



**MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY**

ALEX HINDS, DIRECTOR

**STAFF REPORT TO THE PLANNING COMMISSION
LAWSON'S LANDING MASTER PLAN
DRAFT ENVIRONMENTAL IMPACT REPORT**

Item No: 7. **Application No:**
Applicant:
Planner: Tim Haddad, Environmental Coordinator
Owner: Families of Carl Vogler and Michael Lawson
Assessor's Parcel: 100-100-48 et al.
Property Address: 137 Marine View Drive, Dillon Beach
Hearing Date: September 12, 2005

RECOMMENDATION: Conduct public hearing
APPEAL PERIOD: N/A
LAST DATE FOR ACTION: N/A

ACTION:

The Planning Commission is requested to conduct a public hearing on the Draft EIR for the Lawson's Landing Master Plan, Coastal Permit and Tidelands Permit for the approximately 940-acre property known as Lawson's Landing located south of the community of Dillon Beach and bordered by Tomales Bay on the south and the Pacific Ocean on the west.

No action other than conducting the public hearing to receive testimony on the adequacy of the DEIR is proposed at this time. The Planning Commission will consider their recommendation for certification of the Final EIR for the project after the EIR process has been completed. The project application will then be considered by the Planning Commission for approval or disapproval at a separate later hearing following the Commission's certification of the Final EIR for the project. A public notice will be published and interested parties notified at least ten days prior to the hearing on the project permits after the EIR process is concluded. The Final EIR is anticipated to be completed and certified in about January of the coming year, 2006.

PROJECT OVERVIEW:

The applicants, Bill and Nancy Vogler, are seeking approval of the Lawson's Landing Master Plan, Coastal Permit, and Tidelands Permit which includes a land use and development plan and a resource management plan for existing and proposed uses on the project site.

The property consists of beaches, coastal sand dunes, various types of wetlands, and hillside lands. The primary use on the property, and focus of the Master Plan and related permits, are the existing recreational uses and changes proposed thereto, located on approximately 180 acres in the southwestern corner of the property. The existing recreational uses include a 233-space travel trailer and recreational vehicle park, a 1,000-vehicle campground, a recreational day use limited to 200 vehicles per day, a boat house, pier and boat mooring areas in Tomales Bay, restroom and laundromat and other associated services, facilities, and activities related to the recreational use.

Proposed changes to the recreation-related facilities and activities included in the Master Plan include modifications to the existing water storage and distribution facilities, new leachfield and sewage disposal facilities, remodeling and replacing structures and other facilities on the property, circulation changes on and to the property, and modifications to various recreational activities and programs, including: fishing, clamming, boating (including a boat rentals and a boat launch), a small commercial boathouse, hiking, designation of formal trails through the beach for dunes, beachcombing, environmental education and enhancement, and an RV dump station. There are no changes proposed to the level of existing recreational activities offered at the project site.

The Master Plan also includes the existing agricultural (grazing) use occurring over a majority of the property (approximately 889 acres), existing sand quarrying (allowed by permit since 1971) on approximately 39 acres of the site, and six existing residences and two proposed new residences on the property. The existing, permitted agricultural, residential, and sand quarrying uses of the property have been incorporated into the proposed Master Plan at the County's request so that upon review and possible approval of the Master Plan, there will be one complete record of the property's land use entitlements. However, the permitted uses will continue to operate under separate existing entitlements. Minor changes are proposed for the existing agricultural use, including a new 1,000 square foot shop attached to the existing barn, new water troughs, reconstruction of the existing barrier fence along the sand dunes of the south ranch and implementation of an agricultural management plan. No change to the existing permitted sand quarry operations or facilities are proposed.

Zoning on the property is C-RCR (Coastal, Resort and Commercial Recreation), and C-APZ-60 (Coastal, Agricultural, Production Zone, one unit per 60 acres). Under the C-RCR zoning, a Master Plan is required for the ultimate development of the site. The purpose of C-RCR zoning is to create and protect areas within the coastal zone for resort and visitor serving facilities, with an emphasis on public access to recreation areas.

BACKGROUND:

Project History and Land Use Review

The Lawson's Landing property was acquired by the Lawson family in the 1920's, with ownership passing to subsequent generations of the Lawson families up to the present. Historic land uses of the site were primarily for agriculture, although recreational activities have taken place on portions of the property for decades. Marin County has exercised varying degrees of regulatory authority and land use reviews for the site since the 1930's. A chronology of the County's land use regulation and review for the

PC Staff Report

SEPTEMBER 12, 2005

Item No. 7, Page 2

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Lawson's Landing was prepared in the year 2000 by staff in conjunction with an Initial Study prepared for the current application. (A copy of this chronology is attached to staff's report as Attachment #1.)

Initial Study and EIR Requirement:

In October 2000, the current project application Initial Study and Negative Declaration was prepared and circulated to agencies, the public and interested parties for a 30-day review and comment period. Comments were received from several agencies and the public commenting on the need for an EIR for the project. The County Environmental Coordinator determined that a full scope EIR was required for the project. In consultation with the County, the project applicants subsequently agreed to preparation of the EIR on their Master Plan Proposal.

In November 2002, the County independently selected and contracted with the environmental consultant firm, EDAW, to prepare the EIR at the applicant's expense.

Draft EIR process:

A Notice of Preparation (NOP) was prepared and circulated in September 2002 to public agencies and all interested parties for comment on the scope of the EIR. A public scoping session was conducted at an evening meeting in the community on December 5, 2002, to further identify environmental issues and concerns of the public for evaluation in the EIR. (Responses to the NOP and scoping comments are contained in the EIR appendix.)

On July 22, 2005, copies of the Draft EIR and a notice of the date and place of the public hearing on the adequacy of the Draft EIR were distributed to members of the Planning Commission, Board of Supervisors, State Clearinghouse, Federal, State and local agencies and special districts, surrounding property owners, and other interested groups and individuals. A Notice of Completion was published in a newspaper of general circulation to begin a fifty-seven day public review and comment period, which concludes on September 16, 2005.

EIR SUMMARY:

Environmental Baseline

The baseline environmental setting used in the EIR, against which environmental effects are evaluated, is the physical environmental conditions that existed in the vicinity of the project at the time the Notice of Preparation was published and the EIR initiated.

The baseline conditions include the existing ranching and agricultural operations, sand quarrying, and the residential uses on the property that are authorized or have been permitted under relevant County zoning regulations as legal uses. The baseline also includes the existing recreational uses, such as the 233 space trailer park, 1000 vehicle camp ground and 200 vehicle day use that have not been formally authorized or granted permit approvals by the County. This is because the long and convoluted history of these uses (as demonstrated by the chronology, Attachment #1) make it neither practical or possible for the EIR to determine which of these uses or portions of them are legal non-conforming and should be considered part of the existing environment, and which are not legally authorized or permitted uses and therefore not considered part of the existing environment. It is equally inappropriate for the EIR to speculate on the environment that may have previously existed in the absence of any unauthorized uses, which in some cases may extend back for decades.

The County determined that the central purpose of the current Master Plan application would be to establish a Master Plan for the property that would acquire County approval and regulation of all of the recreational uses and activities on the site and combine this with all of the existing permitted agricultural, sand quarry, and residential uses in one complete record of the property's land use entitlements, rather than continue the historic pattern of continuing ineffective land use regulatory review or initiate difficult, costly and potentially lengthy and protracted enforcement proceedings against the property. The baseline for the EIR is a necessary outcome of that approach to the requirement for a Master Plan and treatment of existing uses.

The baseline approach used in this instance was also approved by independent expert CEQA legal review and is in compliance with State EIR Guideline provisions and relevant case law. The EIR is not the appropriate forum for determining the nature and consequences of prior conduct of a project applicant and an EIR is not required to develop a baseline that accounts for alleged prior misuse. Further, use of an earlier baseline in the EIR could interfere, conflict with, or unfairly amplify any separate enforcement action that might otherwise occur.

Identified Impacts:

The EIR identified 29 significant or potentially significant impacts of the project and 5 cumulative impacts. Mitigation measures have been identified in the EIR to reduce all significant project impacts to less than significant, except 3 unavoidable cumulative impacts in conjunction with adverse baseline conditions. The 3 significant unavoidable adverse cumulative impacts involve cumulative geologic impacts for activities in fault and tsunami hazard areas, sand dune degradation impacts, and impacts to sensitive habitats and coastal wetlands. Because these impacts are associated with adverse baseline conditions, mitigation is not feasible.

Plan Consistency:

The EIR found the proposed project was inconsistent with several relevant policies of the Dillon Beach Community Plan, Marin Countywide Plan, Local Coastal Plan Unit II and County Zoning Code. These policy conflicts were related to physical changes that resulted in potential significant CEQA impacts, but were found to be mitigated to less than significant levels, such that the project with mitigation would be consistent with all of the relevant plans and policies and result in less than significant CEQA impacts.

Alternatives:

A number of alternatives to the proposed project were considered in the EIR, including a No Project Alternative for continued existing conditions and uses for the foreseeable future on the site. A modified No Project Alternative assumes that existing conditions and uses would continue status quo, except that enforcement actions would be taken to remove any and all illegal non-conforming uses and activities.

Other alternatives evaluated include: a reduced scale alternative to reduce the number of facilities and recreational activities on site by one-third; a reconfigured alternative to relocate and reconfigure facilities and uses on site to avoid sensitive and hazardous areas; a mixed use alternative that would change the existing recreational uses to allow differing amounts of activities and use and introduce new or different uses outside of sensitive or hazardous areas; a mitigated alternative that would include all existing and proposed uses and activities with all mitigation identified in the EIR and reduce camping by one-quarter to avoid camping in sensitive coastal wetland and hazardous areas and an off-site alternative consistent with current CEQA case law.

The mitigated alternative is identified as environmentally superior to the project that would meet project objectives, but would not fully avoid cumulative impacts associated with existing adverse baseline conditions. The reduced alternative is identified as environmentally superior to the project and all other alternatives because it would meet most (but not all) of the project objectives and avoid the project cumulative impacts.

COMMENTS RECEIVED:

Comments received prior to the packet distribution date for the Planning Commission hearing on the Draft EIR are attached to the staff report (Attachment #2). Any additional comments received after that time will be forwarded to the Commission at, or prior to, the hearing date.

PUBLIC HEARING:

The purpose of the public hearing is for the Planning Commission to receive oral and written comments on the adequacy of the Draft EIR. Following the public hearing and the close of the public review and comment period on September 16, 2005, the EIR consultant will compile written responses to all comments, which, along with the Draft EIR and any resulting changes to the Draft, will represent the Final EIR. The Final EIR will then be circulated to commentors for further review for a ten-day period, limited to the adequacy of the response to comments, prior to certification of the Final EIR by the Planning Commission.

RECOMMENDATION:

Staff recommends that after presentation of a brief overview of the project proposal and a summary of the principal findings of the EIR by the EIR consultant, the Commission open the public hearing to public comment. At the conclusion of all public testimony, staff recommends that the Planning Commission:

1. Close the public hearing on the Draft EIR;
2. Discuss those issues regarding the project's impacts that are of primary concern to the Commissioners and provide direction to the EIR consultant on any additional items which should be addressed in the EIR; and
3. Instruct the EIR consultant to prepare a Final EIR based upon the written responses to all of the oral and written comments received at the Draft EIR hearing, and all of the written comments received during the public review and comment period.

- Attachments:
1. Lawson's Landing Chronology, 2000
 2. Letters of comment on the Draft EIR