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STAFF REPORT CDP AMENDMENT

Application Number: A-2-MAR-08-028-A3

Applicant: Lawson's Landing, Inc.

Project Location: Lawson's Landing camping and recreational facility located at 137 Marine View Drive in the Tomales Dunes complex at the mouth of Tomales Bay, just south of the community of Dillon Beach, in western Marin County

Project Description: Amend permit to allow for construction of a wastewater management system (including collection, treatment, and dispersal facilities); improvements to the entrance, roadway and parking facilities, including landscaping, five public parking spaces outside the entry gate, and construction of storage and office buildings; relocation of a fuel bunker; seasonal food truck usage; installation of emergency boat storage; construction of new agricultural barn; pier removal; and habitat restoration.

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

Lawson's Landing is a 960-acre shoreline property that is used for cattle grazing, but also includes a 465-acre conservation easement area and a 75-acre low-cost, oceanfront campground, located in the Tomales Dunes complex at the mouth of Tomales Bay, immediately south of the community of Dillon Beach, in western Marin County. In 2011, the Commission approved a consolidated coastal development permit (CDP) for both new and after-the-fact recreational visitor-serving development and habitat restoration and conservation on the property, including: recreational vehicle (RV)

and tent camping spaces and 20 standing RVs with drains (estimated to provide approximately 650 total campsites over 33.5 acres), day use parking, boating facilities, support facilities, road improvements, a 465-acre Natural Resource Conservation Service (NRCS) conservation easement, and habitat restoration activities (CDP A-2-MAR-08-028).¹ That CDP was the end result of a many years effort to resolve complicated and controversial enforcement, permitting and related habitat and recreation issues at the Lawson's Landing site, and it included the removal of some 167 residential trailer units as a component of the CDP. Because most of the site constituted environmentally sensitive habitat area (ESHA), and because the Commission approved non-resource dependent recreational and visitor-serving camping-related development in ESHA, the Commission's 2011 approval was based in the conflict resolution provisions of the Coastal Act.

The Applicant is now proposing to amend the original CDP to allow for phased construction of a wastewater management system (including collection, treatment, and dispersal facilities) needed to support the approved recreational uses.² The amendment would also allow for improvements to the area just inland of the entry gate to provide for administrative offices, guest processing, emergency services, and equipment storage to support activities and uses on site. In addition, the Applicant proposes new recreational features in the southern camp area, including facilities to support a mobile food trailer and emergency boat storage. Further, the Applicant requests regular CDP authorization to remove a dilapidated public pier and to restore the underlying beach (currently authorized temporarily through emergency CDP (ECDP) G-2-20-0026). Finally, the Applicant proposes to construct a 5,400 square-foot barn approximately 1.5 miles up Dillon Beach Road, near the intersection of Sand Haul Road, to store agricultural equipment to support onsite agricultural uses.

The primary issue with respect to the proposed amendment relates to the area just inside of the entrance to Lawson's Landing, known as Area 6 under the base CDP. Area 6 currently includes two employee houses, utility sheds, various structures (constructed in connection with a previous sand quarry operation or to support ranching activities), a road and parking area, and vegetated areas with a mix of native and non-native species. At the time of its 2011 CDP action, the Commission did not have sufficient information to conclude on the legal permitting status of all of the existing development in Area 6. And because Area 6 is adjacent to areas of coastal dune scrub that qualify as ESHA, the area was itself likely covered with coastal dune scrub prior to any development historically, it still contained and contains some areas of such dune scrub, and it is located inland of an identified California red-legged frog (CRLF) breeding pond and within a potential migration corridor for the species, the Commission at the time found that the all of the undeveloped portions of Area 6 and all of the developed

¹ Given the CDP was a consolidated CDP for development in both the County's as well as the Commission's CDP jurisdiction, the combined CDP Number is CDP A-2-MAR-08-028/2-06-018. For simplicity's sake, the reference that has been used by the Commission for this CDP, including in this report, is CDP Number A-2-MAR-08-028.

² The Commission's original approval required the Applicant to submit a CDP amendment request for the wastewater management system because it was not fully fleshed out in the original approval.

portions of Area 6 that were unpermitted constituted ESHA. The Commission specified through conditions that future development of Area 6 could occur only within already legally developed areas, that any new proposed development or redevelopment of these areas must be approved as an amendment to the CDP, and that all unpermitted development be removed, and those areas restored.

The amendment as proposed, including all development proposed in Area 6, would locate all new development in legally developed and/or allowable development areas throughout the property adequately buffered from sensitive habitat areas consistent with the original CDP requirements, with one exception. Specifically, the Marin County Fire Department recommends an additional emergency vehicle access road through a portion of Area 6 that is ESHA in the event that one of the two main Lawson's Landing access routes becomes impaired due to traffic, extreme tsunami event, or other severe emergency. The Applicant proposes to construct the emergency road using an open grid system filled with sand and planted with native dune species and would block off the area with bollards so that it is only used in the event of an emergency. To further mitigate for impacts to habitat from the emergency vehicle access road, the Applicant proposes to remove and restore a segment of existing roadway within Area 6.

While staff recognizes the importance of safety and alternative access for facilities such as this, two things should be noted. The first is that there are already two means of ingress and egress to Lawson's Landing which could serve as routes for emergency responders to the facility or for evacuation from extreme events. The redundancy of the proposed emergency road is largely in response to a potential scenario where one of these routes is compromised based on modelling for a 975-year tsunami (i.e., a tsunami that has a .001% chance of occurring in any one year). Thus, this is not the same as other cases where the Commission has considered alternate ingress/egress for safety in light of more near term coastal hazards (e.g., geologic, flooding, sea level rise inundation) where structures would be at risk with more certainty over their design life (50-70 years) and there is only a single means of access. In addition, tsunami hazards at the site were addressed by the Commission as part of the original CDP approval which required a tsunami evacuation plan, as evacuation is typically the primary life-safety measure for tsunami response, and the evacuation plan does not rely on the proposed redundancy road.

And second, the emergency road is proposed within ESHA (more specifically, an area found to contain unpermitted development requiring removal and restoration) and, because it is not a resource-dependent use and would disrupt the resource, cannot be approved consistent with Section 30240. When a version of this same project was last before the Commission in 2017, staff had proposed additional conflict resolution (i.e., in addition to the conflict resolution that was necessary in the original approval for the same reasons) to allow for some use of ESHA for non-resource-dependent development like this, but the Commission was adamantly opposed to allowing any such development in Area 6 ESHA, even in Area 6 ESHA that was covered with unpermitted development and that wasn't in a natural form at the time. Staff believes that the proposed emergency access road would require the same sort of conflict resolution that the Commission denied in 2017 specific to Area 6. Further, staff has

worked closely with the Applicant to identify an alternative solution to address Marin Fire's concerns in a manner that is consistent with Coastal Act requirements; such solution would involve improvements to the main intersection just south of the entry gate to better support fire equipment turnarounds. Thus, staff recommends approval of the alternative intersection improvements and restoration of the emergency road area.

Beyond that issue, development of a new wastewater management system and abandonment/removal of the old, existing septic leach fields and holding tanks were an essential component of the project as originally approved by the Commission. While a general location of the wastewater treatment and disposal facility was identified in 2011, the Commission did not approve the wastewater system at that time, instead requiring the Applicant to come back with supporting documentation for optimum wastewater system siting and design through a future CDP amendment. At the time, and based on the information then known, the Commission directed the facilities to be located in an agricultural pasture area uphill and inland from the lower-lying campground and related facilities, and that sensitive habitat buffers be established around any wastewater system installed in that location. In addition, the Commission required that the future proposed system be of adequate capacity to process and dispose of all wastewater generated by the development, and approval of it to be through a future CDP amendment, as is currently being proposed.

In working towards siting and designing the final wastewater management system in the time since 2011, including in working with the San Francisco Bay Regional Water Quality Control Board (RWQCB), new information came to light that resulted in the Applicant reconsidering the location of portions of the proposed system. Namely, in working with the RWQCB and Commission staff, they determined that Area 6 would be a better location for wastewater treatment and a portion of the wintertime dispersal (including due to the permeability of the soils, depth to groundwater, proximity to staff who would be in charge of managing the system, reduced distance required to pump untreated wastewater, and reduced energy consumption associated with wastewater pumping year-round). It also came to light that the upper pasture area would not provide adequate dispersal capacity to support the year-round projected wastewater demands for recreational use as approved under the original CDP. Separately but related, the Applicant and Commission staff were concluding regarding the nature of legal development in Area 6, and thus the areas that could be used for development there versus those that needed to be considered ESHA and restored. Through that process, it was determined that some portions of Area 6 are allowed to be developed by the Commission's base CDP, and that portions of the wastewater system could be accommodated there.

Overall, the proposed amendment would improve the Applicant's ability to provide services to support existing and approved lower-cost, ocean-front, and visitor-serving recreation as well as to provide a robust wastewater management system to protect water quality and meet the capacity demands of the approved lower-cost recreational facilities consistent with the Coastal Act and the Commission's original approval. With conditions to ensure coastal resource protection, staff recommends approval of the

CDP amendment as conditioned. The motion to implement staff’s recommendation is found on page 6 below.

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APPENDICES

- Appendix A – Substantive File Documents
- Appendix B – Staff Contact with Agencies and Groups

EXHIBITS

- Exhibit 1: Project Location and Site Map
- Exhibit 2: Area 6 Development Plans
- Exhibit 3: Wastewater Management System Project Plans
- Exhibit 4: Area 2 and Barn Development Plans
- Exhibit 5: Construction Staging Areas
- Exhibit 6: Commission Staff Communication on Area 6 and 8 Development
- Exhibit 7: Allowable Development Area and Buffers (Camp Areas 1-4) from 2011 CDP
- Exhibit 8: Allowable Development Area (Area 6)
- Exhibit 9: 2011 Memo from Dr. John Dixon, Staff Ecologist
- Exhibit 10: 2020 Memo from Dr. Laurie Koteen, Staff Ecologist
- Exhibit 11: Aerial Photos of Area 6, 1972 and 2013
- Exhibit 12: Area 6 Historical Use
- Exhibit 13: Monk & Associates Inc., California Red-legged Frog Migration
- Exhibit 14: New Monitoring Well Locations
- Exhibit 15: Monitoring Well Results 2016, 2017 & 2018
- Exhibit 16: Grazing Prohibition
- Exhibit 17: California Red-Legged Frog Best Management Practices
- Exhibit 18: Sea Level Rise, Tsunami and Flood Maps for Lawson’s Landing
- Exhibit 19: Special Conditions as Amended

I. MOTION AND RESOLUTION

Staff recommends that the Commission, after public hearing, approve a CDP amendment for the proposed development. To implement this recommendation, staff recommends a **YES** vote on the following motion. Passage of this motion will result in approval of the CDP amendment as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Motion: I move that the Commission approve Coastal Development Permit Amendment Number A-2-MAR-08-028-A3 pursuant to the staff recommendation, and I recommend a yes vote.

Resolution to Approve CDP Amendment: The Commission hereby approves the coastal development permit amendment on the grounds that the development as amended and subject to conditions, will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

II. SPECIAL CONDITIONS

This amended CDP is approved subject to the following special conditions:

NOTE: Exhibit 19 includes all standard and special conditions that apply to this CDP, as approved by the Commission in its original 2011 action and as modified by all subsequent amendments, including this amendment. All of the Commission's adopted terms and conditions continue to apply in their most recently approved form unless explicitly changed in this amendment action. New conditions and modifications to existing conditions imposed in this amendment action are numbered and shown below in underline/strikeout format, and within **Exhibit 19** changes to the previously approved conditions are likewise shown in underline/strikeout format.

1. **Modify Special Condition 2 2(C)(2) and 2(C)(6)** as follows:

C. The following development and areas are authorized by this permit: ...

2. **Area 2**

Existing travel trailers to be removed by July 13, 2016, a total of 20 new visitor-serving RVs with drains owned by the Applicants and located in either Area 1 or 2, sites for transient RVs without drains and tent camping lots exclusively used for overnight visitor serving uses, restrooms, parking areas, boat storage/staging, boat house, and employee units (subject to Special Condition 6), and access roads, all as

generally shown on Adobe Associates Sheet 18, dated June 2011 (Exhibit 3 of the Staff Report), as well as emergency boat storage and seasonal food truck usage as shown on CSW ST2 Lawson's Landing, Inc. Landscape Plan: Camp Area 2 – Boathouse Area, Proposed Food Truck Location Site Plan dated May 30, 2019 and on Sheet A2.3 of Robert W. Hays Architectural Building Plans and Elevations dated January 15, 2020 for the fire boat garage (see **Exhibit 4** for CDP Amendment Number A-2-MAR-08-028-A3) and wastewater facility improvements as shown on Appendix E of the Questa Engineering Corp. Revised Wastewater Facilities Plan for Lawson's Landing Dillon Beach, California, dated September 2018 (see **Exhibit 3** for CDP Amendment Number A-2-MAR-08-028-A3). consistent with the following conditions: ...

6. Area 6

- a. No development is authorized, including but not limited to relocation of boat and trailer storage, boat repairs and sales, fuel bunker, and fuel service, unless: (1) development is proposed in legally developed areas; (2) the Applicants provide evidence that such previous development was authorized; and (3) an Amendment to this coastal development permit is approved. Construction of wastewater treatment and half of the wintertime dispersal facilities; construction of a new garage, emergency services and offices, and emergency storage; landscaping and road improvements; installation of five public access parking spaces, two electric vehicle charging stations with associated parking, and electric cart canopy storage; relocation of a fuel bunker; and related development as further depicted in CSW ST2 Lawson's Landing Composite Plan Design Development- Campground Area 6 Site Plans dated January 15, 2020 and on Sheets A1.1, A2.1, A2.2 and A2.3 of Robert W. Hays Architectural Building Plans and Elevations dated January 15, 2020 (see **Exhibit 2** for CDP Amendment Number A-2-MAR-08-028-A3); and habitat restoration as required through **Special Conditions 4 and 29**. All hardscape, including paving and geogrid material, is prohibited in the area of the proposed emergency vehicle access road. This area shall be restored consistent with **Special Conditions 4 and 29**. The Marine View Drive and Sand Haul Road intersection may be improved using compaction and hardscape to provide adequate all-weather turnaround for fire vehicle equipment within the existing developed roadway as shown in green on Page 1 of **Exhibit 2** for CDP Amendment Number A-2-MAR-08-028-A3). Existing roadways throughout Area 6, including the portion of Sand Haul Road within Areas 6, shall not be widened past their existing developed width.
- b. No additional future development shall occur unless authorized consistent with the limitations on development identified in Special Condition 21.

In the event that agricultural uses cease to exist on the property, the circular access road in Area 6 shall be removed, and all above ground facilities shall be relocated and the affected areas restored consistent with all measures applicable from **Special Conditions 4 and 29**.

2. **Modify Special Condition 7** as follows:

WASTEWATER TREATMENT AND DISPOSAL SYSTEM

- A. The Permittee shall construct the new wastewater collection, treatment and disposal system substantially consistent with that depicted on CSW ST2 Lawson's Landing Composite Plan Design Development- Campground Area 6 Site Plans dated January 15, 2020 and Questa Engineering Corp. Revised Wastewater Facilities Plan for Lawson's Landing Dillon Beach, California, dated September 2018 Appendix E and Figure 7 (see **Exhibit 3** for CDP Amendment Number A-2-MAR-08-028-A3) by October 9, 2022 which may be extended by the Executive Director up to two years for good cause. ~~Adobe Associates Sheets 2, 3 and 8, dated October 2010 (exhibit 3 of this Staff Report) and Questa Figure 1 "Test Location Map Lawson's Landing" (exhibit 42 of this Staff Report), and Questa Sheet 1 of 1 "Sand Point Proposed STEP Sewer Schematic Plan", dated 4/4/2008, and Questa Figure 1 "Typical STEP Unit Non-Traffic Area" (exhibit 23 of this Staff Report) within three years of permit approval (by July 13, 2014). The Executive Director may extend this deadline to July 13, 2016 for good cause.~~
- B. ~~BY JULY 13, 2012~~, or within such additional time the Executive Director may grant for good cause, the permittee shall submit a Coastal Development Permit Amendment Application for the new wastewater treatment and disposal system and abandonment of the 167 individual septic systems. The Application shall include the final plans for the wastewater treatment and disposal system as approved by the Regional Water Quality Control Board and the Marin County Environmental Health Services. Consistent with the provisions of Special Condition 2, the wastewater treatment and disposal system shall be located outside a 100-foot buffer area from all wetlands, outside a 50-foot buffer area for all central dune scrub ESHA, and 300-feet from California Red Legged Frog breeding ponds. The wastewater treatment and disposal system may not block public access to the coast nor significantly obstruct public views to the coast from significant public vantage points, and shall be of adequate capacity to process and dispose of all wastewater generated by the development.
- ~~B.C.~~ The 167 individual septic systems in Area 2 shall be abandoned within 60 days of construction of the new wastewater treatment and disposal system. Upon conclusion of the abandonment/al process, the The Permittee shall submit evidence from Marin County Environmental Health Services or the Regional Water Quality Control Board, that such removal/abandonment of the 167 individual septic systems in Area 2 have has been completed in accordance with current regulations.
- ~~CD.~~ If the new wastewater collection, treatment and disposal system has not been constructed within three years, by October 9, 2022, which may be extended by the Executive Director up to two years for good cause, or within additional time the Executive Director may grant for good cause, the Applicant shall cease all uses, including the travel trailers, that depend on the new wastewater collection, treatment and disposal system 167 septic systems, until such time that the Applicant has applied, and the Commission has approved, an amendment to this

~~Coastal Development Permit to construct an alternative wastewater disposal system to support such uses.~~

D. Operation, maintenance and monitoring of the wastewater collection, treatment and disposal system shall be conducted in accordance with all specifications outlined in the Revised Wastewater Facilities Plan for Lawson's Landing Dillon Beach, California, dated September 2018 (submitted for CDP Amendment Number A-2-MAR-08-028-A3), in addition to all requirements imposed by the Regional Water Quality Control Board (RWQCB), and shall include the following:

1. Additional water quality monitoring wells as shown in **Exhibit 14** for CDP Amendment Number A-2-MAR-08-028-A3.
2. In the event that Entrance Pond water quality has exceeded 5 mg N/L, the Permittee shall consult with California Department of Fish and Wildlife and United States Fish and Wildlife Service for necessary corrective actions. In the event that the water quality and/or groundwater levels of the monitoring wells and Entrance Pond indicate potential impacts to sensitive habitat within the dispersal area, the Permittee shall consult with the Executive Director and RWQCB to determine corrective actions to address these impacts, and shall implement Executive Director-identified corrective actions.

E. Any future changes to the wastewater collection, treatment and disposal facilities to provide for additional collection, treatment and/or disposal capacity shall require an amendment to this CDP, unless the Executive Director issues a written determination that no amendment is legally required, and unless such changes have been approved by the RWQCB.

3. Modify Special Condition 26 as follows:

DRAINAGE PLAN

A. ~~WITHIN SIX MONTHS OF COMMISSION APPROVAL OF THIS PERMIT,~~ WITHIN TWO YEARS OF COMMISSION APPROVAL OF CDP AMENDMENT NUMBER A-2-MAR-08-028-A3, which may be extended by the Executive Director up to one year for good cause, -or within such additional time as the Executive Director may grant for good cause, the Permittee shall submit, for the review and approval of the Executive Director, a Drainage Plan signed by licensed engineer that, at a minimum, meets the following conditions:

1. Existing and proposed drainage for Areas 1, 2, 3 and 4, shall be drawn at the same scale as the site plan and detail plans, and show structures, drainage ditches, bioswales, water quality basins and other improvements that affect drainage.
2. The plan must indicate the direction, path, and method of water dispersal for existing and proposed drainage channels or facilities.

3. The drainage plan must indicate existing and proposed areas of impervious surfaces.
4. Flow line elevations where on-site drainage meets water quality management practices (e.g., water quality basins).
5. Water quality basin high water limits.
6. Overland escape location and elevation from water quality basin.
7. Total proposed water quality basin volume.
8. The Drainage plan shall ensure that modifications of the site drainage are limited to the minimum changes that are needed, to drain trailer pads and tent sites so that runoff flows to existing drainage ditches without ponding and so that the drainage ditches flow: (a) in Areas 1 and 2, either to Tomales Bay or to water quality management practices described in the Storm Water Management Plan; or (b) in Areas 3 and 4, to the water quality management practices described in the Storm Water Management Plan, with final discharge to the interior wetlands. Modifications to the existing drainage ditches to facilitate flow shall not increase the depth or width of the ditches, and shall be consistent with the hydrological assessment contained in Special Condition 4(A)(4)(d). Changes to the drainage system must have no adverse impacts on coastal resources. Pursuant to Special Condition 27, no grading is authorized in Areas 3, 4, 6, and 8 except for minor topographic alterations associated with the stormwater management plan, associated with detention basins and grading approved under CDP Amendment Number A-2-MAR-08-028-A3.

B. The permittees shall undertake development in accordance with the approved drainage plan. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

4. Modify Special Condition 27 as follows:

GRADING PLAN

A. ~~WITHIN SIX MONTHS OF COMMISSION APPROVAL OF THIS PERMIT,~~ WITHIN TWO YEARS OF COMMISSION APPROVAL OF CDP AMENDMENT NUMBER A-2-MAR-08-028-A3, which may be extended by the Executive Director up to one year for good cause, or within such additional time as the Executive Director may grant for good cause, the permittee shall submit, for the review and approval of the Executive Director, a Grading Plan signed by licensed engineer that, at a minimum, meets the following conditions:

- a. No grading is authorized in Areas 3, 4, 6 and 8 except for minor topographic alterations associated with the Stormwater management plan, associated with

detention basins and grading approved under CDP Amendment Number A-2-MAR-08-028-A3.

- b. The Grading Plan must indicate existing and proposed elevation contours where grading is proposed or where the existing slopes have an impact on site storm water management practices (e.g., bioswales or water quality basins).
 - c. Existing contours shall be shown with dashed lines and proposed contours shall be shown with solid lines.
 - d. The amount of proposed excavation and fill in cubic yards and the location of proposed deposition and borrow sites for each major element of the project must be indicated as well as the total area of disturbance proposed for the project and the limits of grading.
 - e. The Grading Plan shall be drawn at the same scale as the site plan and detail plans.
 - f. The Grading Plan shall ensure that grading is limited to the minimum area and minimum volumes needed to drain trailer pads and tent sites so that runoff flows to existing drainage ditches without ponding and so that the drainage ditches flow either to Tomales Bay or to water quality management practices described in the Storm Water Management Plan.
- B. The Permittees shall undertake development in accordance with the approved grading plan. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.
5. **The deadlines for Special Conditions 2 (A), 3(A),10,14(A),19, 20(A), 21(C), and 28(A) shall be modified** from "WITHIN SIX MONTHS OF COMMISSION APPROVAL OF THIS PERMIT or within such additional time as the Executive Director may grant for good cause" to "WITHIN TWO YEARS OF COMMISSION APPROVAL OF CDP AMENDMENT NUMBER A-2-MAR-08-028-A3, which may be extended by the Executive Director up to one year for good cause".
 6. **The deadline for Special Condition 8(A) shall be modified** from "WITHIN 60 DAYS OF COMMISSION APPROVAL OF THIS COASTAL DEVELOPMENT PERMIT or within such additional time as the Executive Director may grant for good cause" to "WITHIN ONE YEAR OF COMMISSION APPROVAL OF CDP AMENDMENT NUMBER A-2-MAR-08-028-A3, which may be extended by the Executive Director up to one year for good cause".
 7. **The deadline for Special Conditions 9(A) shall be modified** from "PRIOR TO CONSTRUCTION AND NO LATER THAN JULY 13, 2012 or within such additional time as the Executive Director may grant for good cause" to "PRIOR TO

CONSTRUCTION AND NO LATER THAN OCTOBER 9, 2022, which may be extended by the Executive Director up to one year for good cause”.

8. Add Special Conditions 29-34 as follows:

29. Area 6 Additional Habitat Restoration. The Permittee shall remove all unpermitted development shown in the red areas on page 3 of **Exhibit 8** and restore the affected areas to dune habitat. The restoration shall be conducted consistent with the specifications outlined in the Final Sensitive Resource Protection, Restoration, and Enhancement Plan dated January 25, 2018, for central dune scrub habitat in Area 6.

30. Sensitive Habitat and Species Protection Requirements. The Permittee shall implement the following additional sensitive habitat and species protection requirements:

A. Entrance Pond Monitoring and Management. The Entrance Pond shall be monitored by a qualified biologist approved by the Executive Director at least twice during each breeding season to evaluate the vegetation growth and use of the pond by California red-legged frog (CRLF) for breeding. The biologist shall recommend vegetation removal with the goal of reducing dense vegetation cover surrounding the pond, focusing on non-native and invasive plants via use of a weed-whacker or similar hand-operated device. Mowing and flash grazing are prohibited as agents of vegetation removal. Plant removal shall also occur in the pond, including reduction of vegetative cover in order to create open water habitat conducive to CRLF needs. Vegetation inspection prior to removal shall occur to prevent accidental death of frogs and other wildlife.

B. Cattle Prohibition. After construction of the wastewater collection, treatment and disposal system, all cattle operations, including grazing and loading of cattle, shall be prohibited year-round in the Area 6 leach field dispersal area and in and around the Entrance Pond, as further identified in **Exhibit 16** for CDP Amendment Number A-2-MAR-08-028-A3.

C. Other Operational Controls. In and Around Area 6. Fencing that physically excludes people and pets, and/or symbolic fencing and informational signs alerting visitors of the presence and significance of CRLF migratory habitat, shall be constructed adjacent to Area 6 restoration areas to prevent intrusion into restored habitat areas. To ensure visual compatibility, a description of fencing and sign materials shall be submitted, for review and approval by the Executive Director, concurrent with the review and approval of the Final Revised Plans in **Special Condition 2(A)**. The fencing and sign plan shall include proposed materials and signage made of natural materials and colors that blend with the environment, and which will not restrict movement of frogs and other wildlife or pose a hazard to them.

D. Removal of Residential Septic Systems. The two existing residential septic systems in Area 6 shall be abandoned/removed and the area restored apart from components integrated into the new Septic Tank Effluent Pump system consistent with the requirements of **Special Condition 7** within 60 days of completion of construction of the new wastewater collection, treatment and disposal system.

31. Construction Plan. WITHIN TWO YEARS OF COMMISSION APPROVAL OF CDP AMENDMENT NUMBER A-2-MAR-08-028-A3, which may be extended by the Executive Director up to one year for good cause, the Permittee shall submit two copies of a Construction Plan to the Executive Director for review and written approval. The Construction Plan shall, at a minimum, include and provide for the following:

- A. Construction Areas.** The Construction Plan shall identify the specific location of all construction areas, all staging areas, and all construction access corridors in site plan view consistent with the *Proposed Staging Areas* dated May 15, 2017, shown in **Exhibit 5** for CDP Amendment Number A-2-MAR-08-028-A3. All such areas within which construction activities and/or staging are to take place shall be minimized to the extent feasible, in order to have the least impact on public access, public views, and coastal resources, including by using inland areas for staging and storing construction equipment and materials as feasible. Construction, including but not limited to construction activities and materials and equipment storage, is prohibited outside of the defined construction, staging, and storage areas. Special attention shall be given to siting and designing construction areas in order to minimize impacts on public views.
- B. Construction Methods.** The Construction Plan shall specify the construction methods to be used, including all methods to be used to keep the construction areas separate from public recreational use areas as much as possible (including using unobtrusive temporary fencing or equivalent measures to delineate construction areas), and including verification that equipment operation and equipment and material storage will not, to the maximum extent feasible, significantly degrade public views during construction. The Plan shall limit construction activities to avoid coastal resource impacts as much as possible including lighting of work areas.
- C. Construction Timing.** Construction is prohibited during weekends; from the Saturday of Memorial Day through Labor Day inclusive; and during non-daytime hours (i.e., from one-hour after sunset to one-hour before sunrise), unless due to extenuating circumstances the Executive Director authorizes such work. Lighting of the adjacent sensitive habitat areas is prohibited.
- D. Construction BMPs.** The Construction Plan shall identify the type and location of all erosion control/water quality best management practices

(BMPs) that will be implemented during construction to protect sensitive habitats and coastal water quality, including at a minimum all of the following:

1. Runoff Protection. Silt fences, straw wattles, or equivalent apparatus shall be installed at the perimeter of the construction areas to prevent construction-related runoff and sediment from discharging from the construction areas, or entering into storm drains or otherwise offsite or towards down gradient habitat areas. Special attention shall be given to appropriate filtering and treating of all runoff, and all drainage points, including storm drains, shall be equipped with appropriate construction-related containment, filtration, and treatment equipment.
 2. Equipment BMPs. Equipment washing, refueling, and servicing shall take place at an appropriate off-site and inland location to help prevent leaks and spills of hazardous materials at the project site, at least 50 feet inland from the shoreline and 50 feet from sensitive habitat areas and preferably on an existing hard surface area (e.g., a road) or an area where collection of materials is facilitated. All construction equipment shall also be inspected and maintained at a similarly sited inland location to prevent leaks and spills of hazardous materials at the project site.
 3. Good Housekeeping BMPs. The construction site shall maintain good construction housekeeping controls and procedures at all times (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain, including covering exposed piles of soil and wastes; dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the site; etc.).
 4. Erosion and Sediment Controls. All erosion and sediment controls shall be in place prior to the commencement of construction as well as at the end of each workday.
 5. Construction Best Management Practices for Sensitive Species. The Permittee shall undertake construction in accordance with the BMPs listed in **Exhibit 17** for CDP Amendment Number A-2-MAR-08-028-A3, including to prevent potential impacts to CRLF. Pre-construction surveys shall also identify locations of Woolly Spineflower in and around Areas 6 and 8. Such locations shall be protected with exclusion fencing and avoided during all construction and construction staging activities.
- E. Construction Site Documents.** The Construction Plan shall provide that copies of the signed CDP and the approved Construction Plan be maintained in a conspicuous location at the construction job site at all times and that such copies are available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the CDP and

the approved Construction Plan, as well as the public review requirements applicable to them, prior to commencement of construction.

- F. Construction Coordinator.** The Construction Plan shall provide that a construction coordinator be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and that the construction coordinator's contact information (i.e., address, phone numbers, email, etc.), including, at a minimum, an email address and a telephone number that will be made available 24 hours a day for the duration of construction, is conspicuously posted at the job site where such contact information is readily visible from public viewing areas while still protecting public views as much as possible, along with indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the name and contact information (i.e., address, email, phone number, etc.) and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry. All complaints and all actions taken in response shall be summarized and provided to the Executive Director on at least a weekly basis.
- G. Restoration.** All public access points impacted by construction activities shall be restored to their pre-construction condition or better within 72 hours of completion of construction.
- H. Construction Specifications.** The construction specifications and materials shall include appropriate control provisions that require remediation for any work done inconsistent with the terms and conditions of this CDP.
- I. Notification.** The Permittee shall notify planning staff of the Coastal Commission's North Central Coast District Office at least 3 working days in advance of commencement of construction, and immediately upon completion of construction.

All requirements above and all requirements of the approved Construction Plan shall be enforceable components of this CDP. The Permittee shall undertake development in accordance with this condition and the approved Construction Plan. Minor adjustments to the above construction requirements as well as to the Executive Director-approved Plan, which do not require a CDP amendment or new CDP (as determined by the Executive Director) may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources.

32. Coastal Hazards. By acceptance of this CDP, the Permittee acknowledges and agrees, on behalf of itself and all successors and assigns, that:

- A. Coastal Hazards.** This site is subject to coastal hazards including but not limited to long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunami, tidal scour, wave overtopping, coastal flooding, and their interaction, all of which may be exacerbated by sea level rise.
- B. Permit Intent.** The intent of this CDP is to allow for the approved project to be constructed and used consistently with the terms and conditions of this CDP for only as long as the development remains safe for occupancy, use, and access, without additional substantive measures beyond ordinary repair or maintenance to protect the development from coastal hazards.
- C. No Future Shoreline Armoring.** No shoreline armoring, including but not limited to revetments, piers or retaining walls, shall be constructed to protect the development approved pursuant to CDP A-2-MAR-08-028-A3, including, but not limited to, the wastewater management system, including in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, flooding, liquefaction, bluff retreat, landslides, or other coastal hazards in the future, and as may be exacerbated by sea level rise. Any rights to construct such armoring that may exist under Coastal Act Section 30235 or under any other applicable law are waived, and no portion of the approved development may be considered an "existing" structure for purposes of Section 30235.
- D. Future Removal/Relocation.** The Permittee shall remove or relocate, in part or in whole the development authorized by this CDP, including, but not limited to, the wastewater management system, the various buildings in Area 6, and associated development, when any government agency with legal jurisdiction has issued a final order, not overturned through any appeal or writ proceedings, determining that the structures are currently and permanently unsafe for occupancy or use due to coastal hazards and that there are no measures that could make the structures suitable for habitation or use without the use of a shoreline protective device; or in the event that coastal hazards eliminate access for emergency vehicles, residents, and/or guests to the site due to the degradation and eventual failure of any relevant roads as a viable roadway. The Permittee acknowledges that Marin County may not be required to maintain access and/or utility infrastructure to serve the approved development in such circumstances. Development associated with removal or relocation of the wastewater facilities, the various buildings in Area 6 and Area 2, or other development authorized by this CDP shall require Executive Director approval of a plan to accommodate same prior to any such activities. In the event that portions of the development fall into the ocean or the beach, or to the ground, before they are removed or relocated, the Permittee shall remove all recoverable debris associated with the development from such areas, and lawfully dispose of the material in an approved disposal site, all subject to Executive Director approval..

E. Assume Risks. The Permittee: assumes the risks to the Permittee and the properties that are the subject of this CDP of injury and damage from such hazards in connection with this permitted development; unconditionally waives any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; indemnifies and holds harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the CDP against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards; and accepts full responsibility for any adverse effects to property caused by the permitted project.

33. Liability for Costs and Attorneys' Fees. The Permittee shall reimburse the Coastal Commission in full for all Coastal Commission costs and attorneys' fees (including but not limited to such costs/fees that are: (1) charged by the Office of the Attorney General; and/or (2) required by a court) that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the Permittee against the Coastal Commission, its officers, employees, agents, successors and/or assigns challenging the approval or issuance of this CDP, the interpretation and/or enforcement of CDP terms and conditions, or any other matter related to this CDP. The Permittee shall reimburse the Coastal Commission within 60 days of being informed by the Executive Director of the amount of such costs/fees. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission, its officers, employees, agents, successors and/or assigns.

34. Archaeological Resources Protection. The Permittee shall comply with all recommendations and mitigation measures contained in Section 4.12 of the Final Environmental Impact Report for the Lawson's Landing Master Plan (completed September 28, 2007). The Permittee shall also comply with the following monitoring conditions during construction:

A. A Tribal Cultural Monitor qualified by the Native American Heritage Commission shall be present during all ground disturbance (including grading activities), and shall be consulted to provide recommendations for subsequent measures for the protection and disposition of artifacts of significance or remains in the event such artifacts or remains are discovered. In the event that any article of significance is encountered, all activity that could damage or destroy such article must cease and the Executive Director, the Native American Heritage Commission, and all appropriate local Tribal representative(s) must be notified so that the articles may be suitably protected or flagged for future research.

B. The Permittee shall consult with the Federated Indians of Graton Rancheria ("the Tribe") to establish a Tribal Monitoring Agreement. A copy of this

agreement, signed by the Applicant and the Tribe, shall be submitted to the Executive Director for review and approval prior to the start of any ground-disturbing activities. Such measures shall be required to address and proportionately offset the impacts of the project on such Tribal resources, and the Permittee shall comply with all the conditions of the approved Tribal Monitoring Agreement.

III. FINDINGS AND DECLARATIONS

A. PROJECT LOCATION, HISTORY AND DESCRIPTION

Project Location

Lawson's Landing is located on a 960-acre property that includes existing agricultural activities in the form of cattle grazing on approximately 420 acres, a 465-acre conservation easement area, and a 75-acre campground, located in the Tomales Dunes complex at the mouth of Tomales Bay, immediately south of Dillon Beach, in western Marin County (see **Exhibit 1**). Primary access to the property is provided from Dillon Beach Road, Beach Avenue, and Cliff Street; although secondary emergency access to the property is available via Sand Haul Road. The property is bounded by Tomales Bay to the south, the community of Dillon Beach to the north, and the Pacific Ocean to the west. Lawson's Landing is incredibly rich in natural resources. Though no longer pristine, the Tomales Dunes complex consists of coastal foredunes, central dune scrub, bare sands, and deflation plains, including dune-slack wetlands and uplands, that together constitute rare habitat that performs the important ecosystem function of supporting rare and sensitive plant communities, including the federally-threatened California red-legged frog (CRLF) and western snowy plover.

The majority of the proposed amendment components would occur within the northern portion of the 75-acre campground on the property, directly southeast of the entrance gate, in an area described in the original CDP approval as Area 6. Area 6 contains both existing permitted, and existing unpermitted development (see Project History section below for additional detail). The remainder of Area 6 is comprised of undeveloped central dune scrub habitat that varies in habitat quality, largely due to the impacts from adjacent uses. Sensitive habitats found surrounding Area 6 include central dune scrub and dune slack wetlands to the south, central dune scrub to the east, and central dune scrub, wetlands and a CRLF breeding pond to the west. The original CDP approval requires a 300-foot development buffer from the CRLF breeding pond, which extends into the western portion of Area 6. Potential migration corridors for the CRLF were also identified across Area 6.

The satellite components to the wastewater treatment facilities, seasonal food truck usage, an additional electrical vehicle charging stations, storage of a Marin County Fire Department Emergency Boat, follow-up authorization for the pier removal, and bike racks, would occur in allowable development areas throughout the designated campground area on the property adjacent to camping facilities and existing or proposed development. The summertime wastewater spray dispersal and 50%

wintertime drip dispersal would be located approximately 0.6 miles north and east of Area 6 in an area described as the Upper Scale House pasture area. This area is comprised of agricultural land with adjacent sensitive habitats including CRLF breeding ponds, wetlands, and dune scrub habitat. Potential migration corridors for the CRLF also occur within the Upper Scale House pasture area. Lastly, the agricultural barn would be located 1.5 miles uphill from the campground on agricultural land.

Please refer to **Exhibit 1: Protect Location and Site Map**.

Project Description

Wastewater Management System

The proposed wastewater management system would collect wastewater throughout Lawson's Landing for primary treatment at individual septic tank effluent pump (STEP) units located at each public restroom (7 units), each cluster of 10-12 cottage units and/or RVs with hook ups (2 units), the employee housing (1 unit), the boathouse (1 unit), and the existing residences in Area 6 (1 unit).³ Each STEP unit would consist of a septic tank with 2 compartments, an effluent filter, turbine pump, a high water alarm and notification system, and emergency storage capacity for high flows or in the event of a temporary pump failure. The units would be controlled and operated on a timer basis with monitoring capabilities and would be constructed and installed consistent with Marin County and Regional Water Quality Control Board (RWQCB) regulations requiring water tightness, access risers for maintenance, and buoyancy resistance.

The size of the tank at the individual STEP units would be based on the wastewater flow capacity of the associated use (normal range from 1,500 to 3,000 gallon capacity), but each unit would be designed with the capacity to hold up to 2 days of peak daily flows for that use. Sewage solids remaining in the STEPs would undergo primary anaerobic treatment and eventually be pumped and hauled to an approved disposal facility. The primary treated wastewater from the STEPs would be pumped to Area 6 for secondary treatment via 2-inch diameter lateral pipes connecting to a 3-inch diameter high density, polyethylene, effluent force main pipe running the length of Lawson's Landing. The force main would be installed under the existing roads about 3-feet deep and the trench dug to install the force main would be backfilled with native sand bedding and backfill material.

See **Exhibit 3** for the proposed standard design of a STEP unit and the approximate locations of the individual STEP units.

The secondary treatment system proposed in Area 6 would consist of an Advantex recirculating textile filter, followed by UV disinfection, with the capacity to treat wastewater flows of up to 20,000 gallons per day (gpd)⁴, with single day peak flows in the range of 25,000-30,000 gpd. The treatment facilities consist of a 15,000-gallon

³ Additional STEP tanks and pump units will be installed in the future if additional conversion of pull-through RV sites to cottages is approved through a later amendment.

⁴ 30-day average.

septic tank for supplemental primary treatment and pre-anoxic effluent mixing, a 15,000-gallon flow equalization tank to absorb wastewater surges and evenly distribute flow into treatment tanks, three AX-MAX treatment units with recirculation-blend tanks and AdvanTex textile filters rated for up to 20,000 gpd,⁵ an ultraviolet light disinfection unit, control and monitoring systems, a back-up power generator, and an 8-foot wide, 12-foot long, and 8-foot high control building. The treatment system would remove total nitrogen, total suspended solids, and biodegradable organic matter to an average discharge limit of 30 milligrams of per liter year-round. After disinfection, the secondary treated water would collect into a 5,000-gallon buried dosing tank, which would direct the flows to either the Area 6 leach fields or Upper Scale House drip dispersal fields during the wet winter months (October–April) or the Upper Scale House pasture area spray field during the dry summer months (May–September). The control system would log data on flow and pump operations and alert system operators if any problematic conditions arise. Treated water would be conveyed .65 miles⁶ to the Upper Scale House drip and spray fields via a 3-inch diameter pipe installed under Sand Haul Road.

The proposed Area 6 dispersal area consists of 1,210 lineal feet of 3 feet deep by 3 feet wide pressure-dosed leaching trenches, spaced 6 feet apart, with traffic-rated infiltration chambers and a dispersal capacity of up to 8,700 gpd. This dispersal area would provide for 50% of the wastewater dispersal requirements during the wet season (October–April) when wastewater flows are at the lowest (estimated at 8,100 gpd on average, 13,950 gpd at peak under Phase I build-out conditions). During average flows, wastewater application would be approximately 1.11 gpd/square-foot, which is within the accepted rate of 2.4 gpd/square-foot required by Marin County Environmental Health Services regulations for highly permeable sandy soils. See **Exhibit 3** for the location and plans of the facilities.

A second drip dispersal system is proposed in the Scale House pasture area to provide for the remaining 50% of the wastewater dispersal requirements during the wet season. This dispersal system would consist of driplines covering an approximately 23,000 square-foot area, placed at grade and covered with 9 inches of fill to achieve maximum capacity while meeting the minimum groundwater separation requirement of 24 inches. The fill would extend 15 feet past the end of the driplines. In addition, a sub-drain would be installed upslope of the fill to intercept shallow, laterally flowing groundwater and divert it around the drip field during the wettest times of the year. Due to the limitations associated with groundwater mounding and the groundwater separation requirements, the Scale House drip system provides a maximum dispersal capacity of 8,300 gpd. A 10,000-gallon capacity dosing-tank will be constructed adjacent to the drip field used for dosing both the spray field and the drip dispersal field.

⁵ Two of the three tanks have a capacity of 7,500 gpd and one has a capacity of 5,000 gpd. These units are modular, can operate independently from one another, and additional units can be installed over time to meet increases in wastewater flows.

⁶ Elevation lift from the treatment center to the Upper Scale House is 230 feet.

The Upper Scale House pasture area summer spray disposal site has been designed with an average dispersal capacity of up to 20,000 gpd. The wastewater would first be pumped uphill to a 10,000-gallon receiving tank which would regulate the spray operations to two times a day and adjust sprays during excessively windy periods or unseasonable rain events. The disposal site would consist of a spray irrigation system installed on 6 acres of mostly flat upland pasture land used during the dry season (May-September) when wastewater flows are at their highest (estimated at 13,900 gpd on average, 19,000 gpd at peak under Phase I build-out conditions). Similar to the effluent main going to the treatment system, the pipelines from Area 6 to the Upper Scale House pasture disposal area would be installed under existing graded roadways. See **Exhibit 3** for the location and plans of the facilities.

In order to temporarily address the wastewater needs of 7 existing employee housing trailers that have been relocated to the northeast corner of Area 2 prior to completion of the wastewater management system described above, the project proposes after-the-fact installation⁷ of a new 2,000 gallon single chamber, concrete, septic tank and interim use of an existing leach field in Area 2 (**Exhibit 3**). The new septic tank and existing leach field would treat a projected daily wastewater flow of 735 gpd from the 7 employee trailers. The existing leach field trench is more than 500 feet from the high tide line, 450 feet from the nearest water feature, at an elevation of 12.55 feet above sea level, and was shown to have an absorption capacity of about 900 gpd. During the interim use period, the tank and leach field would be monitored twice a year and would be cleaned and pumped of tank solids as needed. Once the new secondary wastewater treatment and disposal facility improvements are completed in Area 6 and the Upper Scale House pasture area, a new 2,000 gallon septic tank with duplex pumps would be installed adjacent to the interim septic tank, converting the tanks to one of the approved STEP units. Similar to the STEP units described above, this STEP unit would be connected to the effluent force main transporting the wastewater to Area 6 for secondary treatment. Once the STEP unit and effluent connection to Area 6 is complete, the leach field in Area 2 would be abandoned and removed, apart from what is integrated into the new STEP system. The STEP unit in Area 2 would be designed to handle flows from the 7 employee housing units plus potentially 3-5 RVs with drains in Area 2. See **Exhibit 3** for the interim septic and future STEP system project plans and proposed location map.

Area 6 Facility Improvements

The amendment would also allow for improvements to the area just inland of the entry gate, known as Area 6, to provide for administrative offices, guest processing, emergency services, and equipment storage to support recreational, agricultural, and residential uses on site. Specifically, Area 6 development would include roadway improvements; landscaping; five free public parking spaces located outside the entry gate in the western shoulder of the entrance road; construction of a 1,200 square-foot administrative building and associated parking including five new parking spaces (two will be equipped with electrical vehicle charging stations and another two will be ADA

⁷ Approved Marin County Environmental Health Services on February 2017 and installed in early 2018.

accessible spaces) located south of the existing residence in the footprint of the existing garage, containing offices restrooms, emergency services and guest processing facilities; construction of a 2,600 square-foot equipment storage building to house large equipment, hazardous materials, bicycles, mechanical repair facilities, small offices and a restroom; construction of a new 1,275 square-foot garage directly southeast of the residence for residential uses; bike and electric cart rentals, storage areas, and recharge station including a 580 square-foot electric cart canopy; a shuttle parking area over the proposed leach fields; removal/relocation of unpermitted buildings including relocation of the fuel bunker and removal of the truck shed; and restoration of disturbed habitat areas. All new buildings proposed for Area 6 will house photovoltaic solar collectors on their roofs. Finally, a 1,600 square-foot, 20-foot-wide emergency vehicle access (EVA) road is proposed that would connect the east and west sides of Area 6 from the area between the new garage and storage barn to the western edge of the new leach field area. The EVA road is proposed to be composed of open grid, buried pavers, filled with native sand and revegetated with dune-appropriate native plants, and would be blocked off from access by bollards and/or a gate to assure the road was only used for access during emergencies. To mitigate for impacts to habitat from the location of the proposed emergency vehicle access road, the Applicant would remove and restore the eastern section of the loop road connecting the parking area to Sand Haul Road in Area 6. All told, the development in Area 6 would require 1,370 cubic yards of cut, 600 cubic yards of fill, or approximately 2,000 cubic yards of grading. The proposed project would implement dune habitat restoration within Area 6 in areas where unpermitted development will be removed consistent with the original CDP approval and as dictated by the Final Sensitive Resource Protection, Restoration, and Enhancement Plan (PREP).⁸

Additional Facilities in Camp Areas

New development is also proposed in the southern camp area known as Area 2, including: installation of an area in the common space parking zone east of the Boat House to house a mobile food trailer that would be moved into Area 2 Friday-Sunday on a weekly basis and more frequently during the high season (May to November, and any holidays from December to April) to serve guests. The food truck would then be stored in the garage uphill in Area 6 the rest of the week to protect it from corrosion from wind and salt air. The food truck will be water efficient, have onboard water storage, and wastewater holding tanks, and the Applicant has proposed to use plates and utensils that are manufactured to be recyclable. Also proposed for this area is a 240 square-foot emergency boat storage building near the waterfront to house rescue boats in a location near the water's edge; installation of bike racks and storage space for electric vehicle

⁸ A prior (June 3, 2011) version of the PREP, "Final Tomales Wetlands Dune Complex Protection, Restoration, and Enhancement Plan" (Monk & Associates, Inc.), was reviewed by Commission staff, revised by the Applicant and a revised version dated May 16, 2012 was then submitted to the Commission. Based on the review of these submittals, Commission staff identified a need to integrate site hydrology and ecology to develop a successful restoration design and requested the establishment of a Scientific Review Panel (SRP) to review the PREP and restoration design. The SRP provided a productive venue for idea exchange, concept development and multi-disciplinary collaboration leading to solutions that are ecologically sound, reflect technical consensus and achieve permit compliance. The final approved PREP was completed and approved on January 25, 2018.

carts on the north and east side of the boathouse; and installation of an additional electric vehicle charging stations in an existing parking spot in Area 2.

Pier Removal

The proposed amendment would also formally authorize removal of a dilapidated public pier and restoration of the adjacent beach. The pier removal activities were conducted pursuant to emergency CDP G-2-20-0026 issued in April of 2020 and involved removal of the deteriorated pier and its 27 associated pilings using a barge with a crane.

Agricultural Barn

A new approximately 5,400 square-foot barn to store agricultural equipment and hay is proposed approximately 1.5 miles up Dillon Beach Road, near the intersection of Sand Haul Road. The roof of this building would also house photovoltaic solar collectors.

Project History

In December 2006 the Commission issued a Consent Cease and Desist Order to the Applicant that recognized that there was significant unpermitted development at Lawson's Landing that required a CDP, including unpermitted grading, fill of wetlands, and the construction or placement of trailers, a campground, mobile homes, roads, restrooms, water lines and water tanks, sewage lines and leach fields, a sewage disposal station, sheds, garages, parking lots, a boat house, a snack bar, a shop, a boat mooring facility, boat yard, boats, a laundry facility, and a pier. That unpermitted development spanned the CDP jurisdictions of both Marin County and the Commission. Thus, and pursuant to the Order, Commission staff coordinated closely with Marin County staff and the Applicant on processing two different CDP applications (one to the County and one to the Commission) to address such unpermitted development.

On November 18, 2008, Marin County approved their CDP (and also a Master Plan and a Tidelands Permit). The County's CDP decision was subsequently appealed to the Commission⁹ with appellants raising issues of consistency with LCP wetland, sensitive habitat, visitor-serving, recreation, and public services policies (Appeal Number A-2-MAR-08-028). On January 7, 2009, the Commission found that the appeals raised substantial LCP conformance issues on those points and took jurisdiction over the County CDP application.¹⁰ Because the Commission had not yet acted on the CDP application for the portions of the project located in its retained CDP jurisdiction (CDP Application Number 2-06-018), and because Marin County, the Applicant, and the

⁹ By two Coastal Commissioners as well as the Environmental Action Committee of West Marin, the Marin Audubon Society, the Sierra Club-Marin Group, and the Alliance of Permanent Trailers.

¹⁰ Specifically, the Commission found that the County's CDP action raised a substantial issue of conformance with LCP policies because the County-approved development: (1) was located within wetlands and within the required 100-foot buffer from wetlands; (2) was located immediately adjacent to central dune scrub sensitive habitat; (3) raised questions about the feasibility and timing of the new septic systems; and (4) raised questions about residential uses in the C-RCR (resort-recreation) zone and whether the appropriate balance between public access and private interests was being met through the approval.

Executive Director agreed to a consolidated CDP process (pursuant to Coastal Act Section 30601.3), the Commission thus heard the project as a consolidated CDP application.

On July 13, 2011, the Commission approved a CDP (i.e., CDP A-2-MAR-08-028/2-06-018)¹¹ for both new and after-the-fact recreational and agricultural development and uses on the property, including: approximately 650 recreational vehicle (RV) and tent camping spaces¹² and 20 visitor-serving standing RVs with drains; day use parking; boating facilities, including for mooring and launching; support facilities including store, offices, recreational center, employee housing, boat sales and repair, fuel service and storage; road improvements; a 465-acre Natural Resource Conservation Service (NRCS) conservation easement; and habitat restoration activities. The Commission's approval also required the Applicant to remove 167 existing mobile homes used for fulltime residential purposes which each had an individual septic system.

Because much of the existing development at Lawson's Landing had not ever been approved by a CDP or by other County permits and thus was considered unpermitted, the Commission reviewed much of the project "after-the-fact." When the Commission considers after-the-fact development proposals where development is unpermitted, ESHA and wetland areas disrupted by the unpermitted development are still considered ESHA and wetlands regardless of their current condition.¹³ This conclusion is consistent with the Commission's longstanding practice of evaluating a site for Coastal Act consistency as if unpermitted development had not already occurred. Any other approach to considering after-the-fact action would reward an applicant for circumventing the Coastal Act's permit requirements by allowing the applicant to claim there was no ESHA and wetlands on-site even though the resources had been impacted or removed without the benefit of a required CDP.

The conditionally approved 2011 CDP described conceptual plans for a new wastewater management system, proposed to be developed in the upland area known as the Upper Scale House pasture area located on the northeast portion of the property. The plans consisted of two acres of leach field for winter operation plus spray irrigation in the dry season over a six-acre area of pasture (see **Exhibit 3**). A Septic Tank Effluent Pumping (STEP) system with remote secondary treatment and disposal was also planned, with tanks sited in close proximity to the travel trailer space areas and restrooms they would serve, with delivery of treated effluent to the leach field area via a proposed septic line located underneath existing roads. A wastewater treatment system was proposed to produce advanced secondary treated effluent, suitable for water recycling with a

¹¹ As indicated earlier, for simplicity's sake, the reference that has been used by the Commission for this base 2011 CDP, including in this report, is CDP Number A-2-MAR-08-028.

¹² The Commission in 2011 estimated there would be approximately 650 campsites as conditionally approved by the CDP; however only approximately 350 total campsites can be accommodated in the area provided as estimated in the latest draft Campground Management Plan submitted by the Applicant.

¹³ See, for example, *LT-WR, L.L.C. v. California Coastal Commission* (2007) 152 Cal.App.4th 770, 796-797.

subsurface drip dispersal system, and for spray irrigation of five to six acres of pastureland. Although a general location and preliminary design for the new wastewater treatment and disposal system was identified at the time of Commission CDP approval, the Commission did not approve the wastewater system at that time, instead requiring the Applicant to come back with supporting documentation for optimum wastewater system siting and design with the actual specifics to be determined through a future amendment to the CDP. The Commission generally outlined its requirements for the new sewage disposal system in Special Condition 7 as follows:

A. The Permittee shall construct the new wastewater treatment and disposal system, as generally depicted on Adobe Associates Sheets 2, 3 and 8, dated October 2010 (exhibit 3 of this Staff Report) and Questa Figure 1 "Test Location Map Lawson's Landing" (exhibit 42 of this Staff Report), and Questa Sheet 1 of 1 "Sand Point Proposed STEP Sewer Schematic Plan", dated 4/4/2008, and Questa Figure 1 "Typical STEP Unit Non Traffic Area" (exhibit 23 of this Staff Report) within three years of permit approval (by July 13, 2014). The Executive Director may extend this deadline to July 13, 2016 for good cause.

B. BY JULY 13, 2012, or within such additional time the Executive Director may grant for good cause, the permittee shall submit a Coastal Development Permit Amendment Application for the new wastewater treatment and disposal system and abandonment of the 167 individual septic systems. The Application shall include the final plans for the wastewater treatment and disposal system as approved by the Regional Water Quality Control Board and the Marin County Environmental Health Services. Consistent with the provisions of Special Condition 2, the wastewater treatment and disposal system shall be located outside a 100-foot buffer area from all wetlands, outside a 50-foot buffer area for all central dune scrub ESHA, and 300-feet from California Red Legged Frog breeding ponds. The wastewater treatment and disposal system may not block public access to the coast nor significantly obstruct public views to the coast from significant public vantage points and shall be of adequate capacity to process and dispose of all wastewater generated by the development.

At the time of the 2011 hearing there was still uncertainty associated with whether future development would occur within Area 6 and there was still uncertainty regarding the legality of the existing development already located within Area 6. In order to acknowledge the Applicant's future plans to redevelop Area 6 with these known and unknown constraints, CDP A-2-MAR-08-028 Special Condition 2 stated that for Area 6:

- a. No development is authorized, including but not limited to relocation of boat and trailer storage, boat repairs and sales, fuel bunker, and fuel service, unless: (1) development is proposed in legally developed areas; (2) the Applicants provide evidence that such previous development was authorized; (3) an Amendment to this coastal development permit is approved.
- b. No future development shall occur unless authorized consistent with the limitations on development identified in Special Condition 21 [Condition 21 adds an additional limitation confining proposed coastal development permit

amendments involving development in areas 5-8 to that specified in Special Conditions 1 and 2 or agricultural development consistent with the LCP or improvements to Sand Haul Road.].

As outlined above, Special Condition 2 of the base CDP states that no new development is authorized to occur in Area 6 unless: the development is proposed in previously legally developed areas; the Permittee provides evidence that such previous development was authorized; and an amendment to the CDP is approved by the Commission. A detailed analysis of the information submitted by the Applicant with respect to the development history in Area 6 and what was determined by the Commission staff to be permitted and unpermitted through condition compliance can be found in the next section below.

Other conditions of the original 2011 CDP approval integrally related to the current CDP amendment proposal include the following:

- **Special Condition 5, Employee Housing Plan.** The employee housing plan, approved by the Executive Director on June 22, 2016, confirms the number of employees authorized to have on-site residential uses. This number is consistent with that proposed in Area 2, which would be supported by interim wastewater treatment facilities.
- **Special Condition 10, Other State Agency Approvals.** Requires submission of a copy of any permit issued by the Regional Water Quality Control Board, or evidence that no permit or permission is required. The wastewater management system has been approved by the RWQCB.
- **Special Condition 21, Future Development Restriction.** Limits development in Areas 5-8 to those specified in Special Conditions 1 and 2 and agriculturally related development or improvements to Sand Haul Road, if approved through a CDP amendment. The proposal includes development in Areas 6 and improvements to Sand Haul Road.
- **Special Condition 22, Free Public Access Parking.** Requires no fewer than 5 free public parking spaces in or adjacent to Area 6 outside the entry gate on the property. The current proposal includes this free public parking adjacent to Area 6 outside the entry gate.
- **Special Condition 27, Grading Plan.** Prohibits grading in Area 6 except for minor topographic alterations associated with the stormwater management plan. As proposed, the Area 6 improvements would require 1,370 cubic yards of cut, 600 cubic yards of fill, for a net 770 cubic yards of cut from Area 6, to be exported to Area 2.

Prior Amendment Submittals

On December 31, 2015, the Applicant requested an amendment to the 2011 CDP to allow development in Area 6, including construction of a septic leach field in a portion of Area 6 that supports central dune scrub vegetation which had never been legally

developed, and was therefore deemed ESHA pursuant to the terms and conditions of the base CDP (CDP Amendment Number A-2-MAR-08-028-A1). In response to the amendment request, the Executive Director rejected the amendment application, pursuant to Section 13166(a) of the Commission's regulations,¹⁴ which states as follows:

The executive director shall reject an application for an amendment to an approved permit if he or she determines that the proposed amendment would lessen or avoid the intended effect of an approved or conditionally approved permit unless the applicant presents newly discovered material information, which he could not, with reasonable diligence, have discovered and produced before the permit was granted.

The Executive Director determined that the proposed amendment was designed to extend the wastewater treatment system development into ESHA, and thus that the amendment request would lessen and avoid the intended effect of the CDP. In his rejection, the Executive Director made clear that other elements of the proposed amendment could be considered (i.e., the application included additional requested changes and development besides the request to develop in Area 6 ESHA) and recommended that the Applicant pursue those other proposed changes. Instead of pursuing that course of action, the Applicant chose to appeal the Executive Director's rejection of the amendment application to the Commission itself, as is allowed by the Commission's regulations.¹⁵

In its appeal, the Applicant asserted that it had discovered material information that should allow for consideration of the amendment. At that time, the Executive Director did not believe that the Applicant presented any new information that could not, with reasonable diligence, have been discovered and presented before the CDP was granted. Commission staff published a staff recommendation regarding the Applicant's appeal on March 25, 2016. The Applicant decided to withdraw the amendment application on April 11, 2016 before its appeal was heard by the Commission.

Commission staff met with the Applicant onsite on July 22, 2016. After the site visit, the Applicant indicated its intention to submit another amendment application that would present a compromise proposal for development of Area 6, including a reduction in the proposed new wastewater facility components. Another telephone discussion with Commission staff and the Applicant was held on September 16, 2016 to, in part, discuss issues surrounding proposed development to be placed within Area 6. At that time, Commission staff conveyed to the Applicant that any subsequent amendment would need to provide evidence that development of Area 6 would not result in impacts to the NRCS wetland or adjacent coastal dune scrub ESHA or the recommendations of the PREP, and that the proposed system would support the wastewater demands of the

¹⁴ Title 14, Division 5.5, California Coastal Commission Regulations (CCR).

¹⁵ CCR Section 13166(a)(1) states: "An applicant may appeal the executive director's determination to the commission...."

campground development it is intended to serve and clearly explain how it relates to the existing and proposed development (such as employee housing, 20 approved RVs with drains, and planned RV and tent camping). Commission staff again conveyed to the Applicant its ability to move forward with the wastewater treatment system as approved by the Commission or proceed with a comprehensive CDP amendment request for a revised proposal with all the information needs as detailed.

However, on December 15, 2016, the Applicant submitted a new CDP amendment application which included a reduction in the proposed wastewater treatment facility development area planned for Area 6 to more closely align with the Commission staff determination of allowable development area space within Area 6 (see below) with additional information as requested. Through the new CDP amendment application review process, and continued discussions with the Applicant regarding condition compliance, the Applicant submitted additional information integral to determining the feasibility, benefits and drawbacks to the alternative locations proposed for the wastewater treatment facilities. The Applicant also brought forth proposals, not part of the original amendment application, to restore ESHA in and around Area 6, and proposed to set aside additional land for conservation and restoration in Area 4 to help rebalance the ESHA preserved on the site. That new information included:

- Revised Wastewater Treatment and Disposal Facilities, Area 6, dated July 2016: Revised amendment proposal more in line with approved development areas.
- Questa Engineering Corp., Addendum #1 Wastewater Facilities Plan for Lawson's Landing, dated November 16, 2016: Analyzed potential impacts to surrounding groundwater levels and water quality from the leach field dispersal.
- Monk & Associates, Inc., California Red-legged Frog Impact Assessment Area 6 Redevelopment Project, dated December 12, 2016: Analyzed potential impacts to CRLF from construction and changes to groundwater and water quality.
- Monk & Associates, Inc., California Red-legged Frog Dynamics and Survey Report, dated May 11, 2017: Included new surveys/observations of CRLF and breeding ponds after heavy rains in 2017.
- Supplemental information provided by Questa Engineering Corp. in Response to CCC staff questions dated July 11, 2017 and September 12, 2017: Included a feasibility assessment of using only the upper drip dispersal for wintertime dispersal related to treatment capacity.
- Final Employee Housing Plan received and approved June 22, 2016: Justified the need for temporary use of existing septic to support employee housing.
- Final Traffic Management Plan received and approved on August 14, 2017: Included feasibility assessment of the use of Sand Haul Road as primary access and justifies locating additional visitor facilities at the entry gate to mitigate traffic impacts.
- Existing CMP and Draft CMP received on August 20, 2017: Informed the estimated wastewater capacity needs in the future consistent with the CDP approval.

- Final Draft Sensitive Resource Protection, Restoration, and Enhancement Plan for Lawson's Landing, received July 15, 2017: Identified restoration measures and final grading which affects the final campground management plan.
- Marin Ocean Coast Sea Level Rise Vulnerability Assessment, September 2015: Identified sea level rise hazard areas under multiple scenarios for the Lawson's Landing property.

Perhaps most importantly in terms of accepting the CDP amendment application at that time (and not rejecting it per CCR Section 13166 as had occurred with the first amendment request), the Applicant had submitted additional detail regarding the permit status of development in Area 6 that allowed Commission staff to conclude which portions of Area 6 were legally developed and which were not. This information was not before the Commission in 2011, and the Commission's 2011 CDP conditions specifically required this conclusion to be drawn so that potential development there could be understood in relation to this information, and specifically required a CDP amendment be submitted to consider any such development. Thus, at the time, this was considered by staff to be new material information not available to the Commission in 2011, thus allowing the amendment application to be accepted pursuant to CCR Section 13166.

In addition, Commission staff had continued to coordinate with the Applicant and the RWQCB regarding RWQCB requirements, and this process led to additional new information critical to understanding the feasibility and permitting issues for wastewater treatment facilities at the site.

The previous amendment A-2-MAR-08-028-A2 proposal considered by the Commission on November 8, 2017 included: 1) phased construction of a wastewater management system (including collection, treatment and dispersal facilities) to provide wastewater treatment capacity necessary to support the approved recreational uses; 2) construction of a recreational visitor center referred to as the "Lawson's Landing Center" (including improvements to the existing entrance, gate house, roadway and parking facilities; and new construction of equipment storage and repair barn, emergency services center with employee meeting space and offices, campground store, electric cart storage and charging stations, guest processing center, and rooftop photovoltaic or solar thermal collectors) to support existing facility operations, enhance the visitor experience, and address traffic and circulation issues; and 3) habitat restoration activities to further enhance sensitive habitat and sensitive species migration corridors and to restore additional areas contiguous to the NRCS easement. Due to the fragmented pattern of legally developed and unpermitted development found in Area 6, and the wastewater capacity limitations found in the Scale House Pasture Area, the proposal included development within designated ESHA with impacts offset through additional habitat restoration and preservation as an extension of the overall conflict resolution-based approval from 2011.

Ultimately, however, because such an outcome included some non-resource dependent development in ESHA in Area 6, the Commission found that such a proposal required

denial, and that approval through Coastal Act conflict resolution provisions was not appropriate or necessary in relation to the proposed project. The Commission determined that approval of the amendment would be inconsistent with the intent of the original CDP regarding protection of ESHA in Area 6. Namely, all undeveloped areas and areas not proven to be legally developed in Area 6 were considered ESHA and pursuant to Coastal Act Section 30240, non-resource dependent development in these areas is prohibited. Further, the Commission did not find that denial of the proposed amendment would reduce the Applicant's ability to provide services to support existing and approved lower cost, ocean-front, visitor-serving recreation, and did not find that denial would result in impacts to public access. The Commission asserted that the original CDP approved significant camping and public access areas throughout the property that are still available to the public and the extent of development proposed in ESHA was not essential to support such access. The Commission directed that any future development proposals within Area 6, including aspects of the proposed wastewater treatment facility and Lawson's Landing Center, must avoid areas established as ESHA, not interfere with California red-legged frog dispersal, and avoid impacts to the California red-legged frog breeding pond, the nearby creek, and Bodega Bay.

Condition Compliance

The original CDP approval required that the majority of the plans required through the special conditions be delivered within six months of approval. However, it has become apparent over the years that many of the individual conditions required significant effort to resolve and were largely interrelated to one another, resulting in delays of the completion of many of the plans required by the conditions until other interrelated plans were complete. Specifically, the finalization of the Tomales Wetlands-Dune Complex Protection, Restoration, and Enhancement Plan (PREP) per Special Condition 4 and the Wastewater Treatment and Disposal System per Special Condition 7 have been the major sources of delay.

Specifically, the initial PREP submitted by the Permittee in July 2012 was determined to have serious deficiencies upon review by Commission staff. Based on the review of these submittals, Commission staff identified a need to integrate site hydrology and ecology to develop a successful restoration design and requested the establishment of a Scientific Review Panel (SRP) to review the PREP and restoration design. As a result, in 2013 the Permittee agreed to create an SRP in order to revise and finalize the PREP (and all associated conditions). The SRP provided a productive venue for idea exchange, concept development and multi-disciplinary collaboration, which has led to solutions that are ecologically sound, reflect technical consensus and achieve permit compliance. However, delays from unexpected circumstances over the years between 2013 and 2017, including family illness among panel members, resulted in further delays in completion of the PREP. The final PREP was not completed and approved until January 25, 2018. The completion of the PREP was essential to inform final versions of several other required plans and conditions including the Revised Final Plans (Special Condition 2), Camping Management and Operations Plan (Special Condition 3), Utilities and Facilities Plan (Special Condition 9), Landscaping Plan

(Special Condition 20), Drainage/Grading Plan (Special Conditions 26-27), Stormwater Management Plan (Special Condition 28), Deed Restriction (Special Condition 19) and NRCS Easement (Special Condition 4).

Further, the final design of the Wastewater Treatment and Disposal System was delayed when the Applicant discovered capacity deficiencies in the area originally proposed for treatment and disposal, as discussed above. The new proposed location for a portion of these facilities also required determining the allowable development area in Area 6, which has been the subject of much debate for years, to the present, as further discussed below. The final design and location of this treatment and disposal system, as well as the other facilities to support camp operations proposed through this amendment, would also inform the finalization of a number of other plans including: Revised Final Plans (Special Condition 2), Camping Management and Operations Plan (Special Condition 3), Utilities and Facilities Plan (Special Condition 9), Lighting Plan (Special Condition 14), Landscaping Plan (Special Condition 20), Drainage / Grading Plan (Special Conditions 26-27), and Stormwater Management Plan (Special Condition 28).

While many plans are still not yet complete, it is important to note that the residential trailers, the main source of contention of the original approval, were removed pursuant to the deadline outlined in the original CDP approval. In addition, the related septic systems have been abandoned/removed pursuant to Marin EHS requirements. Further, the 465-acre wetland-dune system has been transferred over to the NRCS for permanent conservation. Other plans required by other conditions, which were not reliant on the resolution of the above conditions, have been submitted and approved, including: Dune Trail Plan (Special Condition 13), Hazard Response Plan (Special Condition 15), Traffic Management Plan (Special Condition 12), and the Employee Housing Plan (Special Condition 6). In addition, a subset of the conditions spelled out requirements but did not require submission of plans to be reviewed and approved through condition compliance, including Special Conditions 5, 11, 16, 17, 18, 22, 23, 24, and 25.

Interim camping has been allowed via a temporary Campground Management and Operations Plan (CMP)¹⁶ approved in 2012 and an existing campground site plan submitted in August 2017. With regard to other agency approvals, the State Lands Commission (SLC) issued a memo on May 14, 2008, stating that the Permittee had a 25-year lease for commercial use of the marina, pier, boat launch, and seawall; and the proposed wastewater management system has been reviewed and authorized by the San Francisco Bay Regional Water Quality Control Board (RWQCB) and enrolled under the General Waste Discharge Requirements for Small Domestic Wastewater Treatment Systems, Order WQ 2014-0153-DWQ on February 21, 2020.

History of Development in Area 6

¹⁶ Approved for use through September 3, 2012 of which the deadline has been extended to allow for interim camping until the CMP could be finalized.

As mentioned above, in approving the original CDP the Commission found that although Area 6 contained some existing development, the Commission lacked specific evidence that the existing development had all been legally developed. The Commission found that the portions of Area 6 that were not legally developed should be treated as ESHA. Special Condition 2.C.6 of the Commission's 2011 CDP approval sets the parameters for future development in Area 6, and specifically states:

Area 6

a. No development is authorized, including but not limited to relocation of boat and trailer storage, boat repairs and sales, fuel bunker, and fuel service, unless: (1) development is proposed in legally developed areas; (2) the Applicants provide evidence that such previous development was authorized; and (3) an Amendment to this coastal development permit is approved.

b. No future development shall occur unless authorized consistent with the limitations on development identified in Special Condition 21 [Condition 21 adds an additional limitation confining proposed coastal development permit amendments involving development in areas 5-8 to that specified in Special Conditions 1 and 2 or agricultural development consistent with the LCP or improvements to Sand Haul Road.].

Thus, Special Condition 2 prohibits new development in Area 6 unless that development is proposed in already legally developed areas and the Commission approves an amendment to the base CDP. Accordingly, areas that were legally developed prior to the effective date of the Coastal Act and its predecessor statute (February 1, 1973), as well as development that received a CDP from either the Commission or the County, can be considered legally developed areas for which new development may be proposed in a CDP amendment application consistent with the requirements of Special Condition 2.

Over the past 8 years, the Applicant has submitted numerous documents and evidentiary information related to the development history of Area 6. Commission staff has also conducted its own investigation into the status of existing structures and roads within Area 6. The Applicant has submitted memorandums including Authorized Development, Areas 6 and 8 Lawson's Landing, May 3, 2012 and New evidence and supporting information, March 25, 2014, which state that: 1) sand quarry use within Area 6 and facilities related to the sand quarry were approved and permitted by the County in 1971 prior to the passage of Proposition 20 or the 1976 Coastal Act; 2) the sand quarry operations and facilities related thereto were therefore permitted development and uses within an existing agricultural preserve in Marin County (i.e., the primary use of the sand that was quarried was for milk cow bedding at this facility and other local dairy farms); 3) recreational use (i.e., camping) is also a permitted use of a Marin County agricultural preserve; 4) Marin County's regulation and prior authorization of the quarry and the facilities related thereto clearly demonstrate that existing buildings and facilities in Areas 6 and 8 have been previously authorized and/or permitted, and developed legally; 5) the sand quarry and facilities related to the sand quarry were

approved and permitted by the County in 1971 prior to the passage of Proposition 20 or the 1976 Coastal Act, supported further by the fact that Marin County did not require local permits for any agricultural buildings until June 21, 1974; and 6) Marin County's regulation and authorization of the quarry, and the facilities related thereto, clearly demonstrate that buildings and facilities in Areas 6 and 8 have been authorized, permitted, and developed legally.

Coastal Commission staff visited Area 6 and also reviewed aerial photos dating from 1972 to 2013.¹⁷ Aerial photos from 1972¹⁸ for Area 6 clearly show Mike Lawson's existing residence and associated residential development (note: there is also an existing septic system located underground not visible in the photo), an employee rest area, entrance gate and kiosk, the maintenance shed and development to the rear of the maintenance shed, and the original employee residence and associated residential development (note: there is also an existing septic system underground of this structure not visible in the photo). The development seen in the 1972 photographs pre-date the permitting requirements of Proposition 20 and the Coastal Act and can thus be considered legal as far as CDP permitting is required. Given Applicant-submitted information showing them to have been properly permitted otherwise, these developments are considered legal. Further, a mobile home in Area 6 was replaced with a newer mobile home in 1996 and received the required CDP.¹⁹ Given that these portions of Area 6 can be considered legally developed, staff communicated to the Applicant on numerous occasions that they could propose a CDP amendment to redevelop the portions of Area 6 occupied by those structures if the development proposed is consistent with the Coastal Act requirements and all otherwise applicable CDP conditions, including the requirements of Special Condition 2.

Staff then focused on historic quarry development and development after CDP requirements took effect, including the development of Sand Haul Road and associated access roads and parking areas, the constructed truck shed, oil shed, equipment shed, cattle corral and boat repair tents. A close review of aerial photos from the CCRP website, in addition to an aerial United States Geological Survey (USGS) photo from 1974 submitted by the Applicant, illustrates that the developments in question were constructed between the following time periods:

- Between 1972 and 1974: truck shed, Sand Haul Road and associated access roads and parking areas
- Between 1979 and 1986: equipment shed
- Between 1986 and 1993: oil shed and cattle corral

¹⁷ From the California Coastal Records Project (CCRP) website <http://www.californiacoastline.org> To open a large version (to show more detail) of a particular photo on the web site, first double click on a particular photo to open it; then double click on the photo again.

¹⁸ CCRP photos 7212048 and 7212049.

¹⁹ CDP CP 96-468 UP/96-469.

- Between 1993 and 2005: boat repair tents

The Applicant contends that County permits granted for activities related to the previously permitted sand quarry operations, including grading, paving, gravelling and construction of buildings for equipment storage and "facilities related thereto" (including the truck shed, equipment shed, oil shed, access roads, and parking areas), began in 1971, with subsequent renewal approvals by the County in 1977, 1989, 1991, and 1996. The Applicant states that all these structures were developed consistent with County zoning and agricultural preserve contract requirements. It also contends that these facilities have continually been used for vehicle and equipment parking, repair and storage for decades in an authorized and permitted manner.

Review of the historical quarry permit file records for the subject property shows that the Marin County Planning Commission approved the first Surface Mining and/or Quarrying Permit (Q-71-01) to quarry sand from a portion of the Lawson's Landing property, specifically APNs 100-100-12 and 100-100-48 on September 27, 1971, before the passage of Proposition 20. At that time, the subject property was subject to an agricultural land preserve contract. The County's 5-year Quarry Permit (Q-71-01) was subject to a number of conditions including improvement of an access road, limitations to the excavation area, and prohibition on hauling of sand through the town of Dillon Beach. The Q-71-01 approval found the use appropriate to occur on agricultural preserve contract lands per Marin County Board of Supervisors Resolution #71-38 adopted on February 16, 1971, which states:

The following additional uses shall be deemed to be compatible uses and/or used permitted under contract provided a use permit therefore is issued by the Planning Commission. ... 7. Mining and quarrying and production operations and facilities related thereto.

Given this finding, the Applicant states that the 1971 Quarry Permit functioned as the use permit required by Resolution #71-38 and allowed for not only sand excavation but also for facilities related to sand quarrying. While this is a reasonable assumption given that any sand excavation activities would necessarily need to be supported by appropriate facilities, Q-71-01 does not mention any structural facilities. The only other use clearly permitted by Q-71-01 was the construction and maintenance of the access roads for the quarrying activities. Comparison of the CCRP website photos from 1972 to the aerial photo from 1974 indicates that the Sand Haul Road access road, as well as the loop access road, parking area, and truck shed in Area 6 were all developed between 1972 and 1974. Since this development was installed subsequent to the approval of the 1971 Quarry Permit, this supports the Applicant's position that the access roads, parking area, and truck shed were developed consistent with Q-71-01 to support the quarry operations.

Evidence submitted by the Applicant notes that Marin County land use requirements and zoning ordinances in effect prior to June 21, 1974 did not require any building permits for proposed "non-residential agricultural buildings on tracts of two or more acres or when such buildings are over fifty feet from any property line." Thus, if the

original purpose of the truck shed installation was to support existing agricultural operations, then it would not have needed a building permit. Evidence to date illustrates that the truck shed's primary use was to store trucks used for hauling sand related to the quarrying operations. The Applicant contends that since the primary use of the quarried sand was for milk cow bedding use at Lawson's Landing and other local dairy farms, the truck shed can be considered a supporting agricultural use consistent with the Marin County code ordinance. The truck shed, however, appears to have been used primarily to support the sand mining operation, which was not itself an agricultural use. The Applicant has not established that Marin County did not require building permits for non-agricultural structures at the time the truck shed was constructed. If a building permit was required for the truck shed at the time it was constructed, the truck shed had apparently not received all necessary permits prior to February 1, 1973, the effective date of the permitting requirements of Proposition 20, the predecessor statute to the Coastal Act. Without further evidence to this effect, the Commission is unable to make a definitive determination regarding the legality of the truck shed.

The second Quarry Permit (Q-76-04) issued by the County on March 10, 1977, along with an approved negative declaration of environmental impact, allows for continued authorization and maintenance of the Sand Haul Road access road. There was no mention of the truck shed in Q-76-04, or in the subsequent County-issued Quarry Permit (Q-82-01), or any reference to County use permits for any other structural development.

On February 6, 1991, the Marin County Planning Department approved the 1989 Quarry Permit (Q-89-01) which required a Biological Resource Inventory and Proposed Reclamation Plan (Reclamation Plan). The Reclamation Plan re-addressed development of the quarry access roads and estimated that the road development resulted in disturbance of 0.8 acres of central dune scrub. The Reclamation Plan did not consider this to be a significant environmental impact; however, the Plan recommended that the access roads be reclaimed following abandonment of the quarry operations. Since the Applicant expressed interest in maintaining the roads for ranch operations after quarry operations ended, the Reclamation Plan allowed the roads to be continued to be used and maintained as roads as long as ranch operations continued on the property, but the roads were also required to be reclaimed if and when ranch operations cease. The Reclamation Plan also required that land used for the sand quarry operation be returned to a natural state and subsequently used for wildlife habitat, open space, non-consumptive recreation and livestock grazing. The Applicant has asserted that the Sand Haul Road and the access roads, as well as the loop access road and parking area in Area 6, have all been continually used for ranch operations since quarry operations ceased, as further evidenced by the installation of the cattle corral within Area 6, which occurred sometime between 1986 and 1993. Since use of the access roads and parking area is consistent with the 1989 Quarry Permit Q-89-01 and with the approved Reclamation Plan, the Commission finds that they can continue to be maintained as roads and parking area and be considered legally developed for the purpose of this analysis. Regardless, the Commission does note that the cattle corral itself did not receive necessary permits and cannot be considered legally developed.

The first direct mention of the truck shed relative to the quarry operations can be found in the application for the 1990 and 1996 Quarry Permit renewals. The negative declaration, use permit, and CDP issued by the County all specifically indicate "the loaders, when not in use, are stored in a tractor shed on the premises, while the trucks are stored in a truck shed at 137 Marin View Drive near the entry toll gate to Lawson's Landing." The referenced use of these facilities confirms the truck shed's relationship to the quarry operations, but these permits did not specifically authorize any new construction activities. The County's 1990 CDP issued for the sand quarry operations included visual resource and community character findings stating that the project was consistent with the County LCP because "No permanent or temporary buildings are proposed as a part of this project." With regard to the oil and equipment shed, as evidenced in the CCRP photos, these structures were installed after the date of CDP requirements for new development. No permit approvals for these structures have been provided to date. Even if approval of the truck, oil, and equipment sheds was part of the 1991 quarry approval or earlier approvals, as discussed above, the Reclamation Plan specifically states that the land reclaimed from sand quarry operations be returned to a natural state and subsequently used for wildlife habitat, open space, non-consumptive recreation and livestock grazing.

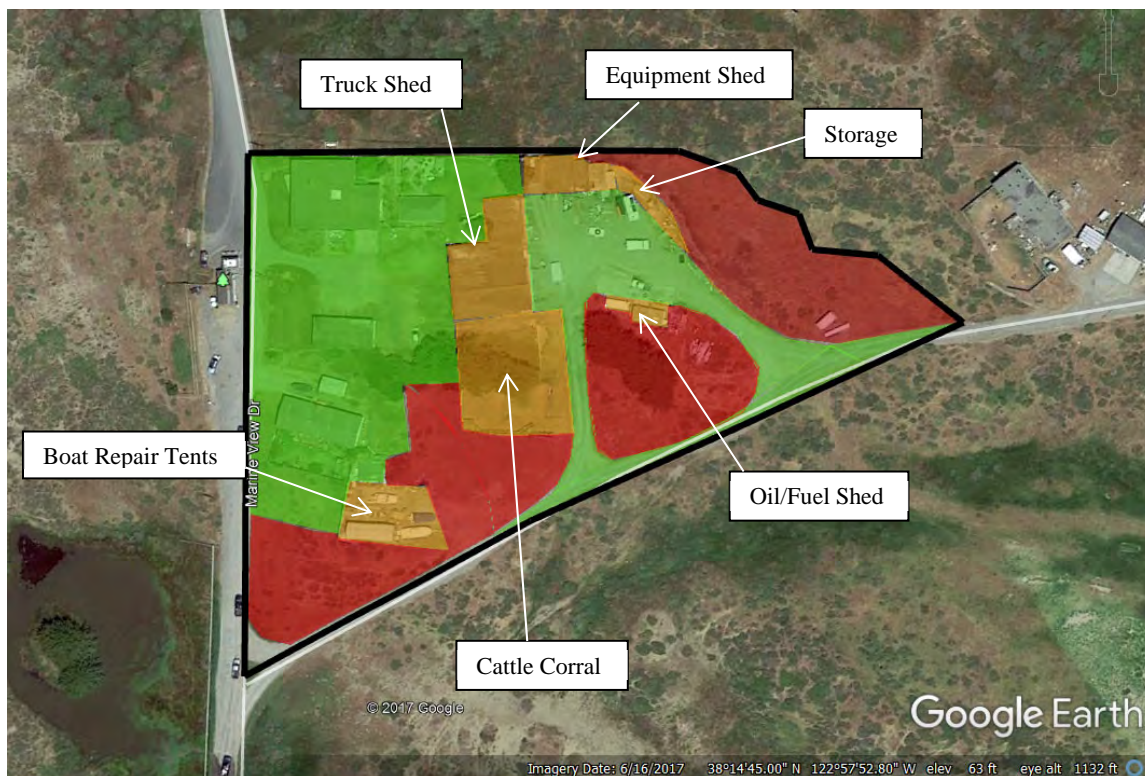
On December 7, 1981, the County Planning Department issued a memorandum summarizing the permit history on the property. The Memorandum indicated that the quarrying operations were considered permitted development activities but the Lawson's Landing recreational use facilities consisting of recreational trailer and camping facilities, boat rental, moorage and repair facilities, and an office and store building are "apparently illegally, nonconforming uses under the County's zoning ordinance" and that no valid use permits for the "ranch hand" mobile homes exist on the property. There was no specific reference made by the County to the truck shed in this document, and this omission supports the assumption that the County did in fact consider this structure part of the permitted quarrying operations. Further, a letter to the Applicant from Marin County Planning staff dated July 11, 2012 concluded that there was ample evidence in the record demonstrating that the County had authorized the sand quarry operation and associated facilities located in Area 6, including the truck shed.

With respect to the boat repair tents, the Applicant has not put forward any evidence regarding the permitting of the boat repair tents and under the current proposed amendment, the boat repair tents would be removed, and the affected area restored.

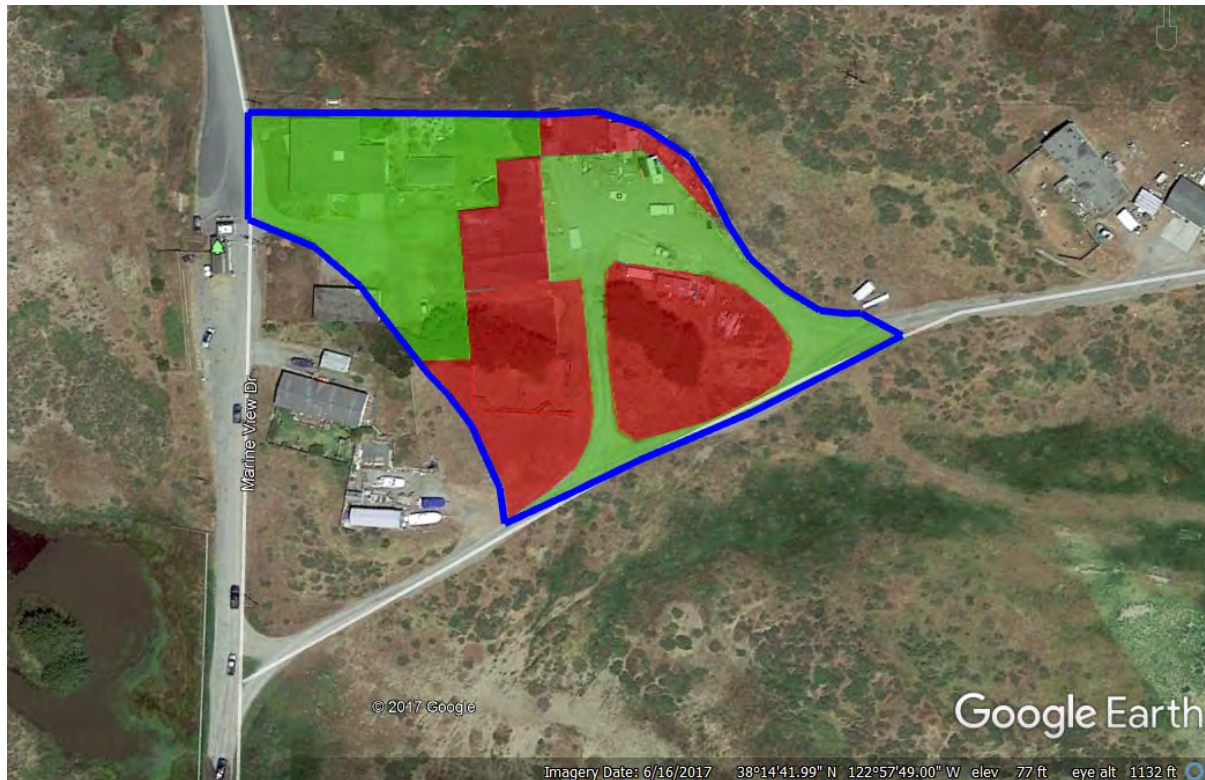
All the evidence above taken together illustrates that there is still a question as to the legality of some of the existing development in Area 6, including the truck shed, equipment shed, oil shed and cattle corral. The Commission does recognize that use of the structural facilities were at one point associated with permitted quarry operations, but the structural facilities have since functioned to support the otherwise allowable agricultural and public recreational uses on the property, as is the more recently constructed cattle corral. Thus, some areas already impacted from the quarry

operations were transitioned by the Applicant into support facilities for Coastal Act priority uses, and concentrated development within already existing developed areas.

Since the Commission determined in the original CDP approval that all undeveloped portions of Area 6 are ESHA and new development may only occur in previously legally developed areas, a conservative approach to determining the legally developed areas given the remaining uncertainty regarding the truck shed, equipment shed, oil shed and cattle corral is outlined in figure below. The approach assumes an uncertain status to be unpermitted. The green areas represent legally developed areas, the red areas represent undeveloped ESHA, and the orange represent unpermitted development in existence in Area 6. The black line is the Area 6 boundary.



The figure below more simply demarcates allowable (green) and unallowable (red) development areas within the area of the proposed development footprint that are also located outside the 300-foot CLRF pond development buffer. The blue line is the development footprint boundary.



In the time since the November 2017 permit amendment hearing, the Applicant has submitted additional evidence regarding historical use of Area 6 in the form of written memos, family narrative testimonials, historical aerial photos and more recent drone photos of Area 6, and historical condition site plans that they assert illustrates that additional parts of Area 6 are allowed to be developed, including the area that currently houses the existing truck shed, as well as areas to the immediate north, east, and west of the truck shed. See **Exhibit 12** for additional evidence submitted. Specifically, the Applicant asserts that in 1957, prior to coastal development permits being required by Proposition 20 or the Coastal Act, this particular area surrounding the residence was fenced in, and that fence formed the eastern border of the developed backyard area that the family used for residential, agricultural, and recreational facility uses (including agricultural operations, a family garden, residential recreation, and storage of agricultural, camp facility equipment, vehicles, and firewood). In addition, the Applicant states that further use of this particular area, including the area now covered by the existing truck shed, was authorized in September 1971 through the issuance of the original quarry permit as it was used as a quarry vehicle access road to move vehicles from where they were stored (on the eastern fenced in portion of Area 6) to the permitted quarry operation areas further east. The Applicant further states that historical photographs show evidence of these uses throughout the years, that current photographs show the relic fence posts that bordered the backyard, and that testimonials from the family support these assertions. Therefore, they conclude that this area is an allowable development area within Area 6 and should be available for the proposed development.

While some of the areas the Applicant is referring to may have been developed prior to coastal permitting requirements, it is difficult to discern the exact boundaries of such areas from the aerial photos provided. In fact, it appears that some of the areas that the Applicant is contesting as developable are located east of the existing truck shed, in an area already determined by the Commission to be within the allowable development footprint shown in green in the figure above. Further, even if development in the truck shed area occurred prior to coastal permitting requirements, such development still would have needed all other necessary approvals and authorizations required at the time the development occurred. For example, there is evidence in the record that the Applicant was informed by both Marin County and the State of California prior to 1967²⁰ that the recreational facility uses on-site needed permits. While the applicant asserts they were pursuing permits for recreational uses onsite throughout this period, no permits were issued for such uses until 2011. Thus, all recreational facilities and uses in this area were unpermitted until 2011 and would not now be allowed to be redeveloped.

Lastly, it also does not appear that the area in question was continuously used for the same purposes over time since their inception, as can be seen through comparisons of aerial photographs over the years. Specifically, the current truck shed area that the Applicant asserts was used for vehicle storage and then quarry truck ingress and egress across Area 6 was eventually developed with a truck shed to provide for quarry vehicle storage without any formal permit authorizations as further discussed above. In addition, the quarry permit required that once uses related to quarry operations were abandoned, the land be returned to a natural state. Thus, even if evidence existed that the truck shed was permitted pursuant to the quarry permit, such development was required to be removed and the affected area restored. Therefore, the uses that the Applicant asserts establish that these areas are legally developable were clearly not continuously used for their pre-coastal purpose over the years as evidenced by historical photograph comparisons, and such areas have been redeveloped without authorization since coastal development permits were required (i.e. the area of the truck shed). Thus, the additional evidence submitted by the Applicant does not change the Commission's conclusion regarding allowable development areas within Area 6.

B. STANDARD OF REVIEW

The original 2011 Coastal Commission CDP for Lawson's Landing covered development in both Coastal Commission and Marin County CDP jurisdictions as a consolidated CDP pursuant to Coastal Act Section 30601.3. As a result, the standard of review for that action was the Coastal Act, with the Marin County LCP providing non-binding guidance. The same standard of review applies to this amendment request as applied to the base 2011 consolidated CDP, including because the Applicant, the County, and the Executive Director have again reaffirmed their agreement to a

²⁰ In 1962 and 1963, State Division of Housing notified the property owner that the placement of trailers and establishment of a trailer park on site were unpermitted activities; in 1966 Marin County sent a zoning violation letter to the property owner stating that various illegal uses were present on site and required use permits including trailers and campers, cement block restrooms, water supply systems, a general store and snack bar, small sheds, and boat dock facilities.

consolidated review in this case as well. Thus, the standard of review for this amendment application is the Coastal Act with the Marin County LCP serving as non-binding guidance.

C. ENVIRONMENTALLY SENSITIVE HABITAT AREAS

Applicable Policies

Environmentally sensitive habitat areas (ESHAs) are defined in Section 30107.5 of the Coastal Act as areas in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem, and which could be easily disturbed or degraded by human activities and development. Coastal Act Section 30240 states that ESHA shall be protected against significant disruption of habitat values and that only uses dependent on the resources shall be allowed within an ESHA. Section 30240 also requires that development adjacent to such areas be sited and designed to prevent impacts that would significantly degrade those areas, and to be compatible with the continuance of the ESHA. Coastal Act Section 30240 states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Coastal Act Section 30231 requires that the productivity of coastal waters necessary for the continuance of healthy populations of marine species shall be maintained and restored by minimizing waste water discharges and encouraging waste water reclamation. Coastal Act Section 30231 states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Consistency Analysis

Base CDP A-2-MAR-08-028 ESHA Determination

As concluded in the approval findings for the original base CDP, coastal dune habitats are rare, as are their associated vegetation communities and many species that occupy

them. They are also easily damaged by human activities, as demonstrated throughout California, including at the Tomales Dunes. According to former Coastal Commission Senior Staff Ecologist, Dr. John Dixon,²¹ in its natural state the entire nearshore dune complex at Lawson's Landing, consisting of foredunes, active unvegetated dunes, vegetated backdunes, dune swales and deflation plains,²² would clearly have met the definition of ESHA found in the Coastal Act (see page 12 of **Exhibit 9**).

All of the pieces of this dune complex are still present today, albeit in a somewhat degraded to severely degraded condition. Despite the significant degradation of the dune habitats and the many stabilizing constraints operating on the dune complex at Lawson's Landing, it still is a dynamic system and the various parts, including the upland portions of the deflation plain, still interact with one another. For example, blow-outs periodically convert areas of deflation plain to dune or create drainages where there previously were none, providing opportunities for new plant and animal colonization. Therefore, regardless of the fact that the Tomales Dunes at Lawson's Landing are no longer pristine, the dune complex of foredunes, central dune scrub, bare sands, and deflation plains, including the dune-slack wetlands and uplands, are rare. Further, these habitats support a rare plant community, and rare plant and animal species, including the California red-legged frog (CRLF) and western snowy plover both of which are federally threatened. All of these habitats, as evidenced by widespread development imposed upon dune and coastal habitats throughout California, are easily disturbed by human activities. Thus, all of the existing habitat areas of the dune complex at Lawson's Landing are considered ESHA under the Coastal Act. As stated in the original CDP approval findings, such ESHAs include the undeveloped portions of Areas 6 that are contiguous with the adjacent areas of extensive open space characterized by a mosaic of unvegetated sand and degraded central dune scrub (see page 13 of **Exhibit 9**).

According to Dr. Dixon, much of the habitat at Lawson's Landing is degraded ESHA, as portions of the site have been drastically altered by development in such a manner that they no longer retain the characteristics of a natural habitat. Even so, because most of the historical development altering the ESHA was undertaken without permits, unless the development (e.g., grading, fill, roads, structures, trailers and camping use) in these areas was previously permitted or otherwise determined to be legal, the underlying land area must still be treated as meeting the definition of ESHA. As determined in the original CDP approval findings, all areas within Area 6 that had not been legally developed are also considered ESHA (see page 13 of **Exhibit 9**).

Dr. Dixon also noted that although the Area 6 ESHA is significantly degraded by existing development, Area 6 is crossed by a likely migration corridor for CLRF and is in close proximity to a known CRLF breeding pond (herein referred to as the Entrance Pond),

²¹ Dr. Dixon retired in 2016.

²² A dune 'deflation plain' is an area behind the fore dunes that is typically blocked from receiving new sand, allowing for wind scour that sometimes extends to water tables and thus leads to wetland habitats in this area.

and as such, development activities increasing vehicular access in this area would put CRLF at some additional risk. Recognizing the potential use of this area by CRLF, the Commission's CDP approval incorporated Dr. Dixon's recommended 300-foot buffer around the Entrance Pond and 300-foot wide dispersal corridors between the Entrance Pond and other known breeding ponds located within Lawson's Landing. Dr. Dixon recommended that undeveloped areas within the buffers not be developed, but where development already existed, he recommended that the intensity of use not be increased in such a manner as to increase further adverse risk to the CRLF (see pages 14-16 of **Exhibit 9**). Further, any unpermitted development within the migration corridors was to be removed and restored per the CDP required special conditions. In order to enhance the migration corridor between the Entrance Pond and other breeding ponds in the interior dune area,²³ the Commission prohibited camping use in Area 5 (south of Area 6 across Sand Haul Road) and required restoration (designated as Restoration Area C), to enhance CRLF dispersal cover and coastal dune scrub habitats.

With respect to Camping Areas 1-4 and the Upper Scale House pasture area where portions of the wastewater collection and dispersal facilities would be constructed, the original CDP made findings relative to respective ESHA in those areas and designated required buffers. Generally, 300-foot buffers were required from all CRLF breeding ponds, 100-foot buffers were required from wetlands, and 50-foot buffers were required from central dune scrub habitat. In Camping Areas 1-4, reduced wetland buffers ranging from 25-35 feet were allowed if the buffers contained vegetated berms or riparian vegetation. Buffers as low as 10 feet were allowed for some ephemeral drainages for portions of the year. See **Exhibit 7** and the language of Special Conditions 2, 4, and 7 in **Exhibit 19** for the habitat protections and approximate development area allowed under CDP A-2-MAR-08-028 for Camping Areas 1-4 and the Upper Scale House pasture area outside of ESHA.

Thus, consistent with the above determination from the original CDP approval, ESHA within and adjacent to Area 6 includes coastal dune scrub, wetlands, dune slack wetlands, the Entrance Pond, and proposed Restoration Area C; and ESHA in Camping Areas 1-4 and the Upper Scale House pasture area as designated by **Exhibit 7** and the language of Special Conditions 2, 4, and 7 in **Exhibit 19** including wetlands, coastal dune scrub, and CRLF breeding ponds. This ESHA determination also encompasses any undeveloped ESHA contiguous with other ESHAs and any areas that have been impacted by unpermitted development (specifically, within Area 6) as further described herein and shown in **Exhibit 8**. With respect to what constitutes "contiguous" areas of undeveloped ESHA as specified in the original CDP approval, Dr. Dixon later confirmed that this was not meant to exclude undeveloped habitat areas separated by roads (dirt or paved), as the roads do not act as a barrier to seed transport or species migration.

See **Exhibit 9** for Dr. Dixon's memo from the Commission's adopted 2011 CDP findings and a more detailed description of the ESHA at Lawson's Landing.

²³ This portion of the migration corridor is now protected by the required Natural Resource Conservation Service (NRCS) conservation easement.

Proposed Amendment A-2-MAR-08-028-A3 ESHA Determination

Based on the review of aerial photographs of Area 6, many of the deleterious changes to the vegetation in this area took place sometime between 1972 and 2005. This includes such activities and development as further detailed above including development of the truck shed, equipment shed, oil shed and cattle coral, use of adjacent areas for storage, as well as operation of quarry, agricultural, and public recreational uses in and around these areas (see **Exhibit 11**).

A closer assessment of the existing vegetation within Area 6 was provided by the Applicant's landscape architecture consultant,²⁴ who further delineated the Area 6 vegetation into various vegetative groups including: non-native cypress and pine trees, disturbed habitat areas dominated by non-native grasses and forbs, disturbed habitat areas dominated by non-native grasses and forbs and native plants comprising 15-20% of the total cover varying seasonally, disturbed habitat areas dominated by yellow bush lupine and non-native annual grasses, coastal dune scrub dominated by mock heather, upland habitat areas predominately comprised of non-native grasses with scattered yellow bush lupine, residential and commercial landscaped areas, compacted road edge, parking and storage areas, and existing paved roads and parking areas. However, as most recently determined by Coastal Commission Staff Ecologist, Dr. Laurie Koteen, consistent with Dr. Dixon's original ESHA determination, all of the disturbed, compacted, and developed habitat areas in Area 6 were at one point native dune vegetation and although some of these areas may not currently be providing high quality habitat, they are still considered ESHA for purposes of this evaluation. Further, because a subset of the existing development on the site was apparently developed without legally required permits, the Commission must regard the habitat in these unpermitted areas as though it had not previously been disturbed.²⁵

Therefore, ESHA within Area 6 includes the undeveloped, degraded habitat areas as well as the unpermitted development areas (see **Exhibit 11**). In addition, the ESHA determinations and applicable protections for habitat surrounding Area 6, as well as in Camping Areas 1-4 and Area 8 remain the same as in the original CDP determination. The Upper Scale House pasture area where the drip dispersal, spray dispersal and associated infrastructure would be located is mostly comprised of agricultural lands. However, there are wetlands and ponds utilized by CRLF to the northwest and northeast (see **Exhibit 13**), seasonal wetlands to the southeast, and central dune scrub to the south. The original CDP determination did not specifically map out migration corridors for CRLF in the Upper Scale House pasture area. However, the Applicant's biological consultant, Monk & Associates Inc., confirmed evidence of potential migration corridors based on observations of adult and juvenile frogs and frog larvae from previous surveys as well as surrounding habitat areas, which included a migration

²⁴ Ann Baker Landscape Architecture. March 29, 2017 and revised May 22, 2017. Area 6 Existing Vegetation & Land Use Plan.

²⁵ Id (see, for example, LT-WR, L.L.C. v. California Coastal Commission).

corridor through the area of the proposed spray irrigation.²⁶ The ponds, wetlands, and dune habitat in this area are all considered ESHA under the Coastal Act, and thus, applicable designated buffers should apply. Further, the intensity of use within the potential CRLF migration corridors should not be increased in such a manner as to increase risk to the frog.

Consistency with 30240(a)

All of the proposed project elements, except for the proposed emergency vehicle access road in Area 6, would be located within "legally developed" or allowable development areas pursuant to the requirements of the base CDP, outside of identified ESHA, as described and as shown in **Exhibits 7 and 8**. With respect to the emergency vehicle access road, the Applicant proposes to install a 1,600 square-foot, 20-foot-wide area of gravel and then cover the area with plastic geogrid material to respond to Marin Fire County recommendations as further discussed in the Hazards section below. To provide habitat benefits, the Applicant proposes to fill the geogrid material with dune sand and plant the area with native species.²⁷ The Applicant would also block the emergency access road off with bollards so that it is only used in the event of an emergency. To mitigate for impacts to habitat from the location of the proposed emergency vehicle access road, the Applicant would remove and restore the eastern section of the loop road connecting the parking area to Sand Haul Road in Area 6.

While the Commission recognizes the importance of safety and alternative access for facilities such as this, two things should be noted. The first is that there are already two means of ingress and egress to Lawson's Landing which could serve as routes for emergency responders to the facility or for evacuation from extreme events. The redundancy of the proposed emergency road is largely in response to a potential scenario where one of these routes is compromised based on modelling for a 975-year tsunami (i.e., a tsunami that has a .001% chance of occurring in any one year). Thus, this is not the same as other cases where the Commission has considered alternate ingress/egress for safety in light of more near term coastal hazards (e.g. geologic, flooding, sea level rise inundation) where structures would be at risk with more certainty over their design life (50-70 years) and there is only a single means of access. In addition, tsunami hazards at the site were addressed by the Commission as part of the original CDP approval which required a tsunami evacuation plan, as evacuation is

²⁶ Monk & Associates, Inc. May 11, 2017. California Red-legged Frog Dynamics and Survey Report Lawson's Landing, Marin County, California.

²⁷ Even with such habitat measures, the EVA and its underlying structural development, is not allowed in ESHA. In addition, even if it were, Coastal Commission staff ecologist, Dr. Laurie Koteen, reviewed the proposed measures and noted that for the proposed area to provide any kind of habitat benefits akin to a naturally restored area, approximately 2-3 feet of dune sand and native plants would need to be installed over the proposed geogrid material, essentially eliminating any functional EVA capacity (and falling short of the Marin County Fire Department's recommended specifications for emergency access identified in their letter dated June 26, 2020).

typically the primary life-safety measure for tsunami response, and the evacuation plan does not rely on the proposed redundancy road.

And second, the emergency road is proposed within ESHA (more specifically, an area found to contain unpermitted development requiring removal and restoration) and, because it is not a resource-dependent use and would disrupt the resource, cannot be approved consistent with Section 30240. The Commission explicitly directed this Applicant to avoid all Area 6 ESHA in its 2017 denial of the prior version of this same project, determining that additional conflict resolution (i.e., in addition to the conflict resolution that was necessary in the original approval for the same reasons) to allow for some use of Area 6 ESHA for non-resource-dependent development like this was inappropriate. The only way the EVA could be authorized here is through conflict-resolution (in this case between the Coastal Act's ESHA and hazards minimization policies), and thus the Commission instead requires that this area be restored as required by the Commission's original approval.

Lastly, after further coordinating with the Marin County Fire Department, the Applicant has identified another potential solution that may address the Fire Department's concerns. This alternative involves improving the intersection at Marine View Drive and Sand Haul Road through compaction and paving so that it would provide for a more stable and reliable means to turn fire trucks and other equipment around in the event of an emergency where one of the main access routes was blocked. The Applicant suggests/states that this as a more environmentally damaging alternative since it will involve work adjacent to and within the 300-foot California red-legged frog pond buffer and still prefers the emergency access road as originally proposed. The Applicant also notes that the offer to restore a portion of the existing roadway would create habitat connectivity between two larger areas of ESHA. While the observations about location are true, the area proposed for development is located within a legally developed, highly used roadway area, and roadway improvements within such areas are specifically allowed through the original CDP conditions. This alternative would therefore not involve construction in ESHA, nor would it significantly disrupt ESHA, thus, this alternative is consistent with Coastal Act Section 30240. Given all of the above, the Commission does not find the reasons for a secondary access through ESHA compelling enough to necessitate conflict resolution under the Coastal Act because approval without the EVA as proposed, but with the intersection improvements described above, is otherwise consistent with ESHA protection provisions of the Coastal Act. Thus, the Commission recommends modifications to **Special Condition 2** to require removal of the proposed emergency road and approval of the intersection improvements.

Lastly, all unpermitted development in Area 6 not already removed²⁸, including the truck shed, adjacent storage area, and oil shed, will be removed and those areas restored consistent with the requirements of the original CDP. Thus, as conditioned, the proposed development is consistent with Coastal Act Section 30240(a), as well as the Commission's direction provided to the Applicant on this matter in November of 2017.

²⁸ The Applicant has indicated that the cattle corral, boat repair tents, and equipment shed have been removed as of July 2020.

Consistency with 30240(b)

Core revisions made to the project since the previous amendment proposal have also reduced potential concerns the project formerly raised with respect to potential impacts to adjacent ESHAs and consistency with Coastal Act Section 30240(b). Specifically, due to the relocation of the wastewater dispersal field in Area 6, the minimum setback distance from the Entrance Pond has been increased from 300 to 400 feet. This new Area 6 dispersal location also results in the wastewater being dispersed to an area where the groundwater flow is primarily to the west and northwest, away from the Entrance Pond, instead of southwest towards the Entrance Pond, as further confirmed by additional groundwater monitoring data. In addition, the volume of wastewater discharged into the Area 6 leachfield would be reduced to 50% of the winter design flow rather than 100% as previously proposed. Lastly, the addition of the winter drip dispersal field in the Upper Scale House pasture area provides for an alternative for wastewater dispersal in case of emergency resulting in a system failure in Area 6. Thus, due to the reduction in wastewater amounts, separation distance and groundwater flow patterns away from the Entrance Pond, concerns previously raised in relation to potential impacts to the hydrology and water quality of the Entrance Pond and CRLF use of the pond have been largely eliminated. However, since the wastewater dispersal and leach fields proposed in Area 6 and the Upper Scale House pasture area would still disperse to adjacent ESHAs, namely coastal dune scrub and wetlands, the Applicant submitted additional evidence to evaluate potential impacts to such habitat areas from the new proposal under current and future buildout scenarios.

Both the Applicant's original report from its wastewater facility design engineer, Questa Engineering Corp. (Questa), entitled Addendum #1 Wastewater Facilities Plan for Lawson's Landing, Dillon Beach, California Wastewater Plan, dated November 15, 2016 (herein referred to as "the Addendum"), and the Revised Wastewater Facilities Plan for Lawson's Landing Dillon Beach, California, dated September 2018 (herein referred to as "the Revised Report"), evaluated the potential impacts from the wastewater dispersal system on the surrounding groundwater, including in terms of groundwater mounding and water quality, and the resultant effects on soil moisture and vegetation in and around the proposed development area as follows:

- **Groundwater mounding:** The updated analysis of groundwater mounding in the Revised Report assumed that operation of the proposed leach fields in Area 6 would be limited to 50% of the wintertime dispersal during the winter months (October-April) when wastewater flows are typically at their lowest (estimated at 4,050 gallons per day (gpd) wintertime average and 6,975 gpd peak wintertime usage for Phase 1,²⁹ and up to 5,400 wintertime average gpd and 9,400 gpd wintertime peak usage at high-end buildout). Field analysis found the new proposed leach field area to have similar soil conditions as the previously proposed site, consisting of well-drained

²⁹ Note that Phase 1 includes wastewater estimates for development not yet approved under the CDP including additional RV sites with hookups and cottage units. Thus, the wastewater amounts and resultant impacts will be less than what was analyzed.

dune sands underlain by loamy sands to depths of 30 feet or more with rapid permeability, percolation rates of 0.3-0.8 minutes per inch, and horizontal hydraulic conductivity of 132 feet/day; a depth to groundwater during the winter of 6 feet below ground surface (bgs) or greater at its highest levels with some shallower readings of 4-5 bgs during periods of heavy rain; and groundwater flow patterns from east to west spreading west and northwest as it flows further away from the disposal site.

Using Darcy's law, an equation that accounts for the wastewater loading rate, the permeability of the sub-surface soils, and the slope of the water table, the Revised Report estimated that groundwater mounding from the leach field dispersal would result in an average water table rise of 8 inches with a peak of 14 inches for Phase 1 development (11 inches average and 18 inches peak under high-end buildout) near the leach field edge. Such a rise would still provide the minimum separation distance necessary between the bottom of the leaching trenches (2.8 feet bgs) and the groundwater elevation (typically 6 feet bgs or greater) under all development scenarios, especially since the peak conditions will occur when groundwater elevations are at the lowest (greater than 10 feet bgs). In addition, groundwater mounding effects would decline downslope where, at the Entrance Pond (now located 400 feet to the west mostly outside of the groundwater flow) and at the nearby coastal dune scrub habitat (approximately 300 feet away at its closest point within the groundwater flow area outside of Area 6), it would rise less than one inch if at all due to lateral and vertical dispersion. It was also estimated that when leach field use in Area 6 is suspended in April each year, the water table effects would dissipate quickly near the leach field edge (within 5 days) due to the strong groundwater gradient and high lateral groundwater velocity, and would dissipate more slowly near the Entrance Pond and dune scrub habitats to the west of the entrance road (within 98 days). Thus, even with the slower dissipation rates to the west, the groundwater mounding would not carryover from one year to the next.

Based on these estimates of groundwater mounding and dispersal rates, the Revised Report found that additional groundwater mounding from Area 6 would not create soil saturation or slope instability in down slope areas that could potentially affect downgradient coastal dune scrub vegetation due to the minimal increase in groundwater mounding and high infiltration and percolation rates of the deep sandy soils, coupled with the location of the infiltration surface below normal rooting depth (2.5 feet below grade), the temporary seasonal use during the wet season when soil moisture is naturally supplied by annual precipitation from the surface, and use of an infiltration chamber design with filter fabric, which would prevent moisture from wicking to the surface.

- **Nitrogen and salt loading:** Conclusions made in the Questa Addendum regarding the Entrance Pond hydroperiod, nitrogen and salt loading are presented below. Taking these previous estimates and applying the new assumptions dictated by the revised proposal, including a 50% reduction in wastewater amounts and dispersal to a new groundwater flow pattern, the Revised Report concluded that additions to the Entrance Pond and subsequent impacts are reduced to a negligible level. Further, the fact that groundwater impacts would be below normal rooting depth minimizes

the chance that these inputs would affect down gradient coastal dune scrub vegetation.

The Addendum estimated nitrogen loading from the leach fields to the groundwater based on existing background nitrogen sources and water quality, proposed treatment limits (30 mg-N/L), dilution effects, and potential attenuation of nitrogen from pond and wetland filtration. Groundwater data in and around Area 6 showed background concentrations of 0.5-5.0 mg-N/L which were slightly higher than areas observed to the south (0.5-2.5 mg-N/L). The Addendum speculated that this was likely from historical grazing, storing and loading of cattle in Area 6, and from two existing residential septic systems already located in Area 6. No nitrate, NO_3^- , was observed in the Entrance Pond water but low levels of ammonia, NH_4^+ , and organic nitrogen were observed, with observers speculating that these levels were likely attributable to inputs from aquatic life and decaying vegetation. A peak reading in June of 48.2 mg/L of total nitrogen was observed in the Entrance Pond, hypothesized to have resulted from the cattle grazing within the fenced pond area occurring in May.

Groundwater observations in piezometers around the Entrance Pond showed levels of 0.09-0.4 mg-N/L. Based on the 30 mg-N/L in effluent, it was predicted that the background concentration of the groundwater around the pond averaged at 1.5 mg-N/L could rise to a range of 2.8-3.8mg-N/L with the assumption that only about 5-10% of the treated wastewater reaches the pond. Assuming a denitrification capacity of the wetlands and ponds to be about 20 mg-N/square meter/day, and by running a few different scenarios assuming different denitrification potentials, groundwater mixing depths and the stated nitrogen effluent limits, the Addendum estimated pond nitrate levels in the winter months might range from 0.007 to 0.29 mg-N/L, with a worst case 0.25-1.29 mg-N/L. On the lower end of assumptions, if the denitrification attenuation rate ended up being higher than predicted or if an effluent limit lower than 30 mg-N/L were used, the Addendum found that there would be no or very low measurable change in nitrate concentration in the Entrance Pond.

Projected estimates in the Addendum of the cumulative effect from total dissolved salt (TDS) loading from leach field dispersal was based on groundwater sampling, review of existing water quality data, and an annual mass balance loading analysis that relies on estimated wastewater levels. The average groundwater TDS concentration observed in the monitoring wells in and around Area 6 was 240mg/L. Greater TDS levels, of 460-710 mg/L were observed in the shallow groundwater around the Entrance Pond. The Addendum speculates that these can be attributed to animal wastes from cattle grazing and the effects of evapotranspiration in and around the Entrance Pond, as nitrogen is left behind when water evaporates from a water body or soil. The Addendum estimated a potential increase in groundwater TDS due to the wastewater discharge of 120 mg/L (from 240 to 360 mg/L) in the groundwater in Area 6, with a net increase into the Entrance Pond of 25-50mg/L. Therefore, the study concluded that the

wastewater would increase localized salt loading to the groundwater, Entrance Pond and foredunes.

With regard to the Upper Scale House drip dispersal and spray dispersal fields, the Revised Report noted that the system components would be located outside of respective wetland, CRLF breeding pond, and coastal dune scrub required buffers. In addition, groundwater mounding analysis was conducted for the drip dispersal area to determine the maximum allowable capacity limits to avoid excess soil saturation. As such, the drip field would only be utilized during the peak periods when the Area 6 capacity could not handle the full wastewater amounts and use would be curtailed based on established threshold that require a 24-inch groundwater distance from the soil surface. Further, the spray field dispersal area has been designed so that most of the spray water will be removed from the field via evapotranspiration, and, thus, the wastewater would mostly not be dissipating into the groundwater. The Applicant's wastewater engineer also noted that nitrogen dispersed via the spray and drip fields would be taken up by the pasture grasses, limiting excess nutrients in the groundwater. Thus, the report concluded that limitations in the amounts, periods of use, system controls, and the separation distance between the dispersal areas and the surrounding habitats would prevent impacts to the adjacent habitat areas.

The proposed wastewater management system has been reviewed and authorized by the San Francisco Bay Regional Water Quality Control Board (RWQCB) and enrolled under the General Waste Discharge Requirements for Small Domestic Wastewater Treatment Systems, Order WQ 2014-0153-DWQ. The Applicant is required to comply with all requirements outlined in the final RWQCB Notice of Applicability letter, associated Monitoring and Reporting Program and the General WDR Order.³⁰ Staff from the RWQCB has been closely involved in the development of this proposed wastewater facility, including periodic reviews of submitted information, site visits and discussions with County staff regarding the project over the years, and have conveyed their support for the current proposed location and design of the wastewater management facilities.

Coastal Commission Staff Environmental Scientist Mike Sandeck reviewed the Questa Addendum and Revised Report and found the groundwater mounding and pond hydrological evaluation model adequate, including examination of the correct indicators and data used to prepare the summary. Through review of the original amendment proposal, Mr. Sandeck had previously concluded as follows: that the nitrogen loading evaluation appeared reasonable and the levels predicted did not appear harmful to CLRF; and that the contribution of salt loading could be expected to be minor and would

³⁰ San Francisco Bay Regional Water Quality Control Board. Lawson's Landing Wastewater Facility, Lawson's Landing, Marin County Notice of Applicability for Enrollment under General Waste Discharge Requirements for Small Domestic Wastewater Treatment Systems, Order WQ 2014-0153-DWQ, CIWQS Place No. 769381. February 21, 2020.

San Francisco Bay Regional Water Quality Control Board. Monitoring and Reporting Program for Lawson's Landing Wastewater Facility. February 21, 2020.

State Water Resources Control Board Order WQ 2014-0153-DWQ. General Waste Discharge Requirements for Small Domestic Wastewater Treatment Systems. September 23, 2014.

not compromise the Entrance Pond habitat. Due to the new location for the proposed wastewater dispersal system in Area 6 and the reduced dispersal amounts, Mr. Sandeck does not expect any additional groundwater recharge or excess nutrients delivered to the pond, although still does note that improved management of cattle in this area would have a more direct effect on pond water quality. Lastly, Mr. Sandeck found that the system design allowed more flexibility in maintenance procedures and operations.

Coastal Commission Staff Ecologist, Dr. Laurie Koteen, also reviewed the analysis and conclusions presented in the above reports and Dr. Koteen has made a number of observations and recommendations regarding the proposed project, which have been incorporated into the following analysis (see also Dr. Koteen's memo in **Exhibit 10**). With regard to the projected groundwater mounding analysis, while the analysis considered a depth to groundwater at a range of 6-7 feet, actual groundwater observations in and around the proposed project site in Area 6 indicate a shallower depth to groundwater during some months over the past few years.³¹ Depth to groundwater levels were the shallowest in 2017 due to the extremely heavy rainfall (down to only 2.5 feet in location MW4), which was unusually high for the region as indicated in total average rainfall data from Bodega Ocean Observing Node, UC Davis Bodega Marine Laboratory.³² Therefore, this data suggests that the potential for the groundwater mounding from the leach fields to affect the upper surface soil layers containing dune and wetland roots, in addition to the natural variation in the groundwater table from rainfall, would be more likely in heavy rainfall years. However, even during heavy rainfall years, the data presented indicates that additional water from the leach field dispersal is unlikely to result in full surface saturation and overland flows in and around Area 6, except in areas where this already occurs from the intersection of the groundwater with the land surface due to ground elevation. For example, this intersection already occurs in the dune slack wetlands, wetland areas, and in the roadway south of the Area 6 project area. Since these areas are all now outside and to the south of the predicted wastewater dispersal path, such overland flow impacts are not expected from the proposed system in Area 6.

The impacts from groundwater mounding and its effects on the root column from soil saturation is of concern in this area because additional nutrients, dissolved organics, and moisture, entering the system from wastewater dispersal through the groundwater could potentially affect the composition of the vegetation community of the dune system, which is a characteristically low nutrient environment. Further, many fast-growing invasive species are able to out-compete native species in an elevated nutrient environment. Given that the leach field dispersal in Area 6 is estimated to only result in a few inches of additional groundwater mounding in dry or wet years, which would dissipate over time, it is not expected to significantly alter the changes in groundwater

³¹ For example, see monitoring results for MW1, MW2, MW4 and A4 in 2015; MW2 and MW4 in 2016; MW1-MW4 and A1, A2, A4, and A6 in 2017, and X1 and X3 in 2018 highlighted in Exhibit 15.

³² <http://boon.ucdavis.edu/datasets.html>.

already experienced by these areas due to natural variation. Nevertheless, while not expected, since there are concerns of groundwater mounding potentially reaching the upper surface soils during periods of heavy rainfall, and since there will be a proposed restoration area directly west and north of the leach fields in the area where unpermitted truck shed would be removed, the Commission recommends inclusion of additional monitoring wells be added to the operation, as shown in **Exhibit 14**. They further require that maintenance and monitoring requirements be part of the Revised Report and that RWQCB approval is achieved, as required through modifications to **Special Condition 7**, which requires monitoring of the groundwater levels and water quality of the monitoring wells in and around Area 6 to track potentially significant changes above natural variation which may affect the surrounding habitat areas. Any significant increase in ground water elevations or in nitrogen concentrations in the monitoring wells within the dune system, or any observed impact on the restoration efforts would need to be addressed, as prescribed within the operation, maintenance and monitoring section of the Revised Report, and through RWQCB and Executive Director approval.

Similarly, increased water levels from groundwater mounding and elevated nutrient inputs into the groundwater are of concern because of its potential to impact CRLF breeding and survival in the Entrance Pond. Algal blooms, which can result from increased nitrate concentrations in water bodies, would degrade water quality by depleting dissolved oxygen concentrations below those concentrations necessary to support life and reproduction for CRLF and other species. Moreover, increased nitrogen concentrations are associated with reduced vigor and egg mass accumulation, larval developmental abnormalities, increased larval mortality, and prolonged maturation periods during larval development of frogs in the genus rana. Dr. Koteen agrees that the estimated inputs of groundwater and corresponding nitrogen and salt loading shouldn't impact the Entrance Pond due to the project modifications. However, since the estimates of nitrogen input in the Questa Addendum and the predicted groundwater flow pattern are based on a number of assumptions, controls should be implemented to better guarantee operation consistent with these assumptions to the extent feasible and tracked to ensure compliance. Thus, modifications to **Special Condition 7** also require water level and water quality monitoring of the Entrance Pond to monitor for any changes to the pond water levels or water quality as a result of the leach field operation. In the event that pond levels reach an unacceptable threshold, determined to be 5mg-N/L by Dr. Koteen, the Applicant shall consult with the California Department of Fish and Wildlife (CDFW) and the United States Fish and Wildlife Service (USFWS) regarding necessary measures to be implemented to address these impacts.

Further, it has been consistently recognized by the Applicant's consultants and Coastal Commission technical staff that significant nutrient inputs (nitrogen and TDS) already affect Entrance Pond and Area 6 habitats due to the ongoing agricultural use of the property (grazing and cattle storage operations), as well as the two existing Area 6 residential leach fields. Even though the original 2011 CDP approval proposed a program of managed access for cattle to the Entrance Pond to allow periodic flash grazing, grazing access to the Entrance Pond is no longer deemed appropriate, given the potential for elevated nitrate concentrations to enter the Entrance Pond through

groundwater associated with the proposed waste water treatment facilities in Area 6. Therefore, to further reduce water quality impacts to the Entrance Pond and the dispersal area, **Special Condition 30** is added to require that cattle grazing be prohibited in the estimated leach field dispersal area and in and adjacent to the Entrance Pond to minimize the compounding effect of nutrient inputs which may be harmful to CRLF and the surrounding habitats (see **Exhibit 16**). **Special Condition 30** also requires that the two existing residential septic systems in Area 6 be abandoned within 60 days of construction of the new wastewater treatment and disposal system.

Lastly, Dr. Koteen raised concerns with regard to the successful operation of the winter and summer dispersal fields in the Upper Scale House pasture area and their resultant impacts to potential down gradient habitats including dune scrub vegetation, CRLF breeding ponds and seasonal wetlands. Specifically, Dr. Koteen is concerned about affects to downgradient vegetation due to the high groundwater levels and the potential for groundwater mounding and overland flow during periods of high rainfall, even with the buffer distance to adjacent sensitive habitats (i.e., 50 feet for dune vegetation and over 100 feet for seasonal wetlands). Analysis of the size, slope and thickness of the drip dispersal area in relation to ground water levels predicts a maximum dispersal capacity of 8,300 gpd. The Applicant's consultant indicates that use of this area would be limited to such a capacity or as further dictated by actual groundwater mounding conditions to ensure that no overflow affects would occur that could impact down gradient vegetation. The Applicant's consultant also indicates that the drip dispersal would only be used during winter peak flow periods which extend past the dispersal limitations in Area 6. Limiting amounts of wastewater applied to the drip dispersal fields pursuant to the above described controls would minimize potential groundwater mounding and would also control for downgradient effects including soil saturation and nitrate and salt loading. However, to ensure the controls are successfully implemented and that there are no resultant impacts to surrounding habitat areas in the Upper Scale House area, the Commission recommends additional monitoring wells at the edge of the drip dispersal field as shown in **Exhibit 14** be included in the operation, maintenance and monitoring requirements section of the Revised Report and RWQCB approval as required through modifications to **Special Condition 7**.

With respect to the summertime spray irrigation field, the capacity has been estimated at an average of approximately 20,000 gallons per day as controlled by evapotranspiration rates. The Applicant indicates that they will limit spraying within 24 hours of rains with greater than 50% probability of occurring, wind speeds exceeding 30 miles per hour, and check the field weekly, or as needed, for surface saturation conditions and water levels in monitoring wells. Dr. Koteen does find these controls may be adequate to control for potential impacts to groundwater mounding and overland flows as the wastewater will be applied during the summer months when the wastewater is seasonally low and will mostly evaporate. However, to ensure the system is operating consistent with such controls and that there would be no impacts to surrounding habitat areas, including the dune scrub vegetation to the south and the CRLF breeding pond to the north east, the Commission recommends additional monitoring in areas surrounding the spray dispersal field be included in the operation,

maintenance and monitoring requirements section of the Revised Report, and both RWQCB and Executive Director approval (see **Exhibit 14**) as required through modifications to **Special Condition 7**.

With regard to potential impacts of the proposed development on CRLF migration patterns, as stated above, this original CDP decision noted that although Area 6 is significantly degraded by existing development, it is crossed by a likely migration corridor for CRLF, and as such, activities increasing vehicular access in this area would put the CRLF at some additional risk. As such, the original CDP required a 300-foot buffer around the CRLF breeding ponds, including the Entrance Pond west of Area 6, and designated 300-foot wide migration corridors between ponds, one of which crosses the majority of Area 6. It also prohibited new development in the 300-foot pond buffer and required removal of unpermitted development that was located within the migration corridors and restoration of those previously developed areas.

New development currently proposed within the CRLF migration corridors comprised of aboveground buildings and paved surfaces are all located in legally developed areas and would be at approximately the same scale and intensity of use. As such, development being proposed in this amendment request would not increase the intensity of development in the migration corridors. In addition, new aboveground buildings within the 300-foot CRLF pond buffer would be located within the footprint of existing buildings or roadway areas. Thus, no new development is proposed by the Applicant within the 300-foot CRLF pond buffer outside of existing development envelopes, consistent with the original CDP requirements. Further, the removal and restoration of the area occupied by the unpermitted boat repair tent, equipment shed, oil shed, cattle coral, and fuel shed (located within the 300-foot pond buffer and/or the migration corridor), as required under the original CDP approval, would also provide habitat improvements within this area. Commission staff also consulted with staff from the Department of Fish and Wildlife (CDFW) regarding the subject proposal. CDFW stated that as the new amendment proposal greatly reduces the development footprint within Area 6 and allows development only in areas that are allowed to be developed, outside of ESHA and ESHA buffer areas, the concerns regarding impacts to CRLF in Area 6 have been addressed.³³ To implement recommended restoration requirements consistent with the detailed restoration plans already developed and thoroughly vetted for implementation throughout the Lawson's Landing property, **Special Condition 29** requires that the restoration within Area 6 be conducted consistent with the specifications outlined in the Final Preservation, Restoration, and Enhancement Plan (PREP) for central dune scrub habitat in Area 6.

In order to protect newly restored areas, **Special Condition 30** requires installation of fencing and signage between the paved portions of the proposed development and the proposed restoration areas to prevent impacts from visitors or employees accessing or driving on the designated roadways. **Special Condition 30** also requires the installation

³³ Personal telephone and email communication with James Hansen, Environmental Scientist, California Department of Fish and Wildlife (June 15, 2020).

of interpretive signage in Area 6 to increase visitor awareness of the CRLF and its habitat needs. Lastly, consistent with the recommendations in the Report, **Special Condition 30** requires monitoring of the use and breeding success of CRLF at the Entrance Pond. To address potential construction impacts to CRLF, **Special Condition 31(D)(5)** and the requirements of **Exhibit 17** require the presence of USFWS and CDFW approved biological monitors during ground disturbing activities, pre-construction surveys to be undertaken, contingency measures to be implemented in the event that CRLF gain access to the construction area, and prevention measures to be undertaken such as installation of wildlife exclusion fencing, restricting areas for construction storage and staging, and keeping holes and trenches covered at the end of each work day. Lastly, **Special Condition 31(D)(5)** requires pre-construction surveys to identify locations of Woolly Spineflower in and around Areas 6 and 8 as previously identified through the original CDP approval. Such locations shall be protected with exclusion fencing and avoided during all construction and construction staging activities.

Development proposed in the Upper Scale House pasture area would be located outside of the 100-foot wetland buffer, 300-foot CRLF buffer, and 50-foot central dune scrub buffer required under the original CDP approval, but would occur within a potential migration corridor for CRLF. Since the spray facilities would not involve above ground development it would not likely have an effect on the potential migration movements of frogs in this area. However, to address potential construction impacts, **Special Condition 31** is recommended as further discussed above.

Development proposed throughout the remainder of the Lawson's Landing facility would occur within approved development areas consistent with the CDP (individual STEP units) or under existing roadways (effluent pipe). Construction best management practices incorporated through **Special Condition 31** would ensure the impacts to adjacent ESHA or sensitive species moving throughout the area are avoided as much as possible.

As evaluated above, the project has been designed to minimize the indirect impacts to ESHA adjacent to the development area. However, further construction and operation best management practices, monitoring, and adaptive management measures as implemented through modified **Special Conditions 7 and 30** are necessary to ensure the operation of the system would be consistent with Coastal Act Section 30240(b). These conditions would monitor and adaptively manage for potential impacts to water quality and groundwater levels that exceed natural variability, and which could impact surrounding habitats and species. Thus, with the special conditions as required, the project would be consistent with Coastal Act Section 30240(b).

ESHA Conclusion

As conditioned, the proposed development would be located within legally developed areas throughout Lawson's Landing with adequate buffers from surrounding sensitive habitats. The Commission recommends a series of special conditions to ensure potential impacts to sensitive species and habitats within and adjacent to Area 6 and the Upper Scale House pasture area are avoided, minimized, and mitigated through appropriate parameters and requirements for the construction and operation of the

proposed development and uses. These include that construction best management practices be implemented to minimize impacts to sensitive species during construction. Thus, the proposed project is consistent with Coastal Act sensitive habitat policies.

D. PUBLIC ACCESS AND LOWER-COST RECREATION AND VISITOR FACILITIES

Applicable Policies

Coastal Act Section 30604(c) requires that every coastal development permit issued for any development located between the nearest public road and the sea "shall include a specific finding that the development is in conformity with the public access and public recreation policies of [Coastal Act] Chapter 3." The proposed project is located seaward of the first through public road (Beach Street) and therefore subject to this Section 30604(c) requirements. In addition, the Lawson's Landing facility itself is a recreational visitor-serving facility, and the proposed project raises issues associated to its use and function, and thus the project's conformity with the Coastal Act public access and recreation policies is of issue. Coastal Act Sections 30210 through 30214, 30220 and 30224 specifically protect public access and recreation and especially lower cost recreation and visitor facilities. In particular:

Section 30210. In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211. Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212(a). Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. ...

Section 30212.5. Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

Section 30213. Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. ...

Section 30214(a): The public access policies of this article shall be implemented

in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case...

Section 30220. Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30221. Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section 30222 The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Section 30223. Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Section 30224. Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

Section 30250. (a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. ... (c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

Section 30252. The location and amount of new development should maintain and enhance public access to the coast by ... (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation ...

Section 30253. New development shall do all of the following: ... (d) Minimize energy consumption and vehicle miles traveled. (e) Where appropriate, protect

special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.

Consistency Analysis

The Coastal Act calls for the provision of maximum public access and recreation, consistent with the protection of natural resource areas from overuse, and protects and prioritizes oceanfront land suitable for recreational, visitor-serving, and water-oriented recreational uses to be developed with such uses (including Sections 30210, 30211, 30220, 30221, 30222, 30223, 30250(c), 30253(e)). It also protects and encourages the provision and protection of lower cost visitor and recreational facilities (Section 30213). In addition, the Coastal Act encourages new development to provide increased recreational boating use of coastal waters (Section 30224), to locate development to maintain and enhance public access in a way that minimizes use of coastal access roads and provides for non-automobile circulation (Section 30252), and to reduce vehicle miles traveled (Section 30253(d)). Finally, the Coastal Act Section 30210 direction to maximize access represents a different threshold than to simply provide or protect such access, and is fundamentally different from other like provisions in this respect. In other words, it is not enough to simply provide access to and along the coast, and not enough to simply protect access; rather such access must also be maximized. This terminology distinguishes the Coastal Act in certain respects and provides fundamental direction with respect to projects along the California coast that raise public access issues, like this one.

All of the development proposed in this amendment would serve to maintain, protect, and improve visitor-serving public recreational uses. The electric vehicle maintenance and rental, bike storage and rental, free public parking spaces, and food truck would all directly serve low-cost recreational uses of the site and would reduce off-site trips, consistent with Sections 30252 and 30253(d). All other development would support the continued operation and functionality of the campground, including the wastewater treatment and disposal facilities, offices, storage barn and emergency services center. Development of the wastewater treatment and disposal facility would further allow for improvements throughout the facility to better serve the guests (provision of showers, improved restroom facilities, food services) and to improve water quality issues at the site. This authorization also includes the follow-up CDP for emergency removal of the fishing pier³⁴ that had fallen into disrepair and was damaged by recent storm activity. The Applicant's plan to replace the pier in the future but do not have the funding to do so right now. Regardless, this removal will open more shoreline space for existing boating, fishing and waterfront activities to continue. Thus, the proposed development would provide and improve lower-cost visitor-serving and recreational facilities, consistent with Coastal Act Section 30213, and would maintain, enhance and maximize coastal access consistent with the public access policies of the Coastal Act, including by reducing vehicle trips to and from Lawson's Landing.

³⁴ Authorized through G-2-20-0026, issued on April 29, 2020.

When it conditionally approved the original 2011 CDP, the Commission found that the approved development at Lawson's Landing would protect and provide lower cost public access and lower cost visitor-serving recreational opportunities, including RV and tent camping and coastal-dependent water-oriented activities such as boating and fishing, in an oceanfront location where public access and public recreation has been historically significant and where high demand for such facilities continues, consistent with Coastal Act Sections 30210, 30211, 30221, 30222, 30220, 30250(c), 30213 and 30224. However, the Commission also found that provision of camping, boating, and day use access has the potential to impact existing vehicular use by the public trying to reach other portions of the Marin coast on nearby roads, especially on busy weekends. The Commission found that approving camping, boating and day use at Lawson's Landing could result in bringing more people to the beach and shoreline, thereby potentially over-crowding Dillon Beach and adjacent waterways with people, vehicles, and boats. To ensure the project's consistency with relevant Coastal Act sections, the Commission conditioned its approval to limit the number of day-use permits issued and the number of vehicles per campsite, and required submission and approval of a detailed traffic management plan outlined in the original CDP's Special Condition 12.

Special Condition 12 required submission of a Traffic Monitoring and Adaptive Management Plan (Traffic Management Plan (TMP)) to ensure that traffic impacts to the Dillon Beach community and to the coast are reduced to the maximum extent possible and traffic safety is enhanced. The approved TMP outlines annual monitoring and adaptive management measures that would be implemented to ensure there is a mechanism to identify, revisit, and address any unacceptable ongoing traffic impacts in and around Dillon Beach and the coast as a result of the approved development. A number of the traffic management standards, management practices and adaptive management measures outlined in the TMP have already been implemented by the Applicant, including the encouragement of walking and biking on- and off-site through educational programs, establishing maximum vehicle levels for campsites, mandatory use of an online reservation system for camping (online day use reservations are also now available), erection of signage that indicates when the campground is full, the widening of Cliff Street, and emergency access improvements to Sand Haul Road. The Applicant and local interested community members indicate that these improvements, as well as real-time active management of any backups at the gate, have reduced adverse traffic impacts to the nearby residential neighborhoods.

The other traffic generation issues, namely the vehicle stacking from slow travelers, parking outside the gate, the in and out traffic, and the potential increased traffic impacts that may occur when the campground is operating at full capacity, would be improved and impacts lessened through implementation of the proposed development. For example, to encourage stays onsite and to reduce offsite trips, the Applicant would establish a bicycle and electric vehicle rental service to discourage use of individual cars and vehicles and to encourage walking, carting and biking both on- and off-site. In addition, the provision of the food truck authorized in this approval should decrease offsite trips for food and drink. The additional public parking proposed outside the entry gate has been designed to meet the requirements of free public parking required

through the original permit's Special Condition 22 (see **Exhibit 19**), including limiting the use of these public parking spots outside the gate to the hours from sunrise to sunset, limiting congestion in this area when clamming season increases the demand for public parking. The new measures and applicable Special Condition requirements will also allow additional room for vehicle stacking to prevent backups. Lastly, the shuttle staging area would allow for large groups to be brought on- and off-site without additional vehicles for day or overnight use.

Conclusion

The proposed development would support much needed lower-cost camping, recreation, water-oriented boating, fishing and other activities, in an oceanfront location where public access has been historically significant and where high demand for such facilities continues. The electric vehicle maintenance and rental, bike storage and rental, free public parking spaces and food truck would all directly serve low cost recreational uses of the site and would reduce off-site trips. The office, storage barn and emergency services center would support the continued operation and functionality of the campground. The wastewater management facility would also provide for improved facilities throughout the campground to better serve the needs of guests. The pier removal would improve safe access to the shoreline for boating, fishing and other recreational uses. Therefore, the proposed project is consistent with the public access and recreation policies of the Coastal Act.

E. ADEQUACY OF SERVICES

Applicable Policies

Coastal Act Section 30250 states, in applicable part:

Section 30250. (a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources... (c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

And Section 30231 states:

Section 30231. The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation,

maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Consistency Analysis

Coastal Act Section 30250 requires new development to be located in areas with adequate services, including sewage disposal and traffic capacity; and Coastal Act Section 30231 requires that the quality of coastal waters be maintained by, among other means, minimizing the effects of wastewater discharges. As described above, the original CDP approval described conceptual plans for a new wastewater treatment and disposal system. The general location and proposed design for the new system was preliminarily identified at the time of CDP approval, with the specifics to be determined through a follow up amendment application to the CDP. Until the wastewater system could be developed, the Commission allowed for continued use of the interim septic systems existing on the property as long as on-going inspections were conducted and necessary corrective actions taken, but required eventual removal/abandonment of the existing 167 individual septic systems by a time certain date.

Wastewater Collection, Treatment and Dispersal

Consistent with CDP requirements, all 167 residential travel trailers (other than the six employee trailers) were removed/abandoned, and/or integrated into the new STEP system by the Applicant by July 2016. Similarly, all septic systems associated with the residential travel trailers have been abandoned under permits received and oversight provided by Marin County Environmental Health Services (EHS). Marin County EHS certified the completion of all septic tank abandonments except those serving the remaining six employee housing trailers, on November 7, 2016. Since then, all employee housing trailers have been relocated to a new location in Area 2 and their respective tanks abandoned. The employee trailers are now using a new septic tank installed in early 2018 that disperses to an existing leach line. These remaining leach lines will be abandoned, and the septic turned into a STEP system and hooked up to the overall new wastewater management system once it is completed.

Also pursuant to the original CDP special condition requirements, the Applicant submitted designs for the new wastewater management system, which is now being reviewed under this amendment. The wastewater flows at Lawson's Landing vary year-round due to fluctuations in visitation between seasons and during times of the week. The greater periods of visitation typically occur on the weekends during the summer season, although peak visitation is also observed during major holiday weekends throughout the year (e.g., Labor Day, Veteran's Day, Thanksgiving, Memorial Day, and 4th of July) as well as during the fishing, crabbing and abalone seasons (November), and clam seasons during exceptionally low tide weekend days (spring and early summer). The number of employees and their associated wastewater generation is generally consistent, with a slight increase during holidays and weekends due to the addition of more part-time staff.

Based on historical observations of fluctuations in visitation and predicted visitation which would result from the approved CDP, estimates of wastewater flows were

prepared by the Applicant's consultant (Questa) with input from the owners/operators, campground planning consultants, and design team staff, as further detailed in the Questa Revised Wastewater Facilities Plan (Revised Report) dated September 2018. The Revised Report also presented wastewater estimates under a range of buildout scenarios including one reflecting the latest draft Campground Management Plan submitted on August 20, 2017, which most closely reflects the Commission-approved project, as well as future buildout scenarios with more RV sites with hookups and cottage units. The level and types of development reflected in the future buildout scenarios (i.e., Phase 1 Interim, Build-out Low Estimate, and Build-out High Estimate) have not yet been approved and are not proposed as part of the amendment.

The wastewater estimates account for wastewater generated from public restrooms and showers used by day visitors, campers and employees; and sanitary drains from the boathouse, offices, café, employee residences, cottages and visitor serving RVs with hookups. The Revised Report estimates an annual average of 9,900 gpd with a summer peak in July at 17,700 gpd and a winter peak in November of 13,100 gpd. The fluctuation of wastewater flows throughout the week would be moderated by equalization provided by the surge capacity storage tanks and timed-dosing controls in the STEP units and at the centralized wastewater treatment facility. Based on the wastewater generation estimates for the different seasons and predicted usage patterns, the treatment facility has been designed to support peak day flows of up to 20,000 gpd.³⁵ The leach fields in Area 6 and the drip dispersal system in the Scale House Pasture Area, which would provide for all wintertime dispersal, have been designed to support a dispersal capacity of 17,000 gpd.³⁶ The Upper Scale House pasture spray area, which would support all summer dispersal needs, has an estimated average dispersal capacity of up to 20,430 gpd³⁷ that will fluctuate depending on the rate of evapotranspiration controlled by wind and solar conditions. Regardless, the proposed system has been designed to handle peak visitor usage at Lawson's Landing as well as normal average usage under the draft CMP proposal. With regard to the other buildout scenarios, the proposed system could meet summer and winter demands under the Phase I and low build-out scenario but could not meet the high build-out scenario without additional treatment facilities, storage tanks, or reductions in wastewater during the summer peak.

The Applicant examined various alternative locations for the wastewater treatment and dispersal facilities over the years, both prior to and after the original CDP-approval, as

³⁵ Additional treatment units would need to be added to meet low- and high-end buildout scenarios to increase treatment capacity to 22,000 or 24,000 gpd.

³⁶ 8,700 gpd in Area 6 limited by the size of the leach fields and the maximum loading rate of 2.4 gpd/square feet. 8,300 gpd in the Scale House Pasture Area drip dispersal field limited by the groundwater mounding considerations required to maintain a 24 inch separation distance between drip fields and the groundwater table.

³⁷ Low end capacity based on evapotranspiration is 13,068 gpd and peak capacity of 24,568 gpd. Average wastewater dispersal estimates per month are met based on corresponding monthly evapotranspiration rates.

further detailed in their Revised Wastewater Plan from 2018.³⁸ At the time of CDP approval, and consistent with the final EIR, the general location for the wastewater collection, treatment and dispersal facilities was in the Upper Scale House Pasture Area. This location was initially identified as it would avoid sensitive biological resources, flood hazard areas, and the community drinking supply water source; provide suitable groundwater and soil features; and minimize conflicts with agricultural activities. However, after further examination of this area, the Applicant noted additional limitations both in terms of biological resources and required setbacks, and soil permeability and groundwater levels, ultimately concluding that the area would not provide adequate capacity to support the year-round projected wastewater demands for recreational use as approved under the original CDP. Namely, there was not enough area and soil capacity for the wintertime wastewater projections. As such, the Applicant looked to other allowable development areas to site additional wintertime dispersal facilities and ended on Area 6 due to the permeability of its soils and large depth to groundwater. In addition, the Applicant decided to locate the wastewater treatment facility in Area 6 so that it would be closer to Lawson's Landing staff who would be in charge of managing the system, and to reduce the distance required to pump untreated wastewater and energy consumption associated with 100% wastewater pumping year-round. Thus, the Commission finds that the system as designed would provide for wastewater collection, treatment, and disposal capacity consistent with the estimated demand approved under the original CDP and that the approved design would maintain the quality of coastal waters by minimizing the effects of wastewater discharges, consistent with Coastal Act Sections 30250 and 30231.

Pier Removal

The pier removal activities conducted under emergency CDP G-2-20-0026 involved removal of the deteriorated pier and its 27 associated pilings using a barge with a crane. The removal activities incorporated best management practices to protect water quality, intertidal species, and to minimize impacts to public access as further detailed in ECDP G-2-20-0026. All debris was removed and disposed of at an appropriate off-site location, and the site was restored to provide for and enhance recreational uses along the beach and shoreline. Thus, the pier removal is consistent with Coastal Act Section 30231.

Traffic Capacity

The uses proposed within the Lawson's Landing Center are to provide further support for the public visitors coming to Lawson's Landing for approved day and overnight recreational use and to support overall operation of the facility. The traffic generation estimates from the original CDP approval would not change as a result of this amendment request. Adequate parking would be provided to support the new 1,200 square foot office in Area 6.

³⁸ Questa Engineering Corp. Revised Wastewater Facilities Plan for Lawson's Landing, Dillon Beach, California. September 2018.

Initial concerns from members of the public were raised regarding the proposed location for the five required public parking spaces outside the entry gate as required by Special Condition 22. They were concerned that the location of these spaces would reduce space for queuing at the entrance gate and further exacerbate backup problems into the adjacent residential neighborhood. However, as clarified by the Applicant at a public meeting in March of 2020, these spaces would be located in the paved/graded roadway and shoulder area adjacent to the entry lanes and would not impact the two-way traffic lanes, or the ability of those parked here to navigate out. In addition, adequate space is provided (as shown in **Exhibit 2**) for all uses to continue without impact. Lastly, the Applicants would continue to actively manage any backups and noted that they could always open the gate on the west side of the entry station if needed for additional traffic flow. Members of the public did note that restricting the hours of the public parking spaces could potentially address any issues of those arriving early to try to access the spaces during early morning low tide days. Special Condition 22 sets forth use restrictions for these public parking spaces (sunrise to sunset) in order to assure that impacts on traffic and backups into the adjacent residential neighborhoods will be avoided when demand for these spaces is most high and potentially most impactful, specifically during early mornings during clamming season.

No construction vehicle or equipment access for implementing this amendment request is planned to occur from the main entry via Marine View Drive. Instead, all construction access to the site has been proposed to occur from Sand Haul Road with construction staging areas designated in acceptable portions of Areas 6 and 8 (see **Exhibit 5**). It is anticipated that any large vehicles (i.e., earth-moving equipment, etc.) would be brought to the site prior to beginning site work and removed at project completion. As such, a daily influx of construction equipment is unlikely. Parking for construction workers would be provided in developed areas of the site. Prior to construction, the Applicant would provide a more detailed construction schedule with a set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak hours, designation of construction access routes, identification of the permitted construction hours, and provisions for street sweeping to remove construction related debris on public streets. The plans would conform to the current California Manual of Uniform Traffic Control Devices and Caltrans standards. To ensure that additional construction measures are implemented to further reduce traffic impacts to residents, visitors to the coast, and visitors to Lawson's Landing, the Commission finds it necessary to require the Applicant to submit a final construction management plan for review and approval prior to construction, consistent with the requirements outlined in **Special Condition 31**.

Conclusion

The wastewater management facility has been designed to meet the expected capacity of the campground uses as approved under the CDP with a factor of safety. Campground support facilities including the office, storage barn, and emergency services center would not generate additional traffic not already estimated and addressed through the original CDP conditions. Thus, the amended project as conditioned would provide adequate services, including sewage disposal and traffic

capacity consistent with Coastal Act Section 30250, and would maintain the quality of coastal waters by minimizing the effects of wastewater discharges consistent with Coastal Act Section 30231.

F. HAZARDS

Applicable Policies

Coastal Act Section 30253 requires that new development minimize risks to life and property in areas of high geologic or flood risk, assure stability and structural integrity, and neither create nor contribute to erosion, geologic instability or destruction of the site or surrounding area as follows:

Section 30253. New development shall do all of the following:

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. ...

Consistency Analysis

As noted in the original 2011 CDP findings, the recreational portion of the Lawson's Landing property is subject to various coastal hazards including earthquakes, liquefaction, tsunamis, and flooding; and that any development placed in low-lying areas would be at greater risk from flooding, erosion and inundation as sea levels rise. Specifically, for the original CDP the Commission found that development in Camp Areas 1, 2, and 3 would be subject to the potential adverse effects of an earthquake along or near the San Andreas Fault or nearby fault system; all of the proposed camping and associated facilities, restrooms, day use parking, boat storage, fishing pier, and boat launching activities were located in areas with moderate to very high liquefaction potential and located in the maximum tsunami inundation area; parts of the proposed camping, and other associated facilities in Areas 1 – 5 are in designated FEMA flood zones susceptible to flooding during storm events; and sea level rise would exacerbate the frequency and intensity of wave energy received at low-lying shoreline sites, including both storm surge and tsunamis, resulting in accelerated coastal erosion and flooding in such locales. As such, while the CDP recognized that it would not be possible to protect the proposed development area from hazards, it would be possible to minimize loss of life, damage to property and collateral ecological damage, consistent with Coastal Act Section 30253 through the development of a hazard response plan as required by Special Condition 15.

With respect to the development proposed as part of the CDP amendment, the original CDP hazard findings discussed the potential proposed relocation of the boat repair shop as well as future development structures in Area 6, recognizing that location of new

development within Area 6 would be away from the earthquake fault zones, high liquefaction areas, and tsunami inundation areas found on the property. Further, the Commission found that the location of the proposed wastewater dispersal facilities if they were in the Upper Scale House pasture area outside of the tsunami run-up zone and the fault zones would assure stability and structural integrity, and neither create nor contribute significantly to erosion and geologic instability, consistent with Coastal Act Section 30253.

Consistent with the original CDP findings, development proposed in Area 6 is outside of the tsunami inundation zone and FEMA flood zones, away from major earthquake faults, and in an area with a more moderate degree of liquefaction. The Applicant has submitted a geotechnical report with design recommendations for the facilities within Area 6 to further minimize risks to life and property.³⁹ However, because a portion of the proposed development, including the satellite wastewater management facilities, would be located in a hazardous area, and the Applicant voluntarily proposes to undertake an inherently hazardous activity, the Commission imposes **Special Condition 32 and 33**, requiring the Applicant to assume the risks of any injury or damage from such hazards, waive any claim of liability against the Commission for such injury or damage, and indemnify the Commission against any resulting third party claims or liability.

Since the original CDP approval, Marin County has completed a sea level rise vulnerability assessment, further analyzing the effects of potential sea level rise hazards on the project site under a number of scenarios. Examination of the results clearly illustrates that the lower lying portions of the site (the majority of Area 1 and 2) are highly susceptible to sea level rise hazards under the lowest, most conservative sea level rise estimates (10 inches of sea level rise with an annual storm), with permanent inundation shown to existing buildings with just 3 feet of sea level rise with no storms (see **Exhibit 18**). Special condition 16 of the original CDP required that as structures become threatened by sea level rise or other flooding hazards, they be relocated rather than being allowed to construct hard shoreline protective devices and those requirements are re-imposed for new development under this amendment through **Special Condition 32**.

Consistent with original CDP Special Condition requirements, the Applicant has submitted, and the Commission has approved, a Hazard Response Plan for the site for earthquakes (without a threat of tsunami) and tsunamis. The Hazard Response Plan provides detailed implementation measures in the event of a tsunami to reduce risks to visitors, including creation of an emergency services command center for communication and response, and to eliminate or minimize floating debris and the discharge of hazardous materials into coastal waters. The approved Hazard Response Plan also includes evacuation plans in the event of a tsunami, which directs all visitors and staff to higher ground and the town of Tomales via Sand Haul Road.⁴⁰ Lastly, the

³⁹ Geotechnical Investigation, Lawson's Landing, Dillon Beach, California. February 10, 2017. Millar Pacific Engineering Group.

⁴⁰ Approved for use as emergency access by the Tomales Fire Chief in July of 2017, as indicated in the approved Traffic Management Plan. Tomales Fire Station is the local Marin County fire station that

Plan includes response measures for the wastewater facilities located throughout the property to minimize wastewater dispersion and to identify issues and ensure proper operation of the facilities after an earthquake and/or tsunami event has occurred.

Consistent with the approved Hazard Response Plan, the proposed development would provide a centralized storage area for emergency supplies, with facilities that could also function as a command center in the event of an emergency, outside of the designated tsunami runup zone in Area 6. In planning the new development proposal, the Applicant worked closely with the Marin County Fire Department to determine where best to locate the emergency services envisioned in the Hazard Response Plan and to map out potential routes of access to ensure functionality of such services in the event of various types of emergencies. Subsequent to those discussions, in a November 8, 2019 letter to the Applicant, Marin County Fire Department identified the upper parking lot of Area 6, where the leach fields and wastewater treatment facility will be installed underground, as an appropriate staging area in the event of an emergency (i.e., seismic, tsunami, fire, etc.). Since this area is accessed via Sand Haul Road, and because a 975-year tsunami (i.e., a tsunami with a .001 chance of return any one year) could inundate the intersection of Sand Haul Road and Marine View Drive, and thus prohibit access to Sand Haul Road from the west under such inundation conditions, Marin County Fire Department recommended that an emergency vehicle access (EVA) road be included to provide secondary access to this staging area from the entrance gate and to provide connectivity between the staging area (on the east side of Area 6) and the emergency command center (located on the west side of Area 6). Included in the letter was specifications for the EVA road design including that it be 20 feet in width, support 30 tons of weight, have a grade of no more that 12.5%, and be above the tsunami runup line of 30 feet in elevation.

As discussed further in the ESHA section above, the proposed location for the EVA road is within an area identified by the Commission as ESHA and is not an allowed use there. To address the EVA recommendation while minimizing habitat disturbances in ESHA, the Applicant proposes to install the EVA road using gravel with plastic geogrid cells on top filled with native dune sand and revegetated with appropriate native plants to support revegetation,⁴¹ while also providing an unyielding surface that large, emergency vehicles such as fire trucks can safely navigate. While not fully consistent with Marin County Fire Department recommendations, the Fire Department has expressed that this alternative would be sufficient to meet their needs.

As proposed, the EVA road is not an allowable use in ESHA and, thus, cannot be approved in its proposed location consistent with Section 30240 (see also preceding ESHA findings). The Commission explicitly directed this Applicant to avoid all Area 6

provides service to the Dillon Beach Area and makes decisions and recommendations on emergency fire access in the area as the local station in conjunction, and with guidance from, the overall Marin County Fire Department.

⁴¹ Again, even with such habitat measures, the EVA and its underlying structural development is not allowed in ESHA. In addition, even if it were, the proposed measures will not provide any kind of habitat benefits akin to a naturally restored area (see ESHA section).

ESHA in its 2017 denial of the prior version of this same project, determining that additional conflict resolution (i.e., in addition to the conflict resolution that was necessary in the original approval for the same reasons) to allow for some use of Area 6 ESHA for non-resource-dependent development like this was inappropriate. The only way the EVA could be authorized here is through conflict-resolution (in this case between the Coastal Act's ESHA and hazards minimization policies).

Further, it is not clear to the Commission why the road is necessary to meet Fire Code requirements. Marin County Fire Department cites State Fire Code Section 503.1.2 as the justification for why such a road is necessary, and this section allows the relevant fire code official (here, Fire Marshal Scott Alber) to require more than one access road based on potential for impairment of a single road. However, as noted above, the proposed staging area can currently be accessed via two separate driveways from Sand Haul Road and this section of Sand Haul Road is connected to the larger roadway network from both the east (Dillon Beach Road) and from the west (Marine View Drive). In the event that Sand Haul Road is blocked from the east, the area can also be accessed from Marine View Drive via the intersection with Sand Haul Road from the west and vice versa. These same two access routes would also apply to the new offices that would provide emergency supplies and serve as the emergency command center and to the Lawson's Landing Facility as a whole. See page 4 of **Exhibit 18** for access routes.

Marin County Fire Department and the Applicant have both expressed concerns regarding secondary access from Marine View Drive or Sand Haul Road in the event that a large tsunami obstructs access at the intersection or if the exit route is clogged with traffic in the area just south of entry gate. In examining potential solutions to meet both goals of emergency access and habitat protection, Commission Staff obtained information from the California Geological Survey regarding the potential for tsunamis and resultant runup in the project area. In review of this information, it appears that the 975-year and 2,475-year average return period tsunami inundation area covers the intersection in question (which is located at 12 feet above mean sea level in elevation), but the likelihood of these events occurring is very low.⁴² In addition, no historical tsunamis in the project area have resulted in runup that went over 9 feet in elevation. Further, based on modeling of various scenarios, the two events that could potentially pass an elevation of 12 feet or more are from distant sources, allowing for a 5-hour travel time to allow for reaction and preparedness for the event allowing adequate time for evacuation. Lastly, a tsunami event large enough to obstruct access at the intersection of Marine View Drive and Sand Haul Road would also block access further north on Marine View Drive at Dillon Beach. Thus, it is not clear that this additional EVA road through ESHA would even be utilized under such a scenario, except possibly for local access to the small residential community just north of Lawson's Landing, as all

⁴² 4% (2,475-year) to 9.8% (975-year) chance of occurring within the next 100 years. Thus, this is not the same as other cases where the Commission has considered alternate ingress/egress for safety in light of more near term coastal hazards (e.g. geologic, flooding, sea level rise inundation) where structures would be at risk with more certainty over their design life (50-70 years) and there is only a single means of access.

access from and to Dillon Beach further north would likely be blocked in such a scenario (see page 4 of **Exhibit 18**). In addition, evacuation is typically the primary life-safety measure for tsunami response, which was acknowledged through the Commission's original CDP which in part required a tsunami evacuation plan. The approved plan directs all traffic out of the facility via Sand Haul Road and does not rely on the proposed redundancy road (see page 3 of **Exhibit 18** for the designated Lawson's Landing tsunami evacuation route approved by the Commission).

With respect to the claim that the secondary access is needed in the event that the area south of the entry gate area was clogged with traffic, as discussed above, the designated emergency exit per the Hazard Response Plan is Sand Haul Road, so all traffic would be directed uphill away from the entry gate. Further, there are less environmentally damaging options to address entry gate choke points, such as traffic management measures that are actively used by the Lawson's to manage current traffic related issues. Lastly, after further coordinating with the Marin County Fire Department, the Applicant has identified another potential solution that may address the Fire Department's concerns. This alternative involves improving the intersection at Marine View Drive and Sand Haul Road through compaction and paving so that it would provide for a more stable and reliable means to turn fire trucks and other equipment around in the event of an emergency where one of the main access routes was blocked. Thus, the intersection improvements adequately minimize hazard risk, consistent with Section 30253. Further, if the same sort of hazard analysis were applied statewide to establish redundant emergency access roads, than the reasonably expected result would result in other sorts of undue coastal resource impacts, and presumably similar conflict resolution in certain cases, and the facts here don't compel such an analysis or outcome.

Conclusion

Lawson's Landing is already subject to various coastal hazards including earthquakes, liquefaction, tsunamis, and flooding. New development located within Area 6 and the Upper Scale House pasture area would be located outside of tsunami inundation zones, FEMA flood zones, away from major earthquake faults, in an area with a more moderate degree of liquefaction, and outside of both conservative and extreme projections for sea level rise inundation areas, avoiding potential geologic and flood hazards. Thus, the location, design and facilities to be developed consistent with the approved Hazard Response Plan would minimize risks to life and property from geologic and flood hazards consistent with Section 30253 of the Coastal Act.

G. AGRICULTURE

Coastal Act Sections 30241 and 30242 protect the existing and future viability of agricultural lands in the coastal zone, as follows:

Section 30241. The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas'

agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:

(a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.

(b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development. ...

(f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.

Section 30242. All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

The project proposes installation of a new agricultural barn of approximately 5,400 square feet in an upland area of the property adjacent to and clustered with other existing agricultural buildings. The proposed barn would provide storage for hay and other agricultural equipment currently stored in the unpermitted buildings in Area 6 that will be removed and restored as part of this project. The hay is needed for ranching operations when pasture grazing is insufficient, and vehicle storage is needed to help protect equipment from the harsh coastal environment. The Applicant indicates that the barn will be designed for agriculture diversity in the future. The barn also includes solar panels on the roof to provide additional energy for the facility overall.

The proposed barn would be constructed in the agricultural land areas of the property and provide for the future continued viability of grazing on the property. It will also indirectly support the successful restoration of the NRCS easement area, which requires periodic grazing to manage invasive weeds. The barn is outside of known sensitive habitat locations, has been sited on an area of the property as low as possible to avoid substantial impacts to the public viewshed from public roads, and has been designed to visually blend with the surrounding hillsides consistent with other agricultural buildings on the property. Thus, the proposed barn will support agricultural uses on the property and support agricultural viability consistent with the Coastal Act agricultural protection policies.

H. CULTURAL RESOURCES

Coastal Act Section 30244 requires reasonable impact mitigation for development that would adversely impact archeological or paleontological resources.

Section 30244. Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

The project proposes numerous ground-disturbing activities in areas on the site, such as the general area of Area 6, and in locations uphill, known to contain both Tribal Cultural Resources, as well as archeological, cultural, and historical resources.⁴³ The Environmental Impact Report completed for the original CDP and Lawson's Landing Master Plan imposed a number of mitigation measures to assure the impact to these resources was less than significant, including, but not limited to requiring the presence of a qualified professional archeologist during ground-disturbing activities and a halt work requirement should resources or remains be discovered. In consultation with the Federated Indians of Graton Rancheria, it was agreed that in addition to these measures, the presence of a Tribal Cultural Monitor during ground-disturbing activities should also be required, in addition to the archeologist, and that the Applicant be required to work with the relevant Tribes to reach agreement on disposition that adequately protects all Tribal Cultural Resources. Therefore, in order to assure adequate protection of cultural resources as required by the Coastal Act, the Commission imposes **Special Condition 34**, requiring the incorporation of all the required mitigation measures from the EIR, as well as the added measures suggested by Graton Rancheria. As conditioned, this project will be consistent with the cultural resource protection requirements of the Coastal Act.

I. CONDITION COMPLIANCE DEADLINES

As further discussed in the Project History section above, the Applicant is currently out of compliance with a number of the CDP conditions as originally approved. Given the inter-related nature of the components approved under this amendment and the finalization of a subset of the required plans, it makes sense at this time for the Commission to adjust these deadlines in light of current realities.⁴⁴ The intent, as ever, is to reach final resolution whereby the improved Lawson's Landing facility can operate as envisioned by the Commission in its original CDP approval. And the deadlines established herein are designed to be reflective of the length of time estimated by the

⁴³ Final Environmental Impact Report for the Lawson's Landing Master Plan (completed September 28, 2007); email communication with Buffy McQuillen, Tribal Heritage Preservation Officer (THPO), Federated Indians of Graton Rancheria (August 13, 2020).

⁴⁴ Deadlines associated with conditions that have Coastal Commission approved plans have not been adjusted including the Sensitive Resource Protection, Restoration and Enhancement Plan (Special Condition 4) Dune Trail Plan (Special Condition 13), Hazard Response Plan (Special Condition 15), Traffic Management Plan (Special Condition 12), and the Employee Housing Plan (Special Condition 6).

Applicant and Commission staff to realistically be able to do that. These deadlines also allow for the Executive Director to extend them for good cause, for up to one or two years depending on the condition. The Commission notes here that it is firmly committed to the deadlines established without good cause extension, and fully expects the Applicant to meet those deadlines, and that any good cause extension needs to be based on an Executive Director conclusion that the Applicant has been proceeding in good faith and with all due diligence towards completing the tasks at hand, that unforeseen issues have arisen that require additional time to satisfactorily address, and that the extension is the minimum amount of time necessary to allow the Applicant to reach compliance with that condition.

Accordingly:

- The deadlines for Special Conditions 2(A), 3(A), 10, 14(A), 19, 20(A), 21(C), 26(A), 27(A) and 28(A) shall be modified from "WITHIN SIX MONTHS OF COMMISSION APPROVAL OF THIS PERMIT or within such additional time as the Executive Director may grant for good cause" to "WITHIN TWO YEARS OF COMMISSION APPROVAL OF CDP AMENDMENT NUMBER A-2-MAR-08-028-A3, which may be extended by the Executive Director up to one year for good cause"
- The deadline for Special Condition 8(A) shall be modified from "WITHIN 60 DAYS OF COMMISSION APPROVAL OF THIS COASTAL DEVELOPMENT PERMIT or within such additional time as the Executive Director may grant for good cause" to "WITHIN ONE YEAR OF COMMISSION APPROVAL OF CDP AMENDMENT NUMBER A-2-MAR-08-028-A3 which may be extended by the Executive Director up to one year for good cause"
- The deadline for Special Conditions 9(A) shall be modified from "PRIOR TO CONSTRUCTION AND NO LATER THAN JULY 13, 2012" to "PRIOR TO CONSTRUCTION AND NO LATER THAN OCTOBER 9, 2022 which may be extended by the Executive Director up to one year for good cause."

J. VIOLATION

Unpermitted development including, but not limited to, grading, fill of wetlands, and the construction or placement of trailers, a campground, mobile homes, roads, restrooms, water lines and water tanks, sewage lines and leach fields, a sewage disposal station, sheds, garages, parking lots, a boat house, a snack bar, a shop, a boat mooring facility, boat yard, boats, a laundry facility, a pier, and other items of development, has occurred on the subject property without benefit of a CDP. The Commission's original approval of CDP A-2-MAR-08-028 resolved the unpermitted nature of most of the existing development on the property, but not all of it. This amendment request proposes to resolve the remaining issues associated with ongoing unpermitted development on the property. If approved and implemented as conditioned, the Applicant would be in compliance with the previous enforcement actions taken by the Commission.

This CDP amendment, if approved pursuant to the staff recommendation, includes specific deadlines for condition compliance. The Applicant needs to comply with all special conditions of the amended CDP by the deadlines established in this amendment. In addition, pursuant to Consent Cease and Desist Order No. CCC-06-CD-15, non-compliance with the terms and conditions of the CDP also constitutes non-compliance with the Order, and is subject to stipulated penalties.

Although development has taken place prior to submission of a CDP application, consideration of the development through the original CDP approval and this amendment was made by the Commission solely based upon the policies of Chapter 3 of the Coastal Act and Marin County's LCP. Commission review and action on the original CDP and this amendment to the original CDP does not constitute a waiver of any legal action with regard to the alleged violations, nor does it constitute an implied statement of the Commission's position regarding the legality of any development undertaken on the subject site without a CDP, or that all aspects of the violation have been fully resolved. In fact, approval of the original CDP and this CDP amendment is possible only because of the conditions included herein, and failure to comply with these conditions would also constitute a violation of the amended CDP and of the Coastal Act. Accordingly, the Applicant remains subject to enforcement action, just as it was prior to this CDP amendment approval, for engaging in unpermitted development, unless and until the conditions of approval included in the original CDP and as modified by this CDP amendment are fully satisfied.

K. OTHER

Coastal Act Section 30620(c)(1) authorizes the Commission to require applicants to reimburse the Commission for expenses incurred in processing CDP applications. Thus, the Commission is authorized to require reimbursement for expenses incurred in defending its action on the pending CDP application in the event that the Commission's action is challenged by a party other than the Applicant. Therefore, consistent with Section 30620(c), the Commission imposes a condition requiring reimbursement for any costs and attorneys' fees that the Commission incurs in connection with the defense of any action brought by a party other than the Applicant challenging the approval or issuance of this permit (**Special Condition 33**).

L. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13906 of Title 14 of the California Code of Regulations requires Coastal Commission approval of CDP applications to be supported by a finding showing the application, as modified by any conditions of approval, is consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are any feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect the proposed development may have on the environment.

Marin County prepared a programmatic Environmental Impact Report (EIR) for the Lawson's Landing Master Plan, Coastal Permit, and Tidelands Permit applications pursuant to requirements of the CEQA (Public Resource Code, Sections 21000-21177), State CEQA Guidelines, and County CEQA procedures. After the public review period and after public hearings, the EIR was certified by the Board of Supervisors on March 13, 2008. Since the CDP approved by the Commission in 2011 made a number of modifications to the project approved under the EIR, including details to be further resolved through condition compliance and the envisioned future CDP amendments, the County plans to take any other further CEQA actions necessary associated with its local approvals following Commission action on this proposed amendment and completion of associated condition compliance.

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. The findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of this report. As specifically discussed in these above findings, mitigation measures that would minimize or avoid all significant adverse environmental impacts have been required. These include refinements to the proposed operation, maintenance and monitoring plan for the wastewater management system to include Area 6 leach field operational controls, Upper Scale House spray irrigation operation controls, groundwater monitoring, Entrance Pond monitoring and adaptive management, operational controls in and around Area 6, and construction best management practices. As conditioned, there are no other feasible mitigation measures available which would substantially lessen any significant adverse impacts that the activity may have on the environment.

Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found consistent with the requirements of the Coastal Act to conform to CEQA.

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

- Ann Baker Landscape Architecture. March 29, 2017 and revised May 22, 2017. Area 6 Existing Vegetation & Land Use Plan.
- California Coastal Commission. December 7, 2011. Adopted Findings Consolidated Coastal Development Permit A-2-MAR-08-028.
- CSW/ST2. August 30, 2017. Draft Campground Management Plan.
- Kamman Hydrology & Engineering, Inc in association with Demgen Aquatic Biology. January 25, 2018 Final Sensitive Resource Protection, Restoration, and Enhancement Plan for Lawson's Landing, Dillon Beach, Marin County.
- Lawson's Landing, Inc. January 28, 2014. Lawson's Landing Interim Hazard Response Plan.
- Lawson's Landing, Inc. June 22, 2016. Employee Housing Plan.

- Marin County. September 2015. Marin Ocean Coast Sea Level Rise Vulnerability Assessment.
- Miller Pacific Engineering Group. August 8, 2014. Geotechnical Investigation Lawson's Landing, Dillon Beach, California.
- Monk & Associates, Inc. March 11, 2010. Revised Biological Resources Report Sand Haul Road Lawson's Landing, Dillon Beach, California.
- Monk & Associates, Inc. December 12, 2016. California Red-legged Frog Impact Assessment Area 6 Redevelopment Project.
- Monk & Associates, Inc. May 11, 2017. California Red-legged Frog Dynamics and Survey Report Lawson's Landing, Marin County, California.
- Questa Engineering Corp. October 7, 2011. Lawson's Landing Septic Inspection Plan.
- Questa Engineering Corp. September 12, 2016. Wastewater Facilities Plan for Lawson's Landing, Dillon Beach, California.
- Questa Engineering Corp. November 16, 2016. Addendum #1 Wastewater Facilities Plan for Lawson's Landing.
- Questa Engineering Corp. January 6, 2017. Lawson's Landing Employee Housing Interim Septic System Plan.
- Questa Engineering Corp. Supplemental information provided by in Response to CCC Staff Questions dated July 11, 2017 and September 12, 2017.
- Questa Engineering Corp. Revised Wastewater Facilities Plan for Lawson's Landing Dillon Beach, California, dated September 2018
- University of California, Davis, Bodega Marine Laboratory. Annual Rainfall data. <http://boon.ucdavis.edu/datasets.html>

APPENDIX B – STAFF CONTACT WITH AGENCIES AND GROUPS

- Applicant (Lawson's Landing, Inc.)
- San Francisco Bay Regional Water Quality Control Board
- Marin County Community Development Department
- Marin County Environmental Health Department
- Marin County Fire Department
- California Department of Fish and Wildlife
- Environmental Action Committee of West Marin
- Concerned Citizens of Dillon Beach