

other natural hazards). Removal of vegetation shall be discouraged. Alteration of hydrology should only be allowed when it can be demonstrated that the impact will be beneficial or non-existent.

7. Aesthetic and scenic quality:

- a. The County shall ensure protection of visual access to the bayfront and scenic vistas of water and distinct shorelines through appropriate siting and design of development.
- b. In particular, waterfront development should be sited and designed to permit open views in optimal locations for public enjoyment of bayfront lands.

8. Protection from geologic, flooding and other hazards:

- a. Any development proposed for lands within the -BFC combining district shall be consistent with policies of the Environmental Hazards Element of the Countywide Plan. Proposed development should not occur in areas which pose hazards, including differential settlement, slope instability, liquefaction, ground shaking and rupture, tsunami, flooding, or other ground failures.
- b. Areas underlain by deposits of "young muds" should be reserved for water-related recreational uses, habitat, and open space. Limited development may be allowed subject to the approval of the U.S. Army Corps of Engineers and other trustee agencies.
- c. Development proposed on bayfront lands with soil conditions that are unsuitable for construction, or experience seismic activity, should be designed to minimize earth disturbance, erosion, flooding, water pollution, and other hazards to public safety, or flooding.

9. Agricultural uses:

- a. Agricultural activities should minimize removal of natural vegetation where possible.
- b. Use of pesticides, insecticides, etc. should comply with existing State and Federal standards.
- c. Development shall be sited and designed to preserve and protect existing agricultural lands in the Bayfront Conservation Zone.

10. Sea Level Rise:

- a. The following provisions apply to new development in the BFC district where the development would be located in areas up to the 3.3-foot sea level rise inundation area depicted in Countywide Plan, Safety Element Map 2-19:
 - i. New buildings shall be located in suitable upland areas less susceptible to the effects of sea level rise.
 - ii. The lowest habitable floor area of new buildings shall be elevated at least

three feet above the Base Flood Elevation, unless there are other site-specific factors that make this elevation infeasible.

- iii. New hardscape shoreline protection improvements are only allowed when nature-based shoreline protection improvements and hybrid (i.e. nature-based with hard shoreline protection) improvements have been demonstrated to be infeasible.
- iv. Prior to the development of new buildings in this area, the property owner shall record a deed restriction against the subject property in which the property owner acknowledges and agrees, on behalf of themselves and successors and assigns that:
 - 1) The property is subject to sea level rise hazards, including but not limited to flooding, bluff and shoreline erosion;
 - 2) Property owner acknowledges and assumes responsibility for the risks of potential damage or injury at the property caused by sea level rise; and explicitly waives, and releases the County from, any claim against the County regarding such damage or injury, including any claim for injunctive or other equitable relief, personal injury, property damage, and/or inverse condemnation;
 - 3) Property owner acknowledges that sea level rise may also potentially damage public infrastructure that provides benefits to members of the public, including the property owner, and that it may not be in the public interest for the County to repair and/or replace such infrastructure in the future. Property owner further acknowledges that such damage, and/or the County's decision not to repair and/or replace such infrastructure following such damage, may render the property uninhabitable. Property owner explicitly waives, and releases County from, any claim against the County regarding such damage to, or decision not to repair and/or replace, public infrastructure; and/or such uninhabitability;
 - 4) Housing Code provisions prohibit the occupancy of structures where sewage disposal or water systems are rendered inoperable; and
 - 5) Property owner will bear all responsibility for demolishing and removing structures damaged by the effects of sea level rise and deemed by the Marin County Building Official as substandard and/or unsafe pursuant to the Marin County Building Code.

22.14.070 – Primary Floodway (F-1) District

- A. **Purpose.** The Primary Floodway (F-1) combining district is intended to insure that life and property will be protected within designated floodways and to prevent increased flooding due to random and uncontrolled development which will impede passage of ultimate floodwaters.
- B. **Application of combining district.** The –F-1 district shall apply to those lands within a primary floodway and shall consist of the channel of a watercourse and that portion of the adjoining floodplain which is reasonably required to provide for the passage of floodwaters of the watercourse. The F-1 district may be combined with any zoning districts established by Section 22.06.020 (Zoning Districts Established) and their companion coastal zones established by Article V.