ATTACHMENT 1

Referenced Biological Resources and Water Resources Policies and Programs

GOAL BIO-1 **Enhanced Native Habitat and Biodiversity.** Effectively manage and enhance native habitat, maintain viable native plant and animal populations, and provide for improved biodiversity throughout the County.

BIO-1.3 **Protect Woodlands, Forests and Tree Resources.** Protect large native trees, trees with historical importance, oak woodlands, and forest habitats, and prevent the untimely removal of trees through implementation of standards in the development code and the Native Tree Preservation and Protection Ordinance. Encourage other local agencies to adopt tree preservation ordinances to protect native trees and woodlands, regardless of whether they are located in urban or undeveloped areas.

BIO-1.c *Maintain a Natural Resource Information Program.* Maintain a Natural Resource Education and Native Species Protection Program to provide interested public, other cities/towns in the county, and land owners with up-to-date information on sensitive ecological resources and regulations enacted to protect these resources, to accurately assess the potential impacts of proposed development on species and habitat diversity, determine when additional detailed site environmental assessment is necessary, provide information on invasive exotic species control, and monitor development trends and habitat management activities. The Natural Resource Program should contain:

1) Up-to-date information on verified sightings of special-status species and sensitive natural communities compiled by the California Natural Diversity Data Base, California Department of Fish and Game, Non-Game Heritage Division;

2) Reports and agency recovery programs for special-status species and sensitive natural communities, and related information summarizing regulations;

3) Up-to-date information from the U.S. Fish and Wildlife Service, National Oceanic and Atmospheric Administration Fisheries, and California Department of Fish and Game, including lists of special-status species and their current status and lists of terrestrial natural communities and sensitive natural communities;

4) Available recovery plans for listed special-status species, mapping of critical habitat areas, and sightings and inventories of migratory species; Reports, sightings and recovery programs from credible, local sources such as the Point Reyes Bird Observatory, California Native Plant Society, and Marin Audubon Society;

5) Biological reports completed as part of environmental review of proposed development projects and other studies, including information shared with cities and districts within Marin County;

6) Lists of appropriate and inappropriate plant species for use in developing landscape plans; and

7) Summarized information for use by landowners addressing habitat protection and management of sensitive resources. This may include a list of references to existing and ongoing information sources pertaining to natural resource management, and production of brochures summarizing setback standards, appropriate and inappropriate lands use practices, and desired management programs.

BIO-1.d *Reevaluate County Tree Ordinance.* Reevaluate Native Tree Preservation and Protection Ordinance #3291, and consider expanding existing provisions along with establishing a complementary education and outreach program to ensure woodland conservation and management, not simply protection of individual trees. Factors to address in the reevaluation include preserving stands or groups of trees, identifying and promoting representative species and a diversity of age classes, minimizing fragmentation and providing linkages and corridors, protecting and enhancing other components of forest and woodlands such as understory species and associated wildlife, and providing for sustainable regeneration through natural processes.

GOAL BIO-2 **Protection of Sensitive Biological Resources.** Require identification of sensitive biological resources and commitment to adequate protection and mitigation, and monitor development trends and resource preservation efforts.

BIO-2.a *Require Site Assessments.* Require site assessment by a qualified professional for development applications that may adversely affect sensitive biological or wetland resources, including jurisdictional wetlands, occurrences of special-status species, occurrences of sensitive natural communities, and important wildlife nursery areas and movement corridors. Require the assessment to be conducted by a qualified professional paid for by the applicant to determine the presence or absence of any sensitive resources which could be affected by development, to assess the potential impacts, and to identify measures for protecting the resource and surrounding habitat. Unless waived, the qualified professional should be hired directly by Marin County.

BIO-2.b *Conduct Habitat Connectivity Assessment.* Conduct a comprehensive assessment of habitat fragmentation and connectivity loss in coordination with resource agencies, landowners and interested public. Develop recommendations for policies to protect essential habitat corridors and linkages, and to restore and improve opportunities for native plant and animal dispersal. Protection could include acquisition as open space in fee title, permanent preservation and management under a conservation easement, or other suitable method. Important factors that should be considered as part of the assessment include: locations of sensitive resources such as special-status species and wetlands; methods to eliminate obstructions along streams that currently limit the functions and values of riparian corridors; effects of intensive development, major roadways, and fencing on plant

and animal dispersal; and the need to protect and enhance linkages between baylands and undeveloped uplands through the eastern part of the county.

BIO-2.c *Facilitate Agency Review.* Coordinate County review with that of agencies with jurisdiction over proposed activities and areas, and require evidence of compliance with any necessary permits from federal and State agencies prior to issuance of County grading or building permits.

BIO-2.d *Promote Early Agency Consultation.* Inform applicants upon initial contact with the County about other agencies that may have jurisdiction and the policies and standards of those agencies that may regulate proposed development activities.

GOAL BIO-3 **Wetland Conservation.** Take and require all feasible measures to avoid and minimize potential adverse impacts on existing wetlands and encourage programs for restoration and enhancement of degraded wetlands.

BIO-3.1 **Protect Wetlands.** Require development to avoid wetland areas so that the existing wetlands and upland buffers are preserved and opportunities for enhancement are retained. Establish a Wetland Conservation Area (WCA) for jurisdictional wetlands to be retained, which includes the protected wetland and associated buffer area. Development shall be set back a minimum distance to protect the wetland and provide an upland buffer. Larger setback standards may apply to wetlands supporting special-status species or associated with riparian systems and baylands under tidal influence, given the importance of protecting the larger ecosystems for these habitat types as called for under Stream Conservation and Baylands Conservation policies defined in Policy BIO-4.1 and BIO-5.1, respectively. Employ the following criteria when evaluating development projects that may impact wetland areas (see Figure 2-1):

City-Centered Corridor:

- For parcels more than 2 acres in size, a minimum 100 foot development setback from wetlands is required.
- For parcels between 2 and 0.5 acres in size, a minimum 50 foot development setback from wetlands is required.
- For parcels less than 0.5 acres in size, avoid jurisdictional wetlands to the extent feasible, use best management practices, and provide landowner education and technical assistance. The developed portion(s) of parcels (less than 0.5 acres in size) located behind an existing authorized flood control levee or dike are not subject to a development setback.

Coastal, Inland Rural, and Baylands Corridors:

- For all parcels, provide a minimum 100 foot development setback from wetlands.

Exceptions to full compliance with the WCA setback standards may only apply if:

1) Parcel is already developed with an existing use, provided no direct unauthorized fill or other modifications to wetlands occur as part of on-going use and enjoyment of the property;

2) Parcel is undeveloped and falls entirely within the WCA;

3) Parcel is undeveloped and potential impacts on water quality, wildlife habitat, or other sensitive resources would be greater as a result of development outside the WCA than development within the WCA, as determined by a site assessment;

4) Wetlands are avoided and a site assessment demonstrates that minimal incursion within the minimum WCA setback distance would not result in any significant adverse direct or indirect impacts on wetlands.

BIO-3.2 **Require Thorough Mitigation.** Where complete avoidance of wetlands is not possible, require provision of replacement habitat on-site through restoration and/or habitat creation at a minimum ratio of two acres for each acre lost (2:1 replacement ratio) for on-site mitigation and a minimum 3:1 replacement ratio for off-site mitigation, provided that, to the maximum extent feasible, no net loss of wetland acreage, function, and habitat values occurs. Mitigation shall also be required for incursion within the minimum WCA setback distance where direct or significant indirect impacts on wetland functions or values would occur as a result of the incursion.

GOAL BIO-4 **Riparian Conservation.** Protect and, where possible, restore the natural structure and function of riparian systems.

BIO-4.1 **Restrict Land Use in Stream Conservation Areas.** Limit land uses in a designated Stream Conservation Area to those that create minimal disturbance or alteration to water, soils, vegetation, and wildlife and that maintain or improve stream function or habitat values.

A *Stream Conservation Area* (SCA) is established to protect the active channel, water quality and flood control functions, and associated fish and wildlife habitat values along streams. Development shall also be set back to protect the stream and provide an upland buffer. Best management practices[1] shall be adhered to in all designated SCAs. Best management practices are also strongly encouraged in ephemeral streams not defined as SCAs.

SCAs are designated along perennial, intermittent, and ephemeral streams as defined in the Countywide Plan Glossary. An ephemeral stream is subject to the SCA policies if it: a) supports riparian vegetation for a length of 100 feet or more, and/or b) supports special status species and/or a sensitive natural community type, such as native grasslands, regardless of the extent of riparian vegetation associated with the stream.

[1] Such as those outlined in *Start at the Source* and *Start at the Source Tools Handbook* (Bay Area Stormwater Managers Agencies Association)

SCAs consist of the watercourse itself between the tops of the banks and a strip of land extending laterally outward from the top of both banks to the widths defined below (See Figure 2-2). The SCA encompasses any jurisdictional wetland or unvegetated other waters within the stream channel, together with the adjacent uplands, and supercedes setback standards defined for WCAs. Human-made flood control channels under tidal influence are subject to the Bayland Conservation policies. The following criteria shall be used to evaluate proposed development projects that may impact riparian areas:

City-Centered Corridor:

- For parcels more than 2 acres in size, provide a minimum 100 foot development setback on each side of the top of bank.
- For parcels between 2 and 0.5 acres in size, provide a minimum 50 foot development setback on each side of the top of bank.
- For parcels less than 0.5 acres in size, provide an adequate setback from the top of bank based on a site assessment by a qualified professional, avoidance of woody riparian vegetation, presence of other sensitive biological resources, and options for alternative mitigation. The developed portion(s) of parcels (less than 0.5 acres in size) located behind an existing authorized flood control levee or dike are not subject to a development setback.
- This policy only applies to parcels within the City-Centered Corridor.

Coastal, Inland Rural, and Baylands Corridors:

- For all parcels, provide a minimum 100 foot development setback on each side of the top of bank. This shall be extended to include a buffer of 50 feet landward from the edge of riparian vegetation associated with the stream. SCAs shall be measured as shown in Figure 2-2.
- This policy only applies to parcels within the Coastal, Inland Rural, and Baylands Corridor.

Allowable uses consist of the following provided they conform to zoning and all relevant criteria and standards for SCAs:

- Currently existing permitted or legal non-conforming structures or improvements, their repair and retrofit within the existing footprint;
- Projects to improve fish and wildlife habitat;
- Road and utility crossings, if no other location is feasible;
- Water-monitoring installations;
- Passive recreation that does not significantly disturb native species;
- Necessary water supply and flood control projects that minimize impacts to stream function and to fish and wildlife habitat;
- Agricultural uses that do not require removal of woody riparian vegetation, result in installation of fencing within the SCA which prevents wildlife access to the riparian habitat within the SCA and do not involve animal confinement within the SCA.

Exceptions to full compliance with all SCA criteria and standards may only be allowed if:

1) A parcel falls entirely within the SCA; or

2) Development on any portion of the parcel outside the SCA is either infeasible or would have greater impacts on water quality, wildlife habitat, other sensitive biological resources, or other environmental constraints.

BIO-4.4 **Promote Natural Stream Channel Function.** Retain and, where possible, restore the hydraulic capacity and natural functions of stream channels in SCAs. Discourage alteration of the bed or banks of the stream, including filling, grading, excavating, installation of storm drains and culverts. Protect and enhance fish habitat, including through retention of large woody debris, except in cases where removal is essential to protect against property damage or prevent safety hazards. In no cases shall alterations that create barriers to fish migration be allowed on streams mapped as historically supporting salmonids. Alteration of natural channels within SCAs for flood control should be designed and constructed in a manner that retains and protects the riparian vegetation, allows for sufficient capacity and natural channel migration, and allows for re-establishment of woody trees and shrubs without compromising the flood flow capacity where avoidance of existing riparian vegetation is not possible.

BIO-4.5 **Restore and Stabilize Stream Channels.** Pursue stream restoration and appropriate channel redesign where sufficient right-of-way exists that includes: a hydraulic design, a channel plan form, a composite channel cross-section that incorporates low flow and bankfull channels, removal and control of invasive exotic plant species, and biotechnical bank stabilization methods to promote quick

BIO-4.8 **Reclaim Damaged Portions of SCAs.** Restore damaged portions of SCAs to their natural state wherever possible, and re-establish as quickly as possible any herbaceous and woody vegetation that must be removed within an SCA, replicating the structure and species composition of indigenous native riparian vegetation.

BIO-4.9 **Restore Culverted Streams.** Replace storm drains and culverts in SCAs with natural drainage and flood control channels whenever feasible. Where culverts interfere with fish migration but replacement is not possible, modify culverts to allow unobstructed fish passage.

BIO-4.a *Adopt Expanded SCA Ordinance.* Adopt a new SCA ordinance that would implement the SCA standards for parcels that are subject to conventional zoning designations especially those traversed by or adjacent to a mapped anadromous fish stream and tributary. Such an ordinance could, by way of example, require compliance with the incorporation of best management practices into the proposed project and could consider modest additions to existing buildings that would not result in significant impact to riparian resources, such as additions that do not exceed 500 square feet of total floor area and which do not increase the existing encroachment into the SCA provided a site assessment first confirms the absence of adverse impacts to riparian habitats. Buffer criteria for smaller developed parcels within the City-Centered Corridor should allow flexibility based on site constraints, opportunities for avoidance, presence of sensitive biological resources, and options for alternative mitigation. As part of the new ordinance,

consider including additional incentives to reduce the extent of existing development within a SCA, or improve conditions that may be impacting sensitive resources.

BIO-4.g *Require Site Assessment.* Require development applications to include the submittal of a site assessment prepared by a qualified professional where incursions into the SCA are proposed, or adverse impacts to riparian resources may otherwise occur. The site assessment shall be paid for by the applicant and considered in determining whether any adverse direct or indirect impacts on riparian resources would occur as a result of the proposed development, whether SCA criteria and standards are being met, and to identify measures necessary to mitigate any significant impacts. The site assessment may also serve as a basis for the County to apply restrictions in addition to those required by state and federal regulations. Unless waived, the qualified professional shall be hired by Marin County.

BIO-4.h *Comply with SCA Criteria and Standards.* All development permit applications shall be reviewed for conformity with these SCA policies, criteria and standards and in accordance with the California Environmental Quality Act. Proposals that do not conform to SCA policies, and cannot be modified or mitigated to conform, shall be denied. If a proposal involves the creation of a new parcel which is wholly or partially in an SCA, the land division shall be designed to assure that no development occurs within the SCA.

BIO-4.i *Replace Vegetation in SCAs.* When removal of riparian vegetation is unavoidable in an SCA, and mitigation is required, require establishment of native trees, shrubs, and groundcovers at a rate sufficient to replicate, after a period of five years, the density and structure of vegetation removed. Require replacement and enhancement planting to be monitored and maintained until successful establishment provides for a minimum replacement or enhancement ratio of 2:1.

BIO-5.1 **Protect the Baylands Corridor.** Ensure that baylands and large, adjacent essential uplands are protected and encourage enhancement efforts of baylands, including those in the Baylands Corridor. The following criteria shall be used to evaluate proposed development projects that may impact the Baylands Corridor:

- For large parcels (over 2 acres in size) adhere to development setback standards for areas qualifying for protection under the WCA and SCA, but increase setback distances as necessary to ensure that hydrologically isolated features such as seasonal wetlands and freshwater marsh are adequately linked to permanently protected habitat. These additional development setbacks shall serve to prevent fragmentation and preserve essential upland buffers in the Baylands Corridor.

- The Baylands Corridor and specified setbacks do not extend over non-tidal portions of smaller parcels (2 acres or less in size) which border or partially extend over tidelands. Where suitable habitat exists, up to ten feet landward of mean high tide should be preserved as a species refuge area for high water events. Site constraints, opportunities for avoidance of sensitive biological resources, and options for alternative mitigation will be considered in lieu of fixed setbacks on these properties.

- Minor redevelopment involving less than 25 percent of a structure on a residential or industrial parcel that is already filled and at least 50 percent developed may be exempted from the requirements for a site assessment provided no additional filling or modification to wetlands occurs. (See BIO-5.2.)

BIO-5.2 **Limit Development and Access.** Ensure that development does not encroach into sensitive vegetation and wildlife habitats, damage fisheries or aquatic habitats, limit normal wildlife range, or create barriers that cut off access to food, water, or shelter for wildlife. Require an environmental assessment where development is proposed within the Baylands Corridor.

BIO-5.a *Establish Criteria for Upland Setbacks in the Baylands Corridor.* Establish criteria to be used in the review of individual development applications for determining an adequate setback distance in adjacent uplands to serve as a buffer zone between development and remaining or historic tidelands and wetlands. Setbacks should provide for at least the minimum distances necessary to avoid adverse effects of increased human activity and potential disturbance to sensitive biological resources, and to provide essential linkages between important features such as seasonal wetlands, freshwater marsh, and roosting and nesting areas.

WR-2.2 **Reduce Pathogen, Sediment, and Nutrient Levels.** Support programs to maintain pathogen and nutrient levels at or below target levels set by the Regional Water Quality Control Boards, including the efforts of ranchers, dairies, agencies, and community groups to address pathogen, sediment, and nutrient management in rural watersheds.

WR-2.3 **Avoid Erosion and Sedimentation.** Minimize soil erosion and discharge of sediments into surface runoff, drainage systems, and water bodies. Continue to require grading plans that address avoidance of soil erosion and on-site sediment retention. Require developments to include on-site facilities for the retention of sediments, and, if necessary, upon project completion, require continued monitoring and maintenance of these facilities.

WR-2.4 **Design County Facilities to Minimize Pollutant Input.** Design, construct, and maintain County buildings, roads, bridges, drainages, and other facilities to minimize the volume of sediment and other pollutants in storm water flows, and continue to improve road maintenance methods to reduce erosion and sedimentation potential.

WR-2.b *Integrate "Start at the Source" Tools.* All projects should integrate stormwater design features such as those included in the "Start at the Source" manual for stormwater quality protection and their "Tools Handbook" to the extent feasible. In addition the relevant development code sections should be modified accordingly.

WR-2.d *Monitor and Maintain Septic Systems.* Establish watershed-wide septic maintenance programs to ensure proper septic system monitoring, repair, and function. Establish the frequency of required inspections based on the risk associated with the location of the septic system. For example, a high-priority system near a waterway may need to be inspected as frequently as every 2 years, while a system in a well drained, dry upland area may need inspection only every

5–10 years. Septic program and permitting procedures must at a minimum comply with State law.

WR-2.e *Continue Providing High-Priority Inspections.* Continue providing no-cost inspections of on-site wastewater systems if funds are available and make improvement recommendations to decrease impacts of high-priority systems near waterways.

WR-2.k *Establish Educational Partnerships.* Coordinate with the Regional Water Quality Control Boards, Marin Resource Conservation District, University of California Cooperative Extension, Natural Resources Conservation Service, Marin County Stormwater Pollution Prevention Program, watershed groups, the public, stakeholders and other interested parties to develop and implement public education programs and provide technical assistance to find alternatives and minimize erosion and sedimentation, pathogen and nutrient, and chemical sources of water pollution. Coordinate with local, State, and Federal recreation management agencies to educate boaters and other recreational groups regarding proper management and disposal of human waste.

ATTACHMENT 2

Referenced Air Quality and Open Space Policies and Programs

AIR QUALITY

AIR-2.1 **Buffer Emission Sources and Sensitive Land Uses.** Consider potential air pollution and odor impacts from land uses that may emit pollution and/or odors when locating (a) air pollution point sources, and (b) residential and other pollution-sensitive land uses in the vicinity of air pollution point sources (which may include manufacturing, extraction, hazardous materials storage, landfill, food processing, wastewater treatment, and other similar uses).

AIR-2.a *Require Separation Between Point Sources and Other Land Uses.* Only allow (a) emission point sources or (b) other uses in the vicinity of air pollution or odor point sources if the minimum screening distances between sources and receptors established in the BAAQMD CEQA Guidelines can be met, unless detailed project-specific studies demonstrate compatibility with adjacent uses despite separations that do not meet the screening distance requirements.

AIR-4.f *Establish a Climate Change Planning Process.* Integrate climate change planning and program implementation into long range and current planning functions and other related agencies. Establish and maintain a process to implement, measure, evaluate, and modify implementing programs, using the Cities for Climate Protection Campaign as a model (refer to sidebar on previous page).

AIR-5.c *Prepare Response Strategies.* In coordination with California Coastal Commission, Bay Conservation and Development Commission, water districts, wildlife agencies, and flood control districts, prepare response strategies for Marin's human and natural systems. Current response strategies include:

- Water Resources: Natural drainage systems, harvesting flows and recharge designs in order to direct runoff to landscaped areas where the water can percolate into the soil (See section: WR-1)
- Biological Resources: Limit development such that coastal wetlands are able to migrate inland in response to sea level rise, protect wildlife corridors, preserve ecotones and limit development impacts. Promote the restoration of wetlands and riparian areas to provide capacity for high water and flood flows. (See sections: BIO-2, BIO-4, BIO-5, OS-3, DES-1, DES-5.)
- Public Health: General strengthening of public health infrastructure and health-oriented environmental management, such as with air and water quality, and community and housing design.
- Built Environment: Assess development located in coastal areas that are subject to sea level rise and increased flooding and develop a response strategy, such as a planned retreat program, for the relocation of facilities in low-lying areas. Work with the County flood control and water districts to prepare a plan for responding to a potential rise in the sea level, consider developing flood control projects, and amend County Code Chapters 11, 22, 23 & 24 to include construction standards for areas potentially subject to increased flooding from a rise in sea level.

- Environmental Hazards: Develop response strategies that cope with increasing storm events, flooding, fire, landslides, and soil erosion. Establish surveillance systems. With the development of advanced (spatial) surveillance technology, it is conceivable that such systems will be expanded to address forest health and productivity, monitoring biotic vectors and natural elements, as well as tree and stand responses. (See sections: EH-3, EH-4, BIO-1 and PH-1.)

OPEN SPACE

OS-2.3 **Balance Shoreline Protection and Access to Water Edge Lowlands.** Consider tideland ecosystem health, habitat protection, and passive and active recreation in pursuing acquisition of additional marsh and other bay margin open space areas:

Targeted water edge lowlands in the Baylands and City-Centered Corridors include:

- *Richardson Bay.* These sections of shoreline should be acquired or otherwise protected: Manzanita Green, connecting Marin City with the bay, and Strawberry Cove. Bothin Marsh (with the exception of the Martin Brothers Triangle), most of the Tiburon shoreline, and the head of Richardson Bay have been acquired.
- *Corte Madera Bayfront.* Existing marshes should be preserved, and portions of the San Quentin area should be considered for public access to the bay. The Corte Madera Ecological Reserve has been established in this area and provides habitat for the endangered Clapper Rail.
- *San Rafael Bay.* Land along the bayshore, the highest density residential area in the county, should be permanently secured for open space. San Rafael has been actively acquiring a band of open space along the Bay.
- *San Pedro Peninsula shoreline* should be protected from McNear's Beach north to Gallinas Creek. Major portions have been acquired as part of China Camp State Park.
- *San Pablo Bayfront, Gallinas Creek to Novato Creek,* should be kept open to preserve the tidelands. Gallinas Creek provides habitat for threatened and endangered species, as well as migratory species. The creekside should be kept free of developments that would contribute to siltation and loss of navigational use in the stream channels. This area contains McInnis County Park and undeveloped, diked baylands.
- *Novato Creek to Black Point* is an important tidal marsh that contains habitat for endangered and migratory species, and a valuable flood ponding area. Large areas have been acquired.
- *Petaluma River.* Marshes, riverbank areas, and other lowlands should be preserved in cooperation with Sonoma County. The State and Open Space District have acquired significant wetland areas between Rush Creek and Basalt Creek.

ENVIRONMENTAL HAZARDS

EH-2.2 **Comply with the Alquist-Priolo Act.** Continue to prohibit specified types of structures for human occupancy in State-designated active fault areas.

EH-2.3 **Ensure Safety of High-Occupancy Structures.** Require that structures to be occupied by large groups, such as offices, restaurants, hotels, senior housing, and multi-family housing, are designed to be as safe as technically feasible in locations subject to ground shaking or other geologic hazards.

EH-2.4 **Protect Coastal Areas from Tsunamis.** Consider tsunami wave runup and inundation when reviewing proposed development along coastal areas of Marin County.

EH-2.a *Require Geotechnical Reports.* Continue to require any applicant for land division, master plan, development approval, or new construction in a geologic hazard area to submit a geotechnical report prepared by a State-certified engineering geologist (unless waived), in conformance with the State Seismic Hazards Mapping Act (PRC Div. 2, Chapter 7.8), that:

- evaluates soil, slope, and other geologic conditions;
- commits to appropriate and comprehensive mitigation measures sufficient to reduce risks to acceptable levels, including post-construction site monitoring, if applicable; and
- addresses on-site structural engineering, impact of the project on adjacent lands, and potential impacts of off-site conditions.

When available, post and disseminate information from Seismic Hazard Zone maps in conformance with the Act.

EH-2.b *Require Construction Certification.* Require any work undertaken to correct slope instability or mitigate other geologic conditions to be supervised and certified by a geotechnical engineer and, when necessary, an engineering geologist.

EH-2.c *Prohibit Structures in Active Fault Traces.* Prohibit placement of specified types of structures intended for human occupancy within 50 feet of an active fault trace in compliance with the Alquist-Priolo Earthquake Fault Zoning Act.

EH-2.d *Limit Building Sites in Alquist-Priolo Zones.* Prohibit new building sites in any Alquist-Priolo zone, unless a geotechnical report prepared by a certified engineering geologist establishes sufficient and suitable land area for development pursuant to all applicable County regulations.

EH-2.e *Retrofit County Buildings.* Identify and remedy any County owned structures in need of seismic retrofit or other geotechnical improvement, including by eliminating any potentially hazardous features, and/or relocating services if necessary.

EH-2.f *Avoid Known Landslides Areas.* Continue to prohibit development in landslide areas and on landslide-prone deposits on steep slopes, except where the required geotechnical report indicates that appropriate mitigation measures can stabilize the site for construction.

EH-2.g *Identify Compressible Soil Potential.* Require that geotechnical reports for projects on land underlain by compressible materials (such as fill, bay mud, and marsh or slough areas) delineate locations where settlement will be greatest and subsidence

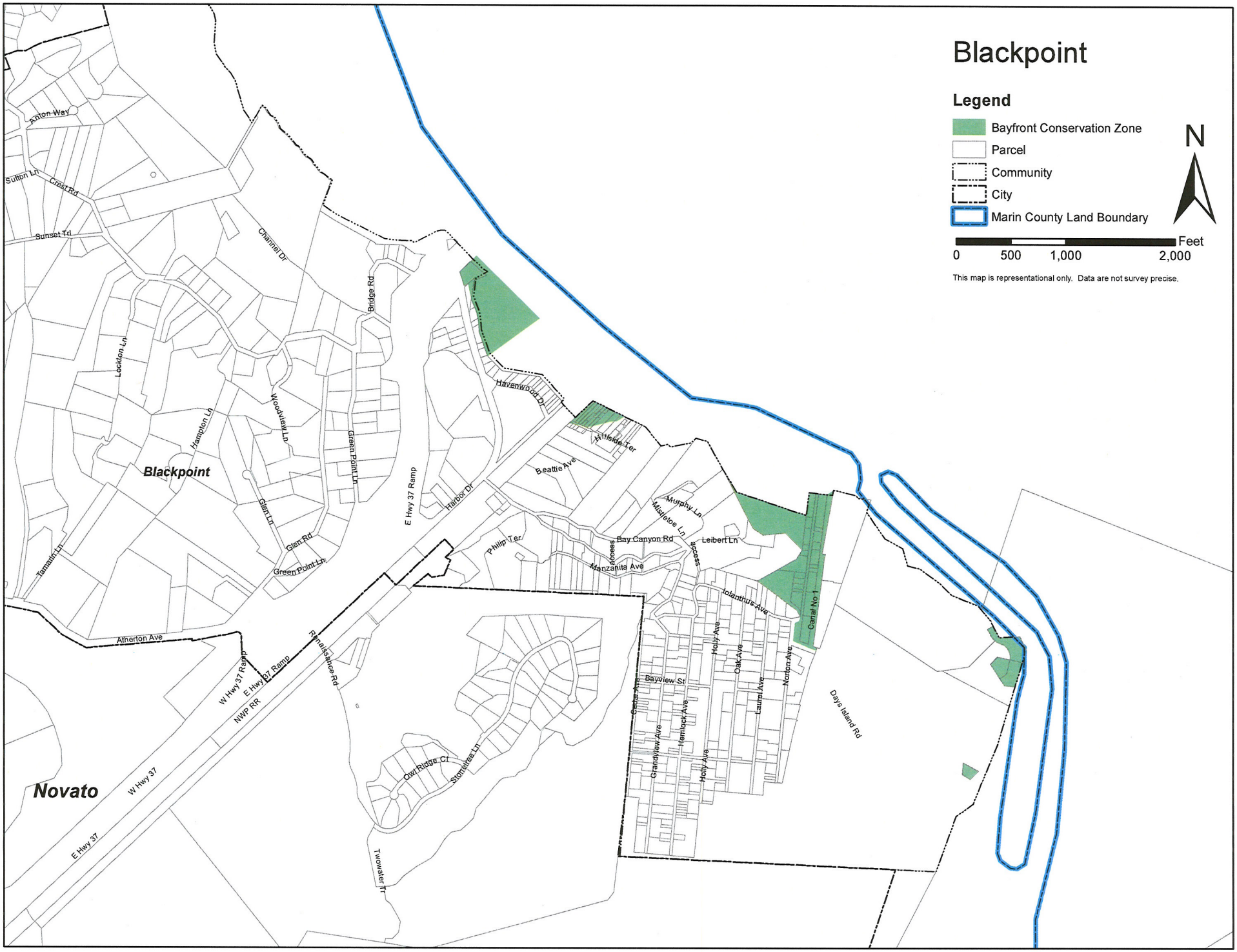
may occur, and recommend site preparation and construction techniques necessary to reduce the risk and public liability to an acceptable level.

EH-3.a *Regulate Development in Flood and Inundation Areas.* Continue to require all improvements in Bayfront, Floodplain, Tidelands, and Coastal High Hazard Zones to be designed to withstand impacts from flooding, tsunamis, seiches, and related water-borne debris, and to be located so that buildings and features such as docks, decking, floats, and vessels do not become dislodged.

EH-3.f *Require Hydrologic Studies.* Continue to require submission of detailed hydrologic and geologic studies for any proposed development that could increase sedimentation of a watercourse or alter natural drainage patterns, and amend the Development Code to include findings to continue to regulate development in flood prone areas to ensure public health and safety and to preserve the hydraulic and geomorphic integrity of the stream system and associated habitat.

EH-3.g *Locate Critical Facilities Safely.* Amend the Development Code to prohibit placement of public safety structures within flood-prone areas.

EH-3.k *Anticipate Sea Level Rise.* Work with the U.S. Geological Survey, the San Francisco Bay Conservation and Development Commission, and other monitoring agencies to track bay and ocean levels; utilize estimates for mean sea level rise to map potential areas subject to future inundation (including by updating information about watershed channel conditions and levee elevations); and amend the Development Code to incorporate construction standards for any areas subject to increased flooding from a rise in sea level.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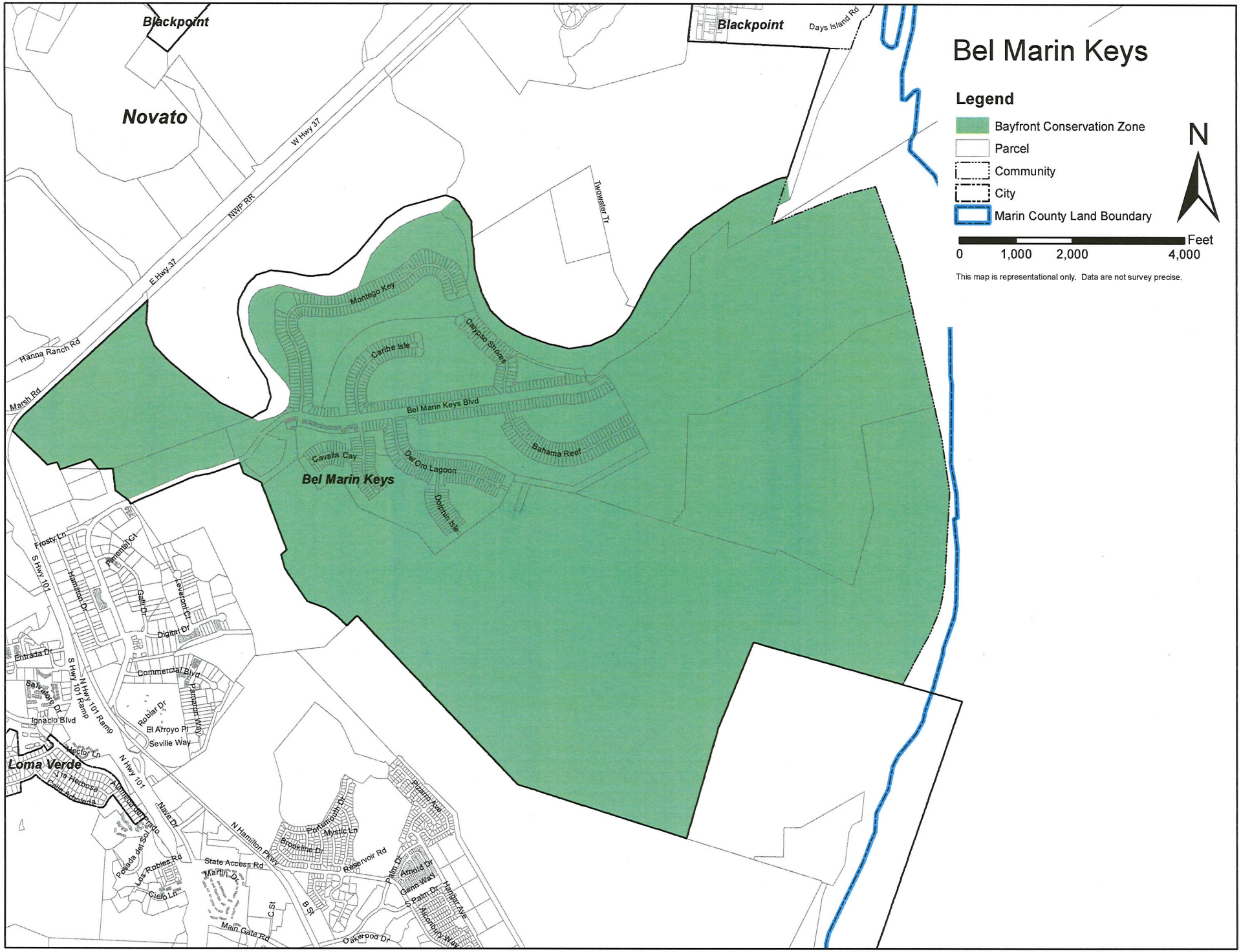
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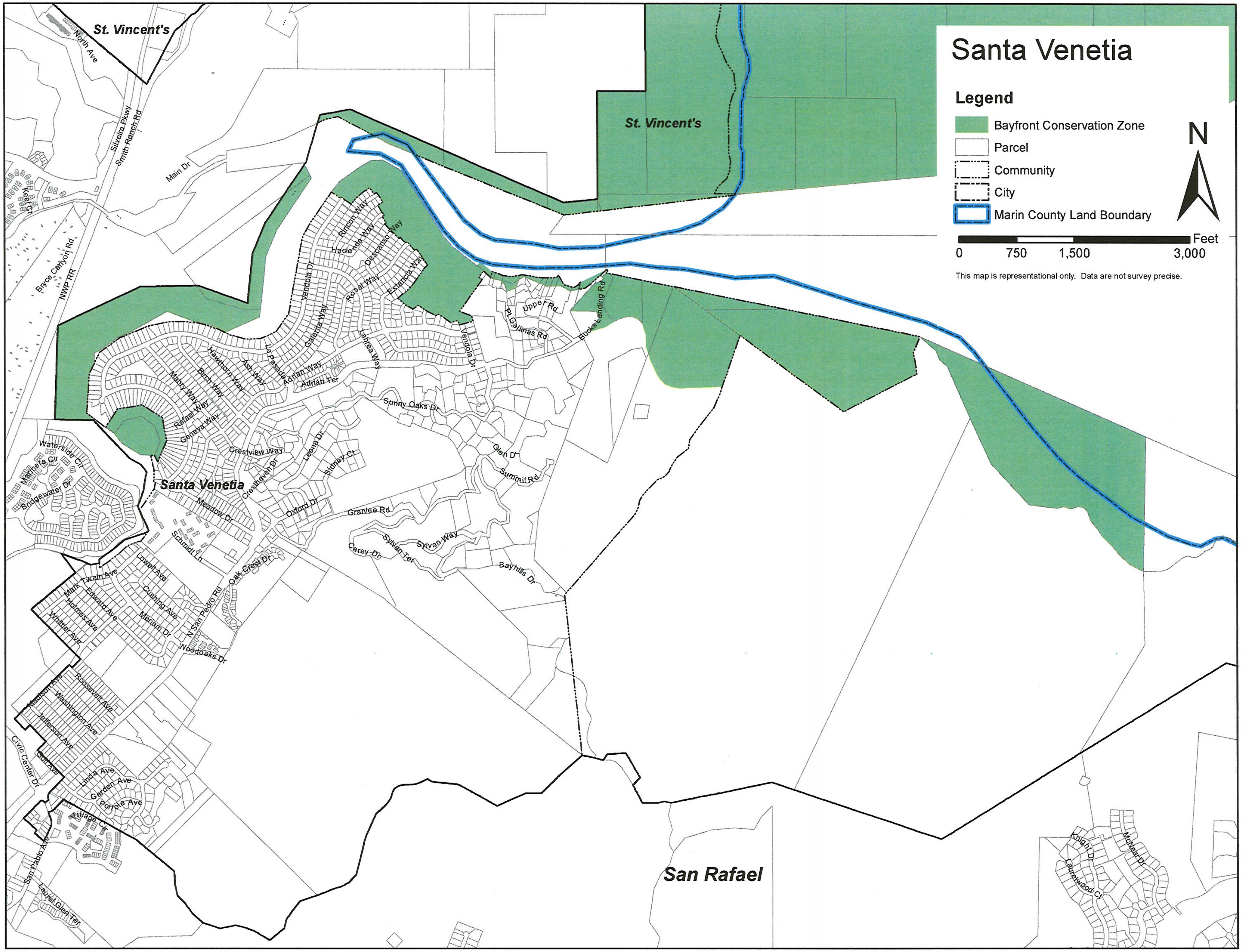
Bel Marin Keys Blvd
Bahama Reef
Cavalla Cay
Dal Oro Lagoon
Dolphin Isle
Bel Marin Keys
Frosty Ln
Hamilton Dr
Pimentel Ct
Galli Dr
Leveroni Ct
Digital Dr
Entrada Dr
S Hwy 101
N Hwy 101 Ramp
Commercial Blvd
Panama Way
Roblar Dr
El Arroyo Pl
Seville Way
Ignacio Blvd
Hector Ln
Loma Verde
Via Herbosa
Calle Arboleda
N Hwy 101
Alameda del Prado
Nave Dr
Pelada del Sol
Los Robles Rd
Cielo Ln
N Hamilton Pkwy
State Access Rd
Martin Dr
Main Gate Rd
C St
B St
Portsmouth Dr
Brookline Dr
Mystic Ln
Reservoir Rd
Palm Dr
Arnold Dr
Gann Way
S Palm Dr
Hamilton Ave
Algonquin Way
Oakwood Dr
Bayfront Way


Santa Venetia
Legend
Bayfront Conservation Zone
Parcel
Community
City
Marin County Land Boundary
N
Feet
0
750
1,500
3,000
This map is representational only. Data are not survey precise.
St. Vincent's
St. Vincent's
Santa Venetia
San Rafael
North Ave
Silveira Pkwy
Smith Ranch Rd
Main Dr
Keel Ct
Bryce Canyon Rd
NWP RR
Vendola Dr
Galerita Way
Rosal Way
Estancia Way
Descanso Way
Hacienda Way
Rincon Way
La Pasada
Labrea Way
Adrian Way
Adrian Ter
Hawthorn Way
Ash Way
Birch Way
Mabry Way
Rafael Way
Geneva Way
Crestview Way
Cresthaven Dr
Leona Dr
Sidney Ct
Sunny Oaks Dr
Glen Dr
Summit Rd
Oxford Dr
Granlee Rd
Sylvan Way
Sylvan Ter
Carey Dr
Bayhills Dr
Upper Rd
Pt Gallinas Rd
Bucks Landing Rd
Waterside Cir
Bridgewater Dr
Meadow Dr
Schmidt Ln
Oak Crest Dr
N San Pedro Rd
Lowell Ave
Cushing Ave
Mariam Dr
Woodoaks Dr
Mark Twain Ave
Edward Ave
Holmes Ave
Whittier Ave
Roosevelt Ave
Washington Ave
Jefferson Ave
Civic Center Dr
Linda Ave
Garden Ave
Portola Ave
Village Cir
San Pablo Ave
Laurel Glen Ter
Knight Dr
McNear Dr
Laurelwood Ct

Technical Corrections proposed by Commissioner Holland

11. p. 2-31: To make clear to the reader that the paragraph that begins with "Allowable uses..." doesn't apply only to SCAs in the Coastal, Inland Rural and Baylands Corridors, change to read "Allowable uses in SCAs in any corridor...".

12. p. 2-33: In Figure 2-2, change the language on the right side of the drawing that reads "Additional 50'min. setback..." to be consistent with the language provided in No. 9 above.

13. p. 2-33: In the first bulleted item in the middle of the page, change the language to be consistent with the language provided in No. 9 above.

14. p. 2-33: For improved readability, change the 2nd bulleted item in the middle of the page to read:
    - Regardless of parcel size, a site assessment is required where incursion into an SCA is proposed and where full compliance with all SCA criteria cannot be met.

15. p. 2-33: The two bulleted items in the middle of this page have been transposed with the four bulleted items at the bottom of this page and the top of p. 2-34. Switch them.

16. p. 2-33: For improved readability, change the 2nd bulleted item at the top of the page to read:
    - Regardless of parcel size, a site assessment is required where incursion into an SCA is proposed and where full compliance with all SCA criteria cannot be met.

17. p. 2-34: To clarify the applicability of the bulleted item that follows immediately below the drawing, change it to read:
    - Setback measurements for ephemeral streams are based on the corridor in which the ephemeral stream is located.

MORE SUBSTANTIVE ISSUES

18. p. 2-29: On the top line, sharpen the focus by changing "...upland habitat shall be protected..." to "...upland habitat shall be identified and protected...".

19. p. 2-31: Bottom line on the page: "significantly disturb" sounds to me like too high a threshold. Wouldn't we better off with "...does not cause disturbance to the normal activities of native species..."?

20. p. 2-32: In 2), the term "Development on any portion of the parcel outside the SCA" may create an unintended loophole. If applicants can find "any" spot on the parcel where development would be infeasible, etc., then they could claim a right to build within the SCA. I think we want to change the wording to "Development on the parcel wholly outside the SCA...".

21. p. 2-36: On the 2nd and 3rd lines of BIO-4.15, isn't the phrase "or when water is flowing through streams" so restrictive as to absolutely preclude any work (other than for emergency repairs) "adjacent to and potentially affecting SCAs" associated with perennial streams?

22. p. 2-38: The problem I see with BIO-4.i is that it absolutely requires replacement of any removed riparian vegetation. There are situations, especially in such areas as the Inverness Planning Area, where a common problem is streambeds that are choked with vegetation, often including ivy, brambles, blackberries, alders, etc., whose appropriate removal may enhance habitat and hydrological functions and often should be a condition of approval. I know of streams that are so choked by overgrowth as to be impaired. Requiring replacement, much less 2:1 replacement, is a one-size-fits-all mitigation that can sometimes actually be counterproductive. There should be allowance for site-specific considerations.

TO: **County Planning Commissioners**

FROM: **Randy Greenberg**

DATE: **2/25/07**

RE: **Draft CWP language related to "buffers" to sensitive habitat**

I have an issue with the explicit and implied descriptions of upland habitat as "buffers" for stream and wetland areas in the Draft CWP. My understanding is that these uplands are integral parts of the habitats, necessary to their proper functioning. This may be primarily semantic problem, given that there is language in the CWP that appears to confirm my understanding. However, I think the "buffer" language as currently written is likely to give us problems when individual applications are submitted. The Strawberry Pt. school application is a case in point, where the uplands are treated dismissively and largely valued as barriers to access. I would like to staff to look at this language and amend it to convey the integrated habitat values of stream and wetland conservation areas and their uplands. See list below of such references in the CWP.

CWP items below refer to upland habitat as "buffer". There may be other references. I suggest a word search for "buffer" to check for other references.

From 11/05 CWP edit comments:

43. *p. 2-12. Last para. starting at the 5th line. ***This discussion addresses the uplands as a buffer, when it is really an integral part of the baylands habitat. The language should be changed to reflect that.***

65. *p. 2-29.c. ***Here again adjacent upland habitat is defined as a buffer for wetland functions, and not as an integral part of the ecosystem. This approach weakens the importance of including and protecting these upland areas.***

66. *p. 2-29. BIO-3f. ***Same issue as item above.***

67. *p. 2-30. BIO-3.g. ***Same issue as item above.***

68. *p. 2-30 BIO-4.1. ***In para. headed "A Stream Conservation Area (SCA)..." Same issue as item above.***

Other CWP references to upland habit as "buffers" rather than as integral part of related habitat:

- ***p. 2-14 BIO-3.1, 2nd & 5th lines***
- ***p. 2-28 BIO-3e (a), 2nd line***
- ***p. 2-29 BIO-3e (c) 2nd line***
- ***p.2-29 BIO-3f 3rd line***

To Kris Krasnove Terry Watt & Planning Commission

Marin ReLeaf

Citizens for Sustainable Urban Forestry

P.O. Box 9512 San Rafael California 94912 (415) 721-4374 www.MarinReLeaf,.org

Executive Summary prepared for <u>Supervisor Charles McGlashan</u>
February 25, 2007
Authored by, Sandra Sellinger, Executive Director
Sandra

Vision:
To add Community Forestry to Natural Systems of Marin Countywide Plan

Why:
Trees are dealt with in the Design Section of Built Environment Element. Trees are fundamental elements of our world. They mitigate almost every Topic in each of the three Elements. Trees are part of our infrastructure. As long as they are seen as only "design" their wide-range of benefits will continue to be ignored by the public and government offices.

Climate change has become urgent over the past year, calling for immediate response. Reducing gas emissions is only part of the equation; trees sequester carbon. That means the more, bigger and healthier tree canopy, the more carbon will be sequestered.

At the United Nations 2005 Earth Day Summit in San Francisco, attending nations signed an agreement to try to reach 35-percent canopy cover over grey-surfaces, streets and sidewalks. Last September Marin ReLeaf asked Center for Urban Forest Research, USDA Forest Service, to perform a canopy-cover study of Marin. Because of the loss of federal budget funding, only urban centers, including small towns in west Marin, have been studied. Part of the conclusion: *"These results are to be used to estimate the value of increasing canopy cover in the urban areas of Marin County by 5% to a total of 35%. This could be achieved by the addition of 540,000 trees with [large] crown projection…Total annual benefits at maturity would be approximately $440 million. The largest contributor to these benefits is property value ($35 million), followed by electricity ($3.5 million, 16 GWH), hydrology ($1.5 million, 1 million m3) natural gas ($1.7 million, 40,000 MBtu), reduced carbon dioxide ($1.8 million, 215 metric tons), and net air quality benefits ($0.1million). Concentration on trees that are low emitters of Biotic Volatile Organic Compounds (BVOC), would increase benefits slightly ($30,000), however other positive impacts to air quality may make this a worthwhile strategy."* Just a few additional impacts include; improved tourism and business revenues, improved school grades, reduced noise, longevity of streets and sidewalks.

Sustainability & Mitigation:
The theme of the Countywide Plan is sustainability, yet, what is more sustainable than development of conditions for clean air and water? Mitigation at points of pollution must include trees: Trees along our roadways. Trees around our homes and businesses. Trees for noise reduction and a calmer population. To do these, we must see beyond the trees where they are decorative units and see the forest as a whole, a large working unit—a community forest.

<u>OVER</u>

INITIAL DRAFT

Benefits of Marin County Urban Trees

Jim Simpson, Greg McPherson and Jeff Shaney
Center for Urban Forest Research
Pacific Southwest Research Station
USDA Forest Service
Nov 20, 2006

Rapid growth in the San Francisco Bay Area is accelerating problems related to air pollution, water, and energy demand. Urban forestry can play an integral role in mitigating these problems by helping to mitigate water shortages, conserve energy, improve air quality, enhance public health programs, increase land values and local tax bases, provide job training and employment opportunities, reduce costs of city services, and increase public safety.

In view of these issues, The Bay Area Urban Forest Council commissioned the Center for Urban Forest Research to produce science-based information on the extent and value of the urban forest ecosystem for the nine-county Bay Area. The resulting report, due in the first quarter of 2007, will describe historic changes in tree canopy cover, as well as the benefits of the current urban forest in terms of improving air quality, reducing energy costs, cleaning and conserving water, and providing important social and economic benefits. It will illustrate the magnitude of potential benefits associated with large-scale tree planting and conservation.

Marin County is used here as an illustration of the type of information that will be in this report. First, percent tree canopy cover is derived from remotely sensed satellite imagery and then mapped for urban areas (Figure 1). Second, benefits are derived on a per tree basis using techniques developed by the Center (e.g., Maco et al. 2005). Third, benefits are converted to a per unit canopy cover area by accounting for tree species and size distributions, and for differences due to land use and regional climate. Finally, canopy cover area (Table 1) and benefits expressed as resource units (e.g., kg, kWh,Table 3) are combined to derive annual benefits in dollars for the county as a function of benefit type and land use (Table 4).

Annual benefits from urban trees total about $241 million. The majority of these (75%) are found in low density residential land use, which comprises 47% of total urban land use. Changes in property values comprise about 85% of the total annual benefits. Electricity savings and natural gas savings are $18.2 million and $3.6 million, respectively. Benefits due to avoided runoff are $10.2 million, and total CO_2 savings are $3.8 million (Net CO_2 sequestered + CO_2 avoided).

It is estimated that there are 3.3 million urban trees (Table 2), calculated as the quotient of total canopy cover and average crown projection area per tree of 19.6 m^2 (211 ft^2) found for Sacramento, California (McPherson 1998).

Benefit	Residential Low	Residential High	Commercial / Industrial	Institutional*	Open space	Transportation	Total	Units
Hydrology	3,167,630	377,703	550,933	31,422	1,845,794	1,039,873	7,013,356	(m^3)
Property Value	10,553,588	1,060,916	1,187,510	69,166	0	1,051,359	13,922,540	(m^2)
Ozone dep	102,148	11,835	17,866	1,456	55,809	31,720	220,834	(kg)
NOx dep	35,955	4,097	5,922	402	19,647	11,475	77,497	(kg)
PM10 dep	58,107	6,603	9,444	632	31,865	18,599	125,250	(kg)
SOx dep	7,574	864	1,266	88	4,127	2,406	16,325	(kg)
NOx avoided	21,678	1,197	4,155	0	0	0	27,030	(kg)
PM10 avoided	6,066	351	979	0	0	0	7,396	(kg)
SOx avoided	4,396	258	0	0	0	0	4,654	(kg)
VOC avoided	1,792	102	317	0	0	0	2,210	(kg)
BVOC	-62,654	-5,932	-24,515	-2,174	-76,005	-24,043	-195,323	(kg)
Net VOCs	-61,180	-5,762	-24,261	-2,147	-75,339	-23,546	-192,235	(kg)
Net Air Quality	175,061	19,374	15,434	404	35,443	40,157	285,873	(kg)
CO2 sequestered	28,322,739	3,188,337	4,622,282	582,576	20,358,488	8,288,755	65,363,177	(kg)
CO2 Decomp	4,644,382	520,784	714,459	115,330	3,880,056	1,388,006	11,263,017	(kg)
CO2 Maint	617,530	71,478	85,598	7,043	271,568	204,369	1,257,587	(kg)
Net CO2 sequestered	23,060,828	2,596,074	3,822,225	460,203	16,206,863	6,696,380	52,842,573	(kg)
CO2 avoided	890,513,335	53,278,403	138,285,416	0	0	0	1,082,077,154	(kg)
Natural Gas	160,311,657	7,904,629	42,033,210	0	0	0	210,249,496	(kBtu)
Electricity	70,469,999	4,158,510	10,598,901	0	0	0	85,227,411	(kWh)

Table 3. Total benefits for Marin county (resource units).

Benefit	Residential Low	Residential High	Commercial / Industrial	Institutional	Open space	Transportation	Total
Hydrology	$4,602,397	$548,783	$800,477	$45,654	$2,681,841	$1,510,880	$10,190,031
Property Value	$155,056,942	$15,436,175	$17,297,572	$967,444	$0	$15,841,782	$204,599,915
Ozone dep	$198,523	$23,347	$35,668	$3,384	$110,628	$60,269	$431,819
NOx dep	$65,390	$7,577	$11,018	$934	$36,734	$20,370	$142,023
PM10 dep	$38,224	$4,461	$6,406	$606	$21,953	$11,765	$83,416
SOx dep	$27,056	$3,065	$4,477	$280	$14,589	$8,679	$58,146
NOx avoided	$48,620	$2,699	$9,036	$0	$0	$0	$60,355
PM10 avoided	$13,478	$784	$2,150	$0	$0	$0	$16,412
SOx avoided	$14,393	$844	$0	$0	$0	$0	$15,236
VOC avoided	$1,640	$94	$280	$0	$0	$0	$2,014
BVOC	-$46,750	-$4,263	-$21,927	-$2,084	-$61,204	-$17,603	-$153,831
Net VOCs	-$45,414	-$4,108	-$21,695	-$2,058	-$60,601	-$17,151	-$151,027
Net Air Quality	$360,573	$38,608	$47,109	$3,121	$122,700	$83,480	$655,591
CO2 sequestered	$94,598	$10,649	$15,438	$1,946	$67,997	$27,684	$218,313
CO2 Decomp	$15,512	$1,739	$2,386	$385	$12,959	$4,636	$37,618
CO2 Maint	$2,063	$239	$286	$24	$907	$683	$4,200
Net CO2 sequestered	$77,023	$8,671	$12,766	$1,537	$54,131	$22,366	$176,494
CO2 avoided	$2,974,315	$177,950	$461,873	$0	$0	$0	$3,614,138
Natural Gas	$2,768,037	$136,486	$725,770	$0	$0	$0	$3,630,293
Electricity	$15,019,976	$886,345	$2,259,050	$0	$0	$0	$18,165,370
TOTAL NET BENEFIT	$180,859,262	$17,233,017	$21,604,618	$1,017,756	$2,858,671	$17,458,507	$241,031,832

Table 4. Total benefits for Marin county (dollar values).

Literature Cited

Maco, S.E., McPherson, E.G., Simpson, J.R., Peper, P.J., and Q. Xiao. 2005. City of Berkeley, California Municipal Tree Resource Analysis. Internal Report. USDA Forest Service, Pacific Southwest Research Station, Center for Urban Forest Research. 50 p.

McPherson, E.G. 1998. Structure and sustainability of Sacramento's urban forest. Journal of Arboriculture. 24:174-190.

Marin Countywide Plan
Wednesday, February 14, 2007
(My Documents: Marin Countywide Plan B)
Natural Systems & Agriculture Element

Community Forestry

Add to the topics covered in the Natural Systems (2) and Agriculture Element of the Countywide Plan

Key 2.2 Trends and Issues

Community Forestry

Trees are an environmentally sensitive, low-technological way to achieve many of Marin's important objectives including, carbon sequestion and reduced heat-island build-up, both major sources of climate change; improved air quality; reduced storm-water runoff to our creeks, beaches and bays; reduced energy consumption; decreased soil erosion; noise reduction; improved traffic control; improved infrastructure and cost reduction of county and city services; increased land values and local tax bases; increased public safety and life extension, as well as providing opportunities for job training and employment. Trees represent an important part of Marin's image and aesthetics.

2.3 Framework

* **Community Forestry (See Section 2.11):** Like a web cast upon the land, trees serve to protect and shelter our land and all life within Marin County. Taken as a whole unit, our trees are considered a forest, a Community Forest. The basic benefits it provides, fresh air and clean water, it cannot be separated to serve only one issue therefore, it is best to consider it part of our wildlands as well as our build environments.

2.11 Community Forestry

Background

Trees cover vast areas of Marin County and are managed by different agencies; Marin Municipal Water District, Federal and State Park systems, Marin Parks and Open Space Districts, as well as individual municipalities. Many trees are under private ownership. Major tree systems are; wild, interface and urban. Within those systems there is an overlap of different management styles each dealing with numerous government mandates.

For-1.3 **Require Utilities to Establish and Maintain Trees.** Develop codes and guidelines for utilities and transportation district (Caltrans, railroad, PG&E) to plant and maintain trees as large as possible on lands under their jurisdiction.

For-1.4 **Seek Agreement With International Figure of 35-percent Canopy Cover.** Work with municipalities and communities to develop program that will resolve the suggested canopy cover over grey surfaces of streets and sidewalks.

Why is this important?

By bringing together the major tree agencies with public interest groups will result in a regional and comprehensive goal for every element of Marin Countywide Plan.

Social: Healthier trees with bigger canopy cover will result in benefits to the health of businesses and residents.

Infrastructure:

How Will Results Be Achieved?

Implementing Program

For-1.a *Inform All Agencies*. Notify County agencies and pubic interest groups and set up meetings to begin process.

For-1.2 *Contact Other Counties to Compare In-fill Programs.* Through planning mechanism research in-fill

For-1.3

Goal (Community) For(estry)-3

For-3 Seek alternative means to utilize wood as trees are removed. When trees are removed, utilize the wood as an alternative source for local community markets.

Policies

For-3.1 Discourage wood disposal for firewood and as chips. Both of these present disposal methods are burdensome to our environment and social services.

Why is this important?

The smaller the particle of wood, the more carbon is released back into our atmosphere

Environment: Casual piles of wood chips harbor disease and insects that are potential sources of contamination to other landscaped areas. When chips are stacked too thickly, they become potential sources of fire, such as those along our roadways that can be ignited by sparks from vehicles or downed overhead utilities. The woody fibers of the chips absorb rain and irrigation water often leaving plants dry leading to eventual death of many landscaped areas.

Economy: Firewood is a major source of heating and cooking fuel and is a leading source of air pollution. Associated illnesses caused from burning wood contribute to increased medical expenses to individuals and related social support systems..
When trees are recognized as a source of potential financial reward, their better management will result.

Equity:

How Will Results Be Achieved?

Implementing Programs

For 3.a *Utilize trees affected by Sudden Oak Disease*

Shine, Kim

From: Madeline Thomas [asanovich@sbcglobal.net]
nt: Tuesday, March 06, 2007 11:06 AM
To: Arnold, Judy; Shine, Kim
Subject: County Bayland Corridor

Dear Supervisor Arnold and Commission Secretary Shine: I am a resident of Bel Marin Keys and I am very concerned that we have not been excluded from the Bayland Corridor just as Paradise Cay and Strawberry have. We are a waterfront community just as they are and we feel this is inappropriate to exclude the Novato Creek and Bel Marin Keys. It is already very expensive for this community to be able to dredge our lagoons and Novato Creek and by putting us in this corridor you will effectively prohibit us from any future dredging and by doing that our property values will be greatly diminished. I believe we deserve the same decision to opt out from the County Bayland Corridor. Please let me know your your decision.

Madeline Thomas
136 Montego Key
Novato, CA 94949
415-883-4004

asanovich@sbcglobal.net

Be good and take care,

Love,

Madlin

Shine, Kim

From: Sue Lattanzio [suelattanzio@earthlink.net]
nt: Tuesday, March 06, 2007 10:42 AM
To: Novato Creek
Subject: Re: ATTENTION BMK RESIDENTS: BMK IN COUNTY BAYLANDS PROTECTION CORRIDOR
Importance: High

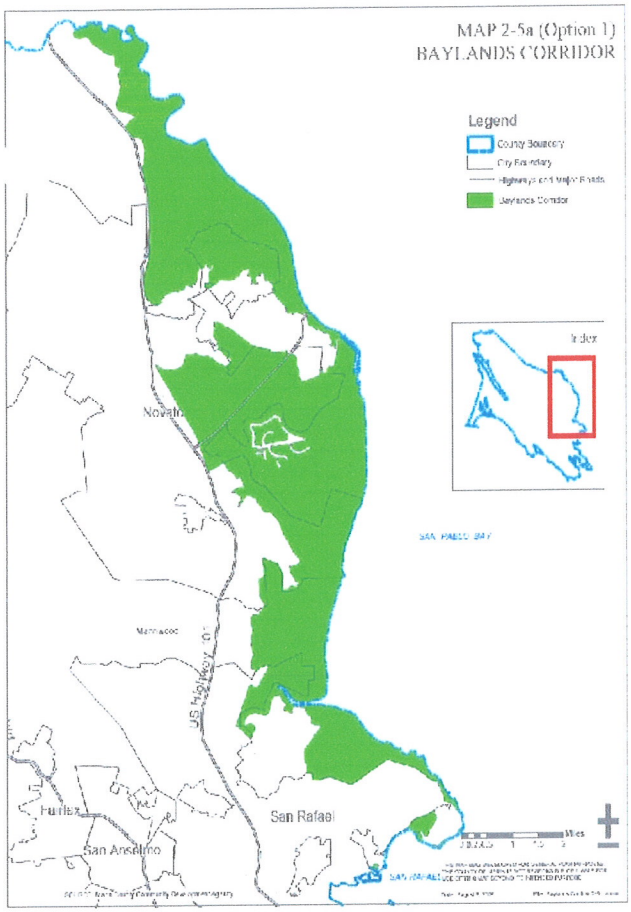
Please pass this on to concerned BMK Residents:

Bel Marin Keys has been **included** in the County's Baylands Protection Corridor as recommended by the Marin County Planning Commission yesterday. **This will add yet another level of County review, permits, restrictions and bureaucracy to every project we do in BMK.** I have requested an explanation from our Supervisor Judy Arnold, but basically BMK residents should be contacting her and the planning commission **immediately to exclude BMK, Novato Creek and our Disposal site from this area.** The decision that southern marin waterfront communities with dredging issues like Paradise Cay and Strawberry are excluded from this protection corridor and it's regulations while BMK and the Novato Creek are included is not acceptable. Paradise Cay had over 40 residents at the public hearing yesterday which appeared to make a difference. We need to respond immediately or face the consequences of even more restrictions on dredging , waterways maintenance and restriction on our homes etc.

All options presented in the 2005 Draft Countywide Plan include or surround the residential community of Bel Marin Keys and include BMK lagoons, the BMK CSD lands and locks, the lower 2-3 miles of the Novato Creek, and BMK's Dredge Disposal Site, while the plan has excluded other residential waterfront communities and towns like Paradise Cay within the county. All of the above mentioned areas should be excluded from the proposed baylands corridor area as they are subject to routine maintenance dredging and levee maintenance or are private property for dredge spoil disposal. No creeks or waterways were shown on the plan maps.

The establishment of a County Baylands Corridor is a duplication of the Bayfront Conservation Zone, which has at least **8 federal and state agencies currently regulating and permitting development**. The establishment of the County defined "Baylands Corridor" appears to provide no additional benefits to the environment while potentially expending a significant amount of funding and resources. Remember the 2000-2002 US Fish and Wildlife Services Proposal for the Baylands National Wildlife Refuge designating a similar conservation area with Federal restrictions. This proposal was met with strong opposition from the BMK community (we sent over 100 letters), again because it included the BMK community in the study area as well as the lower Novato Creek. I have found no information on how the Baylands Corridor would provide unique and specific benefits and protection for the environment beyond what is currently regulated and enforced by federal and state agencies. BMK should take a strong stand and request along with the BMK CSD that this decision be appealed/ revised immediately. Your letters / emails / phone calls should be directed to Supervisor Judy Arnold, and the planning commission secretary (contact info below). Thanks for your consideration and prompt action as your comments will make a difference.

·//www.co.marin.ca.us/depts/cd/main/fm/TOC.cfm



nty Planning Commission -
Commission reviews and makes recommendations to the Board of Supervisors on all countywide and community plan elements and amendments, master plans, and rezonings. The commission has final authority (pending appeal to the Board of Supervisors) on subdivisions, design reviews, use permits, and other planning decisions appealed from planning staff actions. The Commission also hears appeals of the findings of the Deputy Zoning Administrator and actions of the County's planning staff.

Kim Shine, Commission Secretary
3501 Civic Center Drive Room #308
San Rafael, CA 94903
Phone: (415) 499-6269 Fax: (415) 499-7880
Send Email to: **kshine@co.marin.ca.us**
M-F 8:00AM - 4:00PM

Supervisor Contact Information
Judy Arnold
3501 Civic Center Drive Suite 329
San Rafael, CA 94903
Phone: (415) 499-7331
Fax: (415) 499-3645

email: **jarnold@co.marin.ca.us**
Administrative Aides:
Anne Crouse
acrouse@co.marin.ca.us
Phone: (415) 499-7395
Tanya Maxwell
tmaxwell@co.marin.ca.us
Phone: (415) 499-7371

The Marin County General Plan

Infrastructure Failure due to Maintenance of Urban Levees

The following statement is taken from the Marin County General Plan, Environment Hazards Element - Executive Summary.

The objectives, policies and implementation programs contained in this Element are intended to reduce the risk of death, injuries, damage to property, and economic and social dislocation resulting from flood, fire, seismic, and geologic hazards.

If the above is true, then some very important information is needed and must be incorporated in the decision making process when assessing the value of funds expended and expected results in protection of lives and property.

INFORMATION

An issue of damaged property due to a failed urban levee moved from Contra Costa County Superior Court, No. C0402043, to the First Appellate District, Division Two. The decision was filed August 15, 2006, A112188. It was later sent for review by the California Supreme Court. They refused to review. So the decision stands as new law.

On page 17 of that document it is stated, *'that a definition of what the now famous FEMA will and will not "recognize in its flood hazard and risk mapping effort" cannot reasonably be construed to impose a "mandatory duty" upon a levee district such as the District to maintain its levees in any particular manner.*

However, FEMA requires every flood plain management district to submit documents which state compliance with Federal Regulations. Any document which purports compliance by a local district responsible now has no liability with any issue brought against it in regards to decision A112188 and maintenance. FEMA issued Procedure Memorandum No. 34, *Interim Guidance for Studies Including Levees.*

Below are very important questions to those preparing the Marin County General Plan:

With the issue outlined above and the complicated maintenance of a water desalination plant in the future, why even entertain the construction of a 111 million dollar structure with tens of millions in maintenance cost associated with it when negligent action that will harm thousands is OK by the state court?

How can the citizens expect any meaningful care of County owned and maintained infrastructure in light of the recent Appellate Court decision?

Why should any money be put toward maintenance if there is not obligation to maintain to any standard?

What happens to Federal funds in the future for repairs of infrastructure if the maintenance of local structures is faulty?

Dennis Gail
4/24- 1751