresholds at nearby noise-sensitive receptors and result in an increase of average daily noise levels of 3 dBA or greater.

CEQA §21081(A) FINDING

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Implementation of the following mitigations from the EIR would reduce the impact to less-than-significant: (1) Construction activities shall adhere to the Dillon Beach

Community Plan requirements with respect to hours of operation: Heavy or otherwise "noisy" construction equipment (e.g. bulldozers, backhoes, scrapers/graders, heavy trucks, compactors, pavers, and pneumatic tools) should be operated during the hours of 8 a.m.-5 p.m. only, Monday through Saturday. Construction activities shall be prohibited on Sundays and holidays; (2) equipment engine doors on motorized equipment shall be closed during equipment operation; (3) all construction equipment shall be equipped with mufflers; (4) when not in use, motorized construction equipment shall not be left idling; and (5) stationary noise-generating construction equipment (e.g., generators and compressors) shall be located the greatest distance possible from nearby noise-sensitive land uses.

IMPACT 4.12-1 POTENTIAL DESTRUCTION OF OR DAMAGE TO KNOWN CULTURAL RESOURCES

Facts

The EIR found that disturbance to potential resources at the site of the proposed mobile home and leachfield could result in a significant impact.

CEQA §21081(A) FINDING

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

The Revised MPA eliminated the proposed mobile home and relocated the leachfield to an upland location. These changes would eliminate the identified impact to potential cultural resources entirely. As a precaution, the EIR identified general mitigation measures that would require a qualified professional archaeologist to be retained to monitor all ground-disturbing activities, to evaluate materials that may be uncovered, and to advance mitigation measures depending on the potential significance of the finds.

IMPACT 4.12-2 POTENTIAL DESTRUCTION OF OR DAMAGE TO PREVIOUSLY UNDISCOVERED CULTURAL RESOURCES

Facts

The EIR found that subsurface disturbances could potentially destroy or damage previously undiscovered important prehistoric and historic cultural resources.

CEQA §21081(A) FINDING

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

The EIR identified a mitigation that would require the applicant to prepare and implement a Monitoring Plan and to halt ground-disturbing activities in the event of accidental discovery of a cultural resource. Implementation of this mitigation would be undertaken

by a qualified archaeologist approved by Marin County. If cultural resources are discovered during construction, construction activities shall halt and the property owner will be notified regarding the discovery. The archaeologist shall evaluate the resource in accordance with state and federal guidelines and shall determine whether the resource is significant. All archaeological excavation and monitoring activities shall be conducted in accordance with prevailing professional standards as outlined in Section 21083-2 of CEQA. Mitigation in accordance with a plan approved by the Marin County Community Development Agency shall be implemented prior to commencement of work within the area of the resource find.

IMPACT 4.12-3 POTENTIAL TO UNCOVER HUMAN REMAINS

Facts

The EIR found that subsurface disturbances could uncover previously undiscovered prehistoric burials.

CEQA §21081(A) FINDING

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

The EIR identified a mitigation measure that would require the applicant to stop work if human remains are uncovered during construction, to assess the significance of the find, and to pursue appropriate management consistent with state law. Implementation of this mitigation measure would reduce the impact to less-than-significant.

IMPACT 4.12-4 CUMULATIVE IMPACTS ON PREHISTORIC RESOURCES

Facts

The EIR found that subsurface disturbances could potentially uncover previously unknown prehistoric resources on the cumulative project sites.

CEQA §21081(A) FINDING

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Implementation of Mitigation Measures 4.12.2 and 4.12-3 on a project-by-project basis would reduce significant cumulative impacts to archaeological resources to a less-than-significant level.

IMPACT 4.13-1 IMPACTS ON SENSITIVE HABITATS

Facts

The EIR found that implementation of the project could result in the removal, disturbance, or degradation of sensitive habitats on the project site.

CEQA §21081(A) FINDING

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

The applicant has modified the project to relocate the wastewater treatment facility to the northern portion of the project site outside of the on-site sand dunes. This would reduce the impact to a less-than-significant level.

IMPACT 4.13-2 IMPACTS ON SPECIAL-STATUS PLANTS

Facts

The EIR found that the project could result in the disturbance or removal of special-status plant species and their associated habitat, and could substantially reduce the number or restrict the range of endangered, rare, or threatened species.

CEQA §21081(A) FINDING

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

The EIR identified mitigation measures that would reduce the potential impact on special-status plant species to a less-than-significant level by requiring the applicant to retain a qualified botanist to conduct preconstruction, focused surveys to confirm the location of suitable habitats and to develop and implement a plan that would avoid all plant populations that are found subject to review by the Department of Fish and Game and the U.S. Fish and Wildlife Service.

IMPACT 4.13-3 IMPACTS TO WETLANDS

Facts

The EIR found that site grading or other activities during the construction of the proposed improvements could result in disturbance or fill, to waters of the United States, including wetlands and coastal wetlands.

CEQA §21081(A) FINDING

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

The EIR identified mitigation measures that are designed to avoid impacts on coastal and Section 404 wetlands and other waters of the United States in order to render the impact less-than-significant. This includes implementing measures that would avoid disturbance or fill of protected coastal wetlands and obtaining approval from the State Department of Fish and Game, Regional Water Quality Control Board, the Army Corps of Engineers, and other permitting agencies for any work that falls within the appropriate agency's jurisdiction.

IMPACT 4.13-4 IMPACTS TO SPECIAL-STATUS WILDLIFE

Facts

The EIR found that implementation of the project could result in disturbance or removal of coastal dunes, coastal scrub, and wet meadow habitats that could provide habitat for a number of special status wildlife species.

CEQA §21081(A) FINDING

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

The EIR found that mitigation measures can be implemented to minimize and mitigation impacts on the California Red-legged Frog and special status invertebrates to render the impact less-than-significant. This includes conduct of pre-construction habitat surveys and implementation of measures that would avoid disturbance of the identified habitat and mitigate for any disturbance of the habitat, consistent with the requirements of the Department of Fish and Game and the United States Fish and Wildlife Service.

IMPACT 4.13-5 IMPACTS TO SENSITIVE HABITATS, INCLUDING COASTAL WETLANDS

Facts

The EIR found that the project could contribute to cumulatively significant impacts on sensitive habitats and wetlands in the coastal zone.

CEQA §21081(A) FINDING

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Implementation of mitigation measures to mitigate impact 4.13-3 would reduce project-related impacts to special-status plants and wildlife to less-than-significant levels. Because adverse camping activities were part of the baseline conditions, no other feasible mitigation is available to reduce this impact.

IMPACT 4.13-6 CUMULATIVE IMPACTS TO SPECIAL-STATUS SPECIES

Facts

The EIR found that the project could contribute to cumulatively significant impacts on special-status plant and wildlife species.

CEQA §21081(A) FINDING

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Implementation of mitigation measures in response to Impacts 4.13-2 and 4.13-4 above would reduce project-related impacts special-status plants and wildlife to less-than-significant levels.

VI. FINDINGS REGARDING PROJECT ALTERNATIVES

A. CEQA Alternatives Analysis

CEQA and the State CEQA Guidelines require that an EIR "[d]escribe a range of reasonable alternatives to the project, or to the location of the project, which could feasibly attain the basic objectives of the project." (State CEQA Guidelines 15126[d]). The EIR evaluates and compares several alternatives to the project, and the Board of Supervisor's findings regarding these alternatives are set forth below.

B. Definition of Feasibility of Alternatives

Public Resources Code §21081(b)(3) provides that when approving a project for which an EIR has been prepared, a public agency may find that "[s]pecific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report." Under Public Resources Code §21061.1, the term "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

C. Environmentally Superior Alternative

The EIR discusses which alternative is environmentally superior, based on the alternatives analysis. The EIR concluded that the Reduced Alternative is environmentally superior to the project and all other alternatives because it would meet most (but not all) of the project objectives and avoid the project cumulative impacts. The applicant's MPA is intended to implement a combination of the Reduced and Reconfigured Alternative, while the Revised MPA that is recommended for approval would incorporate additional refinements to the MPA to reduce both cumulative impacts that were identified in the EIR to a less-than-significant level and to correct adverse use baseline conditions associated with existing long-term uses.

D. Findings on Feasibility of Alternatives

The EIR examined six alternatives to the Proposed Project, including the No Project Alternative - Continued Existing Conditions; Modified No Project Alternative; Reduced Project Alternative; Reconfigured Uses Project Alternative; Mitigated Project Alternative, and Mixed Use Project Alternative.

After the Board of Supervisors certified the Final EIR for the project, the applicant submitted a Master Plan Alternative (MPA) that is intended to incorporate the Reduced Alternative from the EIR and includes some aspects of other EIR alternatives, such as the Reconfigured Uses Project Alternative and the Mitigated Project Alternative, to further address project baseline issues and accommodate project objectives. The applicant's MPA reduces potential impacts consistent with the EIR mitigations and comports most closely to the EIR's Reduced Project Alternative.

WHEREAS, for the reasons set forth below and considering the entire record, the Board of Supervisors hereby determines that the EIR presents a reasonable range of alternatives, in accordance with CEQA, and recommends approval of a project that refines the Reduced Project Alternative and further reduces the less-than-significant impacts of the Reduced Project Alternative. The Board of Supervisors has rejected the project as originally proposed and analyzed in the EIR. The Board of Supervisors further finds that the No Project Alternative - Continued Existing Conditions, Modified No Project Alternative, Reconfigured Uses Project Alternative, Mitigated Project Alternative, and Mixed Use Project Alternative, are less desirable, have greater potential impacts, or are infeasible based on analysis in the EIR. Each reason set forth below is a separate and independent ground for the Board of Supervisors' determination.

1. No Project Alternative - Continued Existing Conditions

Description of the Alternative

The "No Project Alternative-Continued Existing Conditions" is discussed at pages 6-7 through 6-9 of the EIR. The No Project Alternative-Continued Existing Conditions assumes that existing conditions at the site are continued. Thus, under this alternative, the existing baseline uses, including RV's and travel trailers, would continue to occupy sensitive habitat adjacent to or including wetlands. Other environmentally beneficial improvements associated with the Proposed Project, such as construction of onsite wastewater collection and treatment, traffic circulation improvements, adaptive management plan, environmental education, parcel merger, and relocation of Lawson's Center, would not be implemented under this Alternative. Other growth in the area projected in the Marin Countywide Plan would continue with the No Project Alternative-Continued Existing Conditions, but this alternative would not contribute to such cumulative development. This alternative would not foreclose any site development at a later date but assumes maintenance of the existing use *status quo* for the foreseeable future. Implementation of this Alternative would not result in the approval of a Master Plan to consolidate, plan, and control land uses on this site or result in authorization of any existing land uses at the project site.

Reasons for Rejecting the Alternative

The No Project Alternative-Continued Existing Conditions would not be the environmentally superior alternative, because it would not correct existing adverse use baseline environmental conditions, and would not result in the environmental benefits associated with the Reduced Project Alternative. This alternative would not meet basic project objectives.

2. Modified No Project Alternative

Description of the Alternative

The "Modified No Project Alternative" is discussed at pages 6-10 through 6-11 of the EIR. The Modified No Project Alternative assumes that no change would occur to the current conditions. However, some existing uses have not been authorized and may be found to be inconsistent with Countywide Plan and Local Coastal Program policies. Future enforcement actions taken by the County and other regulatory agencies could result in a reduction of current uses, to an unknown level. It is too speculative to conclude the extent to which regulatory compliance-driven changes would occur, so for environmental review purposes, existing conditions at the site would continue. Travel trailers would continue to occupy sensitive habitat in/near wetlands, and other environmentally beneficial improvements associated with the MPA, such as construction of onsite wastewater collection and treatment, traffic circulation improvements, adaptive management plan, environmental education, parcel merger, and relocation of Lawson's Center, would not be implemented. Other

growth in the area projected in the Marin Countywide Plan would continue with the Modified No Project Alternative, but this alternative would not contribute to such cumulative development. This alternative would not foreclose any site development at a later date but considers the possibility that maintenance of the existing use *status quo* would not continue indefinitely. Implementation of this Alternative would not result in the approval of a Master Plan to consolidate, plan, and control land uses on this site or result in authorization of any existing land uses at the project site.

Reasons for Rejecting the Alternative

The Modified No Project Alternative would not be the environmentally superior alternative, because it may not correct all of the existing adverse environmental conditions, and would not result in the environmental benefits associated with the Reduced Project Alternative. This alternative would also not meet several of the project objectives.

3. Reduced Project Alternative

Description of the Alternative

The "Reduced Project Alternative" is discussed at pages 6-11 through 6-14 of the EIR. The Reduced Project Alternative assumes that a reduced number of facilities would be constructed onsite and existing recreational activities at the site would be reduced by one-third. The alternative would also include construction of a new wastewater treatment system in a non-sensitive location. It would reduce the number of campsites to 677, the number of trailers to 155, and the number of day users to 133. The project would not result in construction of new water storage tanks or fire fighting capacity at the site. This Alternative would apply all EIR mitigations for the original Proposed Project that are still relevant to the revised reduced design and use concept for this alternative. Because of the reduced number of system users, wastewater treatment and disposal impacts would be reduced. The location of wastewater treatment facilities in a non-sand dune location would avoid the project's impacts from development in sensitive dune habitats. The project would result in similar levels of impacts associated with seismic and liquefiable soil conditions with current conditions, because uses would still be located in areas subject to such conditions. Tsunami and cumulative flood hazard impacts would be lessened with the reduced number of structures. This alternative would improve roadway design conditions in the local area, while at the same time reducing vehicle trips, so it would result in less traffic and circulation impacts. No new facilities would be constructed in wetlands. Implementation of this Alternative would result in the approval of a Master Plan and authorization of some existing land uses and proposed uses at the project site. This alternative further incorporates features and components of the EIR Reconfigured Uses Project Alternative and Mitigated Project Alternative along with other conditions that will reduce cumulative impacts of adverse baseline uses.

Reasons for Approving the Alternative

The Revised Master Plan Alternative (Revised MPA) project most closely comports to the Reduced Project Alternative, with further refinements. It would result in further reductions in the existing baseline uses, with potential for up to 533 RV, travel trailer, and tent lots with potential for additional sites in Area 8 subject to approval of a Precise Development Plan. The Board of Supervisors finds that the Revised MPA better addresses existing baseline conditions and uses, further avoids or reduces cumulative impacts below the level of significance, furthers compliance with policy objectives and required findings for the Master Plan, Coastal Permit, and Tidelands Permit, better achieves project objectives, and enhances the environmental superiority of the Reduced Project Alternative. It would incorporate all EIR mitigations for the originally Proposed Project that are still relevant to the Revised MPA. It would have many environmental effects similar to the MPA, but would further reduce activities in sensitive wetlands and wetlands buffers. This alternative would meet most, but not all, of the project objectives, including an adaptive management plan environmental protection program, installing an uplands wastewater treatment system, and providing improvements to existing onsite recreational uses and facilities. Transportation and circulation impacts between the MPA and the Revised MPA would be very similar. As discussed further in the discussion of EIR mitigations, the Revised MPA either avoids potentially significant cumulative impacts or reduces them to less-than-significant.

4. Reconfigured Uses Alternative

Description of the Alternative

The "Reconfigured Uses Alternative" is discussed at pages 6-15 through 6-18 of the EIR. This alternative would relocate some of the facilities and structures onsite to avoid potentially significant and cumulative project impacts, for example, relocation of the wastewater treatment system to a non-dune location. The boathouse and associated activities (fueling, repair, etc.), as well as the laundry, would be located outside the San Andreas Fault deformation. Trailers and campsites would also be relocated and clustered in the least constrained areas of the site. Proposed facilities would be relocated in non-wetland areas. Cattle grazing would be relocated to areas east and north of active sand dunes. Implementation of this Alternative would result in the approval of a Master Plan and authorization of some existing land uses and proposed uses at the project site.

Reasons for Rejecting the Alternative

The Reconfigured Uses Alternative would present environmental tradeoffs compared to the Proposed Project. As fully implemented the

Reconfigured Uses Alternative would create the potential for grading, biology, and cultural resource effects. The Alternative would not meet project objectives. As discussed above, both the MPA and the Revised MPA incorporate certain elements of the Reconfigured Uses Alternative (for example, relocation of the boathouse facilities, main store, laundry, and administrative offices would be relocated out of the San Andreas Fault deformation zone) which comport to project objectives and avoid environmental tradeoffs.

5. Mitigated Project Alternative

Description of the Alternative

The "Mitigated Project Alternative " is discussed at pages 6-18 through 6-21 of the EIR. The Mitigated Project Alternative would reduce the total number of campsites to 750, and would avoid potentially significant impacts associated with the originally Proposed Project, for example, a sand dune wastewater treatment facility and location of new facilities in the wetlands. With the Mitigated Alternative, the wastewater treatment system would be relocated to the northern portion of the project site, away from sensitive resources. Any new facilities would be located at least 100 feet away from any wetlands. The mitigated alternative would continue existing recreational activities at current levels (for example, 233 travel trailers, 200 day use visitors). Implementation of this Alternative would result in the approval of a Master Plan and authorization of some existing land uses and proposed uses at the project site.

Reasons for Rejecting the Alternative

The Mitigated Project Alternative would not fully avoid cumulative impacts associated with existing baseline conditions. For example, although the project would reduce the number of campsites, it would not relocate all existing campsites out of wetlands areas. This alternative would not achieve the level of environmental protection and environmental superiority of the Revised MPA reduced alternative identified above.

6. Mixed Use Project Alternative

Description of the Alternative

The "Mixed Use Project Alternative " is discussed at pages 6-22 through 6-25 of the EIR. The Mixed Use Project Alternative would allow an increase in day use visitors of up to 400 total, while reducing the total number of campsites to 500, and removing one-half of the travel trailers in Sand Point (116 travel trailers would remain). A small market/gas station would be constructed near the entrance, and a 100-room/100-conference seat hotel/motel would be constructed in

the northeastern portion of the project site. It would be uncertain what wastewater treatment facilities would be required for the new uses, however it is likely that the alternative would result in similar wastewater treatment and disposal impacts as the original project. The new facilities could introduce a source of new nighttime lighting to the surrounding area. Development of the hotel/motel could significantly intensify land uses resulting in a substantial change in the site's visual character. Operational trips associated with recreational activities would likely be similar to the original project. The Mixed Use Project Alternative would result in approval of a Master Plan and authorization of some existing land uses and proposed uses at the project site.

Reasons for Rejecting the Alternative

The Mixed Use Project Alternative would result in new, potentially significant water supply, wastewater treatment, and biological resource impacts. It would not meet all of the project objectives. This alternative would have greater potential impacts than the other alternatives considered, and is not environmentally superior.

"EXHIBIT 2"

FINDINGS FOR PROJECT APPROVAL AND FOR DETERMINATION OF PROJECT CONSISTENCY WITH THE MARIN COUNTYWIDE PLAN, DILLON BEACH COMMUNITY PLAN, AND THE LOCAL COASTAL PROGRAM UNIT II

Lawson's Landing Master Plan, Coastal Permit, and Tidelands Permit

I. WHEREAS the applicant, Lawson's Landing, Inc., submitted the Lawson's Landing Master Plan, Coastal Permit, and Tidelands Permit seeking approval of a conceptual plan that sets forth land uses, locations and intensities, and other relevant standards and conditions pertaining to the use of the 940- to 960-acre property that will guide future submittal of precise project plans, including site and structural improvements, for subsequent County review. In response to the EIR, the applicant revised the proposal through submittal of the 2008 Reconfigured and Reduced Master Plan Alternative ("MPA").

The total area of proposed campsite-related development on the property in the MPA, according to the applicant, is limited to approximately 245 acres. Although individual elements take up far fewer acres, the aggregate area encompassed by all campground improvements (including, for example, water tanks and wastewater treatment) totals approximately 245 acres. The MPA would reduce the total proposed camping area from 82.6 acres to 39.4 acres (a 52 percent reduction in area), affecting the areas identified as wet meadow, wetlands, wetland buffers, and dune grasslands. The 1998 Master Plan proposal of 1,000 campsites would be reduced to a maximum of 650 RV and 213 travel trailer campsites.

The following provides a summary of the proposed uses in the eight subareas of the property proposed for various campground uses, and additional areas for ancillary facilities such as water and sewer.

1. Area 1 – Sea Wall is proposed in the MPA for approximately 100 travel trailers and recreational vehicles (RV) on 4.6 acres. No rigid structures will be allowed except for vehicle skirting. Temporary fabric-sided windscreens will be allowed outside the vehicle.

2. The number of travel trailers currently located in the approximately 12-acre Area 2 – Landing are proposed to be increased from 233 to 263, a 12.9 percent increase. Additionally, the applicant is in the process of finalizing the removal of approximately 120,000 square feet of additions that have been made to the trailers over the years. Trailer additions will be limited to a shed addition with a maximum area of 35 square feet, and a deck or porch. All mobile homes/travel trailers will be required to be fully mobile and maintain a current vehicle license. Removal of derelict trailers and disallowed appurtenances in Area 2 will create space for 50 additional RV spaces, available for short-term use, resulting in an increase from 233 to 263 in the total number of lots available in Area 2 for travel trailers and RVs combined (a 12.9% increase).

Day use parking is proposed to be reduced from the 1998 Master Plan's 200 vehicles to the MPA's 100 vehicles. Boating facilities and the associated pier and poles are proposed to continue in the State-leased area, with approximately 16 to 35 vessels moored from June through September, and approximately 2,000 vessels launched from the beach annually. The store/shop will be substantially reduced in area, with fuel pumping relocated to the Lawson's Landing Center upland location away from the waterfront.

Permanent residential use is proposed to be changed in the MPA. Whereas the 1998 MP proposed two new houses, to be added to the seven permanent homes currently occupied by the owners, their families, and their employees, the MPA is now eliminating any additional homes. The MPA also notes the current presence of 20 "permanent trailers", trailers that are presently occupied on a fulltime basis by 12 current employees, the rest by former employees or by members of the local workforce.

3. Use of Area 3 - Sand Point currently features some travel trailer and RV usage. Under the MPA, use of this area is proposed to be expanded to a maximum of approximately 100 travel trailers and RV's on approximately 8.1 acres.

4. Camping area will be reduced in the main meadow from current levels of approximately 43 acres to 5 acres in the MPA's proposed Area 4 – Meadow campsites. These camping areas will be located in various upland Pennisetum grassland areas adjacent to the main access road. Use will be limited to seasonal RV and tent camping. Two hundred RV campsites are proposed in Area 4.

5. The area comprising Area 5 - Gateway currently features seasonal RV and tent camping. Area 5 – Gateway proposes 50 RV spaces on approximately 2.1 acres.

6. The existing quarry operations area and buildings are proposed to be converted into a new, approximately 4.7-acre Area 6 - Lawson's Center, containing the main store, administrative offices, employee housing, a recreation center, boat sales and repair, and fuel service and storage. The majority of these uses will be relocated from the area near the pier, away from the shoreline and out of the earthquake and tsunami hazard areas.

7. Upon MPA implementation, approximately 150 RV campsites are proposed to be relocated from the meadow area to approximately 7.6 upland acres, identified as Area 7 - Upland and Area 8 - Sand Haul Road east of and uphill from the Gateway. These would be new camping areas.

   A revised waste water/septic system is proposed to be located in an upland location outside of the mobile dunefields that has been determined to be feasible. Proposed in the Scale House Hayfield and Scale House West Pasture areas, the system would consist of approximately 2 acres of leachfield area and 6 acres of drip irrigation. All wastewater producing or receiving

facilities would be connected to a community sewer line running to the disposal area. Cattle would be kept out of these pasture areas during the wet season. A pump station is proposed near the entry to lift the wastewater to the treatment facility.

As interim measures, the existing wastewater disposal systems are being evaluated by a waste water consultant. The functioning status of all systems will be evaluated, and maintenance/corrective work done on obvious problem systems. Work will be conducted in two phases, with the first phase efforts focused on highest priority areas such as public rest rooms, the store and office, the laundry, and mobile homes with permanent or regular occupancy or are located near internal drainage swales. In the second phase, all other systems will be evaluated and addressed. All interim work is scheduled to be completed by Spring 2009.

Water supply and storage facilities will utilize groundwater on the property. Proposed water supply improvements include two new 100,000 gallon tanks, preliminarily proposed to be located near the existing tanks, although the applicant has indicated they will be responsive to site-specific constraints, including proximity to wetlands.

Traffic management is considered in the MPA. The MPA states that it will substantially reduce daily trips and congestion due to the 35 percent reduction in onsite campsites, 8.6 percent decrease in trailer sites, and 50 percent reduction in day users. Per the FEIR, the entry Gateway will widen the vehicle accessway to 3 lanes inbound with one lane outbound. The MPA has been amended to include the FEIR's widening of three Cliff Street turns.

An alternative being considered is utilization of Sand Haul Road during peak traffic periods (e.g., spring-fall holidays and peak weekend periods). This option would depend on an engineering study determining its feasibility, and what modifications might be necessary. At a minimum, Sand Haul Road will be upgraded adequately to serve as an emergency vehicle accessway. An existing road crossing the wet meadow to access the Sand Point area is proposed to be abandoned for motor vehicular purposes, although left useable for bicyclist and pedestrian use.

The MPA will comply with EIR recommendations concerning earthquake- and tsunami-proofing all structures. A siren warning system is proposed, and all construction will fully comply with relevant building standards. Full mobility amongst the travel trailers and mobile homes will potentially facilitate relocation to minimize tsunami and earthquake risk. Emergency evacuation is proposed to continue to use Sand Haul Road as an option.

Natural Resource Management Plans are important components of the MPA and the County's review. The MPA includes a variety of approaches for management of natural resources. The first involves the overall reductions in campground operations, including relocation out of the wetlands. An Adaptive Management Plan (AMP) approach has been proposed by the applicant to

manage the site's natural resources. Given the wide array of special status species, potentially different management approaches for those species, and the dynamism of the ecosystems on the site, the applicant believes the adaptive management approach best suits the property and its resources. An AMP outline has been submitted and discusses the wetlands, dunes and beachgrass, and special status species management in this context. The MPA also includes a public education component about its resources.

The MPA includes a Proposal for a Grazing Management Plan. One of the stated purposes for the Grazing Management Plan is to evaluate what effects grazing has on plant communities on the site – which ones benefit from grazing and which do not. This is incorporated into the Proposal's preliminary grazing management objectives. A Certified Rangeland Manager is proposed to assist in preparation of the Grazing Management Plan.

Construction and Utilities are proposed to comply with the FEIR's mitigations with respect to noise, traffic, construction periods, locations, and water and air quality Best-Management-Practices (BMPs).

II. WHEREAS after conducting a public workshop on May 27, 2008, and duly-noticed public hearings on June 23, 2008, August 11, 2008, August 28, 2008, September 8, 2008, and September 22, 2008, the Planning Commission submitted its recommendation for approval of the Revised MPA to the Board of Supervisors.

III. WHEREAS the Board of Supervisors conducted a duly-noticed public hearing on October 14, 2008 which was continued to November 18, 2008, to consider the Planning Commission's recommendation, and testimony in favor of, and against, the project.

IV. WHEREAS the Board of Supervisors finds that the proposed project, as modified through incorporation of the Revised MPA alternative, and subject to the mandatory EIR mitigation and monitoring measures and the conditions of approval contained herein, is consistent with the goals and applicable policies of the Marin Countywide Plan ("Countywide Plan"), for reasons including, but not limited to, the following:

A. The property is located in the Coastal Corridor where lands are primarily designated for federal parklands, recreational uses, agriculture, and the preservation of existing small coastal communities. The project would maintain land uses that are consistent with the Coastal Recreational Commercial (C-RC) and Coastal Agricultural (C-AG1) land use designations by continuing to provide opportunities for visitor-serving and recreational uses and protect existing agricultural uses of the property. (CD-1.1, Map 7.4.1)

B. The Revised MPA would provide for the protection of coastal dunes, wetlands, and sensitive wildlife habitat. It would not result in the encroachment of mapped wetlands, while encroachments into the wetland buffer in Areas 1 and 2 would be offset by use of biofiltration drainage control measures that intercept and filter sediments to prevent degradation of adjacent wetlands and

ensure that there will be no deterioration of wetland function and habitat values. The Revised MPA would allow limited encroachments for an interim period of up to 5 years into the wetland buffer areas in Areas 3 and 4 and 5 with provisions to implement an Adaptive Management Plan approach to evaluate the effects of camping activity on sensitive habitats. Camping, parking, bicycles, and motor vehicles are restricted from encroaching into the beach, dune areas, and wetlands. The Revised MPA requires trails to be designed to minimize impacts on the dune system in order to preserve dune formations, vegetation, and wildlife habitats. (BIO-2.7, BIO-3.B, BIO-3.d, BIO-3.f, BIO-3.1)

C. The Revised MPA would avoid or minimize potential hazards from earthquakes and unstable ground conditions and provide for early warning for tsunami wave run-up and inundation threats. Improvements will be designed to be resistant to damage from flooding, tsunamis, and related water-borne debris. (EH-2.1, EH-2.4, EH-3.a)

D. The Revised MPA would protect wetlands, habitat for special-status species, and sensitive natural communities by restricting use of areas containing essential habitat for special–status species, sensitive natural communities, wetlands, coastal habitat, such as the snowy plover and red-legged frog, in order to ensure the continued health and survival of these species and sensitive areas. (BIO-1.1, BIO-2.2)

E. The Revised MPA would protect the scenic coastal quality and views of the natural environment by ensuring that development is located below coastal ridgelines and are sited to minimally impact surrounding roadways. (DES-4.1)

F. Implementation of the adaptive management approach to the property would effectively manage and enhance native habitat, maintain viable native plant and animal populations, and monitor development and resource preservation efforts. (Goal BIO-1)

G. The Revised MPA would provide for the management of invasive, non-native plant species, and include a program for monitoring. (BIO-1.7)

V. WHEREAS the Board of Supervisors finds that the project, as modified through incorporation of the Revised MPA alternative, and subject to the mandatory EIR mitigation and monitoring measures and the conditions of approval contained herein, is consistent with the goals and applicable policies of the Dillon Beach Community Plan ("Community Plan"), for reasons including, but not limited to, the following:

A. The Revised MPA would result in land uses that are consistent with the Coastal Resource and Commercial Recreation Planned District and Agriculture land use designations and maintain the Landing as a coastal resort and commercial recreation area. (CD-13.2, Figure 3-1)

B. The new Lawson's Landing Center would provide small-scale, coastal, visitor-serving uses, including a store, tackle and bait shop that is supportive of the commercial recreational uses. (CD-13.4)

C. Sewage disposal would be provided by a new up-to-code system that meets all requirements of the Regional Water Quality Control Board. (CD-13.5)

D. The Revised MPA has taken into consideration the adequacy of water for domestic and fire protection demands and sewage treatment and disposal facilities, the degree of impact to traffic and parking, and impacts to the visual character of the site as seen from public areas (including the Point Reyes National Seashore), Dillon Beach Village, and Oceana Marin. A condition of approval would require visual analysis for the location and design of the water storage tanks. (CD-13.6)

E. The Revised MPA would ensure that only resource-dependent activities would occur within designated wetlands, while minimizing non-wetland-dependent uses in the buffer areas. (EQ-6.2, EQ-6.4)

F. The Revised MPA would comply with the intent of the Community Plan's wetland policies while providing for limited encroachments into the buffer that do not impair the attainment of the overall intent of the these policies. (EQ-6.1, EQ-6.2, EQ-6.4)

G. No development of the foredunes and rear dunes would result from implementation of the Revised MPA. This would allow preservation of the dune formations, vegetation, and wildlife habitats. The development has been sited to the greatest extent possible outside of the coastal sand dune area. All recreational vehicles would be restricted to areas immediately adjacent to roadways, and away from fragile dune areas. (EQ-7.1, EQ-7.2, CD-13.7)

H. Structures within the designated tsunami runup and earthquake zones would be required to incorporate flood-proofing measures and to comply with the requirements of the Alquist-Priolo Special Studies zone. (EH-1.4, EH-1.5)

I. The Revised MPA would require that future structures be sited in locations that preserve views of the surrounding landscape from campsites and along roads. (CD-13.8)

J. Required public access through a limited number of public access parking spaces located at the entrance to the Landing would ensure conformance with the DBCP policy that promotes provision of public access to the shoreline and parking for that access. (CD-13.11)

K. The Revised MPA would provide for circulation improvements at the entry gate to provide for improved stacking of vehicles during peak visitor periods. Use of Sand Haul Road as an alternative public emergency access route to and from the Landing would be required. In addition, improvements to expand Sand Haul Road into a permanent additional means of access to the Landing will be

required to be evaluated by a future Precise Development Plan to minimize traffic congestion along Dillon Beach Road and in Dillon Beach Village. (T-5.1, T-5.5)

VI. WHEREAS the Board of Supervisors finds that the project, as modified through incorporation of the Revised MPA alternative, and subject to the mandatory EIR mitigation and monitoring measures and the conditions of approval contained herein, is consistent with the goals and applicable policies of the Local Coastal Program, Unit II ("Local Coastal Program"), for reasons including, but not limited to, the following:

A. The Recreation and Visitor-serving Facilities element of the LCP contains policies that support and encourage the enhancement of public recreational opportunities and the development of visitor-serving facilities that preserve the coast and protect natural resources and agriculture. The project is consistent with these policies by continuing to maintain the existing low cost overnight accommodations for RV, travel trailer, and tent camping. *(Recreation and Visitor Policies 1, 3A, 3C)*

B. The project is consistent with the Natural Resources element of the LCP because it would avoid filling of seasonal on-site wetlands or permanent surficial encroachments into the 100-foot wetland buffer. *(Natural Resources Policy 4, Diking Filling and Dredging Policy 1)*

C. The LCP establishes a 100-foot wide buffer strip from development to the edge of wetlands. The Revised MPA proposes to eliminate all camping and other development from any wetland area, and to reduce and/or modify camping uses in the buffer area, as described further below.

1. Camping in the main meadow camping area (Area 4 Meadow and Area 5 Gateway) that currently occurs in both the wetland and wetland buffer areas would be reduced in area from approximately 42.6 acres to 9.86 acres and permitted only for seasonal, overflow use for a period of five years. (As used herein, the time period covered by seasonal use begins on the Friday immediately preceding the Memorial Day holiday and ends on October 15.)
2. Camping use of the wetland buffer in Area 1 Seawall and Area 2 Landing would be permitted and restricted to the existing graveled parking areas, subject to requirements for the applicant to employ biofiltration drainage control measures that have been approved as part of the Precise Development Plan to be filed within six months from approval of the Revised MPA. The applicant shall demonstrate that the drainage control measures to reduce the rate of runoff, filter pollutants, and facilitate infiltration of water in order to prevent degradation of adjacent wetlands and ensure that the measures taken would not interfere with the restoration of the wetlands to their natural state. This can be accomplished by incorporating strategies from the County's Low Impact Development stormwater management program to reduce the rate of runoff, filter pollutants, and facilitate infiltration of water.

3. Camping use of the wetland buffer in Area 3 Sand Point would be limited to a period of five years.

Consequently, the Revised MPA would be in substantial conformance with the LCP's wetland policies. (*Natural Resources Policy 4*)

D. The LCP prohibits grazing or other agricultural uses within wetlands. It has been a historic practice by the property owners to permit seasonal grazing in the wetland areas on the property. The Revised MPA would allow this practice to continue until further evaluation of the impacts of grazing within wetlands can be made through review of the required Grazing Management Plan and Adaptive Management Plan. (Natural Resources Policy 4c)

E. The project would not result in development within the coastal dunes. Development has been sited out of the dunes in order to preserve dune formations, vegetation, and wildlife habitats. Additionally, conditions of approval would restrict parking, directing pedestrians across designated pathways to access the beach, prohibit motor vehicles in beach or dune areas, and require appropriate barriers to be installed. *(Natural Resources Policy 5a)*

F. The EIR found that the project would result in less-than-significant impacts on all special-status species and communities on the property with implementation of mitigation measures that protect habitat for the Red Legged Frog and invertebrates, consistent with the LCP policies. *(Natural Resources Policy 5b)*

G. The project is consistent with applicable policies contained in the Agriculture element of the LCP. The agriculture policies encourage the preservation of productive agriculture and lands with the potential for agricultural use and require that non-agricultural development not conflict with agricultural uses or result in incompatibilities with the rural character of the County's coastal zone. By setting aside approximately 700 acres of land for continued use of agricultural (grazing) operations, the project would be consistent with the LCP's agriculture policies. *(Agriculture Policy 1)*

H. Adequate public services and resources, including water supply, sewage disposal, and road access and capacity would be available to serve the proposed development. Adequate road access is available from Marine View Drive, Cliff Street, and Tomales-Dillon Beach Road to serve the project. *(Public Services Policies 1, 2, 3, 4)*

I. While the EIR found evidence of prehistoric or historic cultural resources on the subject property, the revised project would not affect an area of known or suspected archaeological or paleontological significance, and conditions of approval would require the applicant to retain a qualified professional archaeologist to monitor all ground-disturbing activities and to develop a monitoring plan for resources that might be uncovered during construction. *(New Development and Land Use Policy 2)*

VII. WHEREAS the Board of Supervisors finds that the project, as modified through incorporation of the Revised MPA alternative, and subject to the mandatory EIR mitigation and monitoring measures and the conditions of approval contained herein, is consistent with the mandatory findings to approve a Coastal Permit pursuant to Marin County Code Section 22.56.130I, as specified below:

A. Adequate water supply is available from onsite wells to serve the project, while construction of the two new 100,000 gallon water storage tanks with associated fire hydrants would ensure that adequate pressure and volume are maintained.

B. The project site is not currently served by a wastewater collection or treatment facility that is operated by a local or regional agency. However, the proposed new wastewater treatment facility would ensure that existing residences, restroom facilities, and onsite disposal facilities would be adequate to accommodate the wastewater disposal demands from the project. In addition, the project would abandon or remove existing septic tanks and substandard sewage disposal facilities, resulting in an overall improvement in the wastewater collection and disposal at the facility.

C. The project would comply with the coastal development requirements relative to grading and excavation because the uses would be located in areas of the property that have been historically altered to accommodate temporary structures such as RV/trailer park/tent camping) or would be required to meet the applicable building code and Alquist Priolo Act requirements. In addition, conditions of approval would require the incorporation of best management practices in the design of stormwater drainage systems and the use of appropriate vegetation, seeding, mulching, or other suitable stabilization methods to protect soils which have been exposed during grading or development.

D. The project would not impact archaeological, cultural, or historic resources, and conditions of approval would require the applicant to retain a qualified professional archaeologist to monitor all ground-disturbing activities and to develop a monitoring plan for resources that might be uncovered during construction.

E. The project would continue to provide low cost public access to the coast. Lawson's Landing represents an important low-cost overnight facility in northern California. Public access would be maintained to coastal beaches and tidelands, and conditions of approval would require that additional free public access be provided through the provision of parking spaces for general public use near the entrance to Lawson's Landing. Overall, the project would significantly further the LCP's policies that encourage the provision of low cost recreational opportunities and access to the coast.

F. The project would not remove existing residential buildings which provide housing for persons of low and moderate income. Housing for employees engaged in the commercial recreational use of the property would be retained.

G. The subject property is not located on or near any perennial or intermittent stream which has been identified on the National Resources Map for Unit II of the Local Coastal Program. Therefore, the stream conservation area policies do not apply to the project. The project would remove camping uses from designated wetlands and substantially maintain the 100-foot wetland buffer strip, while requiring a phased transition of existing uses outside of these areas.

H. The project would not adversely affect the sensitive coastal dune habitat on the property. Mitigations from the EIR would require the applicant to implement protective measures in the foredune system in order to reduce the potential for development of dune blowouts. These measures include choosing pathways at naturally low elevations or other locations where erosion potential is lowest, aligning the pathways to follow topographically low routes, and fencing designated pathways to prevent off-trail pedestrian activities. Overall, the project is consistent with the LCP's dune protection requirements.

I. The project would not result in significant adverse effects on wildlife, native plant communities, vegetation, and any special-status species (i.e., species listed by the State and federal government as rare, threatened or endangered, or species proposed or considered candidates for such listing) provided the recommended Adaptive Management Plan and mitigation measures identified in the EIR are implemented. These include preparing preconstruction, focused surveys to confirm the location of suitable habitats and implementation of a plan that would avoid all special-status wildlife species and their habitats. Consistent with Section 22.56.130.J., a condition of approval would require the applicant to remove nonindigenous plant material within the areas covered by the Adaptive Management Plan. In addition, the adaptive management plan component of the Revised MPA would provide a framework for the applicant to develop, implement, and monitor strategies that protect the site's resource values, ensure that co-existence with human intrusion occurs without detriment to the wildlife and vegetation, and restore natural ecological functioning and habitat values.

J. The proposed construction does not encompass provisions for revetments, breakwaters, seawalls, or other manmade alterations that would alter the existing shoreline condition.

K. The property is located in an area with known geologic hazards. The San Andreas fault crosses through part of the site, and portions of the Sand Point area are located within the Alquist-Priolo Earthquake Hazards Zone. These factors increase the potential for seismic-related ground failure. In order to meet coastal development standards, conditions of approval require that subsequent Precise Development Plan(s) include requirements to provide design-level geotechnical investigation and to incorporate seismic engineering standards into the design of the structures. In addition, all improvements will be constructed in accordance with the current building and seismic codes as well as development standards contained in Marin County Code Title 24.

L. Proposed turnout improvements along Dillon Beach Road would result in an improvement to public safety and convenience, and would not detract from the rural, scenic characteristics of this public roadway.

M. The project does not include a division of property. A condition of approval would require the applicant to complete the voluntary offer to merge historic lots that underlie part of the area that is designated by the Revised MPA for recreational and resource protection uses, to bring the lot size into conformance with its overall function and eliminate the possibility of incompatible development.

N. The project would not conflict with the visual character of the surrounding Dillon Beach community. The project would not result in development that impairs or obstructs existing coastal views from Highway 1. All new utility lines would be installed underground in order to minimize impacts to views from roads and other off-site vantage points.

O. The project does not affect property in the Village Commercial Residential zoning.

P. The project site is not located within the historic preservation boundaries as established by the Marin County Historic Study for the Local Coastal Program. In addition, the project would not affect pre-1930 structures.

VIII. WHEREAS the Marin County Board of Supervisors finds that the project, subject to the mandatory EIR mitigation and monitoring measures and the conditions of approval contained herein, is consistent with the mandatory findings to approve a Tidelands Permit pursuant to Marin County Code Section 22.77.040I of the Interim Zoning Ordinance, as specified below:

A. The encroachment of the tidelands is the minimum necessary and involves use of previously-disturbed areas of the property for recreational camping uses.

B. The project will not inhibit navigation, inhibit access to publicly-owned tidelands, increase water pollution, increase flooding hazards, destroy fish and wildlife habitat, or interfere with the public view of the water or the enjoyment of the scenic beauty of the shoreline.

C. The project is in substantial conformance with the Countywide Plan, Dillon Beach Community Plan, and the Local Coastal Program Unit II for the reasons cited in Sections III, IV, and V above.

D. Public benefits would continue to be provided as part of the Revised MPA.

E. The project will not adversely affect existing public rights on the property.

IX. WHEREAS the Board of Supervisors finds that the proposal, as modified through incorporation of the Revised MPA alternative, and subject to the mandatory EIR mitigation and monitoring measures and the conditions of approval contained

herein, complies with the purpose of the Coastal Resort and Commercial Recreation (C-RCR) zoning district as set forth in Section 22.57.150I of the Interim Zoning Ordinance because existing resort and visitor serving uses, including camping, would be maintained on the Lawson's Landing property. In addition, the continuation of agricultural grazing uses on portions of the property under the C-APZ (Coastal Agricultural Production Zone) zoning district would comply with the purpose of the zoning district to preserve lands for agricultural use, as set forth in Section 22.57.030I.

"EXHIBIT 3"

CONDITIONS OF APPROVAL
Lawson's Landing Master Plan, Coastal Permit, Tidelands Permit

Marin County Community Development Agency - Planning Division

GENERAL

1. Pursuant to Chapters 22.45I, 22.56I, and 22.77I of the Marin County Code Interim Zoning Ordinance, the Lawson's Landing Master Plan, Coastal Permit, and Tidelands Permit are approved for the following uses:

   A. Recreational and agricultural uses of a 940- to 960-acre property consisting of Assessor's Parcels 100-100-07, -08,10,21,22,48, 49,58,59, 100-201-01,02, 100-202-01,02, 100-203-01,02,03, 100-204-01,02, 100-205-03, 100-206-01,02, 100-207-03, 100-208-01,02, 100-211-01,02, 100-212-01,02, 100-213-01,02, 100-214-01,02, 100-215-01,02, 100-216-01,02, 100-217-01,02, 100-218-01,02, 100-220-06, 100-230-03.

   B. Approximately 245 acres of land for campground-related uses, more specifically consisting of Assessor's Parcels 100-201-01, 100-202-01,02, 100-203-02,03,100-204-01,02, 100-205-03, 100-206-01,02, 100-207-03, 100-208-01,02, 100-211-01,02, 100-212-01,02, 100-213-01,02, 100-214-01,02, 100-215-01,02, 100-216-01,02, 100-217-01,02, 100-218-01,02, and portions of 100-100-48 and -59.

2. Except as amended by these Conditions of Approval, the Lawson's Landing Master Plan, Coastal Permit, and Tidelands Permit application comprises a development layout that is depicted on plans and information on file in the Community Development Agency and identified as:

   A. "Exhibit A," entitled "Lawson's Landing, Inc. Master Plan Tidelands & Coastal Permit 2008 Master Plan Alternative," prepared by Adobe Associates, Inc., consisting of 7 sheets (numbered 0-6), received April 18, 2008, and comprised of the following sheets.
      1. Sheet 0 of 6, Index Sheet
      2. Sheet 1 of 6, Monk & Huffman [Huffman-Broadway Group, Inc.] – Resource Constraints and Opportunities Map
      3. Sheet 2 of 6, Existing Conditions
      4. Sheet 3 of 6, Jurisdictional Boundary, Marin County Zoning, Coastal Commission Zoning
      5. Sheet 4 of 6, Composite Master Plan Alternative
      6. Sheet 5 of 6, Concept Utility Plan
      7. Sheet 6 of 6, Resource Management Plan

   B. "Exhibit B," entitled "Lawson's Landing, Inc. Reconfigured and Reduced Use Master Plan Alternative," prepared by Adobe Associates, Inc., consisting of 9 sheets (numbered 0-6 and A-B), received June 25, 2008, and comprised of the following sheets:

1. Sheet 0 of 6, Index Sheet
2. Sheet 1 of 6, Lawson's Landing with Assessor Parcel Numbers
3. Sheet 2 of 6, Williamson Act Contract Area
4. Sheet 3 of 6, Marin County Zoning
5. Sheet 4 of 6, Comprehensive Overlay Environmental Constraints
6. Sheet 5 of 6, Jurisdictional Wetlands & 100 Foot Buffer
7. Sheet 6 of 6, Central Dune Scrub Habitat
8. Sheet A, "Reconfigured And Reduced Use Master Plan Alternative Lawson's Landing Project" 1" = 200'
9. Sheet B, "Reconfigured And Reduced Use Master Plan Alternative Lawson's Landing Project" 1" = 400'

C. "Exhibit C," entitled "Proposed Management Areas (29.17 acres)", prepared by Monk & Associates, [Huffman-Broadway Group, Inc.], consisting of one undated, 11 inch by 17 inch map.

D. Letter dated July 31, 2008, entitled "Merits Direction – Response to Letter of June 27, 2008", and prepared by IPA Inc. The July 31, 2008 IPA submittal includes the "Lawson's Landing Reconfigured and Reduced Use Master Plan Alternative Concept Phasing Plan," "Proposal for Grazing Plan," and "Marin County Dillon Beach Tsunami Evacuation Planning Map." Letter from Monk and Associates outlining a Resource Management Plan (in lieu of an earlier proposed Adaptive Management Plan), dated September 18, 2008. One-way Road Alternative Site Layout plans, prepared by Adobe Associates, Inc. and dated November 4, 2008.

E. "Exhibit D," consisting of "Sheet A, Reconfigured and Reduced Use Master Plan Alternative Lawson's Landing Project," prepared by Adobe Associates, Inc., as overlain on the plan sheet entitled "Figure 6B. Map of Areas Potentially Subject to Jurisdiction as Wetlands under the California Coastal Act" by The Huffman-Broadway Group, Inc.

3. The Revised MPA conceptually authorizes the Reconfigured and Reduced Use Master Plan Alternative, as modified herein and referred to as the Revised Reconfigured and Reduced Use Master Plan Alternative (Revised MPA), to include the following:

A. Designation of six reconfigured existing campground areas, addition of one campground area and potential addition for one additional campground area;
B. Reduction of peak daily vehicle trips from current levels;
C. Relocation of all campground areas, including restrooms and showers, out of wetlands;
D. Development of an uplands wastewater treatment and disposal facility and related infrastructure (including piping from campground areas);
E. Maintenance of owner and campground employee housing;
F. Permanent cessation of the sand quarry operation;
G. Interim plan, detailing schedules for activities and structures, including existing septic system inspections and if necessary upgrades, fuel bunker upgrades, removal of excess ancillary structures, improved reservation system, closure of "new" wetland road, elimination of current camping in wetlands;
H. Project phasing plan, detailing schedules for levels of use, activities and structures;

I. Future submittal of design, architectural, engineering plans and programs showing activity areas, resource protection measures, existing structures to remain and new structures proposed (including restrooms, septic and Lawson's Center), pursuant to completion of a Precise Development Plan;
J. New Lawson's Center in upland (Area 6) location outside of Alquist Priolo zone, with potential maximum of 15,000 square feet for recreation support services, including store, boat repairs, retail sales, storage, fueling, administrative offices, recreation and meeting rooms, and a laundry;
K. Grazing Management Plan, with continued cattle grazing, fencing, pasture rotation, and integration with the Adaptive Management Plan;
L. Adaptive Management Plan;
M. Elimination of over 120,000 square feet of excess ancillary structures from permanent travel trailers.
N. Development of an Emergency Response Plan, including shelter-in-place, siren, and evacuation;
O. Upgrades to Sand Haul Road (along the existing, primary alignment from Dillon Beach Road to Area 6) for primary vehicle access, subject to acceptance of a study at the Precise Development Plan stage of its use for regular vehicle access;
P. Management of ground disturbing activities;
Q. Continuation and expansion of visitor environmental education program;
R. Implementation of new travel trailer lease agreement: and
S. Voluntary merger of small parcels in the C-RCR zoned district.

4. Except as otherwise provided in these conditions of approval, no development and/or land improvements and/or building construction shall commence until a Precise Development Plan is approved. A Coastal Permit at the level of the Precise Development Plan shall be included as part of the Precise Development Plan submittals. No subsequent Tidelands Permit is required as long as the Precise Development Plan and Coastal Permit applications are consistent with the approved Master Plan.

5. The Master Plan, Coastal Permit, and Tidelands Permit approvals shall be valid for an initial period of two years, and thereafter shall not expire as long as a Precise Development Plan has been submitted to the County and deemed complete, or has received County approval. The approvals may be extended for up to four additional years pursuant to Sections 22.45.063I and 22.56.120I, and if applicable, Section 22.77.040I.

6. Future development and use of all portions of the property shall be subject to the restrictions and conditions specified herein by the Master Plan, including those governing interim and phased uses.

Interim and Phased Uses

7. Interim and phasing elements and schedules shall comply with the following requirements.

   A. Starting with the 2009 camping season, interim camping use of the property shall be limited to Areas 1 through 5 and shall comply with the limits specified for these areas by Conditions 11 through 16 and 20 through 23. The applicant shall install temporary barriers to demarcate all camping and day use areas from wetlands and their protected buffers, where specified.

   B. Use of RVs and mobile homes by employees engaged in agricultural use of the property shall cease within 3 years from the date of project approval, unless the applicant submits evidence, for review and approval by the Director, confirming the legal non-conforming status of the agricultural employee housing units. The applicant may submit a Precise Development Plan to either relocate existing agricultural employee units or to install new units within the C-APZ-zoned portions of the property.

   C. Within 6 months from Master Plan approval, the applicant shall complete the following:

      1) Obtain permits and complete inspection/remediation of septic systems in Areas 1 through 3, including repair and abandonment and provisions for pumping septage from unpermitted septic tanks, subject to review and approval by Marin County Environmental Health Services;
      2) Complete the removal of additions to travel trailers in order to meet the State requirements for a Recreational Vehicle Park;
      3) Improve the existing fuel bunker or develop an alternative that meets federal standards;
      4) Implement a reservation system to expedite check-in and assignment of overnighting guests to specific camping areas or campground lots;
      5) Restrict the road that serves the southeast camping areas (Areas 1 and 3) to a pedestrian/bicycle pathway only and install barriers to eliminate vehicle traffic on this road;
      6) Implement public education on sand dune processes through signs, brochures, presentations, etc.;
      7) Submit a revised Adaptive Management Plan scope of work and initiate biological monitoring;
      8) Submit evidence demonstrating which of the travel trailers or mobile homes in Area 2 are for employees engaged in the recreational commercial use of the property;
      9) Identify the 8 travel trailers in Area 2 that are being used as housing for low or very low income residents, submit documentation that the residents qualify as low or very low income households, and submit confirmation that the applicant has executed a life estate agreement permitting the continued use of these trailers for the current residents. Following the expiration of the life estate, use of the travel trailers shall be for short-term rentals;
      10) Submit evidence demonstrating the feasibility of the upland sewage disposal site;

D. Within 6 months from project approval, the applicant shall submit a completed Precise Development Plan and Coastal Permit application that includes the following, at a minimum:

1) Precise layout for camp lots in Areas 1 through 5;
2) Drainage designs incorporating Low Impact Development strategies for Areas 1 and 2 to reduce the rate of runoff, filter pollutants, and facilitate infiltration of water in order to prevent degradation of adjacent wetlands and ensure that the measures taken would not interfere with the restoration of the wetlands to their natural state,;
3) Short-term occupancy plan for the travel trailers in Area 2;
4) Repair the existing sea wall in Area 1;
5) Designate means of controlling ashes and litter (e.g., fire pits, garbage cans) and include siting criteria for fire pits in wetland buffer areas;
6) Designate the day use public parking area and submit a permanent coastal access public parking and coastal and campground access easement; and
7) Designate and demarcate (through fences, etc.) public access points to the beach and restrict users to pathway areas in the foredunes.

E. Within one year from project approval, the applicant shall submit a completed Precise Development Plan and Coastal Permit application that includes the following, at a minimum:

1) Adaptive Management Plan;
2) Grazing Management Plan coordinated with the Adaptive Management Plan;
3) Traffic and circulation management plan as required in Condition 36 (including improvements identified in the EIR for Sand Haul Road and Cliff Street, and an evaluation of the use of Sand Haul Road as an additional access to the Landing); and
4) Emergency Response Plan.

F. Within three years from project approval, the applicant shall submit a completed Precise Development Plan and Coastal Permit application that includes installation of the sewage disposal system.

8. Until approval of the first Precise Development Plan, day use visitor parking is allowed in Areas 1, 2, 3, 4, 5, 6, and 7 outside of wetlands.

9. The deadlines established by these conditions pertain to project approval conditions. Except for those conditions that are tied to the date of the Master Plan approval which shall take effect immediately, additional time may be added to any schedule pursuant to approval of an application submitted in a timely manner by the applicant for such additional time, with a requirement that the applicant demonstrate that the need for the additional time, as well as the amount of additional time needed, are reasonable, and that the delay factor was outside the control of the applicant. The Community Development Director may act on the time extension request or refer it to the Planning Commission.

10. Within 60 days from approval of the Precise Development Plan and Coastal Permit which authorizes the precise layout for camp lots in the areas covered by the following Assessor's Parcels, the applicant shall confirm that the voluntary offer to merge all of the historic parcels within the following parcels into one lot has been completed through the filing of a Merger application with the Community Development Agency: 100-201-01, 100-202-01,02, 100-203-02,03, 100-204-01,02, 100-205-03, 100-206-01,02, 100-207-03, 100-208-01,02, 100-211-01,02, 100-212-01,02, 100-213-01,02, 100-214-01,02, 100-215-01,02, 100-216-01,02, 100-217-01,02, 100-218-01,02.

Camping Areas

The following restrictions shall apply to the individual camping areas noted:

11. Area boundaries shall approximately be as shown in overlay "Sheet A, Reconfigured And Reduced Use Master Plan Alternative Lawson's Landing Project," prepared by Adobe Associates, Inc., as overlain on the plan sheet entitled "Figure 6B. Map of Areas Potentially Subject to Jurisdiction as Wetlands under the California Coastal Act" by The Huffman-Broadway Group, Inc.

12. Area 1 Seawall is permitted for use by up to 125 camp lots. The driving and parking surface shall be gravel.

    A. Within 6 months from project approval, the applicant shall submit drainage designs incorporating Low Impact Development strategies for Area 1 to reduce the rate of runoff, filter pollutants, and facilitate infiltration of water in order to prevent degradation of adjacent wetlands and ensure that the measures taken would not interfere with the restoration of the wetlands to their natural.

13. Area 2 is permitted for use by up to 263 camp lots, subject to the following restrictions:

    A. Within 6 months from project approval, the applicant shall submit a plan for short-term, visitor-serving occupancies, for review and approval by the County as part of a Precise Development Plan, for the 193 current "permanent" travel trailers that are not used by campground employees, property owners, or other permanent residents, as well as for future travel trailers in approved camp lots. The plan shall limit usage of each non-residential trailer by its current owner to a maximum of 90 days annually with a requirement for the owner to offer the trailer for short-term rental (up to 60 days per short-term occupancy) if the owner chooses not to remove the trailer from the campground when it is not being used by the owner. The 60-day occupancy restriction pursuant to Condition 20 shall apply in the event the plan for short-term, visitor-serving occupancies is not approved.
    B. Except for the eight life-estate travel trailers, travel trailers that do not meet the employee residential or short-term occupancy requirement shall be removed from the site.
    C. The wetland area to the north and east of the lots shall be demarcated as off-limits.
    D. The maximum square footage for any RV or mobile home shall be 400 square feet, further subject to appropriate engineering studies to verify Alquist-Priolo compliance.

E. The square footage restriction shall be in full effect one (1) year after this project approval.
F. Within 6 months from project approval, the applicant shall submit drainage designs incorporating Low Impact Development strategies for Area 2 to reduce the rate of runoff, filter pollutants, and facilitate infiltration of water in order to prevent degradation of adjacent wetlands and ensure that the measures taken would not interfere with the restoration of the wetlands to their natural state.

14. Area 3 Sand Point is permitted for use by up to 100 camp lots. Within the 100-foot wetland buffer area, camping is permitted on a seasonal basis for five years, after which the area will function as an undeveloped wetlands buffer. Seasonal camping consists of the period beginning on the Friday immediately preceding the Memorial Day holiday and ending on October 15. Future requests to allow camping in the wetlands buffer shall require an amendment to this Master Plan.

15. Area 4 Meadow is permitted for use by up to 146 camp lots (total number includes Area 5, below), in the identified upland areas next to the main entry road, subject to the following conditions:

    A. All camping shall be on a seasonal basis, beginning on the Friday immediately preceding the Memorial Day holiday and ending on October 15.

    B. The applicant shall submit and obtain approval of a plan for demarcating the edges of camping, prior to use of any of the wetland buffer areas for camping.

    C. The time period for camping use shall be for the five consecutive high seasons subsequent to project approval, after which the area will function as an undeveloped wetlands buffer. In addition, if Lawson's Landing materially breaches the conditions of approval, the County may seek to judicially enjoin the interim camping uses until such time as the material violation is corrected.

16. Area 5 Gateway shall be considered to be merged with Area 4 Meadow for purposes of allocating camp lots. The same camping restrictions applied to Area 4 lots (including seasonal and transitional restrictions) shall apply to Area 5 lots. Lots that meet the 100-foot wetland buffer setbacks are allowed on a permanent basis.

17. Area 6 Lawson's Center allows new buildings with a potential maximum area of 15,000 square feet for recreation support services, including store, boat repairs, retail sales, storage, fueling, administrative offices, recreation and meeting rooms, and a laundry. All demolition and replacement structures are subject to Precise Development Plan review. Up to 25 designated camp lots are allowed. The camp lots may be established in the interim, prior to construction of Lawson's Center and the permanent sewage disposal system, provided the applicant submits and obtains approval of a Precise Development Plan and includes provisions for sewage disposal. A visitor-serving use such as a bed-and breakfast or small (up to 10-room) inn that is consistent with the C-RCR zoning may potentially be allowed within the Lawson's Center, subject to approval of a Precise Development Plan and operation of the new permanent sewage disposal system.

18. Area 7 Upland is allowed for up to 20 tent camping lots, subject to compliance with the 100-foot wetland buffer setback.

19. Area 8 Sand Haul Road may continue to be used for storage of RV's, travel trailers, and boats. Area 8 has the potential for use for RV, travel trailer, and tent camping lots. The area has not been subject to the detailed biological assessment that accompanied the original 1997 Master Plan and subsequent FEIR. Therefore, the area remains only as a potential camping area, subject to subsequent biological evaluation and confirmation as acceptable for camping activities without disturbing biological resources. The maximum number of camp lots shall be determined through a subsequent Precise Development Plan. All lots shall be located outside the wetlands and 100-foot buffer. Further details for use of Area 8 shall be included as part of a subsequent Precise Development Plan application.

General Campsite-related

20. Except as otherwise provided for herein, no visitor or visitor vehicle shall occupy the campground for more than 60 days annually.

21. For purposes of the Master Plan, campsite areas designated for recreational vehicle (RV) use are available for passenger cars and all vehicles that meet the definition of a RV pursuant to State Health and Safety Code Section 18010, including motor home, travel trailer, truck camper, or park trailer.

22. Consistent with HCD regulations, total area measured from the greatest horizontal extension of any RV or travel trailer used for campground visitors shall not exceed 400 square feet.

23. The applicant shall apply to the State Department of Housing and Community Development (HCD) to update the Recreational Vehicle Park Permit within 6 months of approval of any project phase, including this Master Plan. Following HCD permit approval, the applicant shall comply with all permit requirements.

Biological Management

24. Except for boat launching and day-use boat trailer parking along a lineal shoreline area extending generally 50 feet east of the pier and 500 feet west of the pier and coinciding with the area that is covered by the existing lease from the State Lands Commission, camping, parking, motor vehicles, and bicycles shall be strictly prohibited on the beach, in all dune areas, and in wetlands. Use of vehicles on the beach to facilitate trash pick-up and transport of fencing and signage in support of snowy plover protection measures is permitted.

25. Notwithstanding resource-related condition 32.E dune trails shall preserve dune formations, vegetation, and wildlife habitats.

26. Any fill that may be proposed in wetlands or other Coastal waters is subject to Coastal Permit requirements, including applicable mitigation ratios.

27. The applicant shall submit a revised Adaptive Management Plan scope of work within 6 months of Master Plan approval for review by the Planning Director. The proposal shall include the following elements:

A. The AMP shall include clear resource protection and restoration objectives, including specific restoration goals for those areas that have been impacted by human activities. The objectives shall further the following goals: (1) restoration of wetlands and their buffers to full ecological functioning; and (2) management of non-native vegetation by native vegetation, including removal of nonindigenous plant materials.

B. The AMP shall reflect the applicant's voluntary offer to grant a permanent deed restriction to protect the western snowy plover habitat in accordance with reasonable conditions and direction from the United States Fish and Wildlife Service.

C. The AMP shall include a funding mechanism with the applicant's contribution of at least $40,000 per year towards its implementation during the term of the AMP. This amount shall be adjusted annually to account for inflation, based on an index that is acceptable to the Community Development Agency Director.

D. The scope of the AMP shall extend at a minimum to the biological resources in permanently vacated camping locations to determine if upland habitats revert to wetland habitats in the absence of camping. In addition, the AMP shall include a strategy for management non-native vegetation within the areas designated for coastal recreation.

E. The AMP shall observe trends over time by conducting vegetation monitoring and sampling in vacated camping areas employing a sampling design suitable for monitoring wetland (dune slack) plant species and associated coastal plant communities.

F. The AMP shall require implementation of management actions, as necessary, if vegetation monitoring and sampling determines a need for restoration and/or remedial actions.

G. The AMP shall provide for monitoring, management, and restoration activities, as necessary, for a maximum period of 10 years from project approval, consistent with the maximum monitoring time frames typically required by state and federal resource agencies. The applicant shall submit annual monitoring reports to the Community Development Agency which includes the results from the monitoring program and an evaluation of the AMP's ability to attain its objectives.

H. Consistent with the applicant's voluntary offer, the property shall be made available to those interested in studying the site's unique natural resources, to be made at the visitor's own expense. The applicants shall consider implementation of the recommendations in the studies provided they (1) do not adversely impact the economically viable continuation of low cost visitor serving recreation uses; and (2) can be conducted within the constraints of the applicant's annual funding.

I. The AMP scope of work shall be subject to peer review, to be conducted by a consultant selected by the County.

J. The Grazing Management Plan shall be developed and implemented in coordination with the AMP.

28. Within one year of project approval, the applicant shall submit a complete AMP, based on the approved AMP proposal, as part of a Precise Development Plan application. The AMP shall be subject to peer review, to be conducted by a consultant selected by the County.

Precise Development Plan

Plans submitted for the subsequent Precise Development Plan(s) and/or all work undertaken in furtherance of subsequent Precise Development Plan(s) and Coastal Permit (s) shall comply with the following requirements:

29. All new utilities shall be undergrounded.

30. Any future exterior lighting shall be minimized with respect to number, height, and light output, and shall be shielded from offsite views, including from any public access easement.

31. All new project structural and layout elements, including water tanks and the new Lawson's Center, shall be subject to visual analysis, and shall be located and designed to minimize offsite visual effects. Particular attention shall be paid to visual impacts from public areas, Dillon Beach Village, and Oceana Marin.

32. Project Environmental Impact Report Mitigations. The following conditions of approval, lettered A. through O., have been derived from mitigations contained in the Environmental Impact Report for the project. All stages of project development shall conform with the adopted Mitigation, Monitoring and Reporting Program (MMRP), and the County of Marin will verify compliance with each of the required mitigations. Pursuant to the MMRP, the applicant shall bear all costs associated with management of the MMRP, including direct County staff costs. In the event County staff cannot absorb the task of managing the MMRP, an independent contractor will be hired by the County at the expense of the applicant to carry out the responsibilities for managing the MMRP. The detailed reporting checklist in a table format reflects the specific monitoring, implementation, and timing provision of the Environmental Impact Report mitigation measures and shall serve the purpose of verifying project compliance with the required conditions of approval. The source of each condition is provided as a bracketed reference at the end of each condition. For example, (Geology 1.1-1) refers to geology mitigation measure 1.1-1 from the EIR.

A. All construction within the delineated floodplain shall adhere to Marin County's Flood Plain Management Ordinance which requires that the lowest floor of new and substantial improvements be at or above the Base Flood Elevation (BFE) for non V designated areas. It may be possible to have the lowest floor below the BFE of a non-residential structure if the building is flood proofed. All proposed plans shall be subject to review and approval by the Marin County Department of Public Works and Building Inspection. (Hydrology and Water Quality 4.5-2)

B. In accordance with Marin County Code Chapter 23.08, the project sponsor shall implement erosion and sedimentation Best Management Practices to control stormwater and protect surface water quality including Dillon Creek and Tomales Bay. Best Management Practices (BMPs), designed to protect stormwater quality, are summarized in the *California Storm Water Best Management Practice Handbooks* (Stormwater Quality Task Force 1993) and can be recommended by the Association of Bay Area Governments *Manual Standards for Erosion and Sediment Control Measures.* BMPs are subject to review and approval by Marin County Department of Public Works and shall be implemented during project construction. According to Marin County Code Section 24.04.625, grading shall not be conducted during the rainy season (October 15 through April 15) without prior approval by Marin County Department of Public Works. (Hydrology and Water Quality 4.5-4, 4.5-12)

The following measures shall be implemented in accordance with the LCP:

1. Sediment basins (including debris basin, desilting basins, or silt traps) shall be installed on the project site in conjunction with initial grading operations and maintained through the development process to remove sediment from runoff waters. All sediment shall be retained onsite unless removed to an appropriate dumping location.
2. Temporary vegetation, seeding using native species, mulching, or other suitable stabilization methods shall be used to protect soils exposed during grading. Cut and fill slopes shall be stabilized immediately with approved landscape vegetation.

All topsoil removed by grading operations shall be stockpiled for reuse onsite and shall be protected from compaction, wind, and erosion during stockpiling.

C. The applicant shall modify the project's drainage system by installing devices that treat stormwater runoff to preproject conditions. Such devices may include, but not be limited to, biofilter strips, vegetated channels, or wet ponds. These features shall be subject to review and approval by the Marin County Environmental Health Services Department. (Hydrology and Water Quality 4.5-5)

D. The project sponsor shall relocate the proposed leachfield and access road to the recirculating sand filter system to a non-sand dune location, such as in the northern portion of the project site. Three potential alternate locations for the leachfield and sand filter system were identified during the EIR preparation and are presented in Exhibit 4.6-10. Preliminary evaluation of these locations indicates that from a dune stability and viability standpoint these locations would eliminate the impacts of the proposed leachfield on the dune system, because they would be located outside even the most stable sand dune areas. A preliminary engineering review of the potential alternate locations indicates that based on the soil types, slopes, and erosion hazards present in these areas, construction of a septic tank and leachfield system would be feasible as long as the leachfield were located in areas with less than 15% slope (Appendix H). Construction of a leachfield in this location would require the installation of force main piping and a pump station to pump wastewater from Sand Point to the alternate location.

Prior to construction of the septic tank, pipelines, pump station, and leach field, the project sponsor shall have a qualified engineer prepare additional detailed design investigations for the siting and operation of the leachfield and these studies shall be submitted to the County and RWQCB for review and approval. Through the specific design and siting process for the alternate location for the wastewater treatment system, the project sponsor shall determine whether an alternate treatment system should be constructed. Final review and approval of the system will be made by the RWQCB. (Geology and Soils 4.6-1, 4.6-12, Wastewater Treatment and Disposal 4.4-3, Biological Resources 4.13-1)

E. The project sponsor shall plan and design the trails in the foredune system to reduce the potential for the development of dune blowouts onsite, subject to further evaluation by the Adaptive Management Plan. (Geology and Soils 4.6-2) Specific actions include the following:

1. All pedestrian paths crossing the primary foredune for the entire length of the planning area shall be planned and designated in coordination with a coastal geomorphologist and approved by the County of Marin. At each designated site, pathways shall be planned for naturally low elevation "passes" through the ridge, or other locations where erosion potential is lowest.
2. In consultation with a coastal geomorphologist, pedestrian pathways through the primary foredune shall be oriented in a southwesterly direction, so that strong winds do not create sand blowouts in the dune face. Paths shall be planned to follow topographically low routes, minimize sharp turns and avoid steep pitches. The design of the paths should include consideration of a meandering zig-zag design to minimize the linear surface area that would be exposed to the northeast winds.
3. In consultation with a coastal geomorphologist, all entry paths through the primary foredune shall be monitored for geomorphic or vegetative changes or signs of deterioration. Monitoring techniques could include, but not be limited to, ground photo points, aerial photographs, and physical measurement. Other forms of monitoring may be required, as determined by the coastal geomorphologist and approved by the County of Marin.
4. Paths that cannot be stabilized or that do not remain stable during their use shall be closed and the area restored in consultation with a coastal geomorphologist and as approved by the County of Marin.
5. Designated pathways shall be fenced to prevent off-trail pedestrian activities and bovine traffic. Fencing can be used to cordon off foredunes in high-use areas where recreational activities are not permitted. Fencing with signs indicating dune protection or other similar language shall be used.
6. Provide public education on sand dune processes and reasons for protection through signs, displays at key access points, brochures for beach and dune users, and/or presentations to organized user groups.

F. The project sponsor shall secure a California-certified engineering geologist and civil engineer to provide the project structural engineer with seismic design criteria and recommendations based on state and county regulations for development in areas exposed to moderate to severe earthquakes. The site-specific recommendations made

by this geologist and civil engineer shall be approved by the County Building Inspection Division before being implemented at the site. (Geology and Soils 4.6-3)

1. As an overall performance criterion, seismic design features shall be adequate to ensure that the proposed relocated boathouse withstands the maximum credible earthquake for the San Andreas and Hayward faults.
   Examples of the seismic design criteria to be provided to the project structural engineer include:
   - identification of the controlling fault for seismic engineering design;
   - design earthquake magnitude;
   - distance to energy source (earthquake);
   - likely duration of strong groundshaking and qualitative discussion of its intensity and frequency (e.g., high vs. low); and
   - discussion of the potential for amplified groundshaking and other impacts as a result of local geologic conditions.

   The specific structural features appropriate for the project would be determined based on the seismic engineering design process.
2. The project sponsor shall use appropriate grading and design, in accordance with the UBC and County Code requirements, to reduce the secondary effects of groundshaking on human-made improvements.
3. Fill used during the construction of the project shall be properly designed with subsurface drainage and adequately compacted (i.e., minimum of 90% relative compaction as defined by the American Society for Testing and Materials [ASTM D1557]) to significantly reduce fill settlement.
4. Before any grading or construction permits are issued, the project sponsor shall submit for review and approval by the County a design-level geotechnical investigation. Plan review and construction observation/testing is required by the project geotechnical engineer. Final design of the proposed improvements shall incorporate the results of the geotechnical investigation approved by the County.
5. The construction contractor shall consult with a foundation engineer to develop an appropriate foundation design for the proposed boathouse. The structure shall be designed to accommodate up to 2.3 feet of secondary deformation without collapse. A possible design involves using a thickened reinforced concrete slab over a layer of cohesionless granular backfill. This approach may allow the foundation to accommodate permanent ground deformation without brittle failure; it could also reduce the risk to the structure from the effects of soil liquefaction by helping to support the temporary loss of bearing capacity that could occur in the event of liquefaction. A pile supported foundation should not be employed, because of the possibility of surface fault rupture through the site.

G. Prior to start of construction activities, the project applicant shall prepare a construction traffic control plan that shall be applied to all construction activities associated with the project. (Transportation and Circulation 4.8-1) The plan shall include, at a minimum, the following conditions:
   1. No construction-related traffic shall be allowed on the local roadway network on Sundays or any holiday.

2. No construction delivery truck traffic shall be allowed on the local roadway network before 8:00 a.m. or after 4:30 p.m.
3. No construction worker traffic shall be allowed on the local roadway network between 7:00 and 8:00 a.m. and between 4:30 and 6:00 p.m.
4. Local roadways will be jointly monitored by the County and project applicant every six months to determine whether project related construction traffic is degrading roadway conditions. Roadways with potential to be damaged by construction traffic shall be so designated and included in the monitoring effort shall be agreed to by the County and the project applicant. All degradation of pavement conditions because of project construction traffic will be fully repaired by the project applicant to the satisfaction of Marin County.
5. The project applicant shall prepare detailed analysis of roadway structural cross-section for Cliff Street to determine whether the roadway can withstand the vehicle loading for construction and normal operations.

H. Cliff Street shall be widened to the extent of the existing right-of-way at the three sharp curves, as shown on Exhibit 4.8-3, to soften the curves and improve sight distance to the satisfaction of Marin County Department of Public Works Traffic Division. This may require construction of a retaining wall to enlarge the sharp turn where Beach Avenue becomes Cliff Street, and widening the roadway to soften the curves and to improve sight distance at the two curves on Cliff Street closest to the entry gatehouse. Based on visual observations of the areas of proposed improvements, these proposed improvements would be feasible within the existing roadway alignment (W-Trans 2004). (Transportation and Circulation 4.8-3, 4.8-7)

I. Sand Haul Road shall be designated and improved (i.e., graded/paved) within its existing alignment as an alternative public emergency access route. Improvements to Sand Haul Road shall include grading, graveling, or paving of certain sections of the alignment to provide a smooth traveling surface for passenger cars to travel easily. Signs and placards showing the emergency route along Sand Haul Road shall be installed by the applicant and posted in appropriate locations. (Transportation and Circulation 4.8-4, 4.8-7)

J. In accordance with BAAQMD CEQA Guidelines (BAAQMD 1999), the following mitigation, which includes BAAQMD-recommended Basic, Enhanced, and Optional Control Measures, shall be implemented to reduce construction generated emissions. (Air Quality 4.9-1)

1. Water all active construction areas at least twice daily;
2. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard;
3. Pave, apply water three times daily, or apply (nontoxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
4. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
5. Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets;

6. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more);
7. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.)
8. Limit traffic speeds on unpaved roads to 15 mph in construction areas.
9. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
10. Replant vegetation in disturbed areas as quickly as possible.
11. Install wheel washers for all exiting trucks, or wash off the tire or tracks of all trucks and equipment before leaving the site.
12. Install wind breaks, or plant trees/vegetative wind breaks at windward side(s) of construction areas.
13. Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.
14. Limit the area subject to excavation, grading, and other construction activity at any one time.
15. Minimize idling time.
16. Maintain properly tuned equipment.
17. Limit the hours of operation of heavy-duty equipment and/or the amount of equipment in use.

In addition to the measures identified above, construction activities are also required to comply with all applicable BAAQMD rules and regulations, specifically Rule 8-3 regarding architectural coatings, Rule 8-15 regarding asphalt paving, Rule 11-2 regarding demolition, and Regulation 6 regarding particulate matter and visible emissions.

K. Construction activities shall adhere to the Dillon Beach Community Plan requirements with respect to hours of operation. (Noise 4.10-1)
   1. Heavy or otherwise "noisy" construction equipment (e.g. bulldozers, backhoes, scrapers/graders, heavy trucks, compactors, pavers, and pneumatic tools) should be operated during the hours of 8 a.m.-5 p.m. only, Monday through Saturday. Construction activities shall be prohibited on Sundays and holidays.
   2. Equipment engine doors on motorized equipment shall be closed during equipment operation.
   3. All construction equipment shall be equipped with mufflers.
   4. When not in use, motorized construction equipment shall not be left idling.
   5. Stationary noise-generating construction equipment (e.g., generators and compressors) shall be located the greatest distance possible from nearby noise-sensitive land uses.

L. A qualified professional archaeologist shall be retained to monitor all ground-disturbing activities. If subsurface concentrations of artifacts or other cultural materials such as stone, bone, or shell are uncovered during excavation operations, all construction activities in the area shall halt until the finds can be assessed. The archaeologist shall evaluate the find, and additional mitigation measures may be required depending on the potential significance of the finds. The archaeologist shall recommend additional actions deemed necessary for the protection of these resources. Such actions may include

subsurface testing, data recovery, mapping, capping, or avoidance of the resource. The project proponent shall ensure that additional protection actions (if needed) are implemented before construction continues at this site. (Cultural Resources 4.12-1)

1. A qualified archaeologist approved by Marin County shall monitor all ground disturbing activities during construction. If cultural resources are discovered during construction, construction activities shall halt and the property owner will be notified regarding the discovery. The archaeologist shall evaluate the resource in accordance with state and federal guidelines and shall determine whether the resource is significant. All archaeological excavation and monitoring activities shall be conducted in accordance with prevailing professional standards as outlined in Section 21083-2 of CEQA. Mitigation in accordance with a plan approved by the Marin County Community Development Agency shall be implemented prior to commencement of work within the area of the resource find. (Cultural Resources 4.12-2, 4.12-4)

2. In addition, the project sponsor shall stop potentially damaging work if human remains are uncovered during construction, Assess the Significance of the Find, and Pursue Appropriate Management. California law recognizes the need to protect Native American human burials, skeletal remains, and items associated with Native American burials from vandalism and inadvertent destruction. The procedures for the treatment of Native American human remains are contained in California Health and Safety Code Sections 7050.5 and 7052 and California Public Resources Code Section 5097. (Cultural Resources 4.12-3, 4.12-4)

M. The project sponsor shall implement the following measures to reduce potential impacts on special-status plant species (Biological Resources 4.13-2, 4.13-6):

1. Before the initiation of any ground-disturbing or vegetation-clearing activities, the project applicant shall retain a qualified botanist to conduct preconstruction, focused surveys to confirm the location of potentially suitable habitats in the area of construction disturbance that would be indirectly or directly affected by project implementation for the special-status plants listed in Table 4.13-1, with special attention given to the four species that are presently or historically known to occur on the project site. For plants that require active dunes, this would include the entire dune system. The botanist shall conduct surveys for these special-status plant species at the appropriate time of year when the target species would be in flower and therefore clearly identifiable (i.e., blooming periods). Surveys shall be conducted following the DFG (Department of Fish and Game)-approved protocol for surveying for special-status plant species.
2. If no special-status plants are found during preconstruction, focused surveys, the botanist shall document the findings in a letter report to the project applicant and the appropriate regulatory agencies, and no further mitigation will be required.
3. If special-status plants are found during preconstruction, focused surveys, and the populations can be avoided, they shall be clearly marked in the field by a qualified botanist for avoidance during construction activities. If the populations cannot be avoided, consultations with DFG and/or USFWS (US Fish and Wildlife Service) shall be required depending on the listing status of the plant. Through consultations, appropriate mitigation measures will be developed and implemented. Appropriate

measures may include the creation of off-site populations through seed collection or transplanting, preservation and enhancement of existing populations, or restoration or creation of suitable habitat in sufficient quantities to compensate for the impact. The project applicant shall implement all mitigation measures determined necessary during this consultation.

N. Future development and use shall comply with the following measures which are designed to avoid impacts on coastal and Section 404 wetlands and other waters of the United States (Biological Resources 4.13-3, 4.13-5):

1. Before the project design is finalized, a qualified biologist shall conduct a Section 404 jurisdictional delineation of waters of the United States, (if one is not already prepared and verified), including wetlands, for any areas of project impact outside of the survey area for the existing verified wetland delineation from March 5, 2003. In addition, the project applicant or a qualified biologist shall conduct a delineation of wetlands, as defined by the California Coastal Act (CCA) of 1976.
2. The project applicant or a qualified biologist shall contact DFG to determine whether streambed alterations would occur to drainage features as defined under Section 1602 of the California Fish and Game Code. If this is the case, the project applicant shall obtain a streambed alteration agreement from DFG for any proposed modifications of the features.
3. Based on the verified delineation, the project applicant shall avoid disturbance or fill of the protected coastal wetlands, which would also lead to avoidance of Section 404 wetlands and other waters of the United States, for any uses not authorized by the CCA for wetland fill. This will likely require relocation of some proposed facilities (e.g., trails, restrooms) outside a 100-foot buffer area from onsite wetlands to less environmentally constrained areas as shown in Exhibit 6-1.
4. All jurisdictional wetlands as defined by Section 404 of the CWA shall be protected from impacts associated with implementation of the project by a minimum 100-foot buffer. In some cases, such as when a special-status species requires habitat adjacent to a wetland for part of its life cycle, buffers greater than 100 feet may be necessary. Precise buffer width will be based upon consultation between the project applicant and the California Coastal Commission (CCC). Prior to beginning implementation of the project, the project applicant shall submit a wetland avoidance plan to CCC for approval. The avoidance plan shall include a map that clearly demarcates jurisdiction waters and the buffer area. Based on CCC guidance for establishing buffer, it is likely that relocation of some proposed facilities (e.g., trails, restrooms) will be required outside the buffer areas.
5. Wetlands and other waters of the United States filled for uses that are authorized under the CCA shall be replaced, restored, or enhanced so that there is "no net loss" in accordance with USACE, DFG, and LCP requirements. The project applicant shall secure the following permits and regulatory approvals, as necessary, and implement all permit conditions before beginning implementation of the project:

    a. Authorization for fill of jurisdictional waters of the United States shall be secured the CWA Section 404 permitting process. Timing for compliance with the specific conditions of the 404 permit shall be per condition specified by the USACE (US Army Corps of Engineers) in a mitigation monitoring plan that must be included with the Section 404 permit application. USACE typically require that mitigation

monitoring plans included proposed wetland restoration, enhancement, and/or replacement activities that would ensure no net loss of jurisdictional wetlands functions and values in the project vicinity. The wetland creation section of the habitat mitigation and monitoring plan shall include the following: target areas for creation; a complete biological assessment of the existing resources on the target areas; performance standards for success that will illustrate that the compensation ratios are met; and a monitoring plan including schedule and annual report format. Habitat restoration, enhancement, and/or replacement shall be at a location and by methods agreeable to USACE, DFG, and the LCP. Disturbance or loss of wetlands under jurisdiction of the CCC may be immitigable; the project applicant shall therefore reposition affected project components to a location(s) agreeable to CCC and in areas less environmentally constrained as shown in Exhibit 6-1.

b. Prior to construction in any areas containing wetland features, the project applicant shall obtain water quality certification pursuant to Section 401 of the Clean Water Act for the project. Any measures required as part of the issuance of water quality certification shall be implemented.

c. The project applicant shall obtain a Streambed Alteration Agreement under Section 1600 et seq. of the California Fish and Game Code for impacts to Waters of the State as defined under Section 1602 of the California Fish and Game Code.

d. The project applicant shall file a report of waste discharge with the Regional Water Quality Control Board for activities affecting waters of the state.

O. The following measures shall be implemented in order to minimize and mitigate impacts on special-status wildlife (Biological Resources 4.13-4, 4.13-6):

1. The following measures avoid impacts or reduce impacts to California red-legged frogs to a less-than-significant level:

a. Red-legged frogs are known and have been documented to occur on the project site (Monk and Associates 2002). Before construction of any project facilities, and as a follow-up to the habitat assessment conducted in May 2002 by Monk and Associates, a qualified biologist shall conduct a pre-construction, habitat survey in accordance with the methods outlined in *Guidance on Site Assessment and Field Surveys for California Red-legged Frogs* (USFWS 1997).

b. The results of the red-legged frog preconstruction habitat survey shall be summarized in a report to be provided to the USFWS Ecological Services Division, Sacramento Field Office. This report shall also include additional information related to survey as described under USFWS protocol (USFWS 1997). Construction disturbance to redlegged frog habitat shall be avoided to the extent feasible. If all habitat area cannot be avoided, disturbance shall be minimized.

c. If USFWS (US Fish and Wildlife Service) determines that implementation of the project could result in take, the project proponent shall consult with USFWS under Section 7 or Section 10 to determine a future course of action, including whether incidental take authorization is needed. Through consultation and

negotiations with USFWS, appropriate mitigation and avoidance measures shall be determined and required to be implemented for the take authorizations. These mitigation measures would typically include, but not be limited to, preservation or replacement of upland and aquatic habitat at a minimum 1:1 ratio, as well as avoidance and minimization measures (e.g., preconstruction surveys, seasonal construction restrictions, etc.) to reduce the potential for take of California red-legged frog.

2. The following measures would reduce impacts to special status invertebrates to a less-than-significant level:

   a. Before the project design is finalized, the project applicant shall hire a qualified biologist to conduct focused surveys for special-status invertebrates on the project site.
   b. If no special-status invertebrates are identified on the project site, no further mitigation for special-status invertebrates is required.
   c. If special-status invertebrates are identified on the project site, the project applicant shall attempt to minimize disturbance to occupied habitat to the maximum extent feasible. If occupied habitat for Myrtle's silverspot butterfly cannot be avoided, consultations with USFWS under Section 7 or Section 10 to determine a future course of action, including whether incidental take authorization is needed, shall be required. Through consultation and negotiations with USFWS, appropriate mitigation measures shall be determined and required to be implemented for the take authorizations. These mitigation measures would typically include, but not be limited to, preservation or replacement of suitable habitat at a minimum 1:1 ratio, as well as avoidance and minimization measures (e.g., preconstruction surveys, seasonal construction restrictions, etc.) to reduce the potential for take of Myrtle's silverspot butterfly.

Public Coastal Access

33. No fewer than three (3) free public parking spaces shall be provided, reserved, and maintained in an open and useable condition for free public use adjacent to Area 6 outside the entry gate on the property. Use of the free parking spaces and coastal and campground access conveyed therein by members of the public shall be on a first-come, first-served basis, and shall be for day-use only (no after dark or overnight use), with appropriate signage that alerts the public of the parking. Once the parking spaces have been filled, public access shall be at the campground operators' discretion. Pursuant to California Civil Code Section 846, no liability shall accrue to the campground owners/operators for free public use of the property for recreational coastal access. Maintenance of said parking spaces shall be the responsibility of the grantor.

Traffic Management

34. Traffic levels attributable to campground visitors shall be limited to the following:

A. The maximum allowable number of total daily camping-related vehicles shall be limited to the number of campground lots allowed at any project phase. A RV towing a maximum of one passenger car or small truck shall count as a single vehicle.
B. The maximum number of day use visitor vehicles shall not exceed 200, excluding free public visitor vehicles.
C. In addition, vehicle trips taken by the non-campground employee or owner occupants of Area 2 are permitted.

35. Daily traffic counts differentiating and monitoring the different types of motorists (overnight campground lot visitor, overnight Area 2 visitor, day use paying, day use free, employee/ owner, and other) shall be implemented by the next busy season (commencing Memorial Day 2009), and thereinafter shall be provided to the County CDA on an annual basis.

36. The applicant shall submit a Traffic Management Plan to the Planning Director for review and approval, within one (1) year of project approval. The applicant shall be responsible for paying all reasonable costs for implementation of the Traffic Management Plan. The Traffic Management Plan proposal shall include the following:

A. Goals and objectives
1) Reduce impact of traffic on neighborhood and community;
2) Enhance traffic safety, encourage use of on-site facilities to avoid off-site trips;
3) Establish educational program to encourage walking and biking on/off site;
4) Manage maximum vehicle levels for campsites to avoid congestion and park entry delays;
5) Establish criteria for determining traffic impacts (e.g., level-of-service, congestion/delay);
6) Provide indices of congestion (stacking, wait times from a given point); and
7) Identify maximum levels for: peak-time numbers of vehicles, congestion/delay.

B. Interim traffic reduction measures
1) Signage at Tomales/Highway 1 shall be provided indicating when the campground is full.

C. Traffic Study
1) Current/previous conditions;
2) Improvement Plans: entry lanes/throating, offsite improvements;
3) ;
4) Construction-related traffic management;
5) Pedestrian and bicyclist safety and convenience on- and off-site;
6) Inventory of all roadways including identification of: (1) which ones will continue to be used by the public; (2) which ones will continue to be used by employees only; (3) which ones will be closed to vehicular usage; and (4) which ones will be abandoned, along with plans for removal and restoration of areas proposed for abandonment.

D. Monitoring program
1) Traffic counts
2) Peak time (holiday proximity, good weather) vs. off-peak operations;

3) Field examinations: numbers, locations, frequency, by independent traffic counting firm (e.g., include Lawson's Landing Resort), number of observers;
4) Duration of monitoring, including frequency before, during, after project phase completions and numbers and types of vehicles (inbound vs. outbound);
5) Types of visitors: day use, overnight, longer-term, employee/owner, other; and
6) Unusual vehicle activities, e.g., blocking entrances/exits, U-turns.

E. Other potential traffic improvements
1) Enhanced reservation system;
2) Staggered arrivals;
3) Reservation priority lane; and
4) Traffic: reduction incentives for campsite users: non-peak day arrivals/departures, multiple-occupant versus single-occupant vehicles, in-camp trip reductions, shuttle.

Circulation improvements to ensure consistency with Fire and HCD standards.

F. EIR mitigations
1) Dillon Beach Road, Cliff Street pullout and widening improvements identified in the EIR shall be provided. Provided the applicant can demonstrate that improvements to Sand Haul Road will result in an equivalent or better means of mitigating traffic circulation impacts identified in the EIR for Cliff Street and that the resultant use of Cliff Street as a secondary means of ingress and egress to Lawson's Landing would not create significant impacts to traffic and circulation, the extent of pullout and widening improvements to Cliff Street that were identified in the EIR may be modified or eliminated. Additional environmental review may be required.

G. Other physical improvements
1) Evaluate potential improvements to Beach Road.

H. Parking
1) Day use, camping, walk-in, tents, Lawson's Landing Center, and existing employee and residential uses.

I. Compliance
1) Verification and reporting; and
2) Penalties for noncompliance.

J. Sand Haul Road Alternative Access

The applicant shall submit an evaluation for the use of Sand Haul Road as a primary full-time, year-round ingress and egress to Lawson's Landing to the maximum extent feasible. At a minimum, the applicant shall submit improvement plans to upgrade Sand Haul Road to a one-way, 12 to 14-foot wide (plus turnouts) road. The plans shall include a horizontal and vertical curve analysis, sight distance analysis, turnaround accommodations, and other improvements to Sand Haul Road and Dillon Beach Road, as necessary, to provide for safe circulation conditions. Necessary modifications to the entrance kiosk and registration and reservation systems shall be incorporated into the traffic management plan.

Agricultural Management

37. The applicant shall submit a Grazing Management Plan, consistent with the Grazing Management Plan proposal, within one year of project approval, as part of the required Precise Development Plan.

Miscellaneous

38. The applicant shall provide a detailed Emergency Response Plan within one year of project approval. The Plan shall include provisions for shelter in place independent of any restroom facilities, an emergency warning siren, and an emergency evacuation plan. It shall include provisions addressing ground instability-related issues resulting from an earthquake.

39. Prior to issuance of the first Building or Grading Permit, the applicant shall record a Waiver of Public Liability holding the County of Marin, other governmental agencies, and the public harmless because of loss experienced by geologic actions.

40. The applicant shall defend, indemnify, and hold harmless the County or its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, and employees to attack, set aside, void, or annul the approval by the County of the Lawson's Landing Master Plan, Coastal Permit, and Tidelands Permit, for which action is brought within the time period provided for in California Government Code Section 66499.37. The County shall promptly notify the developer of any claim, action, or proceeding, and the County shall cooperate fully in the defense.

Department of Public Works

41. Pursuant to Mitigation Measure 4.8-3, Master Plan shall show the proposed widening on Cliff Street (see FEIR Exhibit 4.8-3). Show the entire right-of-way of both roads, including existing and proposed improvements. Show locations of proposed Dillon Beach Road Pullouts and approximate widening, and area of Gate entrance improvements.

42. The Alquist-Priolo Earthquake Hazards Zone northern boundary shall be shown on Sheets 2, 4, 5, and 6 (not currently shown). Also show on same sheets the 'Main' and 'Secondary' Fault Zones shown on FEIR Exhibit 4.6-7. The current plans identify zones titled 'San Andreas Fault' and 'Alquist-Priolo Special Study Zone". If these boundaries are continued to be used in future submittals, provide associated geologic report in compliance with State regulations.

    A. Provide geologic report delineating the "active" fault trace as required by the Alquist Priolo Earthquake Fault Zoning Act (Act). Reference to Main Fault Zone Preferred and Possible, and secondary fault zone makes it unclear on where structures are prohibited or where setbacks begin under the Act.
    B. Following establishment of the active fault trace and setbacks, show on plans areas for all new "recreational vehicle" parking, "park trailer" or "mobilehome" and associated type of construction. Note that under the Act, structure for human occupancy means any structure used for sheltering human occupancy of more than 2,000 person hours per year. Exemptions from the Act are limited to single family wood framed or steel framed

not exceeding two stories when that dwelling is not part of a development of four or more dwellings, or mobile home whose body is less than or equal to 8 feet in width, subject to appropriate engineering studies. Otherwise, the structure cannot be built across the fault trace or within 50 feet of an active fault zone.

43. Show limits of Special Hazard Flood Area (FEMA FIRM V flood zone) on maps and show all structures. All new construction and substantial improvements shall be elevated to or above the Base Flood Elevation, and shall fully comply with MCC Chapter 23.09.

44. All improvements shall conform to Title 24 of the Marin County Code (MCC) or as approved by DPW and the Fire Department. However, as proposed (ref. pg. 8), roadway circulation and parking shall be consistent with State Special Occupancy Park Regulations, specifically, California Code of Regulations, Housing and Community Development, Title 25, Section 2106 (for "parks constructed after September 15, 1961").

45. An encroachment permit shall be required for construction within the road right-of-way and is subject to final review and approval by the Road Commissioner.

Prior to Approval of the Precise Development Plans, the following requirements shall be met:

46. Submit grading and drainage plans for all proposed development areas. Design engineer shall provide drainage calculations and reports necessary to confirm the design.

47. Site plan shall include sites reserved for persons with disabilities. Provide and show parking spaces and paths of travel that conform to State and federal accessibility requirements.

48. Plans shall show the local roadway network likely to be impacted by construction-related, delivery truck and construction worker traffic (MP 4.8-1).

49. Plans shall show the location and design (i.e. alignment, grades & slopes, pavements, widths, radii, etc.) of the emergency access improvements to Sand Haul Road. Show limits of grading and drainage provisions (MP 4.8-4). Note: Sand Haul Road shall be designed to accommodate all types of vehicles and equipment expected to use the road in an emergency and as approved by the Fire Department.

50. Provide pedestrian and bike circulation plan.

51. Provide plans for the Lawson's Landing Center showing access, traffic circulation and parking. Provide a detailed inventory of proposed structures, uses, square footage, parking requirements and accessible paths of travel that conforms to ADA standards.

52. Provide plans that show sediment basins, topsoil stockpile areas and stabilization measures for disturbed areas.

53. Provide stormwater control plan incorporating Low Impact Development, treatment controls and Best Management Practices, and other requirements found in the NPDES Phase II,

Attachment 4 permit. Included in the stormwater control plan shall be an Operations and Maintenance Plan to implement post construction BMPs in perpetuity.

Prior to Issuance of Grading or Building Permit, the following requirements shall be met:

54. A registered Civil Engineer or Architect shall design the site retaining walls, drainage, and grading plans. Plans must have the engineer's or architect's signature and stamp.

55. Provide design level geotechnical investigation.

56. Submit a Stormwater Control Plan pursuant to MCC Chapter 23.18 and Stormwater Guidance Manual. Included shall be a signed statement form the developer accepting responsibility for all structural and treatment control BMP maintenance until the time the property is transferred. Any sales agreement shall include the transfer of responsibility.

57. Provide a copy of the Notice of Intent (NOI) filed with the State Water Resources Control Board.

58. Provide written evidence that a qualified professional archeologist is retained to monitor all ground disturbing activities.

59. Note on the plans that the Design Engineer shall certify to the County in writing that all grading, drainage, and retaining wall construction was done in accordance with plans and field directions. Also note that driveway, parking, and other site improvements shall be inspected by a Department of Public Works engineer prior to final inspection. Certification letters shall contain the address, assessor's parcel number and building permit number as required by the Building & Safety Division.

"EXHIBIT 4"

MITIGATION MONITORING AND REPORTING PROGRAM
Lawson's Landing Project

I. INTRODUCTION

A. Background

Assembly Bill 3180, Statutes of 1988, became law in California on January 1, 1989. This bill requires all public agencies to adopt mitigation or reporting programs when they approve projects with Environmental Impact Reports or Negative Declarations that identify significant environmental impacts. The reporting and monitoring program must be adopted when a public agency makes its findings under the California Environmental Quality Act Chapter 2.6 Section 21081.6 so that the program can be made a condition of approval. The program must be designed to ensure project compliance with mitigation measures during project implementation. If certain project impacts extend beyond the project implementation phase, long-term mitigation monitoring should be provided in the monitoring program.

B. Purpose

The Lawson's Landing Project Mitigation Monitoring and Reporting Program ("MMRP") would ensure that all required mitigation measures are completed as part of project construction and maintained in a satisfactory manner during project implementation. This program is designed in a table format for ease of use by the responsible parties. The table identifies the individual impacts, corresponding mitigation measures, individual/agency responsible for implementation, time frame for implementation, and assigns a party responsible to implement, monitor, and confirm the implementation of the mitigation measure. The table will be used by the County of Marin to verify that all required mitigation measures are incorporated into the project, and will provide a convenient tool to determine whether required measures have been fulfilled.

II. MITIGATION MONITORING AND REPORTING PROGRAM

A. Management

The Marin County Community Development Agency (CDA) will be responsible for oversight, implementation and administration of the MMRP for the Lawson's Landing Project.

A staff member designated by the CDA Director will manage the MMRP. If current staffing in the CDA cannot absorb the task of managing the MMRP, an independent contractor will be hired at the expense of the project applicant. The independent contractor would serve under the direction of the Environmental Coordinator. Duties of the staff member responsible for program coordination,

whether a permanent County staff member or independent contractor, would include the following:

1. Conduct routine inspections, plan checking, and reporting activities.

2. Serve as a liaison between County and project applicant regarding mitigation monitoring issues.

3. Coordinate activities of consultants hired by the project applicant when such expertise and qualifications are necessary to implement and monitor mitigation measures.

4. Coordinate with agencies having mitigation monitoring responsibilities

5. Assure follow-up and response to citizen complaints.

6. Complete forms, checklists and other documentation provided by the County for reporting. Maintain reports and other records and documents generated by the monitoring program.

7. Coordinate and assure corrective actions or enforcement measures are taken, if necessary.

B. Baseline Data

The baseline data for each of the environmental impact report (EIR) mitigation measures to be monitored over the duration of the project is contained in the certified Lawson's Landing Project EIR (SCH 2000052112).

C. Dispute Resolution

The overall program goal to ensure compliance with required mitigation measures could create disputes between the County and project applicant over what constitutes compliance. Therefore, a procedure for conflict resolution needs to be established as part of the MMRP. In the event of disagreement about appropriate mitigation measure implementation, the responsible County staff member will notify the Environmental Coordinator via a brief memo and hold a meeting with the project applicant. After assessing the information, the responsible staff member will determine the appropriate method for mitigation implementation and will notify the Environmental Coordinator of the decision. The project applicant, Environmental Coordinator, or any interested member of the public may trigger Planning Commission review by timely appeal or direct referral. The decision of the Planning Commission may be appealed to the Board of Supervisors.

D. Enforcement

The MMRP will be incorporated as a condition of project approval. Therefore, all mitigation measures and monitoring requirements must be compiled with in order

to fulfill the requirements of the approval. A number of the mitigation measures will be implemented during the course of the development review process. These measures will be checked in plans, in reports, and in the field prior to granting of subsequent approvals and/or permits (e.g., grading, building, and occupancy permits). If compliance is not found, these approvals and permits would not be granted. The remaining mitigation measures will be implemented during the construction, or project implementation phase. If work were performed in violation of mitigation measures, a stop work order would be issued. Other mitigation measures will be monitored over time in order to ensure long-term compliance. CDA staff may provide for revisions to mitigation measures if necessary to assure success, subject to the appeal process and compliance with CEQA requirements for subsequent or supplemental review of any significant changes to the project EIR. Mitigation measures and monitoring actions are provided in the attached table.

E. The Program

The attached MMRP table is derived from Appendix N of the project EIR. The table identifies the impact, mitigation measure(s), and level of significance after mitigation. Each impact and mitigation measure number (i.e., Impact 4.9-1, Mitigation Measure 4.9-1) is the same as documented in the EIR for the Lawson's Landing Project. Each impact and mitigation measure is summarized. Detailed discussions of the impacts and mitigations can be found in the EIR. The summary format in the table was intended to avoid the creation of a cumbersome, unusable table. In addition, the table identifies the person/agency responsible for implementation and monitoring of the mitigation. The "When Implemented" column identifies at which stage during the review (or construction) process the mitigation should be implemented.

F. Funding

CEQA Section 21081.6 does not provide a specific funding mechanism for implementation of mitigation monitoring and reporting programs. However, public agencies have the authority to levy charges, fees or assessments to pay for the program, just as they currently do for the preparation of EIRs. For the Lawson's Landing Project, the project applicant would be responsible for the costs of mitigation monitoring.

LAWSON'S LANDING PROJECT MITIGATION MONITORING AND REPORTING PROGRAM					
Impact	**Mitigation**	**Implemented by**	**When implemented**	**Monitored by**	**Verified by and date**
4.4 Wastewater Treatment and Disposal					
4.4-3 The proposed sand dune stabilization methods may not prevent the sand dunes from shifting, thus causing the leachfield to fail, potentially resulting in significant health hazard impacts.	4.6-1 and 4.13-1 Relocate and install the sewage disposal system and access road away from the sand dunes.	Applicant	PDP	EHS	
4.5 Hydrology and Water Quality					
4.5-2 Onsite recreational activities associated with the use of the facilities could result in the potential exposure of people or structures to hazards associated with flood events.	4.5-2 All construction within the delineated floodplain shall adhere to Marin County's Flood Plain Management Ordinance which requires that the lowest floor of new and substantial improvements be at or above the Base Flood Elevation (BFE) for non V designated areas.	Applicant	PDP	DPW	
4.5-4 Temporary construction-related ground disturbances could result in the discharge of stormwater and non-stormwater discharges containing pollutants to drainage systems and ultimately to Tomales Bay, causing water quality impacts.	4.5-4 The applicants shall implement erosion and sedimentation Best Management Practices in conformance with Chapter 23.08 of the Marin County Code in order to control stormwater and protect surface water quality including Dillon Creek and Tomales Bay.	Applicant	BP	DPW	

LAWSON'S LANDING PROJECT MITIGATION MONITORING AND REPORTING PROGRAM					
Impact	Mitigation	Implemented by	When implemented	Monitored by	Verified by and date
4.5-5 If runoff from isolated areas of the site is uncontrolled and not treated, the discharge could adversely affect the water quality of these waterways.	4.5-5 The project's drainage system shall incorporate devices that treat stormwater runoff to preproject conditions. Such devices may include, but not be limited to, biofilter strips, vegetated channels, or wet ponds.	Applicant	BP	DPW	
4.5-12 Soils would be exposed to wind and water erosion that could result in sediment or other contaminants being carried to Dillon Creek, Tomales Bay, and the Pacific Ocean.	4.5-12 The applicants shall implement erosion and sedimentation Best Management Practices in conformance with Chapter 23.08 of the Marin County Code in order to control stormwater and protect surface water quality including Dillon Creek and Tomales Bay.	Applicant	BP	DPW	
4.6 Geology and Soils					
4.6-1 The proposed leachfield site and the access road to the recirculating sand filter system lie within areas of actively moving sand dunes of high instability. Stabilizing the dunes could lead to unnatural fragmentation of the active dune areas, which could in turn influence the short- and long-term	4.6-1 The applicants shall relocate the proposed leachfield and access road to the recirculating sand filter system to a non-sand dune location, such as in the northern portion of the project site.	Applicant	PDP	EHS	

LAWSON'S LANDING PROJECT MITIGATION MONITORING AND REPORTING PROGRAM					
Impact	**Mitigation**	**Implemented by**	**When implemented**	**Monitored by**	**Verified by and date**
development of the dune system at the project site.					
4.6-2 The formal pedestrian pathways could result in the development of dune blowouts.	4.6-2 The applicants shall plan and design the trails in the foredune system to reduce the potential for the development of dune blowouts onsite to reduce the impact to a less-than-significant level.	Applicant	PDP	CDA	
4.6-3 The proposed boathouse is located in an area of secondary deformation where additional displacement could occur due to the site's location in the Alquist-Priolo Earthquake Hazards Zone.	4.6-3 The applicants shall secure a California-certified engineering geologist and civil engineer to provide the project structural engineer with seismic design criteria and recommendations based on state and county regulations for development in areas exposed to moderate to severe earthquakes.	Applicant	BP	CDA	
4.8 Transportation and Circulation					
4.8-1 Construction traffic could result in adverse traffic effects on a daily basis during peak construction periods.	4.8-1 The applicants shall prepare and implement a construction traffic control plan for all construction activities associated with the project.	Applicant	BP	DPW	
4.8-3 The project's minor	4.8-3 Cliff Street shall be widened to the	Applicant	BP	DPW	

LAWSON'S LANDING PROJECT MITIGATION MONITORING AND REPORTING PROGRAM					
Impact	**Mitigation**	**Implemented by**	**When implemented**	**Monitored by**	**Verified by and date**
contribution of daily trips would result in a significant traffic hazard impact because of the existing substandard design of Cliff Street.	extent of the existing right-of-way at the three sharp curves to soften the curves and improve sight distances.				
4.8-4 The project would continue to provide inadequate emergency access routes to the project site because a secondary public emergency access point for public evacuation is not provided.	4.8-4 Emergency access improvements shall be made to Sand Haul Road that would designate and improve the road (i.e., grade/paved) within its existing alignment as an alternative public emergency access route.	Applicant	BP	DPW	
4.8-7 Under cumulative plus project conditions, the project would contribute vehicle trips to an existing adverse traffic condition along Cliff Street.	4.8-7 Widening of Cliff Street would reduce existing traffic congestion that occurs along Cliff Street and would further improve the operation of this roadway. Further, Mitigation Measure 4.8-4 would improve Sand Haul Road for emergency access by the public and emergency vehicles, thereby improving emergency access to and from the project site.	Applicant	BP	DPW	
4.9 Air Quality					
4.9-1 The project would result in	4.9-1 The project shall comply with	Applicant	BP	CDA	

LAWSON'S LANDING PROJECT MITIGATION MONITORING AND REPORTING PROGRAM					
Impact	**Mitigation**	**Implemented by**	**When implemented**	**Monitored by**	**Verified by and date**
short-term generation of fugitive dust, equipment exhaust, temporary employee trip emissions, and other construction-related emissions. These short-term emissions could result in or contribute to a violation of applicable air quality standards.	BAAQMD-recommended Basic, Enhanced, and Optional Control Measures, as well as with all applicable BAAQMD rules and regulations, specifically Rule 8-3 regarding architectural coatings, Rule 8-15 regarding asphalt paving, Rule 11-2 regarding demolition, and Regulation 6 regarding particulate matter and visible emissions.				
4.10 Noise					
4.10-1 The location of construction activities and the equipment used may result in increases in average daily noise levels that potentially exceed the County's land use compatibility noise thresholds at nearby noise-sensitive receptors and result in an increase of average daily noise levels of 3 dBA or greater.	4.10-1 The applicants shall implement the following measures during construction: (1) Construction activities shall adhere to the Dillon Beach Community Plan requirements with respect to hours of operation: Heavy or otherwise "noisy" construction equipment (e.g. bulldozers, backhoes, scrapers/graders, heavy trucks, compactors, pavers, and pneumatic tools) should be operated during the hours of 8 a.m.-5 p.m. only, Monday through Saturday. Construction activities shall be prohibited on Sundays and holidays; (2) equipment engine doors on motorized equipment shall be closed during equipment operation; (3) all construction equipment shall be equipped with mufflers; (4) when not in use,	Applicant	BP	CDA	

LAWSON'S LANDING PROJECT MITIGATION MONITORING AND REPORTING PROGRAM					
Impact	**Mitigation**	**Implemented by**	**When implemented**	**Monitored by**	**Verified by and date**
	motorized construction equipment shall not be left idling; and (5) stationary noise-generating construction equipment (e.g., generators and compressors) shall be located the greatest distance possible from nearby noise-sensitive land uses.				
4.12 Cultural Resources					
4.12-1 Disturbance to potential resources at the site of the proposed mobile home and leachfield could result in a significant impact to cultural resources.	4.12-1 Elimination of the mobile home and relocation of the sewage disposal system would eliminate the potential impact.	Applicant	PDP	CDA	
4.12-2 Subsurface disturbances could potentially destroy or damage previously undiscovered important prehistoric and historic cultural resources.	4.12-2 The applicants shall prepare and implement a Monitoring Plan and halt ground-disturbing activities in the event of accidental discovery of a cultural resource. Implementation of this mitigation would be undertaken by a qualified archaeologist approved by Marin County. If cultural resources are discovered during construction, construction activities shall halt and the property owner will be notified regarding the discovery. The archaeologist	Applicant	BP	CDA	

LAWSON'S LANDING PROJECT MITIGATION MONITORING AND REPORTING PROGRAM					
Impact	**Mitigation**	**Implemented by**	**When implemented**	**Monitored by**	**Verified by and date**
	shall evaluate the resource in accordance with state and federal guidelines and shall determine whether the resource is significant. All archaeologic excavation and monitoring activities shall be conducted in accordance with prevailing professional standards as outlined in Section 21083-2 of CEQA. Mitigation in accordance with a plan approved by the Marin County Community Development Agency shall be implemented prior to commencement of work within the area of the resource find.				
4.12-3 Subsurface disturbances could uncover previously undiscovered prehistoric burials.	4.12-3 The applicants shall stop work if human remains are uncovered during construction, to assess the significance of the find and to pursue appropriate management consistent with state law.	Applicant	BP	CDA	
4.12-4 Subsurface disturbances could potentially uncover previously unknown prehistoric resources on the cumulative project sites.	4.12-4 Implementation of mitigation measures 4.12-2 and 4.12-3 will reduce the impact to a less-than-significant level.	Applicant	BP	CDA	
4.13 Biological Resources					

LAWSON'S LANDING PROJECT MITIGATION MONITORING AND REPORTING PROGRAM					
Impact	Mitigation	Implemented by	When implemented	Monitored by	Verified by and date
4.13-1 Implementation of the project could result in the removal, disturbance, or degradation of sensitive habitats on the project site.	4.13-1 The applicants shall relocate the wastewater treatment facility to the northern portion of the project site outside of the on-site sand dunes.	Applicant	PDP	CDA	
4.13-2 The project could result in the disturbance or removal of special-status plant species and their associated habitat, and could substantially reduce the number or restrict the range of endangered, rare, or threatened species.	4.13-2 The applicants shall retain a qualified botanist to conduct preconstruction focused surveys to confirm the location of suitable habitats and to develop and implement a plan that would avoid all plant populations that are found subject to review by the Department of Fish and Game and the U.S. Fish and Wildlife Service.	Applicant	BP	CDA	
4.13-3 Site grading or other activities during the construction of the proposed improvements could result in disturbance or fill to waters of the United States, including wetlands and coastal wetlands.	4.13-3 The Precise Development Plan shall be designed to avoid impacts on coastal and Section 404 wetlands and other waters of the United States. This includes implementing measures that would avoid disturbance or fill of protected coastal wetlands and obtaining approval from the State Department of Fish and Game, Regional Water Quality Control Board, the Army Corps of Engineers, and other	Applicant	PDP	CDA	

LAWSON'S LANDING PROJECT MITIGATION MONITORING AND REPORTING PROGRAM					
Impact	**Mitigation**	**Implemented by**	**When implemented**	**Monitored by**	**Verified by and date**
	permitting agencies for any work that falls within the appropriate agency's jurisdiction.				
4.13-4 Implementation of the project could result in disturbance or removal of coastal dunes, coastal scrub, and wet meadow habitats that could provide habitat for a number of special status wildlife species.	4.13-4 The applicants shall conduct pre-construction habitat surveys and implement measures that would avoid disturbance of the identified habitat and mitigate for any disturbance of the habitat, consistent with the requirements of the Department of Fish and Game and the United States Fish and Wildlife Service.	Applicant	BP	CDA	
4.13-5 The project could contribute to cumulatively significant impacts on sensitive habitats and wetlands in the coastal zone.	4.13-5 The applicants shall implement mitigation measure 4.13-3.	Applicant	PDP	CDA	
4.13-6 The project could contribute to cumulatively significant impacts on special-status plant and wildlife species.	4.13-6 The applicants shall implement mitigation measures 4.13-2 and 4.13-4.	Applicant	BP	CDA	

CALIFORNIA COASTAL COMMISSION
NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
(415) 904-5260 FAX (415) 904-5400
www.coastal.ca.gov

COMMISSION NOTIFICATION OF APPEAL

DATE: December 11, 2008

TO: Benjamin Berto, Principal Planner
County of Marin, Community Development Agency
3501 Civic Center Drive, #308
San Rafael, CA 94903-4157

FROM: Ruby Pap, District Supervisor RP

RE: **Commission Appeal No. A-2-MAR-08-028**

Please be advised that the coastal development permit decision described below has been appealed to the California Coastal Commission pursuant to Public Resources Code Sections 30603 and 30625. Therefore, the decision has been stayed pending Commission action on the appeal pursuant to Public Resources Code Section 30623.

Local Permit #: **CP 91-068**

Applicant(s): **Bill & Nancy Vogler**

Description: **Recreational and agricultural uses of the 940 to 960-acre Lawson's Landing property and use of approximately 245 acres of land for campground related uses on numerous parcels at 137 Marine View Drive in Dillon Beach.**

Location: **137 Marine View Drive, Dillon Beach (Marin County) (APN(s) 100-100-07, 100-100-08, 100-100-10, 100-100-21, 100-100-49, 100-100-58, 100-100-59, 100-201-01, 100-201-02, 100-202-01, 100-202-02, 100-203-01, 100-203-02, 100-203-03, 100-204-01, 100-204-02, 100-205-03, 100-206-02, 100-207-03, 100-208-01, 100-208-02, 100-211-01, 100-211-02, 100-212-01, 100-212-02, 100-213-01, 100-213-02, 100-214-01, 100-214-02, 100-215-01, 100-215-02, 100-216-01, 100-216-02, 100-217-01, 100-217-02, 100-218-01, 100-218-02, 100-220-06, 100-230-03, 100-100-22, 100-206-01, 100-100-48)**

Local Decision: **Approved w/ Conditions**

Appellant(s): **Sara Wan; Mike Reilly**

Date Appeal Filed: **12/10/2008**

The Commission appeal number assigned to this appeal is A-2-MAR-08-028. The Commission hearing date has not yet been established for this appeal. Within 5 working days of receipt of this Commission Notification of Appeal, copies of all relevant documents and materials used in the County of Marin's consideration of this coastal development permit must be delivered to the North Central Coast District office of the Coastal Commission (California Administrative Code Section 13112). Please include copies of plans, relevant photographs, staff reports and related documents, findings (if not already forwarded), all correspondence, and a list, with addresses, of all who provided verbal testimony.

COMMISSION NOTIFICATION OF APPEAL

Commission staff report and notice of the hearing will be forwarded to you prior to the hearing. If you have any questions, please contact Ruby Pap at the North Central Coast District office.

cc: Bill & Nancy Vogler

Leah Goldberg, Meyers, Nave, Riback

Gary Giacomini, Hansen, Bridgett, Marcus

Ted Harris, California Strategies

CALIFORNIA COASTAL COMMISSION
NORTH COAST DISTRICT OFFICE
710 E STREET, SUITE 200
EUREKA, CA 95501
VOICE (707) 445-7833 FAX (707) 445-7877

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Mike Reilly

Mailing Address: 575 Administration Drive, Room 100

City: Santa Rosa Zip Code: CA 95403 Phone: (707) 565-2241

RECEIVED
DEC 10 2008
CALIFORNIA
COASTAL COMMISSION

SECTION II. Decision Being Appealed

1. Name of local/port government:

Marin County

2. Brief description of development being appealed:

Recreational and agricultural uses of the 940 - 960 acre Lawson's Landing property and use of approximately 245 acres of land for campground related uses on numerous parcels at 137 Marine View Drive in Dillon Beach

3. Development's location (street address, assessor's parcel no., cross street, etc.):

137 Marine View Drive, Dillon Beach, Marin County, APN(s) 100-100-48 et al

4. Description of decision being appealed (check one.):

☐ Approval; no special conditions

☒ Approval with special conditions:

☐ Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-2-MAR-08-028

DATE FILED: December 10, 2008

DISTRICT: North Central Coast District

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

☐ Planning Director/Zoning Administrator

☒ City Council/Board of Supervisors

☐ Planning Commission

☐ Other

6. Date of local government's decision: November 18, 2008

7. Local government's file number (if any): CP-91-068

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Bill and Nancy Vogler
137 Marine View Drive
Dillon Beach, CA 94929

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Catherine Caufield
P.O. Box 884
Inverness, CA 94937

(2)

(3)

(4)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

See Attachment A

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

Please see Attachment A.

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signed: Mike Reilly
Appellant or Agent **Mike Reilly**

Date: **December 10, 2008**

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____

Date: _____

(Document2)

CALIFORNIA COASTAL COMMISSION
NORTH COAST DISTRICT OFFICE
710 E STREET, SUITE 200
EUREKA, CA 95501
VOICE (707) 445-7833 FAX (707) 445-7877

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Sara Wan

Mailing Address: 45 Fremont Street, Suite 2000

City: San Francisco Zip Code: CA 94105 Phone: (415) 904-5201

SECTION II. Decision Being Appealed

RECEIVED
DEC 10 2008
CALIFORNIA
COASTAL COMMISSION

1. Name of local/port government:

Marin County

2. Brief description of development being appealed:

Recreational and agricultural uses of the 940 - 960 acre Lawson's Landing property and use of approximately 245 acres of land for campground related uses on numerous parcels at 137 Marine View Drive in Dillon Beach

3. Development's location (street address, assessor's parcel no., cross street, etc.):

137 Marine View Drive, Dillon Beach, Marin County, APN(s) 100-100-48 et al

4. Description of decision being appealed (check one.):

☐ Approval; no special conditions

☒ Approval with special conditions:

☐ Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-2-MAR-08-028

DATE FILED: December 10, 2008

DISTRICT: North Central Coast District

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

☐ Planning Director/Zoning Administrator

☒ City Council/Board of Supervisors

☐ Planning Commission

☐ Other

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(1) Catherine Caufield
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(4)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

See Attachment A

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

Please see Attachment A.

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signed: Sara Wan
Appellant or Agent **Sara Wan**

Date: **December 10, 2008**

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____

Date: _____

(Document2)

Lawson's Landing Appeal Attachment A

Applicable LCP Policies

Marin County certified Land Use Plan Unit II Natural Resources Policies:

4. *Wetlands. Wetlands in the Unit II coastal zone shall be preserved and maintained, consistent with the policies in this section, as productive wildlife habitats, recreational open space, and water filtering and storage areas. Land uses in and adjacent to wetlands shall be evaluated as follows:*

    a. *Diking, filling, and dredging of wetlands shall be permitted only in conformance with the policies contained in the LCP on this subject, presented on page 136 [Diking, Dredging, and Filling Policy 2]. In conformance with these policies, filling of wetlands for purposes of single family residential development shall not be permitted.*
    b. *Allowable resource-dependent activities in wetlands shall include fishing, recreational clamming, hiking, hunting, nature study, bird watching, and boating.*
    c. *No grazing or other agricultural uses shall be permitted in wetlands except in those reclaimed areas presently used for such activities.*
    d. *A buffer strip of 100 feet in width, minimum, as measured landward from the edge of the wetland, shall be established along the periphery of all wetlands. Where appropriate, the required buffer strip may be wider based on the findings of the supplemental report required in (e). Development activities and uses in wetland buffer shall be limited to those specified in (a) and (b) above.* [emphasis added]
    e. *As part of the application for a coastal development permit on any parcel adjacent to Tomales Bay, except where there is no evidence of wetlands pursuant to the Coastal Commission's guidelines, the applicant shall be required to submit supplemental biological information prepared by a qualified ecologist at a scale sufficient to identify the extent of existing wetlands, based on Section 30121 of the Coastal Act and the area of the proposed buffer areas.*

5. *Coastal Dunes and other Sensitive Land Habitats. Development in or adjacent to sensitive habitats shall be subject to the following standards:*
    a. *Coastal Dunes. No development shall be permitted in coastal dunes in order to preserve dune formations, vegetation, and wildlife habitats. If additional development is proposed at Lawson's Landing, it shall be sited out of the dunes and designated to minimize impacts on adjacent dune vegetation and habitat.*

Overuse of the dune area shall be prevented by such mechanisms as restricting parking, directing pedestrian traffic to areas capable of sustaining increased use, and fencing. No motor vehicles shall be permitted in beach or dune areas except for emergency purposes. The existing sand quarry operation shall be reviewed in February 1982 when the current permit expires for conformance with LCP policies.

b. *Other Environmentally Sensitive Habitats. Other sensitive habitats include habitats of rare or endangered species and unique plant communities. Development in such areas may only be permitted when it depends upon the resource of the habitat area. Development adjacent to such areas shall be set back a sufficient distance to minimize impacts on the habitat area. Public access to sensitive habitat areas, including the timing, intensity, and location of such access, shall be controlled to minimize disturbance to wildlife. Fences, roads, and structures which significantly inhibit wildlife movement, especially access to water, shall be avoided.* [emphasis added].

Marin County certified LUP Unit II Diking, Filling, and Dredging Policy 2:

2. *Acceptable purposes. The diking, filling, and dredging of open coastal waters, wetlands, and estuaries shall be limited to the following purposes:*
   a. *New or expanded commercial fishing facilities.*
   b. *Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.*
   c. *Incidental pubic service purposes, including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.*
   d. *Mineral extraction, including sand for restoring beaches, except environmentally sensitive areas.*
   e. *Restoration purposes.*
   f. *Nature study, aquaculture, or similar resource-dependent activities…*

Marin County certified Land Use Plan Unit II Recreation and Visitor-Serving Policies:

1. *General Policy. The County of Marin supports and encourages the enhancement of public recreational opportunities and the development of visitor-serving facilities in its coastal zone. Such development must, however, be undertaken in a manner which preserves the unique qualities of Marin's coast and which is consistent with the protection of natural resources and agriculture. Generally, recreational uses shall be*

low-intensity, such as hiking, camping, and fishing, in keeping with the character of existing uses in the coastal zone. New visitor-serving commercial development shall be compatible in style, scale, and character with that of the community in which it is located and shall be sited and designed to minimize impacts on the environment and other uses in the area. The County encourages that a diversity of recreational opportunities and facilities be provided, especially those of moderate cost. Facilities for water-oriented recreational uses, such as clamming and boating, are preferred to those which do not require a coastal location.

3. *Private recreational and visitor serving development….*

g. Dillon Beach. Lawson's Dillon Beach Resort, located immediately south of old Dillon Beach, and Lawson's Landing, located on Sand Point, shall be retained as public recreational areas. Both facilities have the potential for expanded visitor-serving development, although providing for adequate water supply and sewage disposal may be problematical…

…(2) Lawson's Landing is an appropriate site for limited expansion of boating facilities and overnight accommodations. Any such expansion shall be based on thorough planning studies which identify the environmental resources and constraints of the site, including wildlife, vegetation, and archaeological resources, geologic and wave hazards, and public service constraints. Measures to protect the site's resources, particularly sand dunes and dune tansy vegetation, shall be in any development plan. Any such plan shall also include improvements in sewage disposal facilities, in accordance with the recommendations of the Regional Water Quality Control Board. Existing A-60 zoning on A.P. #100-100-48 shall be changed to RCR in the Sand Point area and to a resource protection and/or agricultural zone on the remainder of the parcel. A.P. #100-100-49, the beach front recreational parcel, as well as all parcel zoned A-2 which constitute campground sites, shall be rezoned to RCR to reflect historic and present land use.

Marin County certified Land Use Plan Unit II Pubic Services Policies:

1. *General policy. Prior to the issuance of a coastal development permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public services and resources (i.e. water supply, sewage disposal, and road access and capacity) are available to serve the proposed development. Lack of available services or resources shall*

be grounds for denial of the project or for a reduction in the density otherwise indicated in the land use plan…

3. Sewage disposal.

a. On-site sewage disposal. All on-site sewage disposal systems in the coastal zone shall be evaluated as follows:…

(2) Expansions or alterations. Where a coastal development permit is necessary for an enlargement or change in the type or intensity of use of an existing structure, the existing or enlarged septic system must meet the Minimum Guidelines of the Regional Water Quality Control Board, or the County's revised septic system code as approved by the Regional Board, before a permit for such enlargement or change can be granted.

e. Dillon Beach/Oceana Marina/Lawson's Landing…The methods of sewage disposal at Lawson's Landing have caused problems in the past. As part of any expansion or redevelopment plan for the area, improvements in sewage disposal facilities shall be required, in accordance with the recommendations of the Regional Water Quality Control Board.

Marin County Certified Zoning Regulations for C-RCR Coastal, Resort and Commercial Recreation District:

Section 22.57.151 Purpose:
The purpose of this district is to create and protect areas within the coastal zone for resort and visitor serving facilities. Emphasis is placed on public access to recreational areas within and adjacent to proposed development.

Section 22.57.152 Principal Permitted Uses
The following uses are permitted in all C-RCR districts, subject to Master Plan approval:
1. 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. Residential, industrial, institutional, general commercial uses, mobile home parks, and floating home marinas are not permitted…

Discussion

A. Project description

The County approved a Master Plan Coastal Permit (CP 91-068) for Bill and Nancy Vogler to bring existing unpermitted campground development into conformance with the LCP and to provide conditions for future development on

the 960-acre coastal property. The approval, referred to as approval of the Revised Reconfigured and Reduced Use Master Plan Alternative (Revised MPA) includes the following:

A. Designation of six reconfigured existing campground areas, addition of one campground area and potential addition for one additional campground area;
B. Reduction of peak daily vehicle trips from current levels;
C. Relocation of all campground areas, including restrooms and showers, out of wetlands;
D. Development of an uplands wastewater treatment and disposal facility and related infrastructure (including piping from campground areas);
E. Maintenance of owner and campground employee housing;
F. Permanent cessation of the sand quarry operation;
G. Interim plan, detailing schedules for activities and structures, including existing septic system inspections and if necessary upgrades, fuel bunker upgrades, removal of excess ancillary structures, improved reservation system, closure of "new" wetland road, elimination of current camping in wetlands;
H. Project phasing plan, detailing schedules for levels of use, activities and structures;
I. Future submittal of design, architectural, engineering plans and programs showing activity areas, resource protection measures, existing structures to remain and new structures proposed (including restrooms, septic and Lawson's Center), pursuant to completion of a Precise Development Plan;
J. New Lawson's Center in upland (Area 6) location outside of Alquist Priolo zone, with potential maximum of 15,000 square feet for recreation support services, including store, boat repairs, retail sales, storage, fueling, administrative offices, recreation and meeting rooms, and a laundry;
K. Grazing Management Plan, with continued cattle grazing, fencing, pasture rotation, and integration with the Adaptive Management Plan;
L. Adaptive Management Plan;
M. Elimination of over 120,000 square feet of excess ancillary structures from permanent travel trailers.
N. Development of an Emergency Response Plan, including shelter-in-place, siren, and evacuation;
O. Upgrades to Sand Haul Road (along the existing, primary alignment from Dillon Beach Road to Area 6) for primary vehicle access, subject to acceptance of a study at the Precise Development Plan stage of its use for regular vehicle access;
P. Management of ground disturbing activities;
Q. Continuation and expansion of visitor environmental education program;
R. Implementation of new travel trailer lease agreement: and
S. Voluntary merger of small parcels in the C-RCR zoned district.

B. Appeal Contentions

1. Wetlands

Marin County's Coastal Permit approval is inconsistent with LCP wetland policies. Certified Land Use Plan Unit II Natural Resources Policy No. 4 requires a 100-foot buffer between all development and the edge of wetlands, and development activities within the buffer are strictly limited to nature study and

other resource dependent uses, commercial fishing facilities, incidental public service purposes, mineral extraction, and restoration. Marin County approved camping sites and parking within 100 feet of wetlands inconsistent with Policy No. 4.

Specifically, Special Condition 8 of the County's approval allows day use visitor parking in Areas 1-7 outside of wetlands until such time as a subsequent permit is approved for certain precise development allowed by the County's Master Plan approval, but the condition does not explicitly require a buffer between wetlands and parking. Special Condition 14 allows seasonal camping within wetland buffers in Area 3 for a period of 5 years, and references the possibility of extending such uses through an amendment of the County's approval. Special condition 15 allows seasonal camping to occur inside wetland buffers in areas 4 and 5 for a period of five years. The County's LCP does not allow camping or parking uses within 100 feet of wetlands and no mechanism is provided in the LCP to vary this standard. Although the County's approval appears to require that all development not allowed in wetlands and their buffers be removed eventually, it is unclear when this might occur for certain.

LUP Unit II Natural Resources Policy No. 4 prohibits grazing within wetlands and contains a limited list of uses permitted within wetlands. The County approval permits grazing in wetlands, inconsistent with the LCP. The County approval also permits a pedestrian and bicycle path in wetlands on a road that would be closed to vehicle traffic due to its location in a wetland. While it is appropriate and consistent with the LCP to require road within the wetland to be closed, allowing it remain open to pedestrians and bicyclists is inconsistent with the LCP, because a general trail is not an allowable use in wetlands pursuant to LUP Unit II Natural Resources Policy No. 4 and Unit II Diking, Filling, and Dredging Policy No. 2. No evidence is provided that the trail would be resource dependent, such as being designed and required to be an interpretive nature trail. In addition, no restoration of the existing road is provided, and the trail would remain as a road, simply closed to vehicle access.

<u>Conditions of approval incorporating EIR mitigations</u>
In addition, Special Condition 32(N)(1) [EIR mitigation] requires a Coastal Act wetland delineation for future development proposals, but allows it to be done by the project applicant OR a qualified biologist. This is inconsistent with Nat Res Policy 4(e).

Special condition 32(N)(5) requires restoration/mitigation of allowed fill of wetlands to occur so that there is "no net loss" of wetlands, and states that this is required by the LCP. LUP Unit II Diking, Filling, and Dredging Policy No. 3 requires that there be no feasible less damaging alternative to fill and that fill projects in wetlands include mitigation measures specified in Section 30607.1 of the Coastal Act. Section 30607.1 requires *at minimum*, mitigation measures include acquisition of equivalent areas of equal *or greater* biological productivity.

LUP Dike and Fill Policy 3(e) requires that filling shall maintain or enhance the functional capacity of the wetland. It is unclear whether the adopted mitigation will meet this standard. For example, in other cases the Coastal Commission has interpreted these sections to require mitigation at a ratio of 4:1 or more. Therefore, Special Condition 32(N)(5) is inconsistent with the LCP.

2. Coastal Dunes and Other Sensitive Land Habitats

The County's approval is inconsistent with LCP coastal dune and other land sensitive habitat policies. These policies require that no development occur in coastal dunes and that if new development is proposed at Lawson's Landing, that it be sited out of coastal dunes (LUP Unity II Nat Res Policy 5). In addition, the policies prohibits development in other sensitive land habitats, such as habitats of rare and endangered species and unique plant species, and that development adjacent to such areas shall be set back a sufficient distance to minimize impacts on the habitat area.

The County approved development without analyzing or protecting central dune scrub. Camping permitted in Area 3 is adjacent to central dune scrub. No determination was made as to whether this is sensitive land habitat as required by LUP Nat Res Policy 5 and as such, an appropriate setback has not been determined or required, which is inconsistent with this LCP policy. Further, EIR mitigations, which are incorporated as special conditions into the CP approval, allow trails to be developed within the foredunes (See special condition 32(E)).

The County also approved the CP with special condition 32(O)(1)(b), which allows disturbance to California Red Legged Frog sensitive habitat. It states: "Construction disturbance to red legged frog habitat shall be avoided to the extent feasible. If all habitat area cannot be avoided, disturbance shall be minimized." The LCP requires that all impacts to sensitive habitat be avoided (LUP Nat Res Policy 5). Special Condition No. 32(O)(1)(c) requires the applicants to obtain take permits from USFWS. Since the LCP requires impacts to be avoided, take of threatened and endangered species through disturbance to sensitive habitat or otherwise is not permitted under the LCP. In addition, Special Condition 32(O)(2)allows disturbance to special-status invertebrates in consultation with the U.S. FWS, inconsistent with the LCP, which requires sensitive habitat to be avoided.

3. Public Services

The County approved development is inconsistent with LUP Unit II Public services policies. Policy 1 requires that the County make the finding that adequate public services are available serve the development, and lack of services shall be grounds for denial or reduction in density. The County made a positive finding to this effect (Section VI(H) of Exhibit 2 of findings), however conditions of approval do not ensure that public services will be available.

Special condition no. 7(C)(10) requires the applicants to submit evidence demonstrating the feasibility of the upland sewage disposal site. Feasibility should have been demonstrated prior to Master Plan and Coastal Permit approval in order for the County to appropriately make the finding required in Policy 1. LUP Public Services Policy 3 states that methods of sewage disposal at LL have caused problems, and any expansion or redevelopment plan shall require improvements to sewage disposal facilities in accordance with recommendations of the Regional Board. Conditions of approval allow that the precise development plan (PDP) application for the new sewage disposal system does not have to be submitted for three years, which means the system will not be constructed for many years. In the meantime, the substandard septic systems will continue to operate. Therefore, or all the reasons described above, the County approval is inconsistent with LUP Unit II Public Services Policies 1 and 3.

4. Recreation and Visitor Serving Policies

LUP Unit II Recreation and Visitor Serving Policy 1 states that public recreational and visitor serving development should be encouraged, but must be undertaken in a manner which is consistent with the protection of natural resources. Further, Policy 3(g), which is specific to Lawson's Landing, states that any expansion shall take into account environmental constraints and include measures to protect natural resources, and shall include improvements in sewage disposal facilities. As described above, the County approval allows development within and adjacent to wetlands and dunes and these resources are not adequately protected with buffer areas, as required by the LCP. Therefore, the County approval is inconsistent with Recreation and Visitor Serving Policies 1 and 3.

Secondly, the Coastal, Resort, and Commercial Recreation District (C-RCR) of the certified zoning code prohibits residential uses, including mobile home parks. There are approximately 233 existing unpermitted residential trailers on the Lawson's Property, a portion of which are located in the County's coastal permitting jurisdiction, and the rest located within the Commission's retained coastal permitting jurisdiction. The County approval requires 90 day stay limitations for trailer owners and the applicants to submit a Plan to the County to convert trailers to visitor serving uses. The short-term occupancy plan required by special condition 13 is inconsistent with the requirements of the C-RCR District. Allowing owners to stay 90 days per year could result in the trailers being used residentially for the entire summer by their owners, relegating visitor use of the trailer area to unpopular times of the year, inconsistent with the purpose of the C-RCR, which is to create and protect areas within the coastal zone for visitor serving facilities. In addition, several residential trailers are excluded from the stay limitation under the County's approval. Only 193 out of 233 trailers are required to have short term occupancy requirements. This leaves 40 residential trailers with potentially no stay restrictions. This includes seven permanent homes occupied by the owners, their families, and their employees, twenty "permanent trailers" apparently occupied on a fulltime basis by 12 current

employees, and other trailers (the number is unclear) occupied by former employees or by members of the local workforce. In addition, trailers and mobile homes occupied by employees engaged in agricultural use of the property are permitted for 3 more years (see SC 7B). No evidence has been submitted of which trailers are used by employees (see SC 7(c)(8)).

Further, the wording of the Special Condition 13 states that the required plan would impose stay limitations on "non-residential trailers" only and there are no stipulated deadlines. Special Condition No. 13(A) requires that a 60-day occupancy restriction pursuant to SC 20 would be required in the event that no plan for short-term visitor serving occupancies is not approved, however there are no deadlines provided for such approval-only that a plan be submitted. The C-RCR zoning district requires recreational uses only and prohibits residences. Therefore, the County approval is also inconsistent with Sections 22.57.151 and 22.57.152 (Regulations for the C-RCR district) of the certified zoning code.

CALIFORNIA COASTAL COMMISSION
NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
(415) 904-5260 FAX (415) 904-5400
www.coastal.ca.gov

COMMISSION NOTIFICATION OF APPEAL

DATE: December 12, 2008

TO: Benjamin Berto, Principal Planner
County of Marin, Community Development Agency
3501 Civic Center Drive, #308
San Rafael, CA 94903-4157

FROM: Ruby Pap, District Supervisor

RE: **Commission Appeal No. A-2-MAR-08-028**

Please be advised that the coastal development permit decision described below has been appealed to the California Coastal Commission pursuant to Public Resources Code Sections 30603 and 30625. Therefore, the decision has been stayed pending Commission action on the appeal pursuant to Public Resources Code Section 30623.

Local Permit #:	**CP 91-068**
Applicant(s):	**Bill & Nancy Vogler**
Description:	**Recreational and agricultural uses of the 940 to 960-acre Lawson's Landing property and use of approximately 245 acres of land for campground related uses on numerous parcels at 137 Marine View Drive in Dillon Beach.**
Location:	**137 Marine View Drive, Dillon Beach (Marin County) (APN(s) 100-100-07, 100-100-08, 100-100-10, 100-100-21, 100-100-49, 100-100-58, 100-100-59, 100-201-01, 100-201-02, 100-202-01, 100-202-02, 100-203-01, 100-203-02, 100-203-03, 100-204-01, 100-204-02, 100-205-03, 100-206-02, 100-207-03, 100-208-01, 100-208-02, 100-211-01, 100-211-02, 100-212-01, 100-212-02, 100-213-01, 100-213-02, 100-214-01, 100-214-02, 100-215-01, 100-215-02, 100-216-01, 100-216-02, 100-217-01, 100-217-02, 100-218-01, 100-218-02, 100-220-06, 100-230-03, 100-100-22, 100-206-01, 100-100-48)**
Local Decision:	**Approved w/ Conditions**
Appellant(s):	**Environmental Action Committee Of West Marin, Attn: Frederick Smith**
Date Appeal Filed:	**12/12/2008**

The Commission appeal number assigned to this appeal is A-2-MAR-08-028. The Commission hearing date has not yet been established for this appeal. Within 5 working days of receipt of this Commission Notification of Appeal, copies of all relevant documents and materials used in the County of Marin's consideration of this coastal development permit must be delivered to the North Central Coast District office of the Coastal Commission (California Administrative Code Section 13112). Please include copies of plans, relevant photographs, staff reports and related documents, findings (if not already forwarded), all correspondence, and a list, with addresses, of all who provided verbal testimony.

COMMISSION NOTIFICATION OF APPEAL

Commission staff report and notice of the hearing will be forwarded to you prior to the hearing. If you have any questions, please contact Ruby Pap at the North Central Coast District office.

cc: Bill & Nancy Vogler

CALIFORNIA COASTAL COMMISSION
NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5260 FAX (415) 904-5400

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Environmental Action Committee of West Marin

Mailing Address: P.O.Box 609

City: Point Reyes Station Zip Code: 94956 Phone: 415-663-9312

SECTION II. Decision Being Appealed

1. Name of local/port government:

Marin County

2. Brief description of development being appealed:

Lawson's Landing Coastal Permit

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CALIFORNIA COASTAL COMMISSION

3. Development's location (street address, assessor's parcel no., cross street, etc.):

137 Marine View Drive, Dillon Beach, CA
APN 100-100-48, 100-100-49, and others)

4. Description of decision being appealed (check one.):

☐ Approval; no special conditions

☒ Approval with special conditions:

☐ Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-2-MAR-08-028

DATE FILED: Dec. 12, 2008

DISTRICT: North Central Coast Dist.

12/12/2008 15:02 FAX 415 663 8014 EAC 002

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

☐ Planning Director/Zoning Administrator

☒ City Council/Board of Supervisors

☐ Planning Commission

☐ Other

6. Date of local government's decision: 11/18/08

7. Local government's file number (if any): CP-91-068

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Lawson's Landing, Inc.
P.O.Box 67
Dillon Beach, CA 94929

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) See ATTACHMENT A

(2)

(3)

(4)

12/12/2008 10:12 FAX 415 863 8014 EAC 003

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal.** Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

1. LCP POLICIES-PUBLIC SERVICES 3.(a).4: "Alternative systems: The County recommends that provisions be included in the County code to allow alternative sewage disposal systems to be utilized. Until such provisions are incorporated into the code and approved by the Regional Water Quality Control Board however, alternative systems shall only be permitted where a public entity has formally assumed responsibility for inspecting, monitoring, and enforcing the maintenance of the systems in accordance with criteria adopted by the Regional Board."

The project does not identify any public entity that has formally assumed responsibility for inspecting, monitoring, and enforcing the maintenance of the waste disposal system.

2. LCP POLICIES--NATURAL RESOURCES 4.c: "No grazing or other agricultural uses shall be permitted in wetlands except in those reclaimed areas presently used for such activities."

The project does not ban grazing in wetlands. The wetlands cannot be said to be reclaimed for agricultural use because (1) they are on land zoned C-RCR, where agriculture is not a permitted use, and (2) Condition 27.A calls for restoration of wetlands on the property.

3. LCP POLICIES-NATURAL RESOURCES 4.d: "A buffer strip 100 feet in width, minimum, as measured landward from the edge of the wetland, shall be established along the periphery of all wetlands.

The project allows camping and parking in the wetland buffers, on a permanent basis in Area 2 (part of which is within the Coastal Commission's direct jurisdiction and part in Marin County's). It also allows camping in the wetland buffers for a five year period in Areas 3, 4, & 5.

4. LCP POLICIES-NATURAL RESOURCES 4.e: "As part of the application for a coastal development permit on any parcel adjacent to Tomales Bay, except where there is no evidence of wetlands pursuant to the Coastal Commission's guidelines, the applicant shall be required to submit supplemental biological information prepared by a qualified ecologist at a scale sufficient to identify the extent of existing wetlands based on Section 30121 of the Coastal Act and the area of the proposed buffer areas."

The application/project does not identify the area of the proposed buffer areas.

12/12/2008 10:12 FAX 415 663 8014 EAC 004

In addition, the project does not include "measures to protect the site's resources." Lawson's Landing has been operating for more than 40 years without the required County or Coastal permits. Unpermitted development has had a negative impact on the site's sensitive resources.

5. LCP POLICIES-NATURAL RESOURCES 5.b: "Public access to sensitive habitat areas, including the timing, intensity, and location of such access, shall be controlled to minimize disturbance to wildlife. Fences, roads, and structures which significantly inhibit wildlife movement, especially access to water, shall be avoided."

The project includes a system of roads that run through wetlands, wetland buffers and other sensitive habitats, including coastal dunes and dune scrub.

6. LCP RECREATION AND VISITOR-SERVING USES POLICIES 1. "The County of Marin supports and encourages the enhancement of public recreational opportunities and the development of visitor-serving facilities in its coastal zone....Generally, recreational uses shall be low-intensity, such as hiking, camping, and fishing...New visitor-serving commercial development shall be...sited and designed to minimize impacts on the environment and on other uses in the area."

a. The project includes 193 lots that are quasi-residential in nature. The lots are occupied by permanently parked RVs, known as travel trailers, that are owned by private individuals. Condition 7.D.3 calls for development of a short-term occupancy plan for these travel trailers, but it does not specify what standards such a plan should meet. It is possible that a plan will be proposed and approved that leaves the rental responsibilities in the hands of the travel trailer owners, which gives no assurance that the trailers will actually be available to the public.

b. The LCP expands on this Policy, explaining that "Low-intensity uses should be encouraged over more intensive recreational developments such as RV campgrounds or marina complexes which often require extensive site modification, attract large numbers of people, and may result in significant habitat disruption." (p.41) In contravention of this policy, the project is completely oriented toward RV camping with no areas required to be set aside for lower-intensity uses, such as tent-camping.

c. Condition 29 calls for all new utilities to be undergrounded; Condition 30 call for any future exterior lighting shall be minimized with respect to number, height, and light output, and to be shielded from offsite views, including from any public access easement. But these Conditions specifically leave out existing utilities and exterior lighting, although because they are not permitted, they should be considered new development and this policy should apply to them.

7. LCP RECREATION AND VISITOR-SERVING USES POLICIES 3.G.2: "Lawson's Landing. Lawson's Landing is an appropriate site for limited expansion of boating facilities and overnight accommodations. Any such expansion shall be based on thorough planning studies which identify the environmental resources and constraints of the site, including wildlife, vegetation, and archeological resources, geologic and wave hazards, and public service constraints. Measures to protect the site's resources, particularly sand dunes and dune tansy vegetation, shall be included in any development plan."

The project was not "based on thorough planning studies which identify the environmental resources and constraints of the site, including wildlife, vegetation, and archeological resources, geologic and wave hazards, and public service constraints" because the EIR took existing uses (which were essentially the same as the proposed project) as its baseline.

005

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signature of Appellant(s) or Authorized Agent

Date: 12/12/08

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby
authorize _____
to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date: _____

12/12/2008 10:13 FAX 415 663 8014 EAC 006

In addition, the project does not include "measures to protect the site's resources." Lawson's Landing has been operating for more than 40 years without the required County or Coastal permits. Unpermitted development has had a negative impact on the site's sensitive resources. In recognition of this fact, and of the fact that the EIR used existing uses as a baseline and thus did not identify mitigations for many of the negative impacts, the project includes a requirement for an Adaptive Management Plan intended to address the impacts of existing unpermitted uses (most of which were proposed to be continued) that were not dealt with in the EIR. The project's AMP, however, has several serious shortcomings:

- It is to be submitted at a later date, so there is no certainty now that it will adequately address damage caused by existing unpermitted and new permitted uses.
- It will cover less than 5% of the property (29 acres out of 640 acres).
- It will not cover key sensitive habitats, including coastal dunes, dune scrub, beach wrack, beach (snowy plover nesting habitat), marsh, wetlands, and wetland buffers.
- Condition 27. A "recommends" that the AMP's restoration goals include 'restoration of wetlands and their buffers to full ecological functioning," but the AMP does not cover all wetlands or their buffers.
- Condition 27. A "recommends" that the AMP's restoration goals include "management of non-native vegetation by native vegetation, including removal of non-indigenous plant materials", but does not cover the coastal dunes that have been severely affected by the spread of non-indigenous European beach grass.
- The project's outline for an AMP does not require restoration of negative impacts of past uses. For example: it does not require immediate cessation of artificial drainage of wetlands; it does not require the evaluation of how foredunes might be managed to allow offshore sand blow to replenish inland dunes depleted by decades of sand mining and by the spread of European beach grass; it does not mandate establishment of wetland buffers that can provide cover, nesting sites, shelter, and foraging for birds and small mammals, protect water quality, be a shield against the intrusion of people and cattle, and accommodate natural fluctuations in water level.
- The project's outline for an AMP does not address the possibility of management to encourage the colonization or re-colonization of special status species, such as Myrtle's Silverspot butterfly. (The USFWS has identified Tomales Dunes as having "major restoration and reintroduction potential" for the MSB. [Recovery Plan for Severn Coastal Plants and the Myrtle's Silverspot Butterfly, USFWS, 1998, p. 2]).
- The project's outline for an AMP does not address the impact of boating, clamming, and other uses on marine mammals and the marine environment.
- The project defers protection of snowy plover habitat to the future and to another agency (USFWS).
- The project sets an arbitrary, inadequate, and unnecessary limit on the applicant's responsibility to provide funding. Condition 27.C requires the applicant to contribute $40,000 a year, a number that was based not on the likely cost, nor even of the applicant's ability to pay (since a $1/night user fee is likely to produce double that amount annually), but on what the applicant was willing to agree to.

ATTACHMENT A

Names and mailing addresses of those who testified at the County hearings, as well as other interested parties:

Peter Baye, PhD
P.O. Box 65
Annapolis, California 95412

Dr. John Kelly, PhD.
Cypress Grove Research Center
P. O. Box 808
Marshall, CA 94940

Gordon Bennett
Box 662
Inverness, CA 94937m
Sierra Club, Marin Chapter

Nona Dennis
Marin Conservation League
1623A Fifth Ave & F
San Rafael, CA 94901

Barbara Salzman
Marin Audubon Society
eBox 599
Mill Valley, CA 94942-0599

Robert Soost
California Native Plant Society, Marin Chapter
P.O. Box 589
Inverness, CA 94937

Joe Kohn
166 Alpine St.
San Rafael, CA 94901

Rick W. Johnson
PO Box 981
Inverness, CA 94937

Fred Smith
Environmental Action Committee of West Marin
P.O. Box 609
Point Reyes Station, CA, 94956

Jules Evens
Avocet Associates
Box 839
Point Reyes Station, CA 94956

Tom & Barbara Gaman
POB 276
Inverness. CA 94937

Dabney Smith
1637 Merritt Dr.
Novato, 94949

Superintendent Don Neubacher
Point Reyes National Seashore
Point Reyes Station, CA 94956

Richard Grassetti
Grassetti Environmental Consulting
7008 Bristol Drive
Berkeley, CA 94705

mChris DeGabriele
General Manager
North Marin Water District
Box 146
Novato, CA 94947
Bonnie Smetts

Maria Brown
Manager
Gulf of the Farallones National Marine Sanctuary
Building 201, Fort Mason
San Francisco, CA 94123

Blair Allen
Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

Kenneth Sanchez
Coast Bay Delta Branch
US Fish & Wildlife Office
2800 Cottage Way, Suite 2605
Sacramento, CA 95825

Adele Lagomarsino
Program Manager, Williamson Act
Department of Conservation's Land Resource Division
801 K Street, MS 18-01
Sacramento, CA 95814

Dennis J. O'Bryant
Office of Mine Reclamation
801 K Street, MS 09-06
Sacramento, CA 95814-3529

Kate Symonds
U.S. Fish & Wildlife Service
777 Sonoma Ave, Rm 325
Santa Rosa, CA 95404

Tim Wirth
Trust for Public Land
116 New Montgomery St., 4th Floor
San Francisco, CA 94105

Laurens Silver, Esq
California Environmental Law Project
P.O. Box 667
Mill Valley, CA 94942

CALIFORNIA COASTAL COMMISSION
NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
(415) 904-5260 FAX (415) 904-5400
www.coastal.ca.gov

COMMISSION NOTIFICATION OF APPEAL

DATE: December 16, 2008

TO: Benjamin Berto, Principal Planner
County of Marin, Community Development Agency
3501 Civic Center Drive, #308
San Rafael, CA 94903-4157

FROM: Ruby Pap, District Supervisor

RE: **Commission Appeal No. A-2-MAR-08-028**

Please be advised that the coastal development permit decision described below has been appealed to the California Coastal Commission pursuant to Public Resources Code Sections 30603 and 30625. Therefore, the decision has been stayed pending Commission action on the appeal pursuant to Public Resources Code Section 30623.

Local Permit #:	**CP 91-068**
Applicant(s):	**Bill & Nancy Vogler**
Description:	**Recreational and agricultural uses of the 940 to 960-acre Lawson's Landing property and use of approximately 245 acres of land for campground related uses on numerous parcels at 137 Marine View Drive in Dillon Beach.**
Location:	**137 Marine View Drive, Dillon Beach (Marin County) (APN(s) 100-100-07, 100-100-08, 100-100-10, 100-100-21, 100-100-49, 100-100-58, 100-100-59, 100-201-01, 100-201-02, 100-202-01, 100-202-02, 100-203-01, 100-203-02, 100-203-03, 100-204-01, 100-204-02, 100-205-03, 100-206-02, 100-207-03, 100-208-01, 100-208-02, 100-211-01, 100-211-02, 100-212-01, 100-212-02, 100-213-01, 100-213-02, 100-214-01, 100-214-02, 100-215-01, 100-215-02, 100-216-01, 100-216-02, 100-217-01, 100-217-02, 100-218-01, 100-218-02, 100-220-06, 100-230-03, 100-100-22, 100-206-01, 100-100-48)**
Local Decision:	**Approved w/ Conditions**
Appellant(s):	**Marin Audubon Society, Attn: Barbara Salzman; Sierra Club - Marin Group; Alliance Of Permanent Trailers, Attn: Steven Werlin**
Date Appeal Filed:	**12/15/2008**

The Commission appeal number assigned to this appeal is A-2-MAR-08-028. The Commission hearing date has not yet been established for this appeal. Within 5 working days of receipt of this Commission Notification of Appeal, copies of all relevant documents and materials used in the County of Marin's consideration of this coastal development permit must be delivered to the North Central Coast District office of the Coastal Commission (California Administrative Code Section 13112). Please include copies of plans, relevant photographs, staff reports and related documents, findings (if not already forwarded), all correspondence, and a list, with addresses, of all who provided verbal testimony.

COMMISSION NOTIFICATION OF APPEAL

Commission staff report and notice of the hearing will be forwarded to you prior to the hearing. If you have any questions, please contact Ruby Pap at the North Central Coast District office.

cc: Bill & Nancy Vogler

Barbara Salzman, Marin Audubon Society

Sierra Club – Marin Group

Steven Werlin, Alliance of Permanent Trailers

STATE OF CALIFORNIA -- THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

CALIFORNIA COASTAL COMMISSION
NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5260 FAX (415) 904-5400

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Barbara Salzman, Pres. Marin Audubon Society

Mailing Address: 48 Ardmore Road

City: Larkspur Zip Code: 94939 Phone: 415-924-605

SECTION II. Decision Being Appealed

1. Name of local/port government:

Marin County

2. Brief description of development being appealed:

Coastal Permit for Lawson's Landing

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DEC 15 2008
CALIFORNIA COASTAL COMMISSION

3. Development's location (street address, assessor's parcel no., cross street, etc.):

137 Marine Drive, Dillon Beach

4. Description of decision being appealed (check one.):

☐ Approval; no special conditions

☒ Approval with special conditions:

☐ Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-2-MAR-08-028

DATE FILED: December 15, 2008

DISTRICT: North Central Coast District

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

☐ Planning Director/Zoning Administrator

☒ City Council/Board of Supervisors

☐ Planning Commission

☐ Other

6. Date of local government's decision: 11/18/08

7. Local government's file number (if any): _____

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Lawson's Landing Inc.
P.O. box 67
Dillon Beach, CA 94929

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Catherine Caufield
P.O. Box 884
Inverness, CA 94937

(2) Rick Johnson
P.O. Box 981
Inverness, CA 94927

(3) Nona Dennis, Pres.
Marin Conservation League
1623 Fifth Ave.
San Rafael;, 04001

(4) Gordon Bennet
Sierra Club Marin Group

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMEN (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requi ents of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal.** Include a summary description of Local Coastal Pr and Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsister the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, th ust be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

1. LCP policy 4.d calls for "A buffer strip 100 feet in width. minimum...shall be e lished along the periphery of all wetlands." The approval allows camping and parking in the wetland fers for at least a five year period which effectively negates any buffer delineation. In addition was clear from testimony at the hearing that the applicants desire to continue camping in the buffe for longer than 5 years, if not permanently.

2. LCP policy 4.e states "As part of the application for a coastal development p on any parcel adjacent to Tomales Bay... the application shall...submit supplemental biological inf ation...sufficient to identify the extent of existing wetlands...and the proposed buffer areas." The prop buffers are not identified.

3. LCP 5.b. states "Public access to sensitive habitat areas...shall be controlled to m nize disturbanct to wildldife." The project includes roads through wetlands, wetland buffer areas, co dunes and dune scrub habitats.

4. LCP 3.G.2. provides ""Any such expansion (of Lawson's Landing) shall be ed on thorough planning studies which identify the environmental resources and constraints of the Measures to protect the site's resources, partcularly sand dunes and dune tansy vegetation, shall be ded...."
The project does not include measures to protect the site's resources nor are t planning studies adequate.
The project approval includes a requirement for an Adaptive Management Pla however, this is insufficient to assure the site's resoruces will be protected for a number of reasons:
It is based on cost and time limites that are unsupported and completely unrelated to rce protection.
It fails to assure adequate protection of snowy plover and other special status speci abitat, wetlands, wetland buffers,and restoration of coastal dunes.
It does not include clear science-based goals for habitat protection and restoraiton a alistic timelines and a process to ensure protection of the sit's unique resources.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signature of Appellant(s) or Authorized Agent

Date: 12/15/08

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____
to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date: _____

CALIFORNIA COASTAL COMMISSION
NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
(415) 904-5260 FAX (415) 904-5400
www.coastal.ca.gov

COMMISSION NOTIFICATION OF APPEAL

DATE: December 16, 2008

TO: Benjamin Berto, Principal Planner
County of Marin, Community Development Agency
3501 Civic Center Drive, #308
San Rafael, CA 94903-4157

FROM: Ruby Pap, District Supervisor

RE: **Commission Appeal No. A-2-MAR-08-028**

Please be advised that the coastal development permit decision described below has been appealed to the California Coastal Commission pursuant to Public Resources Code Sections 30603 and 30625. Therefore, the decision has been stayed pending Commission action on the appeal pursuant to Public Resources Code Section 30623.

Local Permit #:	**CP 91-068**
Applicant(s):	**Bill & Nancy Vogler**
Description:	**Recreational and agricultural uses of the 940 to 960-acre Lawson's Landing property and use of approximately 245 acres of land for campground related uses on numerous parcels at 137 Marine View Drive in Dillon Beach.**
Location:	**137 Marine View Drive, Dillon Beach (Marin County) (APN(s) 100-100-07, 100-100-08, 100-100-10, 100-100-21, 100-100-49, 100-100-58, 100-100-59, 100-201-01, 100-201-02, 100-202-01, 100-202-02, 100-203-01, 100-203-02, 100-203-03, 100-204-01, 100-204-02, 100-205-03, 100-206-02, 100-207-03, 100-208-01, 100-208-02, 100-211-01, 100-211-02, 100-212-01, 100-212-02, 100-213-01, 100-213-02, 100-214-01, 100-214-02, 100-215-01, 100-215-02, 100-216-01, 100-216-02, 100-217-01, 100-217-02, 100-218-01, 100-218-02, 100-220-06, 100-230-03, 100-100-22, 100-206-01, 100-100-48)**
Local Decision:	**Approved w/ Conditions**
Appellant(s):	**Marin Audubon Society, Attn: Barbara Salzman; Sierra Club - Marin Group; Alliance Of Permanent Trailers, Attn: Steven Werlin**
Date Appeal Filed:	**12/15/2008**

The Commission appeal number assigned to this appeal is A-2-MAR-08-028. The Commission hearing date has not yet been established for this appeal. Within 5 working days of receipt of this Commission Notification of Appeal, copies of all relevant documents and materials used in the County of Marin's consideration of this coastal development permit must be delivered to the North Central Coast District office of the Coastal Commission (California Administrative Code Section 13112). Please include copies of plans, relevant photographs, staff reports and related documents, findings (if not already forwarded), all correspondence and a list, with addresses, of all who provided verbal testimony.

COMMISSION NOTIFICATION OF APPEAL

Commission staff report and notice of the hearing will be forwarded to you prior to the hearing. If you have any questions, please contact Ruby Pap at the North Central Coast District office.

cc: Bill & Nancy Vogler

Barbara Salzman, Marin Audubon Society

Sierra Club – Marin Group

Steven Werlin, Alliance of Permanent Trailers

STATE OF CALIFORNIA -- THE RESOURCES AGENCY ARNOLD SCHWARZENEGGER, Governor

CALIFORNIA COASTAL COMMISSION
NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5260 FAX (415) 904-5400

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Sierra Club - Marin Group

Mailing Address: Box 3058

City: San Rafael, CA Zip Code: 94912 Phone: 415-663-1828

SECTION II. Decision Being Appealed

RECEIVED
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CALIFORNIA COASTAL COMMISSION

1. Name of local/port government:

Marin County

2. Brief description of development being appealed:

Lawson's Landing Coastal Permit

3. Development's location (street address, assessor's parcel no., cross street, etc.):

137 Marine View Drive, Dillon Beach, CA

4. Description of decision being appealed (check one.):

☐ Approval; no special conditions

☒ Approval with special conditions:

☐ Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-2-MAR-08-028

DATE FILED: December 15, 2008

DISTRICT: North Central Coast District

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- ☐ Planning Director/Zoning Administrator
- ☒ City Council/Board of Supervisors
- ☐ Planning Commission
- ☐ Other

6. Date of local government's decision: 11/18/08

7. Local government's file number (if any): _____

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Lawson's Landing, Inc.
P.O.Box 67
Dillon Beach, CA 94929

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1)

(2)

(3)

(4)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

1. LCP POLICIES-PUBLIC SERVICES 3.(a).4: "Alternative systems: The County recommends that provisions be included in the County code to allow alternative sewage disposal systems to be utilized. Until such provisions are incorporated into the code and approved by the Regional Water Quality Control Board however, alternative systems shall only be permitted where a public entity has formally assumed responsibility for inspecting, monitoring, and enforcing the maintenance of the systems in accordance with criteria adopted by the Regional Board."

However, the project does not identify any public entity that has agreed to formally assume responsibility for inspecting, monitoring, and assuring maintenance of the waste disposal system.

2. LCP POLICIES--NATURAL RESOURCES 4.c: "No grazing or other agricultural uses shall be permitted in wetlands except in those reclaimed areas presently used for such activities."

The project does not ban grazing in wetlands. The subject wetlands are not "reclaimed" for ag use because (1) they are zoned C-RCR, where agriculture is not a permitted use, and (2) Condition 27.A. calls for restoration of the wetlands. A restoration program could incorporate grazing to assist with invasive species management, but that is a restoration use, not an ag use.

3. LCP POLICIES-NATURAL RESOURCES 4.d: "A buffer strip 100 feet in width, minimum, as measured landward from the edge of the wetland, shall be established along the periphery of all wetlands.

The project allows camping and parking in in the wetland buffers for a five year phase-out period. It should be noted that we were initially willing to consider this phase-out proposed by Marin County Supervisor Steve Kinsey as a way to break the impass on other conditions of the permit that we felt strongly had to be clarified and/or strenghtened, but reciprocation did not occur.

4. LCP POLICIES-NATURAL RESOURCES 4.e: "As part of the application for a coastal development permit on any parcel adjacent to Tomales Bay, except where there is no evidence of wetlands persuant to the Coastal Commission's guidelines, the applicant shall be required to submit supplemental biological information prepared by a qualified ecologist at a scale sufficient to identify the extent of existing wetlands based on Section 30121 of the Coastal Act and the area of the proposed buffer areas."

The application identifies wetland areas, but not the area of the proposed buffer areas.

5. LCP POLICIES-NATURAL RESOURCES 5.b: "Public access to sensitive habitat areas, including the timing, intensity, and location of such access, shall be controlled to minimize disturbance to wildlife. Fences, roads, and structures which significantly inhibit wildlife movement, especially access to water, shall be avoided."

The project includes roads that run through sensitive habitats including wetlands, wetland buffers, coastal dunes and dune scrub. Inadequate effort has been made to mitigate these impacts, including closure of roads whose acess can be provided for otherwise.

6. LCP RECREATION AND VISITOR-SERVING USES POLICIES 1: "The County of Marin supports and encourages the enhancement of public recreational opportunities and the development of visitor-serving facilities in its coastal zone. Generally, recreational uses shall be low-intensity, such as hiking, camping, and fishing. New visitor-serving commercial development shall be...sited and designed to minimize impacts on the environment and on other uses in the area."

a. The project includes 193 lots that are residential in that they are occupied by permanently parked travel trailers owned by private individuals and in some cases passed down from generation to geenration. Condition 7.D.3 calls for development of a short-term occupancy plan to encourage public use but does not specify any standards. Coastal access is a public right, not a hereditary right.

b. The LCP expands on this Policy, explaining that "Low-intensity uses should be encouraged over more intensive recreational developments such as RV campgrounds or marina complexes which often require extensive site modification, attract large numbers of people, and may result in significant habitat disruption." (p.41) However, the project is virtually entirely oriented toward RV camping for increasingly larger RV's. No areas ae dedicated solely for lower-intensity uses, such as tent-camping, which would only occur in the midst huge RV's. Thus the project defacto precludes low-intensity uses.

c. Condition 29 calls for all NEW utilities to be undergrounded; Condition 30 call for FUTURE exterior lighting shall be minimized with respect to number, height, and light output, and to be shielded from views from any public access easement. Hqwever, these Conditions leave out EXISTING utilities and exterior lighting. Because these existing facilities are not permitted, they should be considered new and thus these conditions should apply to them.

7. LCP RECREATION AND VISITOR-SERVING USES POLICIES 3.G.2: "Lawson's Landing. Lawson's Landing is an appropriate site for limited expansion of boating facilities and overnight accommodations. Any such expansion shall be based on thorough planning studies which identify the environmental resources and constraints of the site, including wildlife, vegetation, and archeological resources, geologic and wave hazards, and public service constraints. Measures to protect the site's resources, particularly sand dunes and dune tansy vegetation, shall be included in any development plan."

However, the project was not "based on thorough planning studies which identify the

environmental resources and constraints of the site, including wildlife, vegetation, and archeological resources, geologic and wave hazards, and public service constraints" because the EIR took existing uses (ie the originally projected project) as its baseline and further failed to distinguish between peak use and average use. Thus the project proponents now claim that their new proposal is about a 40% reduction from the baseline. However, while the new propsaol does redcue PEAK capacity by about 40%, that peak capacity is reached only on about two weekends per year. Assuming only this peak capcity is reduced, we estimate that total capacryt is reduced only by about 5%, and assuming that any new project may be more attractive to users, then non-peak use may increase to an extent that total capacity actually increases. Yet the EIR consdiders none of this.

Furthermore, the project does not include adequate "measures to protect the site's resources." Lawson's Landing has been operating for over 40 years without the required County or Coastal permits and unpermitted development has negativly impacted sensitive resources. Because the EIR used existing use as a baseline and no mitigations were propsed for many of the negative impacts. Fortunately, the project includes a requirement for an Adaptive Management Plan (AMP) to address impacts not covered by the EIR. Unfortunately, the AMP has several serious shortcomings:

- It is unclear whether or how adequately the AMP will address impacts from existing and permitted uses becuase it will be sumitted AFTER the Master Plan is approved.
- The AMP will cover less than 5% of the property (29 acres out of 640 acres) and will not cover sensitive habitats, including coastal dunes, dune scrub, beach wrack, snowy plover nesting habitat, marsh, wetlands, and wetland buffers. Specifically, Condition 27 "recommends" that the AMP goals include "restoration of wetlands and their buffers to full ecological functioning," but the AMP does not cover all wetlands or their buffers. Condition 27 also "recommends" that the AMP's goals include "management of non-native vegetation by native vegetation, including removal of non-indigenous plant materials", but the AMP does not cover those very coastal dunes that are impacted by non-indigenous European beach grass.
- The project does include an "outline" for an AMP, but the outline does not require restoration of natural functions impacted by unpermitted use, such as stopping wetlands from being drained to facilitate RV use. The outline does not require any evaluation of how foredunes might be managed to replenish inland dunes depleted by decades of sand mining and by the spread of European beach grass in the mining area. The outline does not require the establishment of wetland buffers that provide critical upland habitat for wetland and other sepcies and protect water quality in the wetland. The outline does not address the possibility of management to encourage the colonization or re-colonization of special status species, such as Myrtle's Silverspot butterfly, as suggested by USFWS Recovery Plan for Severn Coastal Plants and the Myrtle's Silverspot Butterfly, USFWS, 1998 (p. 2). The outline does not address the impact of boating, clamming, and other uses on marine mammals and the marine environment and defers protection of snowy plover habitat to the future and to another agency (USFWS).
- Condition 27C sets an arbitrary $40,000 per year limit on the applicant's responsibility to provide funding for the AMP. This figure was based not on any cost analysis, nor on the applicant's ability to pay, given that the proposed $1/night user fee will likely to fund twice that amount for the AMP.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signature of Appellant(s) or Authorized Agent

Date 12-15-08

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____
to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date December 10, 2008

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COASTAL COMMISSION

CALIFORNIA COASTAL COMMISSION
NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
(415) 904-5260 FAX (415) 904-5400
www.coastal.ca.gov

COMMISSION NOTIFICATION OF APPEAL

DATE: December 16, 2008

TO: Benjamin Berto, Principal Planner
County of Marin, Community Development Agency
3501 Civic Center Drive, #308
San Rafael, CA 94903-4157

FROM: Ruby Pap, District Supervisor

RE: **Commission Appeal No. A-2-MAR-08-028**

Please be advised that the coastal development permit decision described below has been appealed to the California Coastal Commission pursuant to Public Resources Code Sections 30603 and 30625. Therefore, the decision has been stayed pending Commission action on the appeal pursuant to Public Resources Code Section 30623.

Local Permit #:	**CP 91-068**
Applicant(s):	**Bill & Nancy Vogler**
Description:	**Recreational and agricultural uses of the 940 to 960-acre Lawson's Landing property and use of approximately 245 acres of land for campground related uses on numerous parcels at 137 Marine View Drive in Dillon Beach.**
Location:	**137 Marine View Drive, Dillon Beach (Marin County) (APN(s) 100-100-07, 100-100-08, 100-100-10, 100-100-21, 100-100-49, 100-100-58, 100-100-59, 100-201-01, 100-201-02, 100-202-01, 100-202-02, 100-203-01, 100-203-02, 100-203-03, 100-204-01, 100-204-02, 100-205-03, 100-206-02, 100-207-03, 100-208-01, 100-208-02, 100-211-01, 100-211-02, 100-212-01, 100-212-02, 100-213-01, 100-213-02, 100-214-01, 100-214-02, 100-215-01, 100-215-02, 100-216-01, 100-216-02, 100-217-01, 100-217-02, 100-218-01, 100-218-02, 100-220-06, 100-230-03, 100-100-22, 100-206-01, 100-100-48)**
Local Decision:	**Approved w/ Conditions**
Appellant(s):	**Marin Audubon Society, Attn: Barbara Salzman; Sierra Club - Marin Group; Alliance Of Permanent Trailers, Attn: Steven Werlin**
Date Appeal Filed:	**12/15/2008**

The Commission appeal number assigned to this appeal is A-2-MAR-08-028. The Commission hearing date has not yet been established for this appeal. Within 5 working days of receipt of this Commission Notification of Appeal, copies of all relevant documents and materials used in the County of Marin's consideration of this coastal development permit must be delivered to the North Central Coast District office of the Coastal Commission (California Administrative Code Section 13112). Please include copies of plans, relevant photographs, staff reports and related documents, findings (if not already forwarded), all correspondence, and a list, with addresses, of all who provided verbal testimony.

COMMISSION NOTIFICATION OF APPEAL

Commission staff report and notice of the hearing will be forwarded to you prior to the hearing. If you have any questions, please contact Ruby Pap at the North Central Coast District office.

cc: Bill & Nancy Vogler

Barbara Salzman, Marin Audubon Society

Sierra Club – Marin Group

Steven Werlin, Alliance of Permanent Trailers

STATE OF CALIFORNIA – THE RESOURCES AGENCY ARNOLD SCHWARZENEGGER, Governor

CALIFORNIA COASTAL COMMISSION
NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5260 FAX (415) 904-5400

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COASTAL COMMISSION

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Steven Werlin / Alliance of Permanent Trailers

Mailing Address: P.O. Box 271

City: Dillon Beach Zip Code: 94929 Phone: 707. 477. 1179

SECTION II. Decision Being Appealed

1. Name of local/port government:

   Marin County

2. Brief description of development being appealed:

   Lawson's Landing Master Plan, Coastal Permit, and Tidelands Permit

3. Development's location (street address, assessor's parcel no., cross street, etc.):

   137 Marine View Drive, Dillon Beach, CA 94929

4. Description of decision being appealed (check one.):

   Approval; no special conditions

   X Approval with special conditions:

   Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

STATE OF CALIFORNIA – THE RESOURCES AGENCY ARNOLD SCHWARZENEGGER, Governor

CALIFORNIA COASTAL COMMISSION
NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5260 FAX (415) 904-5400

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-2-MAR-08-028

DATE FILED: December 15, 2008

DISTRICT: North Central Coast District

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

   Planning Director/Zoning Administrator

   X City Council/Board of Supervisors

   Planning Commission

   Other

6. Date of local government's decision: November 18, 2008

7. Local government's file number (if any): CP-91-018

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Bill and Nancy Vogler
137 Marine View Drive
Dillon Beach, CA 94929

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1)

(2)

(3)

(4)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal.** Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

Please see Attachment.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signature of Appellant(s) or Authorized Agent

Date: 12/15/2008

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize Courtney Frick to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date: 12/15/08

Attachment

This appeal challenges the decision of Marin County ("County"), by and through the Marin County Board of Supervisors, regarding the Lawson's Landing Master Plan, Coastal Permit and Tidelands Permit ("Ordinance 3506"). The County's decision (a) is inconsistent with the spirit and intent of the Coastal Act ("Act"), the Marin County Local Coastal Plan and the Dillon Beach Community Plan and the policies contained therein; (b) lacks the required constitutional nexus between the conditions of approval and the impacts; (c) constitutes a regulatory and physical taking under the United States Constitution and California Constitution; and (d) is prohibited by the doctrine of laches.

Specifically, Ordinance 3506 includes two conditions of approval, numbers 13 and 20, that give rise to the above violations. Condition of Approval 13 provides as follows:

13. Area 2 is permitted for use by up to 263 camp lots, subject to the following restrictions:

    A. Within 6 months from project approval, the applicant shall submit a plan for short-term, visitor-serving occupancies, for review and approval by the County as part of a Precise Development Plan, for the 193 current "permanent" travel trailers that are not used by campground employees, property owners, or other permanent residents, as well as for future travel trailers in approved camp lots. The plan shall limit usage of each non-residential trailer by its current owner to a maximum of 90 days annually with a requirement for the owner to offer the trailer for short-term rental (up to 60 days per short-term occupancy) if the owner chooses not to remove the trailer from the campground when it is not being used by the owner. The 60-day occupancy restriction pursuant to Condition 20 shall apply in the event the plan for short-term, visitor-serving occupancies is not approved.
    B. Except for the eight life-estate travel trailers, travel trailers that do not meet the employee residential or short-term occupancy requirement shall be removed from the site.

Condition of Approval 20 provides:

20. Except as otherwise provided for herein, no visitor or visitor vehicle shall occupy the campground for more than 60 days annually.

A. <u>The County's Decision Is Contrary To The Intent Of The Coastal Act And The Marin County Local Coastal Program</u>

1. The County's Decision Is Contrary to the Intent of the Coastal Act

The Marin County Local Coastal Program ("LCP") provides "[T]he Coastal Act states that maximizing public recreational opportunities in the coastal zone is a basic goal of the State. ....The Act also encourages the provision of lower cost visitor and recreation facilities." (Marin County Local Coastal Program, Unit II, p. 24.)[1] Condition No. 13 and Condition No. 20 (collectively, the "Conditions") are inconsistent with the spirit and overarching policy of the Coastal Act. The overly burdensome nature of the Conditions will result in violating the public access and recreation component of the Coastal Act.

Lawson's Landing is a low-cost visitor serving coastal facility that provides a unique opportunity for public access and recreational opportunities to trailer owners. Most, if not all, trailer owners cannot afford to purchase waterfront residential property that offers the same degree of coastal access available at Lawson's Landing. Lawson's Landing provides a relatively affordable vacation option that facilitates public access. County staff acknowledged that "[T]here has been no quasi condo or timeshare large lump-sum buy-in to secure one of the travel-trailer spaces." (Marin County Planning Commission Staff Report[2], August 1, 2008, p. 15.) Indeed, several spaces were available for lease this year and members of the public who desired to lease a space simply inquired with the campground owners, leased an available space, bought an RV or brought their own and occupied the space.

By requiring permanent trailer owners to rent out their personal property for public use and imposing annual use limitations, the County is making use of this low-cost coastal facility so unattractive, financially and otherwise, that trailer and RV owners will cease using Lawson's Landing. It should be obvious, but worth the reminder, that trailer owners who lease RV spaces from Lawson's Landing are in fact members of the public that enjoy the protection and purposes of the Coastal Act. The imposition of such unreasonable and unjustified conditions will limit public access and recreation, which is clearly a violation of the intent of the Coastal Act. Further, such extreme restrictions and invasive requirements would never be applied to high income visitor serving facilities, such as vacation home rentals, and, therefore, it is questionable whether the application to Lawson's Landing amounts to an unfair application of law.

The County's approval is also inconsistent with Statewide Interpretive Guidelines adopted by the Marin County Planning Commission. The Marin County Planning Commission adopted the following Guideline on October 13, 1977:

Lawson's Landing

1 / Referred to hereafter as (LCP, Unit II.)
2 / Referred to hereafter as "Staff Report."

> A moderate expansion of visitor serving facilities should be permitted. Any expansion proposals should be based upon a master plan, approved by the Commission, that provides sanitation improvements approved by the Regional Water Quality Control Board. Priority will be given to development proposals that would *maintain* Lawson' s Landing as an area of *moderate cost vacation housing* and as a fishing, swimming and clamming area.

(Letter dated 12/19/1977 from Gary L. Holloway, Senior Coastal Planner to Marin County Planning Commission, emphasis added.)

Specific policies on Lawson's Landing in the LCP, Dillon Beach Community Plan ("DBCP"), and Statewide Guidelines make no mention of the need or desirability of any reductions in the level or location of uses, despite of being well aware of those uses. The County anticipated that Lawson's Landing would *"maintain"* affordable coastal vacation options, indicating that the trailers were existing and considered an acceptable visitor serving use. Placing an annual use limitation on the trailers and campground visitors is therefore inconsistent not only with the Interpretative Guidelines adopted by the County but also the intent of the Act which promotes and encourages low and moderate cost coastal access.

2. <u>The County's Decision Impermissibly Amends the LCP by Eliminating Visitor-Serving Recreational Facilities that the County Relied Upon for its Inventory of Such Resources.</u>

A. *Travel Trailers*

The County's decision to approve a Coastal Development Permit ("CDP") for Lawson's Landing that dramatically reduces the numbers and use of the available trailer facilities impermissibly amends the County's certified LCP and the Dillon Beach Community Plan ("DBCP"). Both the County and the Coastal Commission long-ago decided that the trailers were "recreational uses" and counted the full 231 trailers as among the existing visitor serving recreational facilities in the LCP. The County's decision to eliminate these existing uses, thus, acts as a *de facto* amendment to the LCP without the appropriate procedures for such an amendment.

Pursuant to Public Resources Code section 30500, the County prepared and submitted the LCP Unit II to the Coastal Commission. Before preparation of the LCP even began, however, Coastal Commission regulations required the County "as a first step in the preparation of an LCP" to identify "coastal conservation and development issues" within the area to be governed by the LCP. (California Code of Regs., Title 14, § 13503.) The purpose of "issue identification" was to: "(1) determine the policies of the Coastal Act that apply in each jurisdiction; (2) determine the extent to which existing local plans are adequate to meet Coastal Act requirements; and (3) delineate potential conflicts between existing plans and

development proposals and the policies of the Coastal Act." (*Id.* (emphasis added).) Additionally, the County was required to identify "with respect to uses, existing or anticipated, of more than local significance which must be addressed in the ... LCP." (Id.) Then, the County was required to identify "existing or potential conflicts ... between the policies of Chapter 3 of the Coastal Act and (1) existing conditions in the coastal zone ..." (*Id.*) Once the County had completed these steps, the County was required to submit the "issue identification" to the Coastal Commission for review. (*Id.* at § 13504.)

In preparing the LCP, the Coastal Act required the County to "contain a specific public access component to assure that maximum public access to the coast and public recreation areas is provided." (Pub. Res. Code, § 30500(a).) Moreover, the County was required to include in the LCP "an analysis of the potential significant adverse cumulative impacts on coastal resources and access of existing and potentially allowable development proposed in the LCP." (*Id.* at § 13511.) In order to certify the LCP, the Coastal Act required the Coastal Commission to make a finding that the LCP raised "no substantial issues as to conformity with the policies of Chapter 3" of the Coastal Act. (Pub. Res. Code, § 30512.)

The Coastal Commission's regulations go even further requiring the Coastal Commission to have made findings that the LCP "meets the requirements of and is in conformity with Chapter 3" of the Coastal Act; "contains the specific public access component as required by" section 30500(a) of the Coastal Act; "is consistent with any applicable decisions of the Commission;" "is consistent with the Commission's responsibilities under" CEQA; and meets the CEQA requirement that an activity will not be approved if there are feasible alternatives or mitigation measures available that would substantially lessen any significant adverse impact on the environment. (California Code of Regs., Title 14, 13540.)

With full knowledge of these laws and regulations, the County submitted, and the Coastal Commission approved the LCP which counted the then existing trailers as among the available recreational facilities within the LCP. In fact, as Table 4 in the LCP shows, in the entire LCP area, the County could identify only 82 hotel rooms, 235 formal campsites, 331 trailer/RV spaces and 40 hostel beds. Of this, Lawson's Landings' 46 formal campsites and 231 trailers represent 40% of the total recreational facilities in the entire LCP, and this does not even account for the larger numbers of informal camping that was also identified in the LCP and the DBCP. The Coastal Commission subsequently certified the LCP, including the 231 travel trailers, finding consistency with the Coastal Act. Similarly, the County's 1988 DBCP again recognized the 231 travel trailers sites as among the recreational uses available in the DBCP area, and this plan was again ratified by the Coastal Commission.

After approval of the LCP, the County was likewise required to submit any amendments to the certified LCP, such as the DBCP, to the Coastal Commission

for certification. (Pub. Res. Code, § 30514.) Along with the proposed amendments, the County was required to again conduct an analysis of "potential significant adverse cumulative impacts on coastal resources access and of existing and potentially allowable development." (Code of Regs., tit. 14, §§ 13511, 13552.) Coastal Commission certification of an amendment to an LCP must comply with the provisions of Coastal Commission regulations, §§ 13522 – 13542, including making the findings articulated above pursuant to § 15340. (Code of Regs., Title 14 § 13555.) The Coastal Commission certified the DBCP in 1988.

Finally, the Coastal Commission is required to review certified LCPs at least once every five years. (Pub. Res. Code, § 30519.5.) During each review, the Coastal Commission must determine whether the LCP "is being effectively implemented in conformity with the policies" of the Coastal Act. (*Id.*) If the Coastal Commission determines that a certified LCP "is not being carried out in conformity with any policy" of the Coastal Act, the Coastal Commission "shall submit to the affected local government recommendations of corrective actions that should be taken." (Id.) "Such recommendations may include recommended amendments to the affected" LCP. (*Id.*)

In certifying the LCP and later the DBCP, both the County and the Coastal Commission ratified 231 trailer spaces as recreational facilities conforming to the Chapter 3 policies of the Coastal Act. In compliance with section 30500 of the Coastal Act, the County lists the available facilities providing public access and recreational opportunities to the coast. The County's LCP specifically lists as the largest among the "Private Recreational Facilities" providing public access to the coast the 231 trailer spaces at Lawson's Landing. (LCP, p. 29.) Similarly, Table 4 of the LCP also lists the 231 trailer spaces at Lawson's Landing as among the recreational facilities located in the LCP. Moreover, footnote one in Table 4, though it appears to apply to trailer spaces at Lawson's Dillon Beach Resort rather than Lawson's Landing, states that the recreational facilities are rented on a yearly basis. Considering the stringent requirements in both the Coastal Act and the Coastal Commission regulations for identifying potential conflicts between existing uses and Coastal Act policies, if the County had considered the 231 travel trailers as in conflict with public access and recreational use policies, the County should have identified this issue during the preliminary steps of the LCP preparation. Conversely, if the County believed such a conflict existed, the County would not have relied on the 231 travel trailers to meet its duty to maximize public access to the coast in submitting an LCP to the Coastal Commission. Likewise, if the Coastal Commission had believed that the 231 travel trailers were not recreational uses or that the rental of travel trailers on a year-long basis at either Lawson's Landing or at Lawson's Dillon Beach Resort were in conflict with Coastal Act policies, or that any of the facilities listed in the LCP were insufficient to meet the County's duty to maximize public access to the Coast, the Coastal Commission should have refused to certify the LCP.

Congruently, the DBCP recognizes the 231 trailer sites at Lawson's Landing among the recreational facilities available to coastal users and lists the 231 trailer sites as among those facilities providing public access. (DBCP, pp. 6-2, 6-12.) DBCP's objective CD-13 requires the County to "encourage the continuance of visitor-serving recreational activities at Lawson's Landing, and to encourage improvements to existing facilities to be in a manner that recognizes the significant environmental hazards of the area and that protects and enhances the environmental sensitivity and outstanding visual quality of the site." (DBCP, p. 6 – 26.) In fact, Policy CD-13.9 encourages "[n]ew structures at the center of the trailer development at Sand Point" to be "one-and one-half stories tall to mark the center of the development and to provide opportunities for elevated observation." Again, if the County in proposing the DBCP had not considered the travel trailers as recreational uses or that the long-term rental of the travel trailer spaces was incompatible with Coastal Act policies, the County had the opportunity to address these issues in the DBCP. The County did not. Instead, the County actually encouraged the continued use of the travel trailers and even encouraged improvements to the current travel trailer location on Sand Point. Likewise, if the Coastal Commission had considered any of the uses or policies set forth in the DBCP to be incompatible with the Coastal Act, the Coastal Commission should not have certified the DBCP. Finally, and perhaps most importantly, the Coastal Act mandate that requires the Coastal Commission to review certified LCPs for consistency with the Coastal Act at least once every five years means that the Coastal Commission has had at least five opportunities in the 27 years since the LCP was first certified to express the Coastal Commission's concern that the recreational uses identified in the LCP, including the 231 travel trailers, were not actually "recreational uses" under the Coastal Act. The Coastal Commission, however, has made no such comment on the certified LCP.

The trailer owners at Lawson's Landing have rightfully relied on the LCP's and the DBCP's inclusion of the 231 travel trailers within these plan's catalogues of recreational uses as approval of the trailers as recreational uses. The intent of the County's Master Plan process was not to amend either the LCP or the DBCP, but rather to allow the County to engage in housekeeping so that the uses the County relies upon in the LCP to fulfill its duty to maximize public access to the coast would be brought under the umbrella of the County's current planning and zoning requirements so that the County could better regulate future improvements at Lawson's Landing. It is shocking that the County now, three decades after approving an LCP that includes the travel trailers as among the uses the County relied upon to provide public access to the coast, has used Lawson's Landing's Master Plan process to perform an illegal amendment to its own LCP.

Even assuming that the County and Coastal Commission had not already ratified the travel trailers as recreational uses and that it were even remotely appropriate for the County to examine the travel trailers as if the events of the last three decades had not transpired, the travel trailers do not restrict access to the coast.

In fact, they are vital to the continued operation of the other visitor-serving recreational opportunities at Lawson's Landing. The evidence before the County shows that Lawson's Landing reaches maximum capacity only on a few peak weekends each year. While access to Lawson's Landing is restricted by the maximum allowed visitors on these peak weekends, with or without the trailers, the vast majority of the year especially during the cold winter months, Lawson's Landing has ample capacity to support visitors to the coast. Thus, at best, removal of the travel trailers as a long-term rental facility would only provide more capacity on specific weekends, it would not, overall, increase access to the coast.

B. *Camping*

In addition to 46 formal campsites in the meadow area, the DBCP also recognized that Lawson's Landing hosts informal camping as needed. It should be noted that the original master plan as proposed by Lawson's Landing in the early 1990s mirrored the existing use of the property at that time—1000 campers, 233 travel trailers that included a few permanent residents and Lawson's Landing employees—for a total of 1233 overnight accommodations. The County's approval left Lawson's Landing 483 overnight accommodations—a significant reduction in visitor serving uses at Lawson's Landing.
This decrease does not simply affect Lawson's Landing business, but it impacts the availability of affordable coastal access for all Californians. Other than a few State Park campsites wherein it is quite difficult to get reservations (and many will not accommodate RVs), Marin County is devoid of affordable coastal access and the more northerly coastal counties are too far from the Northern California populations centers to provide meaningful coastal access. If it takes more than ½ day to get to the coast, then it is no longer feasible to go for just a weekend.

Camping should be allowed to continue in the wetlands buffer zones for three reasons: 1) camping is not development subject to the Coastal Act or the LCP; 2) even if camping were development, the LCP already recognizes camping at Lawson's Landing not only in the buffer zones but in the wetlands themselves; and 3) even if camping in the buffer zones requires a Coastal Development Permit ("CDP"), such a permit should be granted since such camping at Lawson's Landing is a resource dependent use.

1. Camping is not Development

Camping does not meet the Coastal Act definition of development and, thus, should not need to obtain a CDP. The Coastal Act definition of "development" clearly contemplates permanent alternations to land and/or permanent structures. Camping, by its very nature, is transient. While "development" requires a CDP and must comply with the LCP policies, since camping is not "development," it is not subject to the limitations of the LCP on development in buffer zones.

2. Camping at Lawson's Landing is Already Recognized in the LCP

Even if camping at Lawson's Landing is "development," for Coastal Act purposes, it's not new development requiring County or Coastal Commission approval of a CDP. At the time the LCP was drafted by the County and certified by the Coastal Commission, camping took place in all areas of the meadow, including both wetlands and wetland buffer zones. Not only were the County and the Coastal Commission aware of these uses at the time, but the County's LCP specifically details the existing camping uses at Lawson's Landing and includes the camping uses among the list of available recreational activities within the LCP. Thus, Lawson's Landing's proposal to maintain uses already recognized in the LCP (even if camping were "development") would not be new development requiring a CDP. The County and Coastal Commission's approval of the LCP, and subsequent ratification of the LCP in the DBCP, acted as a de facto approval of the camping at Lawson's Landing in its then existing state. In fact, a strong argument could be made that the only way the County could approve the removal of camping from Lawson's Landing as currently proposed would be to first amend the LCP.

C. Camping is a Resource Dependent Use

Finally, even if camping is development and even if existing camping required a CDP despite the contents of the LCP, camping should be allowed in the buffer zones as a "resource dependent" activity. The list of resource dependent activities in the LCP includes, "fishing, recreational clamming, hiking, hunting, nature study, bird-watching and boating" and at first glance appears to be exclusive. However, the list of resource dependent activities in the policies in the LCP includes "nature study, aquaculture, or similar resource-dependent activities," which would indicate that the list is not intended to be exhaustive, but rather simply indicative of the types of resource dependent activities allowed in the buffer zones. People come to Lawson's Landing from all over the State, not because it is simply a campground, but because it is a *coastal campground*, where they can enjoy the beach and take their boat out to fish or clam. Thus, camping in the buffer zones is a resource dependent activity.

Additionally, because of Lawson's Landing's remote location, the only way most people will be able to enjoy the natural resources on the property is if they can stay overnight. And, as testimony before the County has shown, most people come to the property to enjoy the natural resources and the coast and do so from areas far enough away that they would not make the trip to the coast if overnight accommodations were not available. Since camping allows visitors to enjoy the resources but minimally impacts the resources themselves, it should be allowed in the buffer zones as a resource dependent use.

3. <u>Conditions Violate Public Access/Property Ownership Balance</u>

The Coastal Act's promotion of public access is balanced by consideration of private property ownership rights. The Coastal Act, from which the County's LCP is derived, lists in its second Article, section 30210 that in carrying out the requirements of the Act, "maximum access...and recreational opportunities shall be provided for *all* the people consistent with...the need to protect...rights of private property owners...from overuse." (emphasis added.) Section 30214, subdivision (b) provides that "[I]t is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access...."

Each leased space at Lawson's Landing, is occupied by a travel trailer that is individually owned. Each trailer owner is the sole key holder to their trailer. Each trailer is furnished with *personal items* such as sheets, towels, food and dishes. Similar to the property right in a house or car, the trailer owners have a property right in their trailer.

Further, the trailers are not like motel rooms where guests can simply flip on the light switch or take a hot shower by turning on the faucet; most, if not all of the trailers run on propane that must be ignited to operate. The use of propane by "renters" who may be inexperienced with its characteristics raises serious concerns regarding the possibility of accidental explosions and carbon monoxide poisonings or fatalities.

The Conditions fail to provide any protection to the property rights of the trailer owners. The Conditions do not satisfy the reasonable balance between public access and private ownership as required by section 30214. It goes without saying that requiring American citizens to rent their beds out to the public at large in the name of public coastal access is extreme, without any protection of the rights of private property owners.

B. <u>The Conditions Lack the Required Constitutional Nexus</u>

The County has a duty to impose conditions on land use projects that bear a causal nexus between the condition and the impact caused by the project. (cite) The County did not meet its burden of establishing a record showing a causal nexus between the conditions imposed by the County, and the impacts of the project. The record does not identify the impact the Conditions are designed to mitigate, or how the Conditions will effectively accomplish such mitigation. "There must be an essential nexus (i.e. connection) between the mitigation measure and a legitimate governmental interest." (*Nollan v. California Coastal Commission* (1987) 483 U.S. 825.) A land use regulation that "fails to serve any legitimate governmental objective may be so arbitrary or irrational that it runs afoul of the Due Process Clause." (*Lingle v. Chevron U.S.A. Inc.*, (2005) 544 U.S. 528, 542.) Furthermore, the County lacks authority to regulate private contacts between private individuals.

C. The Conditions Constitute Regulatory And Physical Takings Under The United States Constitution And The California Constitution.

The County's approval constitutes an unconstitutional taking under the Fifth and Fourteenth Amendments of the United States Constitution, and article I, section 19 of the California Constitution. Compensation is required when property has been damaged or taken. (Cal. Const., art. I, § 19.) Taking or damaging is the invasion or appropriation of a valuable property right. (*Selby Realty Co. v. City of San Buenaventura* (1973) 10 Cal.3d 110, 119.) Restricting annual use to 90, or possibly 60, days per year when rent is paid for 365 days per year constitutes a taking. Likewise, requiring trailer owners to rent their personal property to the public constitutes a physical invasion of property rights and therefore constitutes a taking without just compensation.

D. The Conditions Are Barred By The Doctrines Of Laches

Laches prohibits actions for which there is unreasonable delay and the process has been prejudiced resulting from delay. (*Johnson v City of Lorna Linda* (2000) 24 Cal.4th 61, 68.) The loss of witnesses or evidence is a factor demonstrating prejudice. (*Gerhard v Stevens* (1968) 68 Cal.2d 864, 904.) The County recognized as early as the 1950s that trailers existed at Lawson's Landing. In fact, in the early 1970's, County Counsel recognized it would be extremely difficult to separate grandfathered uses from illegal uses, conceding "it may well be that Lawson will be able to prove the status of a portion of this existing development as a legal non-conforming use and insist that this be allowed to continue subject to meeting health and building code standards." (Staff Report, May 27, 2008, p. 7.) Counsel suggested the Planning Commission require submission of a master plan that would upgrade existing development up to appropriate standards rather than pursue a zoning violation enforcement action. "The County has consistently pursued this regulatory strategy to secure a...Master Plan for all uses...rather than enforcement action that could potentially lead to a protracted legal process." (Staff Report, August 28, 2008, p. 12.)

The County is barred by the doctrines of laches from imposing the Conditions. In 1970, County Counsel recognized the difficulty of proving or disproving the legal status of the trailer uses as they existed 20 years earlier in the1950s. If it was difficult to prove the legal or illegal non-conforming uses 20 years after the permanent trailer use began, now, over 50 years later, it is near impossible. By delaying over 50 years to challenge the legal non-conforming use status of the permanent trailers through imposition of the Conditions, the County has deprived the trailer owners and landowner of a meaningful opportunity to prove the legal non-conforming use of the trailers to their detriment.

For the reasons stated above, Conditions 13 and 20 are inconsistent with the LCP and unlawful and severly impact public access to the coast. Therefore, the County's limitations on the low coast visitor serving uses at Lawson's Landing, especially the restrictions on the travel trailers, should be overturned.

Re: *Lawson's Landing Master Plan, Coastal Permit, and Tidelands Permit*
California Coastal Commission

PROOF OF SERVICE

I, Jean I. Seaton, declare:

I am a citizen of the United States, employed in the City and County of Sacramento, California. My business address is 400 Capitol Mall, Suite 1800, Sacramento, California 95814. I am over the age of 18 years and not a party to the within action.

I am familiar with the practice of Diepenbrock Harrison for collection and processing of correspondence, said practice being that in the ordinary course of business, correspondence is sealed, given the appropriate postage and placed in a designated mail collection area. Each day's mail is collected and deposited in the United States Postal Service.

On December 15, 2008, 2008, I served the attached,

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

[X] (BY U.S. MAIL) I placed such sealed envelope, with postage thereon fully prepaid for first-class mail, for collection and mailing at Diepenbrock Harrison, Sacramento, California, following ordinary business practices as addressed as follows, and/or

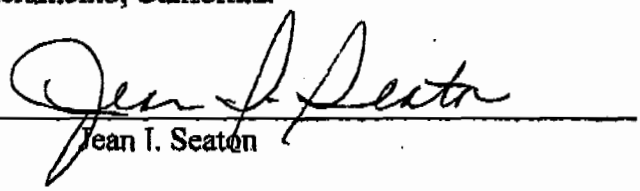
[ ] (BY PERSONAL SERVICE) I caused each such envelope to be delivered by hand to the addressees at the addresses listed below; and/or

[ ] (VIA FEDERAL EXPRESS) I caused each such envelope to be delivered via Federal Express overnight service to the addressees at the addresses listed below; and/or

[ ] (VIA FACSIMILE) I caused each such document to be sent by facsimile machine number (916) 446-4535 to the following persons or their representative at the addresses and the facsimile numbers listed below.

Marin County
Board of Supervisors
3501 Civic Center Drive, #308
San Rafael, CA 94903-4157

Executed on December 15, 2008, at Sacramento, California.



Jean I. Seaton

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LAWSON'S LANDING
Appeal from Steven Werlin/Alliance of Permanent Trailers
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LAWSON'S LANDING CHRONOLOGY

The Early Years (1920s - 1967)

1920s The Lawson family acquired the subject property, locally known as Sand Point or Lawson's Landing, for the primary purpose of raising cattle.

01/08/34 The Board of Supervisors adopted interim zoning Ordinance 217, the first County zoning ordinance, which established a residential and agricultural zone (Zone C) for the subject property. "Resorts," the only listed use relevant to the subject property, were permitted in interim Zone C.

04/10/35 The Board of Supervisors adopted interim zoning Ordinance 226, which amended portions of Ordinance 217. and re-designated the interim residential and agricultural districts as Zone D. "Resorts" were no longer listed as a permitted use in interim Zone D.

12/10/35 The Board of Supervisors adopted interim zoning Ordinance 235, which readopted and modified the amended Ordinance 217 again, but the subject. property maintained the same zoning (Zone D). Variances and adjustments provisions were added to the interim zoning ordinance. At that time, an adjustment could be approved to allow a use not typically permitted in a zoning district.

10/14/40 The Board of Supervisors adopted Ordinance 284, which amended interim Ordinance 217 again, but the subject property maintained the same zoning (Zone D). Ordinance 284 included provisions for minimum lot size, frontage, and setbacks, as well as an expanded list of permitted uses and a new list of conditionally permitted uses for interim Zone D. Applicable examples of conditionally permitted uses in interim Zone D districts requiring Use Permit approval included automobile camps or trailer camps, privately operated campgrounds, and uses customarily incidental to these conditionally permitted uses.

1940s Low-impact recreational uses, such as informal camping, fishing, beach combing, gradually increased on the subject property.

1957 This is the first year that trailers were placed on the subject property on a regular basis, as estimated by the property owner. The property owner has stated that recreational trailer utilization at the site begun under the guidance and suggestions of the State Division of Housing, now known as the State Department of Housing and Community Development.

08/17/62 The State Division of Housing inspected the subject property and noted that 15 trailers located on the property constituted an illegal activity:

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.

03/28/63 A State Division of Housing activities report indicated that the trailer park on the subject property was illegal, but the property owner was working on a plan to submit for the necessary permits.

06/01/65 The Board of Supervisors adopted Ordinance 1441, which created the RCR zoning district (Resort and Commercial Recreation District), where resort and recreational uses, such as a trailer park and campground, required Use Permit approval from the Planning Commission.

11/07/65 A State Division of Housing activities report indicated that the trailer park was still illegal, but the property owner was ready to ask Marin County for a Use Permit approval.

12/65 The State Division of Housing transferred jurisdiction of the trailer park on the subject property to Marin County.

01/25/66 The Board of Supervisors adopted Ordinance 1492, which repealed interim zoning Ordinances 217 and 235 and rezoned interim Zone D districts to A-2 districts (Limited Agricultural District, 7,500 square foot minimum lot size). Permitted and conditionally permitted uses in A-2 districts did not include trailer parks and campgrounds that were possible in the interim Zone D districts; however, other sections of the zoning ordinance allowed certain recreational uses and related accessory uses by Use Permit approval in A-2 districts (Marin County Code, Section 22.88.010[7]). Examples of such uses included boat harbors, swimming and/or picnicking parks, fishing grounds, and other recreational uses and accessory uses which in the opinion of the zoning administrator were of the same general nature.

03/04/66 Pursuant to the Land Conservation Act of 1965, the property owner and the County entered into a Land Conservation Contract for the subject property, stating that the property was used for agriculture and located in the Agricultural Preserve, that there was a desire to limit property to agricultural purposes, and that the property had value as open space. These contracts are also referred to herein as Agricultural Preserve contracts.

12/14/66 A zoning violation letter was sent to the property owner from Marin County with a report dated 12/09/66 that described various illegal uses on the property. The report noted that the property owner estimated that overnight trailers had been using the property since approximately 1957 and that the larger, more permanent trailers and camping facilities had been in existence since approximately 1961. The report noted at the time of site inspection approximately 125 to 150 house trailers and campers, 4 cement block restrooms, a water supply system for the trailers, a general store, a snack bar, 20 to 30 small sheds, and boat dock facilities. The report concluded that there had been no amendments to the zoning code and no use permits granted to allow the uses inspected on site.

01/16/67 The property owner met with County staff to discuss rezoning the property to RCR and Use Permit requirements to allow the existing uses on site to continue.

04/05/67 A letter was sent to the property owner stating that the existing trailer park use on the subject property was is in violation of the Marin County Zoning Ordinance and that the use would have to be abated or an application for rezoning would have to be submitted no later than 04/17/67 or appropriate legal actions would be taken.

04/28/67 A special inspection was conducted by Building Inspection on the property, finding numerous building, plumbing, and sanitation code violations based on the State of California "Mobile Home and Mobile Home Parks Health and Safety Code." Violations included: (1) many accessory buildings without permits, (2) substandard setbacks (less than 6 feet) between adjacent accessory buildings of adjacent trailers, (3) Uniform Building Code violations for hot water tanks installed in accessory buildings, (4) improper connections to sewage facilities, (5) toilet facilities built without permit, and (6) improperly drained areas (no concrete trailer pads or surfaced roads).

07/27/67 County Counsel wrote a letter to legal counsel for the property owner that requested the property owner to take action in 10 days or the County would commence to abate all illegal uses through appropriate legal actions.

08/7/67 A letter to the Board of Supervisors from County Counsel stated that "The trailer park is in violation of the A-2 zoning which does not permit such a use." County Counsel requested action by the Board to file the necessary legal action.

The Early Applications (1967 – 1973)

1967 RCR Rezoning and Use Permit

10/11/67 The property owner submitted a rezoning application to rezone approximately 140 acres of the subject property - Sand Point - from A-2 to RCR (Resort and Commercial Recreation District) with the intent to legalize the existing, non-conforming trailer park use through an accompanying RCR Use Permit and plan approval. At that time, according to the staff report, 156 trailers and 4 mobile homes existed on site. The "master plan" for the property proposed a total of 215 travel trailer sites, 75 campsites, 77 mobile homes, and a marina.

01/22/68 The Planning Commission adopted Resolution 2437, recommending the Board of Supervisors to rezone 140 acres of the subject property from A-2 to RCR. The Staff Report concluded that the zoning change would not affect the Agricultural Preserve contract and that any subsequent RCR Use Permit and plan approval would be restricted to the *existing* trailer and boating facility development (i.e., no expansion) because any additional development would be a violation of the contract. Action on the Use Permit and plan approval was continued because additional application requirements needed to be addressed.

02/20/68 As recommended by the Planning Commission, the Board of Supervisors adopted Ordinance 1627, which rezoned approximately 140 acres of the subject property from A-2 to RCR.

06/24/68 The Planning Commission held a hearing for the RCR Use Permit and plan approval "to correct State and local violations of various codes" for the mobile home park, travel trailer recreation park, and camping area. Staff recommended a maximum of 170 travel trailers and 40 campsites. The Planning Commission continued the hearing to 07/29/68, questioning whether the recreational areas should be eliminated from the Agricultural Preserve contract.

07/19/68 The property owner requested an indefinite continuance to allow his attorney to work with County Counsel to work out a mutually acceptable solution to the Agricultural Preserve contract issue raised by the Planning Commission as it pertained to the development.

04/21/70 County Counsel determined that the area of the subject property zoned RCR would have to be removed from the Agricultural Preserve by the Board of Supervisors if an RCR Use Permit and plan approval were approved.

05/06/70 A revised RCR Use Permit and plan approval was submitted with relocation of the marina, deletion of the mobile home sites, some additional camping sites, and additional travel trailer sites. At that time, 170 trailers, 4 mobile homes, and 75 camping sites existed on site. The plan proposed a total of 316 travel trailer sites, 131 campsites, a marina for 200 to 250 boats, and parking for 150 cars.

05/25/70 The Planning Commission denied a rezoning request for the subject property to rezone 1.8 acres from A-2 to C-2 (General Commercial District) to accommodate a proposed coin-operated laundry. The Planning Commission found that RCR zoning would better serve the location of future commercial uses and that public necessity and convenience did not necessitate the proposed rezoning.

05/25/70 The Planning Commission held a hearing to consider the revised Use Permit and plan approval and continued the item to 06/22/70.

06/22/70 The Planning Commission approved the RCR Use Permit and plan approval as proposed for the subject property, subject to 14 conditions, including a condition that the approval would become effective only when the subject area was legally withdrawn from the Agricultural Preserve Agreement.

06/23/70 The property owner appealed the Planning Commission's conditional approval of the RCR Use Permit and plan approval to the Board of Supervisors, objecting to three conditions that required undergrounding utilities, public access easements, and a central television antenna.

07/14/70 The Board of Supervisors referred the RCR Use Permit and plan approval back to the Planning Commission. for reconsideration of three concerns: (1) overhead utility lines recently installed, (2) public pedestrian access along the shore, and (3) the need for a Master Plan

for the entire property, providing for open space dedication and upgrading existing development so as to conform to County standards.

07/27/70 The Planning Commission reconsidered the RCR Use Permit and plan approval and decided to continue the hearing until 08/10/70, directing staff to obtain a legal opinion as to the status of this matter procedurally and to request clarification from the Board of Supervisors as to their action. At the 08/10/70 hearing, the Planning Commission continued the hearing until 08/24/70.

08/21/70 In response to a Planning Department inquiry, a County Counsel memorandum reiterated that the majority of the existing trailer park was not a legal, non-conforming use and that Use Permit approval was necessary. He stated that some of the trailer park possibly could be considered a legal, non-conforming use that was in place before the County took over jurisdiction of the park and rezoned the site to RCR. However, he acknowledged that it would be difficult to determine the extent of any potentially legal, non-conforming use. He further recommended to the Planning Director, in conformance with the Board of Supervisors direction, that the property owner submit a revised "master plan" with open space dedications and upgrades to the existing development to bring the entire operation - both potentially legal and illegal non-conforming uses - up to appropriate standards.

08/24/70 The Planning Commission directed staff to inform the property owner that the Board of Supervisors indicated a new plan was necessary to address the three items raised by the Board on 0.7/14/70. On 09/03/70, a letter was sent to the property owner requesting that a new plan be submitted no later than 11/01/70 that included provisions for dedication or control of major open space and redesign of the "haphazard" layout of the existing development.

02/16/71 The Board of Supervisors adopted Resolution 71-38 that established rules governing the administration of agricultural preserves and the issuance of contracts pursuant to the Land Conservation Act of 1965. Section 1I of Resolution 71-38 states that property located within the reserve is eligible for a contract if agriculture, recreation, and/or open space are found be the dominant land use(s). Section III of Resolution 71-38 identifies permitted and conditionally permitted land uses under a contract. Compatible and unrestricted uses, or permitted uses, which are applicable to the subject property include: grazing or breeding of cattle or sheep (Section III[a][2]); dwellings incidental to the agricultural use of the land (Section III[a][7]); maintenance of the land in its natural state for recreation, habitat, or mineral preserves (Section III[49]); and public recreational uses such as hiking, camping, swimming, boating, and fishing (Section III[a][14]). Compatible and restricted uses, or conditionally permitted uses, which require Use Permit approval by the Planning Commission that are applicable to subject property include mining, quarrying, and related production operations (Section III[b][7]).

09/21/71 A site inspection by the County found that 227 travel trailers existed on the subject property.

09/27/71 The Planning Commission approved the first Surface Mining and Quarrying Permit (Q-71-01) for the extraction of blow sand on the property within a 10-acre site for a 5-year period. This permit expired when the Planning Commission approved a new Quarrying Permit (Q-76-04) on 02/28/77 for a new, 23.29-acre site west of the original site for five years. The second permit expired when the Planning Commission approved a third Quarrying Permit (Q-82-01) on 06/04/82 for a new 23.3-acre site immediately south of the second Quarrying Permit area for a period of five years. On 11/05/90, the Planning Commission approved a Coastal Permit and Sand Quarry Use Permit to allow the expansion of the third quarrying permit area to include an adjacent, 15.2-acre site to the south for five years. The intent of this approval was not to increase the amount of sand extraction but to utilize both permit areas alternately in order to allow each site a period of replenishment by blow sand. The 1990 Sand Quarry Use Permit was renewed by the Planning Commission on 07/22/96 for 10 years.

12/17/71 The May 1970 Use Permit and plan approval application was resubmitted for 316 travel trailers, 131 campsites, a marina for 200-250 boats, and parking for 150 cars. At that time, 231 travel trailers existed on site. In the application letter, it was stated that it was the applicant's understanding that the proposed use was now deemed consistent with the existing Agricultural Preserve contract for the subject property and that it would not be necessary to remove the site from the Agricultural Preserve as previously required. The letter also provided responses to the three concerns raised by the Board of Supervisors on 07/14/70 regarding the prior plan submittal.

01/05/72 The new Use Permit and plan approval application was rejected by the Planning Department because it did not reflect any changes to the plans previously submitted in May 1970.

02/23/72 The Planning . Commission adopted Resolution 2672, recommending that the Board of Supervisors adopt an ordinance to rezone all portions of the subject property under an Agricultural Preserve contract to A-60 (Agricultural and Conservation District, 60-acre minimum lot size), as part of the Agricultural Preserve Rezoning program for Northwestern Marin. This rezoning recommendation *included* the 140 acres of the subject property - Sand Point - zoned RCR on 02/20/68 by the Board.

03/21/72 As recommended by the Planning Commission, the Board of Supervisors adopted Ordinance 1888, which rezoned all portions of the subject property under Agricultural Preserve contract from A-2 and RCR to A-60, as part of the Agricultural Preserve Rezoning program for Northwestern Marin. At that time, permitted and conditionally permitted uses in A-60 districts did not include travel trailer parks and campgrounds that were possible by Use Permit approval in RCR districts; however, other sections of the zoning ordinance allowed certain recreational uses and related accessory uses by Use Permit approval in A-60 districts (Marin County Code, Section 22.88.010[7]). Examples of such uses included boat harbors, swimming and/or picnicking parks, fishing grounds, and other recreational uses and accessory uses which in the opinion of the zoning administrator were of the same general nature. There is nothing

in the record that clearly states whether a new Rezoning and Use Permit application or just a Use Permit application would be necessary for Lawson's Landing until a staff letter was issued on 07/25/74 (see below).

05/15/73 The Board of Supervisors adopted Ordinance 1997, which changed RCR zoning to a planned district zoning where Master Plan approval was required for permitted uses. It is important to note that campgrounds and mobile home parks were specifically prohibited in RCR districts by Ordinance 1997.

The Later Applications (1974 - 1979)

07/25/74 A letter was sent to the property owner from the Planning Director that stated a tentative agreement had been reached to process a new Use Permit that met Master Plan requirements for the trailer park and that an environmental reconnaissance was to be prepared first to establish environmental constraints on site with the objective to establish parameters for development of the subject property. Also, it was stated that when the environmental reconnaissance was completed, a new Use Permit application for the Lawson's Landing Master Plan would be submitted and the County would commence preparation of an Environmental Impact Report.

05/75 The environmental reconnaissance for Lawson's Landing was completed by Del Davis Associates, Inc. The existing setting in the report identified, in part: 231 travel trailer sites, 131 campsites, a 2,500 square foot office and store, a 200 foot long fishing pier, and a 1,200 foot long seawall on site. The zoning analysis of the report stated that recreational uses were conditionally permitted by Use Permit in A-60 districts. On 06/13/75, staff prepared a memorandum confirming acceptance of the environmental reconnaissance as a complete document. No action was taken by the Planning Commission or Board of Supervisors on the accepted report.

1975 Use Permit

11/14/75 A new Use Permit application was submitted. At that time, 231 travel trailers existed on site. The plan proposed, in part, a total of 521 trailer sites, 42 campsites, a new office and store building, a boat storage building, and a centralized sewage treatment facility. The County hired Del Davis Associates, Inc. in December 1975 to prepare an Environmental Impact Report for the project.

08/12/76 A Use Permit (#2797) was approved by the Deputy Zoning Administrator to establish a mobile home on the subject property for a ranch employee in conjunction with the agricultural uses of the property.

08/17/76 The Board of Supervisors adopted Ordinance 2231, which changed RCR zoning regulations to remove the prohibition of campgrounds in RCR districts.

11/08/76 The Planning Commission held a public hearing to consider the draft Environmental Impact Report for the Lawson's Landing project. Numerous comments on the inadequacies of the document were provided and the

Commission continued this matter to the hearing of 01/10/77 to review responses to comments and necessary revisions to the EIR.

12/05/77 The Planning Commission held a public hearing to consider the final Environmental Impact Report for the Lawson's Landing project. The numerous comments received at the draft EIR hearing on 11/08/76 were responded to and the EIR was rewritten. The Commission continued this matter to the hearing of 12/19/77 to allow staff to make additional corrections to the EIR.

12/19/77 The Planning Commission certified the final Environmental Impact Report for the Lawson's Landing project. The existing setting in the report now identified, in part: 231 travel trailer sites; 46 campsites, a 2,500 square foot office and store, a 200 foot long fishing pier, a boat launching facility, and a 1,200 foot long seawall on site. The zoning analysis of the report stated that approval of a Use Permit by the Planning Commission was required for all recreational uses in A-60 districts and, based on previous actions, that the County had determined a Master Plan would be required to ensure environmental compatibility and adherence to laws pertaining to public health and safety. The Commission instructed staff at the hearing to send a letter to the State Regional Water Quality Control Board requesting that certain water quality tests be conducted at the site related to their concerns with sewage disposal and the EIR's statement that possible contamination of ground and surface waters from existing, unpermitted septic systems had occurred at the Landing.

01/20/78 The State Regional Water Quality Control Board sent a letter to the property owner requesting to provide a report on the impact of sewage disposal systems on the site to the water quality of Tomales Bay. The analysis was conducted during the year.

09/27/78 The County sent a letter to the property owner, which stated that the existing sewage disposal systems could continue to operate subject to continued monitoring and, if water quality impacts occurred, than remedial measures and abandonment of the systems would be required. The letter also required complete septic system plans, a demand study, and a "Report of Waste Discharge" to be filed with the State Regional Water Quality Control Board. Related revisions to the Master Plan were required, as well as submittal of a seismic study as required by the Alquist-Priolo Act of 1972. The letter also stated that these requirements had to be completed before the end of the year to conform to State time limits requiring action on a project within one year from the date an Environmental Impact Report is certified (AB 884).

12/09/78 The property owner requested a 90-day extension to the State time limit (AB 884) - until 03/19/79 - to act on his Use Permit application. The extension was requested to complete the additional septic and geologic analyses.

02/14/78 J. H. Kleinfelder & Associates completed the Fault Investigation for the subject property.

01/31/79 The property owner submitted a revised Master Plan in response to septic information requirements of the 09/27/78 County staff letter. The plan now proposed a total of 233 trailer sites instead 521 analyzed in the Environmental Impact Report.

02/22/79 The property owner withdrew his Use Permit application because of an inability to complete a necessary peer review of the J. H. Kleinfelder & Associates Fault Investigation within State time limits (AB 884). The review was to determine if the investigation conformed to the Alquist-Priolo Act requirements.

04/13/79 The necessary geologic peer review was not completed yet, but the property owner "resubmitted" his Use Permit application via a letter. There was no indication in the files as to the disposition of the application.

05/11/79 Harding-Lawson Associates completed the geologic report peer review and recommended that the County accept the report and require adherence to the report recommendations, recognizing that the fault traces inferred by the geological survey were questionable and that other traces may be present across the site.

The Intervening Years (1980 - 1989)

12/09/80 The Board of Supervisors adopted the *Marin County Local Coastal Program Unit 2 ("LCP")* in compliance with the California Coastal Act of 1976. The LCP is a land use plan to guide development and properly utilize and protect coastal resources within the Coastal Zone of Marin County. On 04/01/81, the California Coastal Commission certified the LCP. There are numerous LCP policies applicable to the subject property concerning public access and recreation, resource protection, Tomales Bay, public services, and new development. The LCP recommended that the Sand Point area of Lawson's Landing be rezoned from A-2 and A-60 to RCR to accommodate the existing recreational uses, such as camping, boating, fishing, hiking, and clamming. The LCP described Lawson's Landing as having 231 travel trailers, 46 formal campsites, and an undetermined amount of informal campsites. LCP policies state that the Landing is an appropriate place for limited expansion of boating facilities and overnight accommodations, provided appropriate environmental mitigation measures are developed and sewage disposal facilities are improved in accordance with requirements of the State Regional Water Quality Control Board.

01/14/82 An administrative Use Permit (#3853) was approved by staff to establish a second mobile home on the subject property for a ranch employee in conjunction with the agricultural uses of the property, as well as to retroactively extend Use Permit #2797 for another ranch employee mobile home that was approved on 08/12/76. This approval was granted initially for a two-year period, and on 02/23/84, staff granted an indefinite extension to the permit time period, subject to five-year reviews to verify ongoing compliance with conditions of approval.

04/13/82 The Board of Supervisors adopted Ordinance 2704, which rezoned properties within the Coastal Zone in accordance with recommendations of the Local Coastal Program. The subject property was rezoned from A-2 and A-60 to C-RCR (Coastal, Resort and Commercial Recreation District) and C-APZ-60 (Coastal, Agricultural Production Zone, one unit per 60 acres maximum density). Approximately 180 acres of Sand Point, including the entire area of operation for Lawson's Landing, was zoned C-RCR, while all remaining acreage was zoned C-APZ-60. This is the current zoning for the subject property. The purpose of the CRCR district is to create and protect areas within the coastal zone for resort and visitor-serving facilities. According to C-RCR zoning regulations, approval of a Master Plan and Coastal Permit is necessary for all uses that are appropriate or necessary for servicing the recreation industry (Marin County Code Section 22.57.152).

12/17/84 A Use Permit (#84-76) and Coastal Permit (#84-53) application was submitted by the property owner for a mobile home for a Lawson's Landing full-time employee, the skipper of a party boat. This application was deemed withdrawn by the County on 02/26/85. It was understood at that time that a Master Plan approval was still necessary and that this application would be included in the Master Plan.

12/20/88 The Board of Supervisors adopted the *Dillon Beach Community Plan* ("DBCP"). The DBCP provides guidance for environmental protection and development in Dillon Beach. There are numerous DBCP policies applicable to the subject property concerning environmental quality, environmental hazards, community development, traffic and circulation, and community facilities. The DBCP maintains the Landing as a recreational resort where travel trailers and campsites provide low-cost visitor accommodations and coastal recreational opportunities. Only limited improvements or expansion is recommended, based on environmental resources, hazards, and on-site sewer and water limitations. The DBCP described Lawson's Landing as having, in part, 231 travel trailers, 46 campsites, boat storage and launching facilities, a bait and tackle shop, a clam barge, and a charter sport fishing boat.

06/13/89 Amendments to the Local Coastal Program related to the adoption of the Dillon Beach Community Plan were approved by the California Coastal Commission and sent back to the Board of Supervisors for final adoption on 08/08/89.

The Current Applications (1990 - 2000)

09/13/90 A zoning violation letter from the County was sent to the property owner for operating a trailer park and campground without County approvals. It was stated that legalization of the existing uses required Master Plan approval.

01/18/91 A letter was sent from the State Department of Housing and Community Development, which announced that they had reassumed responsibility for enforcement of the Mobile Home Parks Act effective 12/19/90. Under the Act's definitions, Lawson's Landing is a "Special Occupancy Park" for recreational vehicles (e.g., motor homes and travel trailers) and incidental camping areas or tent campsites.. All County records and files

were requested though the letter did state that permits in progress and open complaints would be retained by the County through completion. However, a permit to operate was required from the State.

1991 Master Plan and Coastal Permit

02/05/91 A new Master Plan application to legalize the travel trailer park and campground was filed. According to the application materials, the Master Plan proposed acceptance of most existing facilities with some minor growth and upgrades to services provided concerning access, fire protection, water storage, and extensive sewer management changes. At the time of application, 213 trailers existed on site and 15 new trailers were proposed.

03/07/91 The Master Plan application was deemed incomplete for numerous reasons, including the required submittal of a Coastal Permit and an environmental assessment.

10/31/91 The County sent a letter to the State Department of Housing and Community Development requesting to maintain responsibility of the travel trailer park at Lawson's Landing until all necessary approvals and permits had been obtained from the County. This would enable the County to enforce local code provisions, issue necessary local permits, and finally resolve many ongoing issues and problems related to Lawson's Landing.

02/14/92 A revised Master Plan and Coastal Permit application was submitted in response to the 03/07/91 incomplete application determination. A draft Environmental Assessment, prepared by WESCO on 08/07/91, and a Wastewater Facilities Master Plan, prepared by Winzler & Kelly in 01/92, were submitted.

03/16/92 The Master and Coastal Permit application was deemed incomplete again for numerous reasons primarily related to issues raised by the submitted Environmental Assessment and Wastewater Facilities Master Plan documents. Such issues resulted in requirements for special status species surveys and a U.S. Army Corps of Engineers jurisdictional wetlands determination.

07/24/92 The State Department of Housing and Community Development sent a letter to the property owner that they were operating a recreational vehicle park at Lawson's Landing without an appropriate State Permit to Operate (California Health and Safety Code, Section 18500). The letter directed the property owner to discontinue the use within 30 days or a legal action would ensue. The letter also provided instructions on applying for a Permit to Operate.

09/17/92 The County sent a letter to the State Department of Housing and Community Development advising the State that the County was processing a Master Plan and Coastal Permit for the travel trailer park and campground at Lawson's Landing and that the County intended to allow the use to continue until all necessary local approvals had been obtained. The letter also stated that the County had no objection to the

State issuing a Permit to Operate prior to resolution of all local land use issues and approval of all local permits.

10/14/92 A revised Master Plan and Coastal Permit application was submitted in response to the 03/16/92 incomplete application determination.

11/13/92 The Master Plan and Coastal Permit application was deemed incomplete again for completion of a traffic analysis.

12/07/92 The County issued another letter to the State Department of Housing and Community Development advising the State that the property owner's Permit to Operate application was consistent with the Master Plan and Coastal Permit application on file at the County. The letter also stated again that the County had no objection to the State issuing a Permit to Operate prior to resolution of all local land use issues and approval of all local permits.

12/31/92 The State Department of Housing and Community Development issued a Permit to Operate for Lawson's Landing for a travel trailer park with a maximum of 233 travel trailers and 1,000 incidental campsites (1,000 vehicles).

08/31/93 The property owner and staff agreed on an approach to prepare a new Master Plan and Coastal Permit application that would take into account planning and environmental concerns so that project mitigation measures could in effect be provided through a project redesign.

1994 Master Plan, Coastal Permit, and Tidelands Permit

12/13/94 A new, revised Master Plan and Coastal Permit application was submitted. The overall stated goal of the plan was to improve existing facilities and protect environmental resources. Consistent with the State Permit to Operate, the application proposed to legalize the existing travel trailer park (233 lots) and campground (1,000 lots) without further expansion but with upgrades to services provided concerning access, fire protection, water storage, and extensive sewer management changes.

01/13/95 The Master Plan and Coastal Permit application was deemed incomplete to clarify the project description, to eliminate internal discrepancies, and to better understand the overall potential environmental impacts of the project. Please note the application was now referred to a Master Plan, Coastal Permit, and Tidelands Permit application. Tidelands Permit approval may be necessary for construction and/or uses below the mean high tide line.

05/12/95 Supplemental information for the Master Plan, Coastal Permit, and Tidelands Permit application was submitted.

06/09/95 The Master Plan, Coastal Permit, and Tidelands Permit application was deemed incomplete for completion of additional septic analyses requested by Environmental Health Services.

07/25/96 A Coastal Permit (CP 96-468) and Use Permit (UP 96-469) application was approved by the Deputy Zoning Administrator for replacement of an existing employee mobile home located at the entry gate to Lawson's Landing. The approval is valid indefinitely unless the conditions of approval are violated.

1997 Master Plan, Coastal Permit, and Tidelands Permit

12/01/97 A new, revised Master Plan, Coastal Permit, and Tidelands Permit application was submitted. This application included a comprehensive Wastewater Facilities Master Plan prepared by Questa Engineering Corporation in May 1997. Consistent with the State Permit to Operate, the application proposed to legalize the existing travel trailer park (233 lots) and campground (1,000 lots) without further expansion but with upgrades to services provided concerning access, fire protection, water storage, and extensive sewer management changes.

12/30/97 The Master Plan, Coastal Permit, and Tidelands Permit application was deemed incomplete to clarify the project description and eliminate internal discrepancies.

04/28/98 Supplemental materials for the Master Plan, Coastal Permit, and Tidelands Permit application were submitted in response to the 12/30/98 incomplete application determination.

05/27/98 The Master Plan, Coastal Permit, and Tidelands Permit application was deemed complete.

08/17/98 The property owner authorized the County to hire John Roberto Associates to prepare an Initial Study for environmental analysis of the Lawson's Landing project.

09/15/98 The Board of Supervisors approved a consultant agreement between the County and John Roberto Associates to prepare an Initial Study for the Lawson's Landing project.

04/07/99 The draft Initial Study prepared by John Roberto Associates was submitted to the County for review. The draft Initial Study was circulated for internal review and comment, as well as review and comment by the property owner/applicant. Numerous changes were requested by Planning and Public Works staff and the property owner/applicant refused to agree to some draft recommended mitigation measures. All parties agreed that it was necessary to revise the draft Initial Study.

04/18/00 A revised draft Initial Study was circulated for internal review and comment, as well as review and comment by the property owner/applicant. Planning and Public Works staff requested only minor changes to the document. To date, the property owner/applicant has not signed the document, indicating agreement to incorporate the recommended mitigation measures into the project. Further engineering studies are being prepared by a consultant hired by the property owner to properly assess the costs of the recommended traffic mitigation

measures. (NOTE: This final entry will be revised and updated when appropriate.)

California Coastal Commission
Peter M. Douglas, Executive Director
45 Fremont St. #2000
San Francisco, CA 94105

Dear Executive Director Douglas,

PLEASE ACT TO PROTECT TOMALES DUNES BEFORE IT'S TOO LATE!

Tomales Dunes is one of Marin's—and California's--coastal treasures. It is the largest unprotected dune system in central California--a complex of mobile dunes, central dune scrub, dune prairie, and dune wetlands. It supports at least 14 listed species and has the richest collection of seasonal dune wetlands in central California. It is also one of the few dune systems in the state that still has a vital population of native dune grasses and some true mobile dunes—completely bare and constantly shifting.

Tomales Dunes is also the site of the largest RV campground on the California coast. Camping, ranching, and until recently, quarrying, have taken a toll on the dunes. Degraded wetlands and the invasion of the dunes by European beachgrass, an aggressive alien, are just two of the threats facing the dunes. As the commission considers the Lawson's Landing Coastal Development Permit, we urge you and your fellow commissioners to safeguard this valuable habitat from over-exploitation and ecological degradation.

The Planning Commission and the Marin County Board of Supervisors have sent you a Master Plan for Lawson's Landing that is an advancement over existing conditions, but which still falls short of the goals of complying with the Local Coastal Program and protecting precious coastal resources while allowing future generations to continue to enjoy visiting and camping at this beautiful site.

As you consider the Lawson's Landing Master Plan and Coastal Development Permit, We urge you to safeguard this valuable habitat from over-exploitation and ecological degradation. Specifically,

- ☐ **Strengthen-not weaken--the Master Plan and ensure it complies with the Local Coastal Plan;**
- ☐ **Require that artificial drainage of wetlands cease immediately, so that they can begin to recover from decades of damage.;**
- ☐ **Ban camping in the wetland buffers;**
- ☐ **Put Precise Development Permits and implementation of the required improvements, especially the new septic system on a fast track;**
- ☐ **Protect the town of Dillon Beach and have Sand Hill road the main entrance/exit to Lawson's Landing.**

Whatever plan is ultimately accepted by the Coastal Commission in exchange for the appropriate operating permits needs to be enforced by independent and knowledgeable oversight. And the financial penalty of violating the terms of the agreement should be more costly than ignoring the requirements of the operating permit.

Upholding Marin's hard-won coastal protections will preserve the beauty, biological wealth, and recreational value of this special place for future generations. As naturalist Jules Evens has said, Tomales Dunes is like no other place on earth. Please protect it!

Sincerely,

John & Debra Connolly
P.O. Box 207
Dillon Beach, CA 94929

Exhibit 10
A-2-MAR-08-028
LAWSON'S LANDING
Correspondence