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Summary of Planning Commission Tentative Decisions Public Hearing of February 26, 2007 on Draft CWP - SCA/WCA Issues

Recommendation Tentatively Accepted	
Issue 2: Should the SCA definition should be modified to include: • all ephemeral creeks, not just those that meet criteria defined in the Countywide Plan • the 200-year floodplain when that floodplain is not already included in the SCA, and include flexible setback distances from the top of either bank • ephemeral streams as headwaters	Accept the policies proposed in the Draft CWP.
Issue 3: Should allowable uses in an SCA require best management practices (BMPs) pertaining to water issues for any repair or minor development within an existing building footprint.	Accept the policies proposed in the Draft CWP. {Jim, do these already adequately require water related BMPs for major remodels? Or do we need to amend?}
Issue 5: Should mitigation be required when development within the SCA is unavoidable.	Accept the policies proposed in the Draft CWP, including policy BIO-2a.
Issue 7: Cumulative impacts of all development projects proposed in the SCA, including those at buildout, should be considered for each development proposal.	Accept the policies proposed in the Draft CWP, including BIO-4.2 and BIO-4.b.

Issue 8:	Development on agriculturally zoned properties should be exempted from SCA policies.	Accept the policies proposed in the Draft CWP.
Issue 9:	Delineate the impacts of agricultural uses, including dairy herds, on baylands and streams.	Accept the policies proposed in the Draft CWP, including BIO-4.5, BIO-4.12, and Program BIO-4.j to address this issue with respect to the impacts of agricultural uses on streams and fencing requirements. Bring back issue of agricultural uses as allowed in an SCA where they do not require removal of “woody riparian vegetation” at Meeting on March 12. Bring back issue of the impacts of agricultural uses on Bayland on March 5. See below. Accept the policies proposed in the Draft CWP.
Issue 11:	Provide a measure to rate the environmental value of wetlands.	
Issue 15:	Stream sedimentation and erosion on agriculturally zoned properties.	Accept proposed mitigation measures: Policy BIO-4 (new): Continue Collaboration with the Marin RCD, and Programs BIO-4 (new): Encourage Conservation Plans within the SCA and Program BIO-4 (new): Provide Information to Reduce Soil Erosion and Sedimentation. See 4/9 Table for final BIO-4.17 language <u>BIO 4.17 Continue Collaboration with the Marin Resource Conservation District. Continue to collaborate with, support, and participate in programs provided by the Marin Resource Conservation District and the Natural Resource Conservation Service to encourage agricultural operators who conduct farm or ranch activities within a Streamside</u>

<u>FINAL LANGUAGE: NEW PROGRAMS BIO-4.M and 4.N</u>	<u>Conservation Area to minimize sedimentation and erosion to enhance habitat values.</u> <u>New programs BIO-4.m and 4.n placed on pg. 2-37 and added to table on pg. 2-48¹:</u> <u>BIO-4.m Encourage Conservation Plans within the Stream Conservation Area.</u> Continue to collaborate with the Marin Resource Conservation District to encourage and support the continued implementation of the Marin Coastal Watersheds Permit Coordination Program, especially the preparation of management and conservation plans where appropriate for agricultural activities within the Stream Conservation Areas. <u>BIO-4.n Provide Information to Reduce Soil Erosion and Sedimentation.</u> Provide information and fact sheets on programs offered by the Marin Resource Conservation District at the Community Development Agency front counter to landowners and applicants who submit development proposals within the Streamside Conservation Area in the Stemple, Walker and Lagunitas creek watersheds.
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Recommendation to Bring Back At Later PC Hearing	
Issue 4: Should fencing around creeks be required where down stream water is used for row cropping and processing activities.	This issue will be brought back on March 12, 2007.
Issue 9: Delineate the impacts of agricultural uses, including dairy herds, on baylands and streams.	Bring back issue of removal of woody vegetation at March 12 hearing. Bring back issue of the impacts of agricultural uses on Bayland on March 5 hearing.
Issue 16: Sea level rise.	Bring back issue at March 5 hearing.
Issues Discussed: Direction to Staff	
Issue 1: Should undergrounded or culverted creeks (i.e. man-made ditches) be subject to SCA regulations? Added Issue: Should a setback be required from culverted creeks?	Bring back at March 19 hearing with staff recommendations concerning: - o Addition of a 20 foot setback requirement from undergrounded, culverted or ephemeral creeks if currently required by the Dept. of Public Works; and - o Language modifying the definition of a SCA to capture the concept that if evidence exists that the ditch was once part of a natural drainage system or contains sensitive habitat values, application of SCA policies may be appropriate on a case-by-case basis.
Issue 6: Should additional incentives be provided to homeowners, such as reduced fees, who wish to improve	The Planning Commission directed additional incentive language be added (see underlining) and that Staff bring back at March 19 hearing modifications to

habitat within the SCA in the most environmentally sensitive manner possible and/or apply best management practices to SCA enhancements.	recommended mitigation measures BIO-4.a to clarify that there should be no additional vertical or horizontal incursion into an SCA associated with a building addition. Concept as follows: SEE 3/19 for BIO-4 revised language <i>BIO-4.a Adopt Expanded SCA Ordinance.</i> 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 [vertically or horizontally] 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, <u>such as reduced fees or other similar</u>
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		<u>incentives</u>, to reduce the extent of existing development within a SCA, or improve conditions that may be impacting sensitive resources.
Issue 10: Definition of Wetlands - Use consistent definition east and west Marin.		Issue to be brought back at March 19 hearing with recommendation as to how a consistent definition for wetlands could work.
Issue 12: Acquisition of Martin Brothers Triangle.		Bring back OS-2.3 with the addition of the Caltrans Right of Way to the list of open space targeted for acquisition if appropriate and modifications to proposed Policy OS-2.3 in underling (see below): Policy 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: • <i>Richardson Bay</i>. These sections of shoreline should be acquired or otherwise protected: Manzanita Green, connecting Marin City with the bay, Strawberry Cove, and the

	Martin Brothers Triangle adjacent to Bothin Marsh. Portions of Bothin Marsh (with the exception of the Martin Brothers Triangle), <u>most of the Tiburon shoreline, and most of the headwaters of Richardson Bay</u> have been acquired.
Issue 13: Appropriateness of reducing the 2:1 on-site wetland mitigation requirement when suitable “in-kind” wetland types would enhance the quantity but not the quality of overall habitat value. Can the mitigation include restoration of a season wetland with the expansion of an existing tidal marsh wetlands and conversion of an adjacent uplands habitat area at a 1:1 ratio.	Bring back issue at March 19 hearing with clarification of the issue and policy modification as needed to BIO-3.2. Require Through Mitigation and BIO-3.3.d Wetland Avoidance. Proposed language to clarify that there should be no net loss of “wetland acreage, wetland function and habitat value” in both the policy and the program.
Issue 14: Increased watershed peak flow rates, floodplain erosion and downstream sedimentation.	Bring back proposed BIO-4.(new) <i>Maintain Channel Stability</i> with clarification of what constitutes “evidence” to the County and consideration of Commissioner Julin’s proposal below. <u>SEE 4/9 Table for Final BIO-4.19 (new) language.</u> <i>BIO-4.19 (new) Project applicants for new development / redevelopment projects shall, where evidence [Clarify what evidence] is presented to the County demonstrating the need for an assessment, be required to prepare a hydraulic and / or geomorphic assessment of on-site and downstream drainageways that are affected by project area runoff. Characteristics pertinent to channel stability would include hillslope erosion, bank erosion,</i>

excessive bed scour or sediment deposition, bed slope adjustments, lateral channel migration or bifurcation, channel capacity and the condition of riparian vegetation. The hydraulic and / or geomorphic assessment shall include on-site channel or drainageway segments over which the applicant has control and access. In the event that project development would result in or further exacerbate existing channel instabilities, the applicant could either propose their own channel stabilization program, or defer to the mitigations generated during any environmental review required by the County for the project, which could include pre-project peak flow maintenance [See also Holland clarification of this phrase below]. Any proposed stabilization measures shall anticipate any project-related changes to the drainageway flow regime.

Consider including Julin's language for inclusion in this or another policy:

Commissioner Julin:

San Rafael Condition: For all frequency storm events up to 100-year, all project improvements shall minimize flood hydrograph peak flow or flood volume increases into drainage courses. To this end, design features including, but not limited to: porous pavement, pavers, maximizing overall permeability, drainage infiltration, disconnected impervious surfaces, swales, bioretention, green roofs, etc., shall be integrated into all projects. Increases in peak flow shall be integrated into all projects. Increases in peak flow shall be held to less than 1 (one) percent.

Before issuance of any Design Review approval, grading permits,

	<u>building permits, or approval of improvement plans, the applicant shall submit a pre-and post-project hydrology and hydraulic report detailing the amount of new impervious surface area and accompanying surface runoff from all improvement areas including driveways, to confirm that increases in peak flow shall be held to less than 1 (one) percent.</u> Consider Commissioner Holland's clarifying language at the end of the Policy as follows: <u>"maintenance of peak flows at pre-project levels"</u>
Issue 17: Language related to "Buffers" proposed by Commissioner Greenberg (attached)	Bring back at March 19 hearing.
Issue 18: Technical Corrections proposed by Commissioner Holland items 19, 20, 21, 22 (attached) Issue 19: Tree removal inside SCA	Bring back at March 19 hearing along with proposed technical corrections in remainder of memo. Bring back clarification of current policies at March 19 hearing.
Issue 20: Development definition: Ag Mode	Bring back recommendation at March 19 hearing.
Issue 21: Should a minimal setback be required on small lots?	Bring back recommendation at March 19 hearing.
Issue 22: Should there be any distinction between the Corridors for SCA/WCA setback regulations.	Bring back recommendation at March 19 hearing.

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**Draft Summary of Planning Commission Tentative Decisions
Public Hearing of March 5, 2007 on Draft CWP
Baylands Corridor (BIO-5) Issues**

Question/Issue	Tentative Decision
Question A: Do we need to discuss whether or not we want, in <u>principle</u> , to establish the 4 th corridor?	Yes, a fourth Baylands Corridor should be established.
Question B: Do we need to discuss the suggestion to eliminate lands south of Pt. San Pedro from the Baylands Corridor?	Maintain the existing Bayfront Conservation Zone south of San Pedro Road. Establish a corresponding general plan level Bayfront Conservation Area for this Zone. Establish a Baylands Conservation Corridor on large properties to the north of San Pedro Road subject to the information and possible further discussion below: ○ Bring back information on whether Bel Marin Keyes, Santa Venetia and Blackpoint areas are currently within the Bayfront Conservation Zone. ○ Depending on the above information, re-open discussion. ○ Bring back implementing language.
Question C: Do we need to discuss the principle of splitting small parcels between two corridors?	No longer relevant.
Issue 1: Should we create a Baylands Corridor and redefine the	See Questions A and B above.

existing Bayfront Conservation Zone?	
Issue 2: Does the proposed Baylands Corridor preclude development?	Staff clarified that the proposed CWP contains Policy CD-1.3 Reduce Potential Impacts: Calculate potential residential density and commercial Floor Area Ratio (FAR) at the low end of the applicable density range on sites with sensitive habitat or within the Ridge and Upland Greenbelt, the Baylands Corridor, or properties lacking public water or sewer systems. See also Issue 10 below with language modifying this Policy. Agreed that the Baylands Corridor does not preclude development.
Issue 3: Which Baylands Corridor boundary option do we favor? - o Option 3. - o Option 1. - o Option 2 together with Mitigation Measure 4.6-4.	Accept Option 2 as to the new extent of the Baylands Corridor along with Mitigation Measure 4.6-4 related to Wildlife Habitat and Movement Opportunities. MM 4.6-4(b) The County should obtain additional funding for Program BIO-2.b (<i>Conduct Habitat Connectivity Assessment</i>) and revise the timeframe of its implementation to the medium-term or sooner. , <u>CHANGED BIO-2.B TO “SHORT TERM” in Figure 2-4 (Imp. Chart) on pg. 2-47.</u>¹
Issue 4: Should the Baylands Corridor include small lots with existing development?	No, subject to the confirmation of whether Santa Venetia, Bel Marin Keyes and Blackpoint are within the current Bayfront Conservation Zone. Bring back mapping and depending on mapping additional

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	discussion, on March 19 th . Baylands Corridor language is revised in April 30 Staff Report Yes.
Issue 5: Is there adequate scientific data to justify the Baylands Corridor?	Yes with acceptance of Mitigation Measure 4.6-2: Early funding for habitat monitoring programs. <u>CHANGED BIO-1.B TO “SHORT TERM” in Figure 2-4 (Imp. Chart) on pg. 2-46.</u>
Issue 6: Does the Corridor protect sensitive natural communities?	Bring back a program to study and consider the inclusion of the large properties north of Gness Field in the Baylands Corridor depending on completion of more detailed resource mapping. Bring back a legal opinion concerning any consistency issues related to the use of the SFEI line + 300 ft and the Hwy 101 as boundaries for the Baylands Corridor.
Issue 7: Should the Baylands Corridor also include baylands with agricultural zoning that are currently in the Inland Rural Corridor (e.g., Corda property)?	○ Revise EH-3.j and EH-3.k and to reinstating the old EH-3.f: NOT ACCEPTED. ○ Remove HOD sites from areas under threat of inundation because of sea level rise: ACCEPTED to remove HOD sites. Bring back mapping on March 19th. ○ Add a new program (EH-3.new) entitled Plan for Sea
Issue 8: Has global warming sea level rise been dealt with adequately?	

<u>FINAL LANGUAGE: EH-3.N</u>	Level Rise? ACCEPTED. Added new program EH-3.n on CWP pg. 2-79 and pg. 2-88: <u>EH-3.n Plan for Sea Level Rise.</u> Consider sea level rise in future countywide and community plan efforts. Consider revising Marin County Development Code standards for new construction and substantial remodels to <u>limit building or require elevated buildings and infrastructure or other applicable mitigations in areas that may be threatened by future sea level rise as shown on maps released by the San Francisco Bay Conservation and Development Commission in February 2007.</u> See 3/19-26 PC Table for Final BIO-5.a Language ○ Add to CWP language that “in the future adjusting the limits of the Baylands Corridor and associated setbacks from the historic bay marshlands on large parcels mapped by SFEI in Maps 2-5a from the CWP Update.” NOT ACCEPTED. IN LIEU, ACCEPTED AMENDED BIO-5a BELOW. ○ Accept BIO-5a with additional language to address this issue – Bring proposed language back for consideration along the following lines: BIO-5.a <i>Establish Criteria for Upland Setbacks in the Baylands Corridor.</i> 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
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	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. <u>This should include consideration of possible implications of future sea level rise on existing habitat and need for sufficient upland to accommodate changes in Baylands Corridor boundaries while still maintaining a functional upland habitat area.</u> <u>Use focus species, locational distribution of sensitive resources and other ecological tools to establish criteria for determining essential habitat connectivity in site specific planning that serves to preserve and enhance existing wildlife habitat values.</u> <u>[proposed by Jim Martin, EIR Biologist based on input from Josh Collins of SFEI]</u>
Issue 9: What is the Baylands Corridor's potential effect on SMART?	No change to CWP needed.
Issue 10: Restricting development to the low end of the density range on those properties shown as subject to sea level inundation.	The following language was <u>not</u> added to Policy CD-1. CD-1.3 Reduce Potential Impacts. Calculate potential residential density and commercial Floor Area Ratio (FAR) at the low end of the applicable range on sites with sensitive habitat or within the Ridge and Upland Greenbelt, the Baylands Corridor, or properties lacking public water or sewer systems <u>and threatened by sea level rise</u>
Issue 11: Benefit of the Bayfront Conservation Zone versus the Baylands Corridor? How would it benefit waterfront parcels?	Addressed. See Questions A and B above.

Issue 12: Establishment of a Board to address issues related to housing and Baylands?	Develop and bring back on March 19th a new program to support the continuation of the efforts of the Environmental and Housing Collaborative (get correct name of group).
Issue 13: Benefits Analysis of Baylands Corridor and BFC Zone.	Discussed. No direction given.
Issue 14: Need for a technical advisory committee to provide science expertise to County.	See 3/19-26 PC Table for Final BIO-5(new) language Add a new program to the CWP: BIO-5(New) Assemble an ad-hoc technical advisory committee on an as-needed basis to provide scientific expertise in evaluating natural resource issues and making recommendations regarding adequate protections for SCA's, WCA's and Baylands. [proposed by Jim Martin, EIR Biologist based on input from Josh Collins of SFEI].

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**Draft Summary of Planning Commission Tentative Decisions
Public Hearing of March 12, 2007 on Draft CWP
Agriculture and Trails Issues**

Issue	Straw Vote Results
Issue 1: Should home sizes be limited on agricultural lands?	Option 1 (does not exempt primary residence; includes exclusion details; sets excess size threshold at 3,000 s.f.) accepted with additional language calling for ongoing monitoring and review. For detailed language, see March 19, 2007 PC Staff Report.
Issue 2: Should a change in ag activity be regulated (e.g., switching between grazing and row crop farming)?	Accept existing policies and programs as proposed in draft CWP. No regulation of change in ag activity.
Issue 3: Have potential land use conflicts between agricultural and urban uses been dealt with adequately?	Accept existing policies and programs as proposed in draft CWP and DEIR as adequate to address potential conflicts.
Issue 4: Should ag processing, retail sales, and visitor-serving uses be permitted in ag land-use designations?	Accept Mitigations Measures 4.1-4(a) and 4.1-4(b) as modified to reduce impacts from such uses to less-than-significant level. For detailed language, see March 19, 2007 Staff Report. See March 19-2007 PC Table for final AG-2.c language <u>Mitigation Measure 4.1-4(a)</u> AG-2c Prepare Criteria and Standards. Prepare criteria and standards to identify compatible agricultural activities and applicable development code requirements. Amend the Development Code to include criteria and standards to encourage agricultural processing and strengthen Marin's

	agricultural industry, including limitations on uses that are not compatible with sustainable agriculture. Continue to support the efforts of the UC Cooperative Extension, Marin Resource Conservation District, the Marin County Farm Bureau, Marin Agricultural Land Trust, Marin Organic, Marin County Agriculture Commissioner, and the Marin County Farmer's Market to plan for agriculture in Marin and ensure that the new criteria and standards are consistent with the County's goals of improved agricultural viability and preservation and restoration of the natural environment. Mitigation Measure 4.1-4(b) The County shall obtain funding for Program AG-2.C <u>On CWP page 2-175 the priority of AG-2.c in FIGURE 2-30 (Implementation Chart) was changed to HIGH.¹</u>
Issue 5: Should clustering requirements be applied to ag structures (in addition to existing requirements for clustering of residential structures on ag lands)?	See March 19 2007 PC Table for final AG-1.6 and AG-1.g language Accept a modified policy and program to address clustering issues as follows: AG-1.6 Limit Non-Agricultural Development. Limit non-agricultural development in the Agricultural Production Zone to allowed residential and accessory uses ancillary to and compatible with agricultural production. Require dwellings and other non-agricultural development to be limited in

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	size and clustered or and grouped together in building envelopes covering up to thaa five percent of the property or as determined through a site specific analysis of agricultural and environmental constraints and resources, with the remainder preserved for agricultural production. Clustering of Residential development on very large parcels may be limited to less than five percent of the land area. AG-1.g <i>Revise Agricultural Zoning Districts. Modify existing agricultural zoning districts to create a more uniform approach to preservation of agricultural lands, mandatory clustering, development standards, allowance of ancillary and compatible non-agricultural uses, and to limit incompatible non-agricultural commercial uses. The principal use of agriculturally zoned land shall be agricultural production, with non-agricultural uses limited to necessary residential uses and compatible ancillary uses that enhance farm income.</i> Consolidate suitable agricultural lands in the Inland Rural Corridor into a strengthened agricultural zoning district similar to the Agricultural Production Zoning District and create compatible zoning districts to accommodate lands currently zoned for, but not suited for, agriculture as a principal use. <u>Agricultural Production Zoning (APZ)</u> shall apply to lands in the Inland Rural Corridor suitable for land-intensive or land-extensive agricultural productivity as well as on soils classified as Prime Farmland or Farmland of Statewide Importance capable of supporting production agriculture. The purpose of this zoning district shall be to preserve
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	lands within the zone for agricultural use. The principal use of these lands shall be agricultural, and any development shall be accessory, incidental, or in support of agricultural production. <u><i>Agricultural Residential Planned District Zoning (ARP)</i></u> shall apply to lands adjacent to residential areas, and at the edges of Agricultural Production Zones in the Inland Rural and Coastal Corridors that have potential for agricultural production. This district may also be applied to lands with historic or potential agricultural uses within the City-Centered Corridor and in locations that function as community separators or greenbelts. This district is intended to protect agriculture but also allows residential and compatible commercial uses in areas that are transitional between residential and agricultural production uses. <u><i>Residential Agricultural Zoning District (RAZ)</i></u> shall apply in rural areas within the City-Centered, Inland Rural, Coastal, and Baylands Corridors to accommodate typical rural uses including small-scale row crop production, 4H projects and associated uses, along with residential uses and compatible commercial uses. <u><i>Woodland Conservation Zoning District (WCZ)</i></u> shall apply to selected lands currently in agricultural zoning districts that have a very dense native tree cover. Aerial photography shall be utilized to determine the extent of canopy cover characterizing properties to be included in this zoning district.
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Issue 6: Should all ag operations and facilities be exempt from development standards?	Accept existing policies and programs as proposed in draft CWP as adequate to address this issue.
Issue 7: Should trails be allowed on ag lands?	Accept trails maps, policies and programs as modified. See PC Staff Report for March 12, 2007 hearing and attachments (trail maps and errata sheet). Insert Revised Trail Maps in CWP Trails Section.
Issue 8: Should trails in Indian Valley be removed due to physical constraints? <u>FINAL LANGUAGE: AG-1.F</u>	Accept trails maps as modified. See PC Staff Report for March 12, 2007 hearing and attachments (trail maps and errata sheet). Changes and additions were made to AG-1.f on CWP pg. 2-162: AG-1.f <i>Review the TDR Program.</i> Evaluate the potential for an expanded the Transfer of Development Rights program to achieve effective protection of agricultural lands and the viability of existing agricultural operations. <u>The Community Development Agency in collaboration with the Marin Agricultural Land Trust will seek funding to prepare a feasibility study to include, but not be limited to, the following:</u> a) <u>Evaluate the potential for donor and receiver sites within the unincorporated county as well as consider the feasibility of potential receiver sites within cities and towns in Marin.</u>

	b) <u>Identify possible criteria for identifying donor and receiver sites and recommend procedures for the resale and transfer of purchased residential development rights</u> c) <u>Evaluate the feasibility of the Marin Agricultural Land Trust or another non-profit entity to administer or participate in an expanded program.</u> d) <u>The feasibility study should be prepared by qualified consultants with expertise in developing and implementing TDR programs.</u>
Supplemental Issue 9: Should the Transfer of Development Rights (TDR) Program be modified?	Accept proposed Alternative 4 (Mitigated Alternative) proposed program AG-1.f: Review the TDR Program as proposed in the CWP DEIR.
☒ SCA/WCA issues carried over from Feb. 26, 2007	
Issue 4: Should fencing be required around creeks where downstream water is used for row crop farming and processing activities?	Accept existing policies and programs as proposed in draft CWP as adequate to address this issue. <i>See new Issue #19 concerning removal of native vegetation and March 19, 2007 Staff Report recommendation.</i>
Issue 9: Should the impacts of ag uses, including dairying, on baylands and streams be further delineated?	Accept existing policies and programs as proposed in draft CWP as adequate to address this issue. <i>See new Issue #19 concerning removal of native vegetation and March 19, 2007 Staff Report recommendation.</i>

Other Agriculture & Trails issues Commissioners wish to discuss:	
New Issue 11. Trails in Mill Valley neighborhoods.	Accept trails maps as modified. See PC Staff Report for March 12, 2007 hearing and attachments (trail maps and errata sheet). See March 19, 2007 PC Table for final AG-2.5 language
New Issue 12. Fred Smith letter (Policy AG-2.5)	Accept Policy as proposed in draft CWP: AG-2.5 Market Local Products. Support the efforts of local farmers and ranchers to develop more diverse and profitable markets related to agriculture, including a permanent public market, for Marin County agricultural products, including direct markets to local and regional restaurants.
New Issue 13. Dickenson: non ag uses (other than residential) how they will be addressed? Issue of scale for institutional uses?	See March 19, 2007 PC Table for final AG-2.c language AG-2.c <i>Prepare Criteria and Standards.</i> Prepare criteria and standards to identify compatible agricultural activities and applicable development code requirements, including appropriate scale for compatible uses.
New Issue 14. Bio 1.7 - Does this Policy adequately address exotic species removal.	Accept Policy as proposed in draft CWP.
New Issue 15. Trail 2.c - add width as a standard.	Accepted as modified:

<u>FINAL LANGUAGE: TRL-2.e</u>	TRL-2.e was modified on CWP pg. 2-140 : TRL-2.e <i>Design Safe Trails.</i> Design trails so that their surfaces, grades, cross gradients, sight distances, width, curve radii, vegetation clearance and other specifications <u>are</u> consistent with anticipated uses.
New Issue 16. TRL-2.a – add language re: impacts <u>FINAL LANGUAGE : TRL-2.A</u>	Accepted as modified: TRL-2.a was modified on CWP pg. 1-139: TRL-2.a <i>Locate Trails to Protect Habitat.</i> Align or relocate trails to avoid impacting sensitive habitats such as wetlands and areas where endangered species are present. Avoid aligning trails along the boundaries of sensitive habitats.
New Issue 17: Proposed modifications to AG-1.b by Holland.	See April 2' 2007 PC Table for final AG-1.b and AG-1.g language Accepted as modified: AG-1.b <i>Require Production and Stewardship Plans.</i> Agricultural Production and Stewardship Plans shall be prepared and submitted for residential and other non-agricultural development as required by the Development Code. The purpose of these Plans is to ensure long-term agricultural productivity will occur and that they will substantially contribute to Marin's agricultural industry. Such plans shall clearly identify and describe existing and planned agricultural uses for the property, explain in detail their implementation, identify on-site resources and

	agricultural infrastructure, identify product markets and processing facilities (if appropriate), and demonstrate how the planned agricultural uses substantially contribute to Marin's agricultural industry. Agricultural Production and Stewardship Plans shall provide evidence that at least 90 percent of the useable land will remain in agricultural production and identify stewardship activities to be undertaken to protect agricultural and natural resources. Agricultural Production and Stewardship Plans shall be prepared by qualified professionals with appropriate expertise in range management and land stewardship. The approval of development proposals including Agricultural Production and Stewardship Plans shall include conditions ensuring the proper, long-term implementation of the plan. The requirement for an Agricultural Production and Stewardship Plan may be waived for dwelling units and residential accessory buildings or structures occupied or used by the property owner(s) or lessee who are directly engaged in the production of agricultural commodities for commercial purposes on the property and agricultural worker housing. It may also be waived for non-agricultural land uses that are determined by the County to be ancillary to and compatible with agricultural production as the primary use of the land. Waivers may be granted when the Review Authority finds that the proposal will not diminish current or future agricultural use of the property or convert it to primarily residential use <u>or other non agricultural use</u>, as evidenced by bona fide commercial agricultural production on the property, and agricultural infrastructure, such as fencing, processing facilities, marketing
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	mechanisms, agricultural worker housing or agricultural land leasing opportunities have been established or will be enhanced. On parcels where Agricultural Production and Stewardship Plans are required, criteria and standards will be developed to define commercial agricultural production and differentiate between commercial agricultural production and agricultural uses accessory to residential or other non-agricultural uses. AG-1.g <i>Revise Agricultural Zoning Districts.</i> Modify existing agricultural zoning districts to create a more uniform approach to preservation of agricultural lands, mandatory clustering, development standards, allowance of ancillary and compatible non-agricultural uses, and to limit incompatible non-agricultural commercial uses. The principal use of agriculturally zoned land shall be agricultural production, with non-agricultural uses limited to necessary residential uses and compatible ancillary uses that enhance farm income. Consolidate suitable agricultural lands in the Inland Rural Corridor into a strengthened agricultural zoning district similar to the Agricultural Production Zoning District and create compatible zoning districts to accommodate lands currently zoned for, but not suited for, agriculture as a principal use. <i>Agricultural Production Zoning (APZ)</i> shall apply to lands in the Inland Rural Corridor suitable for land-intensive or land-extensive agricultural productivity as well as on soils classified as Prime
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	Farmland or Farmland of Statewide Importance capable of supporting production agriculture. The purpose of this zoning district shall be to preserve lands within the zone for agricultural use. The principal use of these lands shall be agricultural, and any development shall be accessory, incidental, or and in support of agricultural production. <u><i>Agricultural Residential Planned District Zoning (ARP)</i></u> shall apply to lands adjacent to residential areas, and at the edges of Agricultural Production Zones in the Inland Rural and Coastal Corridors that have potential for agricultural production. This district may also be applied to lands with historic or potential agricultural uses within the City-Centered Corridor and in locations that function as community separators or greenbelts. This district is intended to protect agriculture but also allows residential and compatible commercial uses in areas that are transitional between residential and agricultural production uses. <u><i>Residential Agricultural Zoning District (RAZ)</i></u> shall apply in rural areas within the City-Centered, Inland Rural, Coastal , and Baylands Corridors to accommodate typical rural uses including small-scale row crop production, 4H projects and associated uses, along with residential uses and compatible commercial uses. <u><i>Woodland Conservation Zoning District (WCZ)</i></u> shall apply to selected lands currently in agricultural zoning districts that have a very dense native tree cover. Aerial photography shall be utilized to determine the extent of canopy cover characterizing properties to be included in this
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	zoning district.
New Issue 18: Modification to TRL-1g by Holland. <u>FINAL LANGUAGE: TRL-1.G</u>	Accepted as modified: TRL-1.g was modified on CWP pg. 2-138 as follows: TRL-1.g <i>Evaluate Proposed Development for Trail Impacts.</i> Review development proposals for consistency with the Marin Countywide Trails Plan and/or local community plan(s). Encourage project sponsors to grant trail easements and/or improve trails on lands traversed by proposed trail connections shown on the adopted Marin Countywide Trails Plan maps. <u>Evaluate development applications for the appropriateness of Consider requiring dedication as conditions of development approval as appropriate.</u>
New Issue 19: Should there be a setback to limit removal of native vegetation?	Bring back language on March 19, 2007. See March 19, 2007 Staff Report.
New Issue 20: Should there be clarification that agricultural stewardship plans should not apply to existing agricultural activities?	Bring back language on March 19, 2007. See March 19, 2007 Staff Report.

NOTE: Many policies and programs were revised at a later meeting date. The left column indicates "Final Language" to be added to the 2007 Revised CWP to guide the FEIR and final PC review.

**Draft Summary of Planning Commission Tentative Decisions
Public Hearings of March 19 and March 26, 2007 on Draft CWP
Natural Systems and Agriculture Element Issues**

- Issue 1:** A. Should undergrounded or culverted creeks be subject to SCA regulations?¹
B. Should there be a required setback from culverted creeks?¹

FINAL LANGUAGE: BIO-4.19

On March 19th the Planning Commission accepted the following revisions to BIO-4.9 and added a New Program BIO-4.m (see below). In addition, the Planning Commission directed Staff to bring back a revised definition of "streams" to clarify that natural drainages should be protected. See Planning Commission Staff report for April 2, 2007 for revised definition.

BIO-4.9 was modified on pg. 2-32²

BIO-4.9. Restore Culverted Streams. Replace storm drains and culverts in SCAs with natural drainage and flood control channels wherever feasible. Reopening and restoring culverted reaches of natural drainages should be considered as part of review of development applications on parcels containing historic natural drainages where sufficient land area is available to accommodate both the reopened drainage and project objectives. Detailed hydrologic analysis may be required to address possible erosion and flooding implications of reopening the culverted reach and in making appropriate design recommendations. Incentives should be provided to landowners in restoring culverted, channelized or degraded stream segments. Where culverts interfere with fish migration but replacement is not possible, modify

¹ Issue No. 1 at SCA/WCA hearing on Feb. 26.

² Page Numbers Reflect the Revised 2007 CWP only. This version is still being finalized and will be distributed when completed.

<u>FINAL LANGUAGE: BIO-4.0</u>	culverts to allow unobstructed fish passage. <u>Added new program BIO-4.0 on pg. 2-37 and 2-48:</u> <u>BIO-4.0 Consider Culvert Restoration.</u> As part of the expanded SCA ordinance, consider additional policy language to encourage reopening culverted reaches and restoring channelized reaches of natural drainages. This may include adjustments in minimum standard setback distances where site constraints prevent complete compliance along the restored or enhanced channel reach. A detailed analysis may be required to demonstrate restoration feasibility and address possible effects on erosion and flooding potential. Incentives may be available to landowners to encourage restoration and enhancement efforts.
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Issue 1: C. Should there be a minimum SCA setback on small lots (<0.5 ac) in the City-Centered Corridor?¹ <u>FINAL LANGUAGE: For BIO-4-2 on pg 2-30 modified bullet under Figure 2-2 for the City-Centered Corridor:³</u>	On March 19th the Planning Commission accepted the following new language to be added to • No specific minimum setback distance from top of bank for parcels less than 0.5 acres in size, but assumes any woody riparian vegetation is avoided and a site assessment is required which considers site constraints, presence of other sensitive biological resources, and options for alternative mitigation. • <u>A minimum setback distance of 20 feet from top-of-bank for parcels less than 0.5 acres in size. In addition, a site assessment is required to confirm the avoidance of woody riparian vegetation and consider site constraints, presence of other sensitive biological resources, options for alternative mitigation, and determination of the precise setback.</u>
Issue 2: A. Should incentives be provided to homeowners who apply BMPs or improve habitat values within an SCA?⁴ B. Should both horizontal and vertical incursion into an SCA be prohibited in the case of a building addition?²	On March 19th the Planning Commission accepted revised BIO-4.a to address both Issue 2 A and 2 B as follows:

³ Page Numbers Reflect the Revised 2007 CWP only. This version is still being finalized and will be distributed when completed.

⁴ Issue No. 6 at SCA/WCA hearing on Feb. 26.

<u>FINAL LANGUAGE: BIO-4.a:</u>	<u>Revised BIO-4.a on pg. 235 as follows</u> <i>BIO-4.a</i> <i>Adopt Expanded SCA Ordinance.</i> 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 <u>either vertically or horizontally</u> 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, <u>such as reduced fees or other similar incentives</u>, to reduce the extent of existing development within a SCA, or improve conditions that may be impacting sensitive resources. <u>Also as part of the expanded SCA ordinance, consider additional policy language to encourage reopening culverted reaches and restoring channelized reaches of natural drainages. This may include adjustments in minimum standard setback distances where site constraints prevent complete compliance along the restored or enhanced channel reach. A detailed analysis may be required to demonstrate restoration feasibility and address possible effects on erosion and flooding potential. Incentives may be available to landowners to encourage restoration and enhancement efforts.</u>
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Issue 3: Should the broader definition of “wetlands” that is required in the Coastal Zone be applied throughout the County (eliminate use of different definitions)?⁵	On March 19th the Planning Commission accepted the definition of wetlands as proposed in the 2005 draft CWP.
Issue 4: Acquisition of Martin Brothers Triangle.⁶ <u>FINAL LANGUAGE: OS-2.3:</u>	On March 19th the Planning Commission accepted revised Policy OS-2.3 as follows: <u>OS-2.3 on pg. 2-128 revised as follows⁷</u> <u>OS-2.3 Balance Shoreline Protection and Access to Water Edge Lowlands.</u> 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: <i>Richardson Bay.</i> These sections of shoreline should be acquired or otherwise protected: Manzanita Green, connecting Marin City with the bay, Strawberry Cove, <u>the Martin Brothers Triangle adjacent to Bothin Marsh and adjacent Cal Trans right-of-way, among other shoreline sections.</u> Portions of Bothin Marsh (with the exception of the Martin Brothers Triangle), most of the Tiburon shoreline, and most of the headwaters of Richardson Bay have been acquired. <u>While these properties are recommended for acquisition, the Plan treats them in the same manner as similar property in regards to development policies.</u> That is, Plan policies apply to these properties as if no acquisition recommendation had

⁵ Issue No. 10 at SCA/WCA hearing on Feb. 26.

	been made.
Issue 5: Should it be possible, under specified circumstances, to reduce onsite wetland mitigation requirement from 2:1 to 1:1?⁸ <u>FINAL LANGUAGE: BIO-3.2:</u>	On March 19th the Planning Commission accepted BIO-3.2 and BIO-3.d as revised: <u>BIO-3.2 on pg. 2-24 revised as follows:</u> BIO-3.2 <u>Require Thorough Mitigation.</u> 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 the maximum extent feasible, no net loss of <u>wetland area</u>, acreage; wetland functions, 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. BIO-3.d on pg. 2-25 revised as follows BIO-3.d <i>Prioritize Wetland Avoidance.</i> Amend the Development Code to require development to avoid wetland areas to the extent feasible. Where complete avoidance of wetlands is not possible, require provision of replacement habitat on-site through restoration and/or habitat creation, provided that no net loss of wetland acreage <u>area</u>, wetland function, and habitat values occurs. On-site wetlands mitigation shall be provided at a

⁶ Issue No. 12 at SCA/WCA hearing on Feb. 26.
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⁸ Issue No. 13 at SCA/WCA hearing on Feb. 26.

	minimum ratio of two acres for each acre lost (2:1 replacement ratio). Allow off-site wetland mitigation only when an applicant has demonstrated that no net loss of <u>wetland area acreage</u>, wetland functions and values would occur and that on-site mitigation is not possible or would result in isolated wetlands of extremely limited value. In those rare instances when on-site wetlands loss is unavoidable and on-site replacement is infeasible, require that a minimum of three acres be provided through mitigation for each acre lost (3:1 replacement ratio), preferably of the same habitat type as the wetland area that would be lost. On March 19th the Planning Commission directed Staff to bring back language to address the goal of limiting increases in peak flows to zero increase. See <u>Planning Commission Staff Report for April 2, 2007 for proposed language</u>.
Issue 6: Addressing the environmental impacts of increased peak flow rates, floodplain erosion, and downstream sedimentation. ⁹	
Issue 7: Revised language related to “buffers” for SCAs and WCAs. ¹⁰	On March 26th the Planning Commission directed Staff to bring back changes to CWP text, policies and programs to more clearly recognize the integrated habitat value of associated upland habitat. Specific language will be brought back along with technical and other changes to the Natural Systems Element following the conclusion of hearings on this Element based on the attached memo from Commissioner Greenberg dated 3-26-07. See <u>Planning Commission Staff Report for April 2, 2007 for revised language</u>.
Issue 8: Technical corrections (from Commissioner Holland). ¹¹	On March 19th the Planning Commission accepted revised BIO-4.1, <i>Restrict Land Uses in SCAs</i> and BIO-4.i, <i>Replace vegetation in SCAs</i> as follows: BIO-4.1 on pg. 2-27 revised as follows

⁹ Issue No. 14 at SCA/WCA hearing on Feb. 26.

¹⁰ Issue No. 17 from Commission’s deliberations at SCA/WCA hearing on Feb. 26.

¹¹ Issue No. 18 from Commission’s deliberations at SCA/WCA hearing on Feb. 26.

corridors?¹³	On March 19th the Planning Commission accepted New BIO-1.h, below and revised SV-1.7, below. On March 26th the Planning Commission directed that revised SV-1.7 be brought back for further review and discussion at the Built Environment Hearing on St. Vincent's scheduled for April 23, 2007. Added new program BIO-1-h on pg. 2-18 and 2-47: <u>BIO-1.h Encourage Community Forest Programs.</u> Work with volunteer organizations and Marin cities and towns to encourage the creation of a comprehensive, long term, community forestry program(s) in recognition of the multiple benefits provided by trees to our health, our communities and the environment. See 4/23 Table for Final Language in SV-1.7 SV-1.7 Preserve Trees. Protect major native oak groves and specimen oak trees. Preserve the native oak woodlands on Pacheco Ridge. <i>Preserve healthy and safe eucalyptus groves which currently support colonies of Monarch Butterfly, colonial nesting birds such as heron rookeries and/or are known raptor nesting sites..</i> Preserve healthy and safe eucalyptus groves and maintain them in a healthy condition.⁹ (to be brought back at April 23 PC) On March 19th the Planning Commission directed Staff to bring back language to implement their direction with respect to what should be included in the Baylands Corridor. See <u>Planning Commission Staff Report for April 2, 2007 for proposed</u>
Issue 11: Should additional language supporting Community Forests be considered?¹⁴ <u>FINAL LANGUAGE: New program BIO-1-h</u>	Issue 12: Resolve details of what is intended to be included in the Baylands Corridor.¹⁵

¹³ Issue No. 22 from Commission's deliberations at SCA/WCA hearing on Feb. 26.

¹⁴ Issue No. 23 from Commission's deliberations at SCA/WCA hearing on Feb. 26.

Issue 13: Should the Baylands Corridor also include baylands with agricultural zoning that are currently in the Inland Rural Corridor (e.g., Corda property)?¹⁶ <u>FINAL LANGUAGE: New program BIO-5.i</u>	language. On March 19th the Planning Commission accepted Program BIO-5.i (new) below: Added new program BIO-5.i on pg. 2-44 and 2-49: BIO-5.i Conduct Mapping and Analysis. Undertake detailed resource mapping and biological analysis to determine the appropriateness of including additional associated habitats located on large, primarily undeveloped lands within the Baylands Corridor. In addition, the County should evaluate if small parcels not subject to tidal influence should be added to or omitted from the Baylands Corridor, and modify Section 22.14.060 of the Development Code to address parcels over two acres in size.
Issue 14: Sea level rise: Should provision be made for adjusting the boundaries of the Baylands Corridor to reflect future sea level rise?¹⁷ <u>FINAL LANGUAGE: BIO 5-a</u>	On March 19 the Planning Commission accepted BIO-5.a as follows: BIO 5-a on pg. 2-42 modified as follows: BIO-5.a <i>Establish Criteria for Upland Setbacks in the Baylands Corridor.</i> During the Zoning Ordinance update, 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

¹⁵ Issue No. 2 at Baylands Corridor hearing on March 5.

¹⁶ Issue No. 7 at Baylands Corridor hearing on March 5.

¹⁷ Issue No. 8 at Baylands Corridor hearing on March 5.

	resources, and to provide essential linkages between important features such as seasonal wetlands, freshwater marsh, and roosting and nesting areas. <u>This should include consideration of possible implications of future sea level rise on existing habitat. Use focus species, locational distribution of sensitive resources and other ecological tools to establish criteria for determining essential habitat connectivity in site specific planning that serves to preserve and enhance existing wildlife habitat values.</u>
Issue 15: Should the program that supports funding for levee maintenance and repair be reinstated?¹⁸ <u>FINAL LANGUAGE: EH-3.0</u>	On March 19th the Planning Commission accepted the following new Program: Added new program EH-3.0 on pg. 2-79: <u>EH-3.0 Seek Levee Assistance. Pursue federal funding for levee reconstruction in those areas threatened by sea level rise, including but not limited to Santa Venetia.</u>
Issue 16: Is an advisory committee needed to address natural resource issues and to evaluate the adequacy of stream, wetland, and baylands protections?¹⁹ <u>FINAL LANGUAGE: New program BIO-5j</u>	Added new program BIO-5j on pg. 2-44 and pg. 2-49: <u>BIO-5-j Consider Technical Group. Consider establishing a technical working group on an as-needed basis to provide scientific expertise in evaluating natural resource issues regarding adequate protections when considering revisions for SCA and WCA regulations, and baylands mapping.</u>

¹⁸ Issue No. 8 at Baylands Corridor hearing on March 5.

Issue 17: Should development be restricted to the low end of the density range on properties shown as possibly susceptible to inundation as a result of sea level rise?²⁰ <u>FINAL LANGUAGE: NEW PROGRAM CD-1.H</u>	On March 19th the Planning Commission accepted the following new Program: Added new program CD-1.h on pg. 3-16 and 3-50: CD-1.h <i>Consider Future Threat of Sea Level Rise.</i> Consider revising Policy CD-1.3 to include properties threatened by sea level rise as more information about the sea level rise threat becomes available.
Issue 18: Should the unincorporated portion of the San Rafael airport property be excluded from the Baylands Corridor (because the airport is developed)?²¹	On March 19th the Planning Commission directed that the San Rafael airport continue to be included in the Baylands Corridor per existing maps.
Issue 19: Clarify and refine Commission's direction on limitation of size of homes on ag properties.²² <u>FINAL LANGUAGE: NEW PROGRAM AG-1.S</u>	On March 26th the Planning Commission directed Staff to bring back data and case studies for existing agricultural housing and language to implement their direction with respect to agricultural . See Planning Commission Staff Report for April 2, 2007 for data and proposed language. On March 26th the Planning Commission accepted the following proposed addition to AG-1.s: Added new program AG-1.s to pg. 2-164 and 2-175:

¹⁹ New issue proposed at Baylands Corridor hearing on March 5.

²⁰ Issue No. 10 from Commission's deliberations at Baylands Corridor hearing on March 5.

²¹ Issue provided by staff for clarification.

²² Issue No. 1 at Agriculture & Trails hearing on March 12.

	<u>AG-1.s</u> <u>Maintain up to date Agricultural Statistics.</u> <u>Monitor and maintain up to date statistics on agricultural production values, land costs, expenses and other data affecting the agricultural economy.</u>
Issue 20: Should there be additional standards for ag processing, retail sales, and visitor-serving uses in ag land-use designations?²³ <u>FINAL LANGUAGE: NEW PROGRAM AG-2.C</u>	On March 19th the Planning Commission accepted the following revised Program (which would modify MM 4.1(a)) and accepted Mitigation Measure 4.1-4(b) as follows: <u>Mitigation Measure 4.1-4(a)</u> Added new program AG-2.c on pg. 2-168 and 2-175 (note, this was revised since 3/12 table): <u>AG-2c</u> <u>Review existing Development Code Criteria and Standards.</u> <u>Review and amend the Development Code as appropriate to include new and/or modified criteria and standards that encourage agricultural processing and sales while limiting uses that are not compatible with sustainable agriculture.</u> <u>Consideration should be given to development code revisions that ensure agricultural processing and sales-related uses will not result in any significant impacts, such as those related to traffic and noise.</u> <u>Continue to support the efforts of the UC Cooperative Extension, Marin Resource Conservation District, the Marin County Farm Bureau, Marin Agricultural Land Trust, Marin Organic, Marin County Agriculture Commissioner, and the Marin County Farmer's Market to plan for agriculture in Marin and ensure that the new criteria and standards are consistent with the County's goals of improved agricultural viability and preservation and restoration of the natural environment.</u> <u>Mitigation Measure 4.1-4(b)</u>

²³ Issue No. 4 at Agriculture & Trails hearing on March 12.

	The County shall obtain funding for Program AG-2.c. Already Done from 3/12 Table
Issue 21A:²⁴ Should clustering requirements be applied to ag structures (in addition to existing requirements for clustering of residential structures on ag lands)?²⁵ <u>FINAL LANGUAGE: NEW POLICY AG1.6</u>	On March 26th the Planning Commission accepted language developed on March 19th for AG-1.6 and AG-1.g: AG-1.6 on pg. 156 has been revised as follows: AG-1.6 Limit Non-Agricultural Development. Limit non-agricultural development in the Agricultural Production Zone to allowed residential and accessory uses ancillary to and compatible with agricultural production. Require dwellings and other non-agricultural development to be limited in size and clustered or grouped together in building envelopes covering up to thaa five percent of the property as determined through a site specific analysis of agricultural and environmental constraints and resources, with the remainder preserved for agricultural production. Clustering of Residential development on very large parcels may be limited to less than five percent of the land area. AG-1.g on pg. 2-162 has been revised as follows: AG-1.g <i>Revise Agricultural Zoning Districts.</i> Modify existing agricultural zoning districts to create a more uniform approach to preservation of agricultural lands, mandatory clustering, development standards, allowance of ancillary and compatible non-agricultural uses, and to limit incompatible non-agricultural commercial uses. The principal use of agriculturally
<u>FINAL LANGUAGE: PROGRAM AG-1.G</u>	

²⁴ This is numbered Issue 21 on p. 21 in the Staff Report (which also lists an Issue 21 on p. 22).

²⁵ Issue No. 5 at Agriculture & Trails hearing on March 12.

	zoned land shall be agricultural production, with non-agricultural uses limited to necessary residential uses and compatible ancillary uses that enhance farm income.
Issue 21B: ²⁶ Should the impacts of ag uses on baylands and streams be further delineated – i.e., should there be a setback within SCAs within which removal of native vegetation is restricted? ²⁷	On March 26 th the Planning Commission directed Staff to bring back the BIO-4.1, Restrict Land Uses in SCAs – Final Bulletin under Allowable Uses, with bullets clarifying language concerning agricultural uses. See <u>Planning Commission Staff Report for April 2, 2007 for proposed language.</u>
Issue 22: Revision of Policy AG-2.5 to specifically address agriculture-related products. ²⁸ <u>FINAL LANGUAGE: POLICY AG-2.5</u>	On March 19th the Planning Commission accepted AG-2.5 as revised: AG-2.5 on pg. 2-165 was revised as follows: AG-2.5 Market Local Products. Support the efforts of local farmers and ranchers to develop more diverse and profitable markets related to agriculture, including a permanent public market, for Marin County agricultural products and direct marketing to local and regional restaurants. <i>Note: the last three lines of the text in this policy had been previously edited.</i>
Issue 23: How will non-agricultural uses (other than	On March 19 th the Planning Commission accepted AG-2.5 as revised:

²⁶ This is numbered Issue 21 on p. 22 in the Staff Report (which also lists an Issue 21 on p. 21).

²⁷ Issue No. 5 at Agriculture & Trails hearing on March 12.

²⁸ Issue No. 13 from Commission's deliberations at Agriculture & Trails hearing on March 12.

residential) be considered – specifically, how will scale for institutional uses in Ag zones be addressed?²⁹	AG-2.5 Market Local Products. Support the efforts of local farmers and ranchers to develop more diverse and profitable markets <u>related to agriculture</u>, including a permanent public market and direct marketing to local and regional restaurants for Marin County agricultural products. Also see Issue #20 above.
Issue 24: Are more effective controls on installation of impermeable surfaces in SCAs and WCAs needed?³⁰ Sub-Issue: Should there be setbacks for septic systems in SCAs/WCAs? <u>FINAL LANGUAGE: NEW POLICY BIO-4.18</u>	On March 26th the Planning Commission accepted proposed new BIO-4.17 (below) directed Staff to bring back the BIO-4 programs related to impermeable surfaces and septic systems in WCAs and SCAs for review. <u>See Planning Commission Staff Report for April 2, 2007 for proposed language.</u> Added new policy BIO-4.18 on pg. 2-33: <u>BIO-4.18 Promote the use of Permeable Surfaces when Hardscapes are Unavoidable in the SCA and WCA.</u> <u>Permeable surfaces rather than impermeable surfaces shall be required wherever feasible in the SCA and WCA.</u> <u>See April 2, 2007 Staff Report for revised implementing programs.</u> On March 19th the Planning Commission accepted the following revised program: TRL-2.m on pg. 2-140 and 1-41 was revised as follows:
Issue 25: Should trail maintenance include removal of invasive exotic species?³¹ <u>FINAL LANGUAGE: TRL-2.M</u>	

²⁹ Issue No. 13 from Commission's deliberations at Agriculture & Trails hearing on March 12.

³⁰ New issue raised by Commissioner Holland.

³¹ New issue proposed at Agriculture & Trails hearing on March 12.

	TRL-2.m <i>Maintain Trails in a Sustainable Manner.</i> Consider and implement as appropriate: • Using natural materials; • Using longer lasting materials • Using recycled materials • Reducing or avoiding use of chemicals • Scheduling maintenance activities to avoid disturbing the nesting and breeding seasons of sensitive species • Exploring alternatives to fossil fuels for maintenance vehicles and equipment • Rebuilding and/or realigning trails with chronic maintenance problems • Seasonal trail closures-(later decision) • <u>Removal of invasive exotic plants</u>
The Following are Mitigation Measures from the DEIR Accepted by the Planning Commission on 3-19. See Staff Report Dated 3-19-07 for detailed descriptions of accepted Mitigation Measures before making detailed changes to the 2005 Draft CWP. Issue 26:³² Buffer zones for potential sources of odors/toxics.³³ <u>FINAL LANGUAGE: AIR-2.1</u>	On March 19th the Planning Commission accepted Mitigation Measures 4.3-3(a), 4.3-3(b), and 4.3-3(c), which revise AIR-2.1, <i>Buffer Emission Sources and Sensitive Land Uses</i>, and AIR-2.a, <i>Require Separation Between Air Pollution Sources and Other Land Uses</i>, and add AIR-2.(new), <i>Health Risk Analysis for Sensitive Receptors</i>, to ensure maintenance of appropriate buffers between sources of air pollution and sensitive receptors. AIR-2.1 on pg. 2-99 was revised as follows:

³² Issue No. 26 is misnumbered on p. 25 in the Staff Report as Issue No. 27.

³³ Issues 26-43 are new issues related to impacts identified in the DEIR.

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 users in the vicinity of air pollution point sources (which may include freeways, manufacturing, extraction, hazardous materials storage, landfill food processing, wastewater treatment, and other similar uses).

FINAL LANGUAGE: AIR-2.A

AIR-2.a on pg. 2-96 and 2-110 was revised as follows:

AIR-2.a *Require Separation Between Air Pollution 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.

Added new program AIR-2.c on pg. 2-97 and pg. 2-110:

AIR-2.c Health Risk Analysis for Sensitive Receptors.
Require that projects involving sensitive receptors proposed within 150 feet of freeways shall include an analysis of the potential health risks. Mitigation measures which comply with adopted standards of the BAAQMD for control of odor/toxics for sensitive receptors shall be identified in order to reduce these risks to acceptable levels.

FINAL LANGUAGE: NEW PROGRAM AIR-2.C

Issue 27:³⁴ Increase in greenhouse gas emissions. <u>FINAL LANGUAGE: AIR-4.F</u>	On March 19th the Planning Commission accepted Mitigation Measure 4.3-6, which revises AIR-4.f, <i>Establish a Climate Change Planning Process</i>, and requires implementation of proposed state programs in order to reduce the rate of increase in greenhouse gas emissions. AIR-4.f on pg. 2-108 was revised as follows: AIR-4.f <i>Establish a Climate Change Planning Process.</i> Approve and begin implementation of the <u>Marin County Greenhouse Gas Reduction Plan</u>. Integrate <u>Marin County Greenhouse Gas Reduction Plan</u> 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. Added new program AIR-4.o on pg.2-104 and pg. 2-112: AIR-4.o <i>Implement Proposed State Programs.</i> Implement proposed State programs to reduce greenhouse gas emissions including the Renewable Portfolio Standards, California Fuel Efficiency (CAFÉ) standards and carbon cap and trade programs.
Issue 28: Water quality standards. <u>FINAL LANGUAGE: WR-2.I</u>	On March 19th the Planning Commission accepted Mitigation Measures 4.5-1(a), which revises WR-2.i to require establishment of a septic inspection, monitoring, and maintenance district, and 4.5-1(b), which continues implementation of County ordinances related to maintenance of water quality standards.

³⁴ Issue No. 27 is misnumbered on p. 26 in the Staff Report as Issue No. 28.

<u>FINAL LANGUAGE: NEW PROGRAM WR-2.I</u>	WR-2.i on pg. 2-59 and pg. 2-65 was revised as follows: WR-2.i; Consider Establishing a Septic Inspection, Monitoring, and Maintenance District. Establish a countywide Septic Management and Monitoring District that would include all portions of unincorporated areas with septic systems. Modify applicable codes to enable the inspection and monitoring of on-site septic systems in a risk-based, comprehensive and cost effective way. <u>Establishment requires a petition or election to put the district in place.</u> Added new program WR-2.I on pg. 2-60 and pg. 2-65: WR-2.I Implement County Ordinances. Continue to implement County ordinances addressing <u>nonpoint source pollution, erosion and sediment control, and surface runoff pollution control plans to ensure that project related and cumulative impacts to water quality standards are minimized or avoided through conditions on project approval as required by the ordinances.</u>
Issue 29: Drainage: On-site and downstream erosion and sedimentation. <u>FINAL LANGUAGE: NEW PROGRAM BIO-4.P</u>	On March 19th the Planning Commission accepted Mitigation Measure 4.5-4, which adds a new policy BIO-4.(new) dealing with current or impending stream channel instability, continues implementation of NPDES Phase II permit requirements relating to peak flow controls, and incorporates other mitigation measures relating to infiltration and peak flow rate control. Added new program BIO-4.p on pg. 2-37 and 2-48: BIO-4.p Implement NPDES Phase II. Continue to implement NPDES Phase II <u>permit requirements relating to peak flow</u>

	controls to ensure that <u>project related and cumulative impacts to peak flows are minimized or avoided through conditions on project approval as required by the ordinances.</u>
Issue 30: Stormwater drainage system capacities.	On March 19 th the Planning Commission accepted Mitigation Measure 4.5-5, which provides measures to minimize the potential impacts from flooding resulting from undersized stormwater drainage system capacity.
Issue 31: Stormwater drainage system expansions.	On March 19 th the Planning Commission accepted Mitigation Measure 4.5-6 and Mitigation Measures 4.5-1 (b), 4.5-3(d) and 4.5-4(b) which provide measures to minimize erosion impacts from future construction of storm drain system expansions.
Issue 32: Exposure of people or structures to flood hazards.	On March 19 th the Planning Commission accepted Mitigation Measure 4.5-7 and Mitigation Measures 4.5-7(a), (b) and (c) which provide measures to ensure that people and structures are protected against 100-year flooding events. Modified Figure 2-16 to change priority to High for AIR-5.c Added new program AIR-5.i on pg. 2-107 and 2-112: AIR-5.i <i>Modify Construction Standards.</i> Amend the Marin County Development Code to include construction standards for areas threatened by future sea level rise.
<u>FINAL LANGUAGE: NEW PROGRAM AIR-5.I</u>	

<u>FINAL LANGUAGE: AIR-5.H</u>	Added new program AIR-5.h on pg. 2-107 and 2-112: AIR-5.h <i>Implement Floodplain Ordinances.</i> Continue to implement County ordinances that regulate floodplain development to ensure that project related and cumulative impacts to flooding are minimized or avoided through conditions on project approval as required by the ordinances
Issue 33: Special-status species. <u>FINAL LANGUAGE: BIO-2.E</u>	On March 19th the Planning Commission accepted Mitigation Measure 4.6-1, which adds a new policy BIO-2.(new) dealing with continued active participation in the FishNet4C program and improvement and restoration of aquatic habitat for listed anadromous fish species and other fishery resources. Added new program BIO-2.e on pg. 2-22 and 2-47: BIO-2.e <i>Participate in FishNet4C Program.</i> Continue to actively participate in the FishNet4C program and work cooperatively with participating agencies to implement recommendations to improve and restore aquatic habitat for listed anadromous fish species and other fishery resources.
Issue 34: Geology, surface fault rupture.	On March 19th the Planning Commission accepted Mitigation Measure 4.7-1, which revises policy EH-2.2, <i>Comply with the Alquist-Priolo Zoning Act</i>, revises program EH-2.d, <i>Limit Building Sites in Alquist-Priolo Zones</i>, adds new program EH-2.(new), <i>Reliability of Lifelines and Access (Evacuation) Routes</i>, and continues implementation of County ordinances requiring geological assessment for new subdivisions and grading permits. EH-2.2 on pg. 2-74 revised as follows:

<u>FINAL LANGUAGE: EH-2.2</u>	<u>EH-2.2.2</u> <i>Comply with the Alquist-Priolo Act. Continue to implement and enforce the Alquist-Priolo Earthquake Fault Zoning Act. prohibit specified types of any structures for human occupancy in State-designated active fault areas.</i> <u>EH-2.d</u> on pg. 2-75 revised as follows: Program EH-2.d; Limit Building Sites in Alquist-Priolo Zones. Prohibit new building sites in any Alquist-Priolo Earthquake Fault Zone, unless a geotechnical report prepared by a certified engineering professional geologist establishes that the sufficient and suitable land area for development pursuant to will comply with all applicable State and County earthquake standards and regulations. Added new program EH-2.1 on pg. 2-76 and 2-86: <u>EH-2.1</u> <i>Reliability of Lifelines and Access (Evacuation) Routes. In cooperation with utility system providers, emergency management agencies, and others, assist in the development of strategies to reduce adverse effects of geologic hazards, especially fault surface rupture and landslides to critical public lifelines and access (i.e., evacuation) routes in an emergency.</i> Added new program EH-2.m on pg. 2-76 and 2-87: <u>EH-2.m</u> <i>Implement Geological Assessment Ordinances. Continue to implement County ordinances requiring geological assessment (e.g., Preliminary Soils, Soils Investigation, and Geologic / Geotechnical reports) for new subdivisions and grading permits to identify the presence of surface fault rupture.</i>
<u>FINAL LANGUAGE: NEW PROGRAM EH-2.L</u> <u>FINAL LANGUAGE: NEW PROGRAM EH-2.M</u> Issue 35: Seismic ground shaking.	On March 19th the Planning Commission accepted Mitigation Measure 4.7-2, which (among other things) revises various

<u>FINAL LANGUAGE: EH-2.3</u>	policies and programs in order to reduce seismic ground shaking impacts and adds a new program EH-2.(new), <i>Post-earthquake Damage Assessment</i>. EH-2.3 on pg. 2-74 revised as follows: EH-2.3 Ensure Seismic Safety of New 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. Design and construct all new buildings to be earthquake resistant. The minimum level of design necessary would be in accordance with seismic provisions and criteria contained in the most recent version of the State and County Codes. Construction would require effective oversight and enforcement to ensure adherence to the earthquake design criteria. EH-2.e on pg. 2-75 and 2-86 revised as follows: EH-2.e; Retrofit County Buildings and Critical Facilities. Identify and remedy any County owned structures and critical facilities in need of seismic retrofit or other geotechnical / structural improvements, including by eliminating any potentially hazardous features, and / or relocating services if necessary. PS-3.f on pg. 4-39 and 4-45 revised as follows: PS-3.f; Promote Structural and Nonstructural Safety. Provide and inform the public of the available educational guides promoting structural and nonstructural earthquake safety. Encourage installation of automatic natural gas shut-off valves in buildings. Encourage retrofit of older buildings and securing nonstructural elements of a building to prevent the falling or throwing of objects. Encourage retrofitting seismically vulnerable buildings. PS-3.g on pg. 4-39 revised as follows:
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<u>FINAL LANGUAGE: NEW PROGRAM EH-2.P</u>	requiring a Stability Report for new construction in specified areas and continues implementation of County ordinances requiring geological assessment for new subdivisions and grading permits. Added new program EH-2.p on pg. 2-76, 2-77 and 2-87: <u>EH-2.p Implement Stability Report Ordinances.</u> Continue to implement County ordinances requiring a Stability Report for new construction in specified areas on County slope stability maps, assessment of storm related landslide damage, limits to slope steepness. In addition, continue to implement County ordinances requiring geological assessment (e.g., Preliminary Soils, Soils Investigation, and Geologic / Geotechnical reports) for new subdivisions and grading permits to identify hazards associated with landsliding
Issue 38: Subsidence and settlement. <u>FINAL LANGUAGE: NEW PROGRAM EH-2.Q</u>	On March 19th the Planning Commission accepted Mitigation Measure 4.7-5, which deals with reducing adverse effects to people and structures exposed to subsidence and settlement to a less-than-significant level. Figure 2-8 for EH-2.g revised to Medium timeframe. Added new program EH-2.q on pg. 2-77 and 2-87: <u>EH-2.q Implement Subsidence Evaluation Guidelines.</u> Continue to implement County ordinances that provide guidelines for subsidence evaluations of land that are or could be prone to subsidence as well as requiring geological assessment (e.g., Preliminary Soils, Soils Investigation, and Geologic / Geotechnical reports) for

	<u>new subdivisions and grading permits to identify hazards associated with subsidence and settlement.</u>
Issue 39: Expansive soils. <u>FINAL LANGUAGE: NEW PROGRAM EH-2.R</u>	On March 19th the Planning Commission accepted Mitigation Measure 4.7-6, which deals with reducing adverse effects to structures exposed to expansive soils to a less-than-significant level. Added new program EH-2.r on pg. 2-77 and 2-87: <u>EH-2.r Implement Soil Classification and Design Guidelines.</u> <u>Continue to implement County ordinances that provide soil classification guidelines and design considerations for development in areas of expansive soils as well as requiring geological assessment (e.g., Preliminary Soils, Soils Investigation, and Geologic / Geotechnical reports) for new subdivisions and grading permits to identify hazards associated with expansive soils.</u>
Issue 40: Septic suitability of soils.	On March 19th the Planning Commission accepted Mitigation Measure 4.7-7, in order to reduce adverse effects from septic system use in unsuitable soils to a less-than-significant level, the County would obtain funding for Program WR-2.e (<i>Continue Providing High-Priority Inspections</i>) in order to continue no-cost inspections of septic systems in high priority areas. Revised Figure 2-6 for WR-2.e to “Acquire Additional Funding” under Potential Funding.

Issue 41: Tsunamis and seiches. <u>FINAL LANGUAGE: EH-2.4</u> EH-2.4 on pg. 2-74 revised as follows: Policy EH-2.4; <i>Protect Coastal Areas from Tsunamis.</i> Consider <u>When inundation maps become available, address tsunami wave run-up and inundation impacts when reviewing proposed development along coastal areas of Marin County.</u> <u>FINAL LANGUAGE: EH-3.A</u> EH-3.a on pg. 2-78 revised as follows: EH-3.a: <i>Regulate Development in Flood and Inundation Areas.</i> Continue to require all improvements in Bayfront, Floodplain, Tidelands, and Coastal High Hazard Zones to be designed to withstand impacts <u>be more resistant to damage from flooding, tsunamis, seiches, and related waterborne debris, and to be located so that buildings and features such as docks, decking, floats, and vessels would be more resistant to damage. do not become dislodged.</u> <u>FINAL LANGUAGE: EH-3.G</u> EH-3.g on pg. 3-79 revised as follows: EH-3.g <i>Locate Critical Facilities Safely.</i> Amend the Development Code to prohibit placement of public safety structures within <u>tsunami inundation or flood-prone areas.</u> <u>FINAL LANGUAGE: NEW PROGRAM EH-2.S</u> Added new program EH-2.s on pg. 2-77 and pg. 2-87: <u>EH-2.s <i>Make Marin County TsunamiReady.</i></u> <u>Become a National</u>	On March 19th the Planning Commission accepted Mitigation Measure 4.7-8(a), which revises policy EH-2.4, <i>Protect Coastal Areas from Tsunamis</i>, revises program EH-3.a, <i>Locate Critical Facilities Safely</i>, and revises program EH-3.g, <i>Locate Critical Facilities Safely</i>; accept Mitigation Measure 4.7-8(b), which adds new program EH-2.(new), <i>Make Marin County TsunamiReady</i>.
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	<u>Weather Service <i>TsunamiReady</i> community in order to promote public awareness, community preparedness, and facilitate quick recovery in the event of a tsunami.</u>
Issue 42: Groundwater supply.	This issue will be taken up at the April 16th Planning Commission hearing on the Built Environment element.
Issue 43: Water resources.	On March 19th the Planning Commission accepted various revisions to specified goals, policies, and programs related to water supply that are part of the DEIR's Mitigated Alternative 4 (revisions occur in WR-1, WR-2, and EH-3).
<u>FINAL LANGUAGE: WR-1</u>	WR-1 on pg. 2-55 revised as follows:
<u>FINAL LANGUAGE: WR-2.2</u>	WR-1 Healthy Watersheds. Achieve and maintain proper <u>ecological functioning of watersheds</u> including sediment transport, ground water recharge and filtration, <u>biological processes</u>, and <u>natural flood mitigation</u>, while ensuring high-quality water.
<u>FINAL LANGUAGE: WR-2.4</u>	WR-2.2 on pg. 2-57 revised as follows:
	WR-2.2: "...and nutrient management in <u>urban</u> and <u>rural</u> watersheds."
<u>FINAL LANGUAGE: WR-2.4</u>	WR-2.4 on pg. 2-57 revised as follows:
<u>FINAL LANGUAGE: WR-2.K</u>	WR-2.4: "...buildings, landscaped areas, roads, bridges, drainages, and other facilities to minimize the volume of <u>toxics, nutrients, sediment and other pollutants</u> in storm water flows...."
	WR-2.k on pg. 2-59 and 2-65 revised as follows:
	WR-2.k <i>Establish Educational Partnerships to <u>Protect Water Quality</u>.</i>

<u>FINAL LANGUAGE: WR-2.B</u>	WR-2.b on pg. 2-58 revised as follows: WR-2.b <i>Integrate <u>Bay Area Stormwater Management Agencies Association (BASMAA) Stormwater Quality Protection Guidelines into Permitting Requirements for all Development and Construction Activities</u>. All projects should integrate stormwater pollution prevention design features for water quality protection to the extent feasible, such as those included in the <u>BASMAA Start-at-the-Source</u> manual for stormwater quality protection and the <u>Tools Handbook</u>.</i>
<u>FINAL LANGUAGE: NEW PROGRAM WR-2.M</u>	Added new program WR-2.m on pg. 2-60 and 2-65: WR-2.m <i><u>Non-Toxic Building Materials Standards</u>. Consider adoption of standards for non-toxic exterior building materials criteria to reduce the potential of toxics entering stormwater.</i>
<u>FINAL LANGUAGE: NEW PROGRAM WR-2.D</u>	WR-2.d on pg. 2-59 and 2-65 revised as follows: WR-2.d <i>Continue <u>Alternative Septic / Waste System Monitoring</u>. Establish a <u>Septic / Waste Alternatives Maintenance and Inspection Program</u> to ensure the proper installation, maintenance and use of alternatives to septic systems. Work with manufacturers, suppliers and installers to provide guidelines for approvable alternative septic/waste systems.</i> <i>Note: Some of the deleted text is not listed above, but appears in draft plan.</i> Added new program WR-2.n on pg. 2-60 and 2-66: WR-2.n <i>Implement <u>Least Toxic Methods for Maintenance and Pest Control</u>. Utilize <u>Integrated Pest Management (IPM)</u> practices for County facilities. Develop a maintenance program for all County</i>

	facilities that specifies least toxic methods. Minimize the need for toxic materials by designing and constructing facilities and landscaping to be durable, easily maintained and pest resistant. EH-3.3 on pg. 2-77 revised as follows: EH-3.3 <i>Monitor Environmental Change.</i> Consider changes cumulative impacts to hydrological conditions, including alterations in drainage patterns and the potential for rising sea level, when processing development applications in watersheds with flooding or inundation potential. Added new program EH-3.p on pg. 3-80 and 3-88: EH-3p <i>Assess the Cumulative Impacts of Development in Watersheds on Flood Prone Areas.</i> Consider the effects of upstream development including impervious surfaces, alteration of drainage patterns, reduction of vegetation, increased sedimentation and others on the potential for flooding in low lying areas. Consider watershed studies to gather detailed information. Added new program EH-3.q on pg. 3-80 and 3-88: EH-3.q <i>Develop Watershed Management and Monitoring Plans.</i> Develop watershed specific, holistic watershed management and monitoring plans that include development guidelines, natural flood mitigation measures, biomechanical technologies, and the enhancement of hydrological and ecological processes. The guiding principles of the watershed plans shall equally consider habitat and species protection and monitoring as well as the protection of human life and property.
FINAL LANGUAGE: EH-3.3 FINAL LANGUAGE: NEW PROGRAM EH-3.P FINAL LANGUAGE: NEW PROGRAM EH-3.Q	
New Issues Introduced by the Planning Commission at March 26, 2007 Hearing Issue 44: Include Program EQ2.4-1 from the 1994 Plan in the CWP	See Planning Commission Staff Report for April 2, 1007 hearing for recommendation.

Issue 45: Cuneo Letter Issues	See Planning Commission Staff Report for April 2, 1007 hearing for recommendation.
Issue 46: Potential Impacts Associated with row cropping on steep slopes above drainages and in SCAs and WCAs.	See Planning Commission Staff Report for April 2, 1007 hearing for recommendation.

NOTE: Many policies and programs were revised at a later meeting date. The left column indicates "Final Language" to be added to the 2007 Revised CWP to guide the FEIR and final PC review.

Draft Summary of Planning Commission Tentative Decisions Public Hearing of April 2, 2007 Natural Systems Element	
Item A (p. 2, Issue 7): Should proposed trails on ag lands be described in text only and not be represented graphically on the trails maps?¹ <u>FINAL LANGUAGE: "NOTE" ON TRAIL MAPS</u>	On April 2, 2007 the Planning Commission accepted staff's recommendation to continue to show proposed trails on trail maps and requested Staff to perfect explanatory language on trails maps based on language on Santa Clara County trail maps as follows: Language to go on all trail maps: "NOTE: Proposed trail routes indicated shall not be considered specific trail alignments; such alignments may be obtained and developed pursuant to the trail implementation recommendations set forth in this Plan. This map is a planning document. Only those trails shown on the maps as existing trails are available for public use. In regard to proposed trails, the public has no right to enter private property without the owner's permission. If and when the public acquires or is granted an easement for trail purposes in any area where a trail is proposed, the public may use such area as specified in the easement. For copies of maps about existing trails that are available for public use, contact Marin County Open Space District
Item B (p. 2, Issue 1): Modifications to definitions of "Stream" and "Watercourse."²	On April 2, 2007, the Planning Commission accepted the following revised definitions to be added to the CWP glossary:

<u>FINAL LANGUAGE: GLOSSARY – Stream/Watercourse</u>	New language added to Glossary: Stream. A natural or once natural flowing open drainage channel with an established bed and bank. These include consist of perennial, intermittent, and ephemeral streams. Perennial including open waterways that have been restored, modified, or channelized, but does not include ditches, culverts or other above or below ground conduits, constructed specifically for storm drainage function. Perennial and intermittent streams, shown as solid or dashed blue lines (or purple lines) on the most recent appropriate USGS quadrangle sheets, and ephemeral streams as defined below, are subject to Stream Conservation Area protection policies. See “<i>Stream Conservation Area (SCA)</i>.” Watercourse. Natural or once natural flowing (perennially or intermittently) water including rivers, streams, and creeks. Includes natural waterways that have been channelized but does not include channels, ditches and underground drainage-culverts or other above or below ground conduits constructed for storm drainage function and sewage systems.
Item (p. 3, Issue 6): Additional language about minimization of runoff and a goal of zero increase in runoff.³	On April 2, 2007, the Planning Commission accepted MM BIO-4 (new), instructing Staff to evaluate whether the new policy should be placed in the water resources section of the CWP. Added new policy BIO-4.19 on pg. 2-33:⁴

⁴ Page Numbers Reflect the Revised 2007 CWP only. This version is still being finalized and will be distributed when completed.

<u>FINAL LANGUAGE: BIO-4.19</u>	<u>BIO-4.19 Maintain Channel Stability.</u> <u>Applicants for development projects may be required to prepare a hydraulic and/or geomorphic assessment of on-site and downstream drainageways that are affected by project area runoff. This assessment shall be required where evidence that significant current or impending channel instability is present, such as documented channel bed incision, lateral erosion of banks (e.g. sloughing or landsliding), tree collapse due to streambank undermining and/or soil loss, or severe in-channel sedimentation, as determined by the County.</u> <u>Characteristics pertinent to channel stability would include hillslope erosion, bank erosion, excessive bed scour or sediment deposition, bed slope adjustments, lateral channel migration or bifurcation, channel capacity and the condition of riparian vegetation. The hydraulic and / or geomorphic assessment shall include on-site channel or drainageway segments over which the applicant has control or access. In the event that project development would result in or further exacerbate existing channel instabilities, the applicant could either propose their own channel stabilization program, or defer to the mitigations generated during the required environmental review for the project, which could include maintenance of peak flows at pre-project levels, or less. Proposed stabilization measures shall anticipate project-related changes to the drainageway flow regime.</u> <u>All project improvements should be designed to minimize flood hydrograph peak flow or flood volume increases into drainage courses. To this end, design features such as porous pavement, pavers, maximizing overall permeability, drainage</u>
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	infiltration, disconnected impervious surfaces, swales, biode-tention, green roofs, etc., should be integrated into projects as appropriate. For projects subject to discretionary review the applicant may be required, as appropriate, to submit a pre-and post-project hydrology and hydraulic report detailing the amount of new impervious surface area and accompanying surface runoff from all improvement areas including driveways - with a goal of zero increase in runoff (no net increase in peak off-site runoff). The applicant may be required to participate in a peak stormwater runoff management program developed pursuant to new Policy BIO-4.20. Added new policy BIO-4.20 on pg. 2-34: BIO-4.20 Minimize Runoff: <u>In order to decrease stormwater runoff, the feasibility of developing a peak stormwater management program shall be evaluated to provide mitigation opportunities such as removal of impervious surface or increased storm water detention in the watershed.</u>
FINAL LANGUAGE: NEW POLICY BIO-4.20	
Item 1 (p. 4, Issue 7): Revised language related to “buffers” for SCAs and WCAs.⁵	On April 2, 2007, the Planning Commission directed staff to make the changes as recommended in the R Greenberg memo, attached hereto. These changes should be brought back as substantive changes to the text of Natural Systems as some of them require new drafting.
Item 2 (p. 4, Issue 12): What should be included in the Baylands Corridor?⁶	On April 2, 2007, the Planning Commission directed staff to bring back final language reflecting the following direction for the Baylands Corridor:

The Baylands Corridor generally consists of properties containing historic bay marshlands based on maps prepared by the San Francisco Estuary Institute, and where applicable based on site specific characteristics, an additional area including 300 feet or more of associated habitat, and areas previously included within the Bayfront Conservation Zone. This option also includes lands and associated habitat to Highway 101 in the Las Gallinas Planning Area in the Corridor. The inclusion of an additional 300-foot distance of associated habitat for large, primarily undeveloped parcels adjacent to baylands is consistent with the minimum setback recommendations from tidelands contained in the 1999 <i>Baylands Ecosystem Habitat Goals</i>. This portion of the Baylands Corridor serves to both recognize the biological importance of associated uplands adjacent to remaining tidelands and the opportunity to improve habitat values as part of future restoration of historic tidelands. The mapped Baylands Corridor <u>to the north</u> does not extend west of Highway 101 and to the south west of Highway 1, or over primarily developed lands on privately-owned parcels not currently within the Bayfront Conservation Zone. Detailed resource mapping and biological analysis should be undertaken to determine the appropriateness of including additional associated habitats located on large, primarily undeveloped lands within the Baylands Corridor. In addition, small parcels not currently subject to tidal influence should be evaluated to determine whether they should be added to or omitted from the Baylands Corridor. Additionally, Policy CD-1.3, <i>Reduce Potential Impacts</i>, requires that potential residential density and commercial Floor Area Ratio be calculated at the low end of the applicable range on sites within the Baylands Corridor. This requirement does not apply to	
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	small parcels (2 acres or less in size) within the Baylands Corridor that were in existence prior to January 1, 2007, and Section 22.14.060 of the Development Code should be updated to reflect the above stated policy language. Existing lawful uses are grandfathered in for parcels of all sizes, and approval of the Baylands Corridor does not include an additional layer of governmental review. No further regulations are included in the Baylands Corridor for small parcels (2 acres or less in size) than contained within the existing Bayfront Conservation Zone. Furthermore, approval of the Baylands Corridor will not subject currently allowed repair and maintenance of bank erosion protection (riprap, plantings, etc.) and docks, levees, and dredging of existing dredged channels (such as Novato Creek and including <u>existing dredge disposal sites</u>) to additional County regulation. The PC also directed staff to determine whether there were areas of small parcels that should be included in the Corridor sooner than later. (e.g. Tam Junction on eastside of Highway 1). Staff to bring back language with substantial changes to Natural Systems Element.
Item (p. 6, Issue 19): Limitation on home sizes on ag properties: Provide an additional 2500 sq ft in specified instances.⁷	On April 2, 2007, the Planning Commission accepted the following language for inclusion in the CWP:

<u>FINAL LANGUAGE: AG-1.A</u>	AG-1.a on pg. 157 revised as follows: AG-1.a <i>Limit Residential Building Size.</i> Limit residential development on agriculturally zoned property to dwelling sizes typically accessory to agricultural production uses, while considering the need for landowner family housing. Limitations for residential development on a parcel shall be based upon the following criteria: Option 1 (revised): i. <u>The total floor area of all dwelling units and non-agricultural accessory structures on a parcel shall not exceed an aggregate of 6,000 square feet, except that an aggregate of 8,500 square feet may be allowed in order to protect the long-term productivity of the agricultural land and enable the inter-generational transfer of agricultural lands within existing farm families. Specifically, up to 8,500 aggregate square feet may be considered for agricultural family members where agricultural residences totaling at least 4,000 square feet were constructed on the site prior to January 1, 2007. In such cases, the additional 2,500 additional square feet allowance cannot be applied to an existing residence where the addition would result in a structure over 4000 square feet in size; or result in a new structure exceeding 2,500 square feet.</u> ii. <u>The total floor area for any single dwelling unit on a parcel shall not exceed 3,000 square feet except as provided herein:</u> iii. <u>Agricultural worker housing, up to 540 square feet of garage space for each dwelling unit, agricultural accessory structures and up to a total of 500 square feet of office</u>
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	space used as a home occupation in connection with the agricultural operation on the property shall be excluded from the above residential floor area limits; iv. <u>Residential development shall not be allowed to diminish current or future agricultural use of the property or convert it to primarily residential use.</u> v. <u>Single dwelling units in excess of 3,000 square feet of floor area, but not more than 6,000 square feet of floor area, may be allowed if there is evidence of a bona fide commercial agricultural production operation on the property. In making this determination, the County shall consider the following components within an Agricultural Production and Stewardship Plan: (1) The applicant's history of production agriculture in Marin or the North Bay region, (2) How the long term agricultural use of the property will be preserved, (3) Whether agricultural infrastructure, such as fencing, processing facilities, marketing mechanisms, agricultural worker housing or agricultural land leasing opportunities have been established or will enhance the proposed agricultural uses, (4) Have sound land stewardship practices, such as Marin Organic Certification, riparian habitat restoration, water recharge projects, fish friendly farming practices, or erosion control measures been implemented or will be enacted, and (5) Will the dedication or sale of perpetual agricultural conservation easements be voluntarily offered to ensure continued agricultural production.</u> <u>The square footage limitations noted in the above criteria represent potential maximum dwelling unit sizes and do not establish a mandatory entitlement or guaranteed right to development.</u>
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	<i>*Note: Due to the extent of the changes to Option 1, only new text is shown above. Deleted text will appear in the current draft of the CWP.</i>
Item P2 (bottom of p. 7): Limitation on home sizes on agricultural properties: Provide an exception for requiring an Agricultural Production and Stewardship Plan.⁶ <u>FINAL LANGUAGE: AG-1.B</u>	On April 2, 2007, the Planning Commission accepted the following revision to AG-1.b Require Production and Stewardship Plans: AG-1.b on pg. 2-162 and 2-163 revised as follows: AG-1.b Require Production and Stewardship Plans. Agricultural Production and Stewardship Plans shall be prepared and submitted for residential and other non-agricultural development as required by the Development Code. The purpose of these Plans is to ensure long-term agricultural productivity will occur and that they will substantially contribute to Marin's agricultural industry. Such plans shall clearly identify and describe existing and planned agricultural uses for the property, explain in detail their implementation, identify on-site resources and agricultural infrastructure, identify product markets and processing facilities (if appropriate), and demonstrate how the planned agricultural uses substantially contribute to Marin's agricultural industry. Agricultural Production and Stewardship Plans shall provide evidence that at least 90 percent of the useable land will remain in agricultural production and identify stewardship activities to be undertaken to protect agricultural and natural resources. Agricultural Production and Stewardship Plans shall be prepared by qualified professionals with appropriate expertise in range management and land stewardship. The approval of development proposals including Agricultural Production and Stewardship Plans shall include conditions ensuring the proper, long-term implementation of the plan. The requirement for an Agricultural Production and Stewardship Plan may be waived for dwelling units and residential accessory buildings or structures occupied or used by the property owner(s) or lessee who are directly engaged in the production of agricultural commodities for commercial purposes.

	poses on the property and agricultural worker housing. It may also be waived for non-agricultural land uses that are determined by the County to be ancillary to and compatible with agricultural production as the primary use of the land. Waivers may be granted when the Review Authority finds that the proposal will not diminish current or future agricultural use of the property or convert it to primarily residential use, as evidenced by bona fide commercial agricultural production on the property, and agricultural infrastructure, such as fencing, processing facilities, marketing mechanisms, agricultural worker housing or agricultural land leasing opportunities have been established or will be enhanced. <u>On parcels where Agricultural Production and Stewardship Plans are required, criteria and standards will be developed to define commercial agricultural production and differentiate between commercial agricultural production and agricultural uses accessory to residential or other non-agricultural uses.</u> <u>Preparation of an Agricultural Production and Stewardship Plan (APSP) is not intended for applicants with a long history of production agriculture. Projects subject to the potential requirement of preparing an Agricultural and Stewardship Plan should be referred to the Agricultural Review Board for analysis and a recommendation. The Agricultural Review Board should also be requested to periodically review and evaluate the effectiveness of the Agricultural Production and Stewardship Plan program.</u>
Item G (p. 8, Issue 21B): Clarification of agricultural uses that constitute allowable uses in SCAs.⁸ •	On April 2, 2007, the Planning Commission accepted the following modification to Policy BIO-4.1. BIO-4.1 on pg. 2-27 to pg. 2-29 revised as follows: (Note: only the portion of Policy BIO-4.1 on allowable uses is shown below. Also, some deleted text is not shown here but appears in the

⁸ Issue 21B at Natural Systems hearing on March 19 (previously Issue 9 at Ag & Trails hearing on March 12).

draft CWP)

Allowable uses in SCAs in any corridor 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 result in:
 - a. The removal of woody riparian vegetation;
 - b. The installation of fencing within the SCA which prevents wildlife access to the riparian habitat within the SCA;
 - c. Animal confinement within the SCA; and
 - d. The substantial increase in sedimentation.

Item II (p. 8, Issue 24): Use of permeable materials in SCAs and WCAs.⁹ <u>FINAL LANGUAGE: NEW PROGRAM BIO-4.q</u>	On April 2, 2007, the Planning Commission accepted revised Program BIO-4.n (new) <i>Develop Standards Promoting Use of Permeable Materials</i> as follows: Added new program BIO-4.q on pg. 2-37 and pg. 2-49: <u>BIO-4.q Develop Standards Promoting Use of Permeable Materials:</u> <u>Review existing permit requirements for development in SCAs and WCAs and recommend additional standards for project review and corrective measures as needed to protect SCAs and WCAs from inappropriate ministerial and discretionary development. Develop additional standards for requiring the use of best management practices including measures such as the use of permeable materials in the SCA and WCA. A checklist of Best Management Practices should be made available to applicants.</u>
Item (p. 9, New Sub-Issue 24A): Impacts of septic systems in SCAs and WCAs.¹⁰ <u>FINAL LANGUAGE: NEW PROGRAM BIO-4.r</u>	On April 2, 2007, the Planning Commission accepted proposed Program BIO-4.p (new) <i>Review Septic System Setbacks in SCA and WCA</i>: Added new program BIO-4.r on pg. 2-38 and pg. 2-49: <u>BIO 4.r Review Septic System Setbacks in SCA and WCA:</u> <u>Review existing septic requirements within SCAs and WCAs and revise requirements as necessary to provide monitoring and to protect SCAs and WCAs from impacts associated with septic systems. Consider adopting larger setback standards applied to new development for septic systems and their associated leachfields.</u>

Item 10 (p. 10, New Issue 44): Carry forward Policy EQ 2.41 from 1994 Countywide Plan (<i>Conservation of Coastal Resources</i>) . ¹¹	On April 2, 2007 on advice of Counsel, the Planning Commission did <u>not</u> accept a new policy based on the 1994 Plan Policy EQ 2.41 .
Item 11 (p. 10, New Issue 45): Modifications proposed in letter from Katherine Cuneo . ¹²	In lieu of adopting new policies to monitor the watershed, On April 2, 2007, the Planning Commission instructed staff to incorporate language into EH.3 (new) (See 3-19 Staff report) to accomplish the goal of watershed monitoring per the Katherine Cuneo letter attached. Staff to bring back language with substantial changes to Natural Systems Element.
Item 12 (p. 11, New Issue 46): Address impacts of row crop farming on steep slopes near drainages and in SCAs and WCAs . ¹³ <u>FINAL LANGUAGE: NEW PROGRAM AG-1.t</u>	On April 2, 2007, the Planning Commission accepted the following new program: Added new program AG-1.t on pg 2-167 and pg. 2-176: <u>AG-1.t Pursue Preparation of a Hillside Agricultural Grading Program.</u> Continue to evaluate the feasibility of preparing and enacting a hillside agricultural grading program to include regulations, landowner education, and incentives to address the sensitivity of streams to agricultural grading on adjacent steep slopes. Pertinent in-

<u>FINAL LANGUAGE: NEW PROGRAM BIO-4.s</u>	formation could be provided through the Resource Conservation District, Agricultural Commissioner's Office, the UC Cooperative Extension, or as part of the Natural Resource Information Program called for in Program BIO-1.c. Add new program BIO 4.s on pg. 2-38 and pg. 2-49: (Note: This program was revised from an older version in the 2/26 table.) BIO 4.s <u>Continue Collaboration with the Marin Resource Conservation District and Agricultural Commissioner.</u> Continue to collaborate with, support, and participate in programs provided by the Marin Resource Conservation District, the Natural Resource Conservation Service, and the Agricultural Commissioner's Office to encourage agricultural operators who conduct farm or ranch activities within a Streamside Conservation Area to minimize pesticide use and sedimentation and erosion to enhance habitat values.
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NOTE: Many policies and programs were revised at a later meeting date. The left column indicates “Final Language” to be added to the 2007 Revised CWP to guide the FEIR and final PC review.

Draft Summary of Planning Commission Tentative Decisions Public Hearing of April 9, 2007 on Draft on CWP Housing Overlay Designation and Buildout	
Issue BE-1a: Should the HOD be modified? and Issue BE-1b: Consider additional policies and programs.	The Planning Commission directed Staff to bring back (April 30, 2007 hearing) the Housing Overlay Designation Policy CD-2.3, <i>Establish a Housing Overlay Designation</i> and Program CD-2.d, <i>Implement the Housing Overlay Designation Program</i> proposed in the Mitigated Alternative with modifications to further consider: ○ Eliminating the following previously recommended sites: Tam Junction based on flooding, Santa Venicia Market based on the small parcel size, San Rafael Rock Quarry because it does not meet the locational criteria related to transit and proximity to jobs centers; ○ Modifying the HOD “Table” so that a General Plan Amendment is not required to utilize HOD units on alternative sites; and identify “pre-approved” HOD sites as “suggested” sites. ○ Maintaining a total HOD unit count to be determined, which included potential density bonus units, allocated to sites by traffic area; and ○ Modifications of policies and programs to require that suggested HOD sites must develop under HOD requirements rather than mixed use policies. <u>Develop a new table of “Suggested Qualifying Sites” with unit potential distributed by Planning Areas and Screenlines.</u> Proposed new policies and programs below would also <u>be considered at the April 30 hearing:</u> CD-2-k (new), <i>Analyze additional HOD Sites During the Housing Element Update</i>. Ensure that other potential Housing Overlay Designation sites are analyzed and considered during the update

	of the Marin County Housing Element. CD-2-l (new), <i>Evaluate Affordability Rates of the HOD</i>. Monitor and update the affordability rates required in Program CD-2.d, <i>Implement the Housing Overlay Designation</i>, to ensure the HOD goals of providing rental housing to our low income workforce, seniors and special needs populations are being met sufficiently. CD-2-m (new), <i>Identify HOD Sites</i>. Engage the Marin Environmental Housing Collaborative or other appropriate groups during the Housing Element Update process to identify appropriate sites for affordable housing and in particular appropriate sites for units under the HOD Policy.
Issue BE-2: Should the Housing Overlay Designation be related to the Housing Bank?	<u>Policy CD-2.2 was removed from CWP page 3-16¹</u> On April 9, 2007 the Planning Commission directed staff to eliminate the connection between the HOD and Housing Bank and modify policies and programs in the draft CWP to accomplish this outcome by eliminating CD-2.2, <i>Establish a Housing Bank</i>, and revising CD-2.d, <i>Implement the Housing Overlay Designation Program</i>, to re-move references to the Housing Bank.
Issue BE-3: Can a mechanism be provided to ensure a better jobs-to-housing ratio? SUB -ISSUE 3A: Should affordable housing be restricted to those people who live or work in Marin to the extend allowed by law.	On April 9, 2007 the Planning Commission directed staff to insert the following new Policies into the draft CWP: Program CD-2.k was added to CWP page 3-21 and added to Figure 3-6 (implementation chart) on page 3-51

¹ Page Numbers Reflect the Revised 2007 CWP only. This version is still being finalized and will be distributed when completed.

<u>FINAL LANGUAGE: CD-5.k (NEW)</u>	<u>fare, new development should only occur when adequate infrastructure is available consistent with the following findings:</u> a) <u>Project related traffic will not cause level of service established in the circulation element to be exceeded (ATTORNEYS to follow revised language for consideration on April 16th):</u> b) <u>Any circulation improvements needed to maintain the level of service standard established in the Circulation Element have been programmed and funding has been committed;</u> c) <u>Any circulation improvements needed to maintain the level of service standard established in the Circulation Element have been programmed and funding has been committed;</u> d) <u>Environmental review of needed circulation improvement projects has been completed;</u> e) <u>The time frame for completion of the needed circulation improvements will not cause the level of service in the Circulation element to be exceeded.</u> e) <u>Wastewater, water and other infrastructure improvements will be available to serve new development by the time the development is constructed.</u> Program CD-5.k was added to CWP page 3-28 and added to Figure 3-6 (implementation chart) on page 3-52 <u>Program CD-5.k (new) Monitor Growth and Circulation. At least every five years review the unincorporated County's growth, planned land use, traffic capacity, funded traffic improvements, traffic mitigation list and traffic fees. Assess growth assumptions and modify land use and circulation policies as needed to ensure adequate circulation capacity to serve development.</u> Program CD-5.l as written below replaced CD-5.a in the Draft CWP on page 3-26. <u>Program CD-5.l Review and Correlate Countywide Growth and Infrastructure. Work with the proposed City-County Committee or a similar collaborative venue (to be established pursuant to</u>
<u>FINAL LANGUAGE: CD-5.l (NEW)</u>	

<u>FINAL LANGUAGE: CD-5.m (NEW)</u>	Policy CD-4) to review the countywide growth, planned land use and traffic and service capacity. As warranted by the monitoring information, encourage all jurisdictions to amend their respective general plans and zoning from allowing “theoretical full buildout” of non-residential uses to allowing “realistic buildout” to ensure correlation of planned land uses and traffic capacity and the capacity of all essential public services. Program CD-5.m was added to CWP page 3-28 and added to Figure 3-6 (implementation chart) on page 3-52 Program CD-5.m <i>Development Review</i>: Through the development and environmental review processes, ensure that policy provisions are evaluated and implemented. If required by statute or case law, the County Review Authority may waive or modify policy requirements determined to have removed all economically viable use of the property. See 4/16 PC Table for TR-(new) final language: <u>TR-(new) Consider Reduced Parking Requirements</u> Consider reducing parking requirements for residential and commercial buildings in high-density, mixed use areas in the City Centered Corridor near public transportation or transit hubs. Senior and/or below-market projects in these locations are especially encouraged to request reduced parking.
Issue BE-5: Have the buildout potential (cities vs. County) and related impacts been addressed? <u>FINAL LANGUAGE: CD-2.11 (NEW)</u>	On April 9, 2007 the Planning Commission accepted the following new policies and programs: Policy CD-2.11 was added to CWP page 3-18 CD-2.11 (new) <i>Expand Countywide Efforts to Increase Workforce Housing Rather Than Full Commercial Build-out</i>. Provide technical assistance and collaborate with Marin’s Towns and Cities to provide increased opportunities for affordable and workforce housing – especially on sites near employment centers and public transportation. Provide model planning and regulatory language and otherwise strongly encourage Marin County, Cities and Towns to revise their land use planning and regulatory documents to enable more affordable and workforce housing and mixed uses rather than

<u>FINAL LANGUAGE: CD-5.h (NEW)</u>	c) <u>Provide a forum for the sharing of ideas, information, resources, and best approaches for Marin; and</u> d) <u>Pursue funding opportunities for planning efforts on topics of mutual interest.</u> <u>Program CD-4.g (5.h) as proposed above replaced CD-5.h, Redefine Countywide Planning Functions, on page 3-27</u> <u>CD-4.g 5.h (new) Ensure Current Land Use Data.</u> Consult with the Transportation Authority of Marin and MarinMap to review and revise the process to update the land use database to ensure the data is kept current, complete and accurate. This could be accomplished through either of the following two options: (1) <u>Collaborate with the Transportation Authority of Marin to allocate additional funds from TAM's budget to pay County staff to work with the Cities to maintain and update the database; or</u> (2) <u>Consider amending the Marinmap Service Level Agreement to allocate additional funds from Marinmap member agencies lacking sufficient staff time and resources to maintain the database or a similar approach to enable County staff to work with the Cities to perform the updates.</u> <u>Program CD-5.o was added to CWP page 3-28 and added to Figure 3-6 (implementation chart) on page 3-52.</u> <u>CD-4.h 5.o (new) Continue to Fund MarinMap.</u> Provide funding for MarinMap according to the adopted member dues schedule.
<u>NEW ISSUE BE-A: Should the Mixed Use Land Use Designation be modified?</u>	On April 9, 2007 the Planning Commission directed staff to bring back recommendations on April 30, 2007 for improving the mixed use land use designations to: • Achieve less commercial square footage in exchange for more residential; • Ensure essential neighborhood serving commercial uses are maintained (e.g. Santa Veni-

	tia market, other); • Provide for appropriate densities (e.g. Density: is 30 units/acre + density bonus too much?); • Provide incentives to create housing desired and reduce the number of sq ft used for commercial; and • Clarify the maximum density allowed under mixed-use through case studies.
NEW ISSUE BE-B: Consider alternative policies/incentives such as duets and shared housing in Single-Family areas (possibly during Community Plan updates)	On April 9, 2007, the Planning Commission directed staff to bring back recommendations concerning this issue.
NEW ISSUE BE-C: Consider policy and program to evaluate maintaining existing affordable units with the goal of not losing affordable units when nonconforming uses redevelop.	On April 9, 2007, the Planning Commission directed staff to bring back recommendations concerning this issue.
NEW ISSUE BE-D: How is affordable rental vs. ownership addresses in CWP? And should there be more specific policy direc-	On April 9, 2007, the Planning Commission directed staff to bring back recommendations concerning this issue.

tion to ensure more affordable rental units?	
NEW ISSUE BE-E: Consider Mill Valley policies to retain housing stock?	On April 9, 2007, the Planning Commission directed staff to bring back recommendations concerning this issue. This issue may inform others new issues above.
NEW ISSUE BE-F: How is housing fund dollars allowed to be used for green building affordable construction?	On April 9, 2007, the Planning Commission directed staff to bring back recommendations concerning this issue.

NOTE: Many policies and programs were revised at a later meeting date. The left column indicates "Final Language" to be added to the 2007 Revised CWP to guide the FEIR and final PC review.

**Draft Summary of Planning Commission Tentative Decisions
Public Hearing of April 16, 2007 on Draft CWP
Built Environment Circulation, Water and Air Quality Issues**

Issue BE-4: Is growth in the County supported by the infrastructure?¹

On April 16, 2007 the Planning Commission accepted portions of Mitigation Measure 4.1.1-2, including **Policy CD-(new) Provide Adequate Infrastructure Capacity, Policy CD-(new) Correlate Development and Infrastructure, TR-1.(new) Review Parking Requirements, and Program TR-1.(new). Reduce Congestion on Grandfathered Road Segments**, as modified by the Commission below. The Commission directed Staff to bring back on April 30, 2007 further revision to **Program TR-1.e, Uphold Vehicle Level of Service Standards** such that the program would require new development in areas with grandfathered road segments to be at the low end of the density range unless they included affordable housing.

Policies and programs accepted by the Planning Commission with modifications are as follows:

FINAL LANGUAGE: CD-5.L (NEW)

Policy CD-~~5.3~~ 5.1(new) Provide Adequate Infrastructure Capacity. Plan the circulation system and public infrastructure and services to provide capacity for the unincorporated County's realistic buildout.

FINAL LANGUAGE: CD-5.3 (NEW)

Policy CD-5.3 was added to CWP page 3-25 and 3-26²

Policy CD-5.4-3(new) Correlate Development and Infrastructure.: For health, safety and general welfare, new development should only occur when adequate infrastructure is available consistent with the following findings:

- a) Project related traffic will not cause level of service established in the

¹ Most of this issue was accepted by the Commission on a straw vote on April 9. The modifications to **TR-1.e** and new program **TR-1.(new)**, *Reduce Congestion on Grandfathered Road Segments*, constitute new material being submitted to the Commission pursuant to its action on April 9. While the mitigation measure and the other changes would reduce impacts associated with growth and concentration of population, they do not reduce the addressed impacts to a level of less-than-significant, so a significant unavoidable project and cumulative impact would remain.

² Page Numbers Reflect the Revised 2007 CWP only. This version is still being finalized and will be distributed when completed.

	among other measures to permanently reduce parking need. Reduction of parking requirements are subject to discretionary approval and may require a parking study to verify reduced parking demand. <u>New Program TR-1.r (new). Reduce Congestion on Grandfathered Road Segments.</u> Encourage the Transportation Authority of Marin or other responsible agency to prepare plans to reduce congestion on grandfathered road segments, which do not meet current LOS standards. These plans should rely on programs and policies other than physical infrastructure improvements to the extent it is feasible to do so.
Issue BE-6: Is the water supply adequate? Sub-Issue BE-6a: Can suggested mitigation measures (especially for water conservation) offset projected growth-induced demand and eliminate shortages? <u>FINAL LANGUAGE: PFS-2.c, 2.d, 2.g, 2.h, 2.m, 2.o, 2.p, and 2.q</u>	On April 16, 2007 the Planning Commission accepted with minor changes the following policies and programs for water supply. (for inclusion in the CWP note that these affect <u>PFS-2.c, PFS-2.d, PFS-2.g, PFS-2.h, PFS-2.j, PFS-2.m, PFS-2.o, PFS-2.p, and PFS-2.q</u> check Mit Alt 4). <u>Programs PFS-2.c, 2.d, 2.g, 2.h, 2.m, 2.o, 2.p, and 2.q were modified as follows on CWP pages 3-200 and 3-201.</u> <u>PFS-2.c; Promote Ahwahnee Principles for Water Supply.</u> Encourage Support guidelines for local water providers to enact programs that promote the Ahwahnee Principles for water supply. These should include investigations of new sustainable sources such as groundwater, surface water, recycled water, graywater or desalination facilities that match water quantity and quality to the beneficial uses and the perfection or securing of additional water rights for the water purveyors. <u>PFS-2.d; Support Water Demand Planning.</u> Work with the Provide Countywide Plan buildout information in the form of letters to water supply companies purveyors

	to use in the development of their respective <u>Urban Water Management Plans (UWMPs)</u> to use the <u>Countywide Plan and cities' and towns' General Plans</u> ultimate <u>build-out numbers</u>. Assist the water purveyors in the preparation of these UWMPs by reviewing these documents and providing comments. Initiate discussion with or letters to small water systems, which are not required by the California Water Code to prepare UWMPs because they have fewer than 3,000 connections, urging them to adopt use of the UWMP format for planning. The water shortage contingency plan portion of the UWMP would provide the means to identify shortages on a consistent basis, to define water shortage stages and appropriate response measures, and to develop relevant ordinances, resolutions, or rules to manage water shortages. PFS-2.g <i>Promote Xeriscaping and Native Plants.</i> Amend the Development Code to require site appropriate, drought tolerant, low water use, native landscaping and ultra-efficient irrigation systems where appropriate for all development applications and re-landscaping projects. Limit the amount of water intensive landscaping, particularly the lawn area allowed to reduce the amount of water needed for irrigation. PFS-2.h <i>Promote Site Appropriate, Low-water Use and Drought Tolerant Native Plants in Public Facilities.</i> Restore and promote the native plants at the Civic Center and incorporate similar landscaping for all public facilities. Create a Landscaping Master Plan for Public Facilities that specifies appropriate species, methods, and technologies for water-wise landscaping. PFS-2.m <i>Promote Onsite Rainwater Capture and Retention.</i> Encourage the use of on-site rainwater capture, storage, and infiltration for irrigation and other non-potable uses. Work with Environmental Health Services and water service providers to establish standards for rainwater quality and use. PFS-2.o; <i>Assess Project Impacts to Surface Water and Groundwater.</i> Require documentation that new development projects with the potential to degrade or deplete surface water or groundwater resources will not adversely affect a basin or subbasin, where appropriate.
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<u>FINAL LANGUAGE: PFS-2.r, 2.s, and 2.t (new)</u>	<u>PFS-2.p Investigate and Consider Appropriate Small-Scale Wastewater Reduction, Treatment and Use Technologies.</u> Work with water agencies to resolve conflicting regulations regarding pre-treated septic drip dispersal systems and appropriate gray-water use, to evaluate the potential of small-scale graywater converter systems as possible sources for landscaping water, and to modify regulations as necessary to encourage safe graywater use (such as by dual systems that employ graywater to support landscaping). <u>Evaluate the potential to use waterless urinals, NSF-approved composting toilets, and other appropriate water saving technologies.</u> <u>PFS-2.q Adopt Tiered Billing Rates.</u> Encourage all Marin County water agencies to adopt the California Urban Water Conservation Council's Best Management Practice of tiered billing rates to encourage water conservation. <u>Encourage the establishment of tiers that are based on conserving levels of per capita water use, rather than those based on historical non-conserving levels. Offer comprehensive conservation incentive programs to assist customers to achieve conserving levels of use.</u> <u>Program PFS -2.r, 2.s, and 2.t were added to CWP page 3-202:</u> <u>PFS-2.r(new) Offset New Water Demand.</u> In water districts where there is insufficient water to serve new <u>construction or uses requiring an additional water meter or increased water supply as determined by the district or Marin County, development,</u> the County shall require new <u>construction or uses</u> development to offset demand so that there is no net increase in demand and through one or more the of the following measures: Use of reclaimed water; water catchments and reuse on site; water retention serving multiple sites; retrofits of existing uses in the district to offset increased demand; other such means. These measures should be achieved in partnership with <u>the applicable water district and shall serve as evidence that an adequate, long-term, and sustainable water supply is available to serve the project.</u>
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<u>FINAL LANGUAGE: -WR-2.k</u>	<u>PFS-2.s(new) Sustainable Water Supply Required. No new construction or uses requiring an additional water meter or increased water supply as determined by the district or Marin County development project shall be approved without a specific finding, supported by facts in the administrative record, that an adequate, long-term, and sustainable water supply is available to serve the project.</u> <u>PFS-2.t (new) Manage Groundwater</u> Manage groundwater as a valuable and limited shared resource by protecting potential groundwater recharge areas and stream conservation areas from urban encroachment. The County shall use discretionary permits to control construction of impervious surfaces in important groundwater recharge areas. Potential recharge area protection measures at sites in important recharge areas include, but are not limited to the following: a) <u>Restrict coverage by impervious materials and require use of pervious materials;</u> b) <u>Limit building and parking footprints;</u> c) <u>Require construction of percolation ponds on large-scale (projects of 4,000 square feet or greater on sites overlying identified recharge areas) development project sites overlying identified recharge areas where development cannot be relocated outside the recharge area recognizing that percolation ponds on small scale sites may not be practical or feasible in terms of their development, maintenance and management.</u> <u>WR-2.k was modified on CWP page 2-59 and 60 as follows</u> <u>WR-2.k</u> <i>Establish Educational Partnerships to Protect Water Quality.</i> Coordinate <u>Initiate</u> discussions 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
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<u>FINAL LANGUAGE: -WR-3.b</u> <u>FINAL LANGUAGE: PFS-1.4</u> <u>FINAL LANGUAGE: Key Trends</u>	nutrient, and chemical sources of water pollution. This would begin with letters to establish a lead agency to direct the effort. This would include soliciting the input from Coordinate with-local, State, and federal recreation management agencies to educate boaters and other recreational groups regarding proper management and disposal of human waste. <u>WR-3.b was modified on CWP page 2-62 as follows</u> WR-3.b <i>Support and Integrate Water District Conservation Efforts.</i> SupportAssist the efforts of the water districts to reduce waste and increase reuse through integrated planning of programs and complementary land use and building regulations. Assess and remove barriers to integrated water planning and mitigate the demand for water in new development. <u>Assess the degree of demand hardening.</u> (Also, see policies and programs under Goals AG-1 in the Agricultural and Food section of this Element, and PFS-2 in the Public Facilities and Services section of the Built Environment Element). <u>PFS-1.4 was modified on CWP page 3-196 as follows</u> PFS-1.4 <i>Reduce Demand on Public Facilities.</i> Reduce demand for water, wastewater treatment, and stormwater management through integrated and cost-effective design, and <u>technology and demand reduction</u> standards for new development and re-development. The Commission also accepted the following proposed revisions to the text of the “Will more water be needed?” paragraph under the “Key Trends” heading in Section 3.11. <u>Key Trends language in Section 3.11 was modified on CWP page 3-194 as follows</u> Will more water be needed? Water demand will increase as a result of new development. Since 1987, the Marin Municipal Water District (MMWD) has met all new demand through conservation and recycled water (demand management), despite a 10 percent increase in popu-
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	lation and a 10 percent deduction in water supply demand to restore the Lagunitas Creek fishery. Demand is now again approaching the 1987 level—a level that led to rationing in the last drought and would have resulted in severe water shortages had that drought continued. At current increases in demand, MMWD projects an increasing deficit in supply that exceeds its estimates for what can be met through additional past methods of demand management. Furthermore, serious questions have arisen regarding reliability and the financial and environmental cost of increasing our reliance on Russian River water. MMWD is evaluating the need for and timing of constructing an additional pipeline to bring Russian River water from Sonoma to Marin and studying the potential of desalinating bay water and exploring with sanitary districts the feasibility of expanding its use of treated wastewater for irrigation. Conservation measures could help to avoid or defer the need for costly new water systems. MMWD and other water districts in the County are also exploring new approaches to water conservation and demand management that could lead to <u>significant savings in existing usage levels and provide additional capacity for expected growth in demand.</u>
Sub-Issue BE-6b: Can the reduction in water use associated with recalculating the water demand of multifamily units reduce the significance of the impacts identified in the DEIR?	On April 16, 2007 the Planning Commission accepted the recalculation of water by multi-family units and acknowledged that it does not reduce the significance of the impacts identified in the DEIR. No additional calculations were directed.
Issue BE-7: Can the increase in Vehicle Miles Traveled (VMT) be mitigated?	On April 16, 2007 the Planning Commission accepted the following proposed modification to <u>Policy TR-1.8 was added to CWP page 3-152</u>

<u>FINAL LANGUAGE: TR-1.8 (new)</u> <u>FINAL LANGUAGE: TR-1.1</u>	Policy TR-1.8 (new): Reduce Vehicle Miles Traveled (VMT) -- Reduce the rate of increase for <u>total</u> vehicle miles traveled <u>per person</u> by single-occupant automobile by ten percent to not exceed the population growth rate. The Planning Commission also accepted the following modified Program: TR-1.1 Manage Travel Demand. Improve the operating efficiency of the transportation system by reducing vehicle travel demand and provide opportunities for other modes of travel. <u>Before funding transportation improvements consider alternatives—such as Transportation Demand Management (TDM)—and prioritize projects that will reduce fossil fuel use and reduce single-occupancy vehicle trips.</u> The Planning Commission further directed Staff to bring back Program TR-1 (new) VMT Reduction Monitoring, after consulting with Bonnie Nelson of Nelson Nyygard. See Staff Report for April 30, 2007 for proposed revisions.
Issue BE-8: Are congestion relief measures, such as road widening projects, consistent with the CWP's overarching theme of sustainability?	See also above policies and programs. On April 16, 2007, the Planning Commission directed Staff to bring back revision to TR-3.6 to provide a new program (benchmark and monitor existing traffic) to identify solutions to consider recreation traffic, create a benchmark for existing traffic conditions, and monitor program efficacy. The Commission further directed Staff to consider impacts on other routes to West Marin recreational destinations when solutions are implemented on selected routes. See Staff Report for April 30, 2007.
Sub-Issue BE-8a: Unacceptable LOS on US 101 at Golden Gate Bridge	See also BE-8. The Planning Commission accepted Mitigation Measure 4.2.2 and directed staff to bring back a program to implement TR-3.6. See Staff Report for April 30, 2007.

Sub-Issue BE-8b : Unacceptable LOS on SR1 from US 101 to Almonte Blvd.	On April 16, 2007 the Planning Commission directed Staff to include a program in the draft CWP to evaluate widening State Route 1 between US 101 and Almonte Blvd from one to two lanes in each direction or to 3 lanes (2 leaving Tam and 1 entering. Language modifying Map note on Map 3-6b #19 “Widen and improve signals on State Route 1 between Flamingo Road and US 101” and adding a new program to the Transportation element will be brought back on May 7, 2007.
Sub-Issue BE-8c : Unacceptable LOS on listed roadways	On April 16, 2007, the Planning Commission accepted roadway improvements identified in Mitigation Measures 4.2-4 through 4.2-19 clarifying: ○ that in MM 4.2-11 the improvement should include 4 lanes between Sunset and Roland; - and ○ that with the exception of fully funded improvements (e.g. MM 4.2-10) or improvements under construction, these improvements should be listed in a new program calling for the evaluation of the proposed improvements and implementation where fully funded and subject to TR-1.1 accepted above and repeated below for convenience: Planning Staff will coordinate with DPW to develop a new program and implement other necessary revisions to the CWP transportation element to carry out the Commission’s direction.
Sub-Issue BE-8d : Unacceptable LOS on listed roadways	On April 16, 2007, the Planning Commission directed Staff to carry over MM 4.2-15, 16, 17, 18 & 19 to discussion with St. Vincents & Rock Quarry. See Staff Report for Planning Commission hearing of April 23, 2007. In addition, for the 4-23 hearing, Staff and Consultants to check on status of road improvement project at Union & 3rd St. in San Rafael and at the project at Miller Creek to determine whether they should be identified as mitigation measures. The Planning Commission accepted MM 4.2-14 for inclusion in the program being developed pursuant to Sub-Issue BE-8d above. Planning Staff will coordinate with DPW to develop a new program and implement other necessary revisions to the CWP transportation element to carry out the Commission’s direction. See Staff Report for Planning Commission hearing April 30, 2007.
Issue BE-9 :	

Should the targets for “Miles of Class I bicycle pathways” and “Miles of Class II bike lanes” be increased? Issue BE-10: Should an indicator for bike/pedestrian collisions be included?	On April 16, 2007 the Planning Commission accepted as adequate to address this Issue programs in the Draft CWP (see programs TR-2.e, <i>Prioritize Completion of the North-South and East-West Bikeways</i>, and TR-2.f, <i>Develop “Rails with Trails”</i>).
Issue BE-11: Does the Baylands Corridor preclude implementation of the North-South bikeway?	On April 16, 2007 the Planning Commission directed Staff to add wording in the appropriate place in the Bike Section of the draft CWP along the following lines: “While the County does not have the authority to plan or maintain bicycle facilities located in other jurisdictions, it may be appropriate for the Transportation Authority of Marin (TAM) or a similar entity or collaboration to assume this responsibility.” Staff to contact TAM to clarify their role in this regard and edit the above for inclusion in the appropriate place in the CWP.
Issue BE-12: Should the County oversee the planning and maintenance of all multi-jurisdictional bikeway projects?	See BE-8 above and Staff Report for Planning Commission hearing of April 30, 2007 for new program recommendation concerning benchmarking and monitoring of recreation traffic.
Issue BE-13: Should the County analyze weekend and leisure travel?	On April 16, 2007 the Planning Commission accepted as adequate to address this Issue programs and policies in the Draft CWP.
Issue BE-14: Should SMART be identified as a circulation improvement?	On April 16, 2007 the Planning Commission recommended no changes be made at this time to the traffic model or modeling runs for the CWP.

Should additional roadways have been analyzed for congestion impacts?	
Issue BE-16 : What is the County doing about roads that already don't meet the adopted LOS (grandfathered roads)?	See Issue BE-7 above.
Issue BE-17 : Inconsistency with Clean Air Plan transportation control measures <u>FINAL LANGUAGE: DES-2.d (new)</u>	On April 16, 2007, the Planning Commission accepted Mitigation Measure 4.3-2(a) which adds a new program to the Design Section of the Built Environment Element as follows: <u>Program DES-2.d was added to CWP page 3-65 and added to Figure 3-10 (Implementation Chart) on page 3-76</u> DES-2.d(new) Require new office developments with more than 50 parking spaces to offer a <u><i>Parking "Cash-Out" Program</i></u>.
New Issue BE-(letter?) Bring back question on with regards to Indian Valley Association letter about trails and consistency with Indian Valley Specific Plan	See Staff Report for Planning Commission hearing on April 30, 2007.
New Issue BE- (letter?) PFS-1.4 and PFS-1.a: do these refer to "total" or "per capita" demand?	See Staff Report for Planning Commission hearing on April 30, 2007.

NOTE: Many policies and programs were revised at a later meeting date. The left column indicates "Final Language" to be added to the 2007 Revised CWP to guide the FEIR and final PC review.

Draft Summary of Planning Commission Tentative Decisions
Public Hearing of April 23, 2007
Built Environment Issues: Planning Areas, LOS Standards, RUG, etc.

Issue SV-2.5 ^{SV-2.10}: Which site-planning option should be selected for the St. Vincent's and Silveira properties? <u>FINAL LANGUAGE: SV-2.5</u>	On April 23, 2007, the Planning Commission modified SV-2.5 as follows: <u>SV-2.5 was modified on CWP page 3-225¹</u> SV-2.5 Establish Land Use Categories. The St. Vincent's/Silveira area is assigned the Planned Designation – Agricultural and Environmental Resource Area land use category. Potential uses include agricultural and related uses, residential development, education and tourism, places of worship, institutional, and small-scale hospitality uses, as described more fully in SV-2.3. <u>In addition to existing uses, a combined total on both the St. Vincents and Silveira sites of up to 350 dwelling units and an additional 150 units of affordable housing for seniors, employees and density bonus units may be allowed. Dwelling units shall be allocated proportionally to the respective St. Vincent's and Silveira areas based on total acreage. <i>Attorneys to add procedure language</i>. Senior units may include a combination of apartment style and/or congregate care units at varying degrees of affordability within the total allowable dwelling unit cap of 500 units. Only senior care units with kitchens would be considered dwelling units subject to the dwelling unit limitations. Within these standards, the Master Plan approval process will determine the specific types and amounts of development suitable for these properties taking into consideration environmental constraints and the community benefits associated with providing higher levels</u>
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¹ Page Numbers Reflect the Revised 2007 CWP only. This version is still being finalized and will be distributed when completed.

	of housing affordable to low and very low income persons and smaller residential unit sizes. Pursuant to the PD-Agricultural and Environmental Resource Area land use category, non-residential uses may be permitted in lieu of some dwelling units, provided that the impacts of the non-residential development on peak hour traffic do not exceed those projected for the residential development being re-placed. Delete Options 1 – 4 and replace with above text. On April 23, 2007, the Planning Commission modified SV-2.4 as follows: <u>SV-2.4 was modified on CWP page 3-223</u> SV-2.4 Cluster Development. New non-agricultural development on either the St. Vincent's or the Silveira property shall be clustered on up to five percent of the land area of each property, or as determined through a site specific analysis of agricultural and environmental constraints and resources, observing habitat protection policies including, but not limited to, streamside conservation, ridge and upland greenbelt, wetlands, tidalands, and community separation. Existing development shall not be counted toward the 5 percent cluster requirement for the land area for each property. In addition, development on the St. Vincent's property shall be clustered around the "H" complex with the Chapel and the "H" complex buildings retained as the community center <u>as determined by a Master Plan process.</u>
NEW SUB-ISSUE 14-14E: Clustering requirement on St. Vincent's and Silveira properties <u>FINAL LANGUAGE: SV-2.4</u>	

NEW SUB-ISSUE BE-18C: Other St Vincent's/Silveira Policy and program changes. <u>FINAL LANGUAGE: SV-2.6</u>	On April 23, 2007 the Planning Commission accepted the following policy modifications: <u>SV-2.6 was modified on CWP page 3-225</u> SV-2.6 Avoid Impact of Odors from Sewage Treatment Plan. <u>Avoid impacts associated with odors from the Las Gallinas Valley sewage treatment plant and ponds.</u> Revise the map(s) in the CWP to show: MAP 2.4: Tidal properties should be designated Open Space Map 3-34 *TO SHOW AREAS OF LIQUEFACTION, VIEW CORRIDOR AND DRAINAGE CORRIDOR PER POLICIES AND PROGRAMS *Drainage swale per policy SV-1.9. *View corridor per policy SV-1.5. SV-6.1 Provide Transportation Improvements. Provide the transportation improvements identified in the transportation section of the Built Environment Element in conjunction with development {<i>Check for consistency with Circulation language – TR-1.5</i>}
Issue BE-19: Should the land use designation for the St. Vincent's and Silveira properties be changed to "Planned Designation: Agricultural and Environmental Resources Area"?	On April 23, 2007, the Planning Commission accepted the Planned Designation.

Sub-Issue BE-19a: Should additional language supporting trees and Community Forests be accepted? <u>FINAL LANGUAGE: SV-1.7</u> <u>FINAL LANGUAGE: BIO-1.3</u>	On April 23, 2007 the Planning Commission accepted the following modified policy and directed staff to make consistent changes to BIO-1.3 and BIO-1.e and cross reference. <u>SV-1.7 was modified on CWP page 3-222</u> SV-1.7 Preserve Trees. Protect major native oak groves and specimen oak trees. Preserve the native oak woodlands on Pacheco Ridge. <u>Preserve healthy and safe eucalyptus groves which currently support colonies of Monarch Butterfly, colonial nesting birds such as heron rookeries and/or are known raptor nesting sites. See also BIO 1.3 and BIO-1.e. Preserve healthy and safe eucalyptus groves and maintain them in a healthy condition</u> <u>BIO-1.3 was modified on CWP page 2-14</u> BIO-1.3 Protect Woodlands, Forests and Tree Resources. Protect large native trees, trees with historical importance, oak woodlands, healthy and safe eucalyptus groves which currently support colonies of Monarch Butterfly, colonial nesting birds or are known raptor sites, 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. See also SV-1.7.
Issue BE-20: Should the land use designation for the San	On April 23, 2007 the Planning Commission accepted the methodology to get to total allowable residential and equivalent uses based on

Rafael Rock Quarry be changed to “Planned District: Reclamation Area”?

existing truck and other trips at the Quarry.

PD-Reclamation Area

The PD-Reclamation Area land use category is intended for the ultimate reclamation of the San Rafael Rock Quarry and McNear's Brickyard site at the time the quarrying operations cease. As part of an updated reclamation plan, the ultimate reuse of the site will be identified, as will a time horizon as to when such reclamation would occur. While the Countywide Plan assumes that at such time as reclamation of the site occurs that it would be annexed to the City of San Rafael, if annexation should not take place, the Plan contemplates development under the County's jurisdiction. In general, uses would be primarily residential, a marina, and limited, supporting commercial, as reflected by the Peacock Gap Neighborhood Plan, adopted by the City of San Rafael and the County.

Revise Map 3.2 to exclude FAR, and only reference total units (75) and relevant policy.

PA-3.2 was modified on page 3-234

FINAL LANGUAGE: PA-3.2

PA-3.2

Designate Land Use in Point San Pedro. Lands at the Point San Pedro Quarry shall be designated for *mineral resource conservation* during the period the quarry continues to operate. An updated quarry reclamation plan is required to determine the length of time quarrying operations will continue. The quarry site shall also be designated Planned Designation-Reclamation Area in recognition of its potential future conversion to residential, marina, recreational, commercial or similar uses consistent with the updated Quarry Reclamation Plan. Future land use approvals should be conducted by the City of San Rafael. However, in order to comprehensively plan for alternative uses and provide a forum for public participation, a Specific or Master Plan will be required to determine residential densities, commercial floor

Deleted: in order

	area, and habitat protection areas. No change in density or land use intensities are proposed prior to approval of a Specific or Master Plan. <u>In order not to exceed current traffic levels, which include trips generated by quarry activity, the total number of dwelling units on these existing lots is compared to other lots in the area and capped at 75 dwelling units.</u>
Issue TR-21 TR-21: Should the land use designation for San Quentin be changed to “Planned District: Transit Village Area”?	On April 23, 2007, the Planning Commission accepted the Public Facilities designation for San Quentin. As such, the full text of the CWP should be struck related to San Quentin starting with <u>Dradt 2005 CWP page 3-215 through 220.</u>
Issue TR-22 TR-22: Circulation (traffic) impacts of housing sites in the City-Centered Corridor. <u>FINAL LANGUAGE: TR-1.5</u>	On May 23, 2007, the Planning Commission accepted the following approach to identifying transportation improvements in the CWP with final text to be brought back on May 7: <u>Policy TR-1.5 was modified on CWP page 3-154</u> TR-1.5 Require Necessary Transportation Improvements. Require necessary transportation improvements to be in place, or otherwise guaranteed to result in their timely installation, before or concurrent with new developments. <u>In evaluating whether a traffic improvement is necessary, the County shall consider alternatives to the improvement consistent with Policy TR-1.1, and the extent to which the improvement will offset the traffic impacts generated by proposed and expected development and restore acceptable traffic levels of service.</u> <u>Program TR-1.g was modified on CWP page 3-156-7</u> <i>Determine Appropriate Mitigation.</i> Work with the Transportation Authority of Marin to monitor the traffic impacts of development and identify mitigation requirements for proposed development

	that would cause a drop below adopted LOS, including transportation system improvements (See Maps 30 and 31), impact fees, Transportation Demand Management strategies, direct support of alternative travel modes, or redesign of the transportation network for transportation planning; and amend the Development Code to incorporate those requirements. Require the preparation of a traffic impact analysis report to identify impacts and mitigation measures for projects that may result in significant traffic impacts. The following transportation improvements are fully funded and/or under construction and subject to future evaluation: ◆ New crossing at the Redwood Landing ◆ New RTV expansion project on U.S. 101 both north and southbound ◆ Reconfigure U.S. 101 San Francisco Drake near Lane The following proposed transportation system improvements are not fully funded but have the potential to reduce regional and project-level traffic impacts. Before implementation, these improvements must be fully evaluated in accordance with Policy TR-1.5 Route Necessary Transportation Improvements. ◆ Add an L.S. 101 from four to six lanes to include an HOV lane in each direction from Novato to Redwood ◆ Improve Abertus Avenue at U.S. 101 near Lane ◆ New northbound auxiliary lane on U.S. 101 from State Route 27 to San Jose ◆ New southbound auxiliary lane from State Route 27 to San Jose
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	◆ <u>New bridge information system along State Route 37</u> ◆ <u>New southbound auxiliary lane from Abbeys Creek Road to the north side</u> ◆ <u>Improve U.S. 101 Lucas Valley Road interchange</u> ◆ <u>Add a new southbound interchange on U.S. 101 from Mount T. Pecos Parkway to the North San Pablo Road exit</u> ◆ <u>I-580 interchange improvements: West I-580 to south U.S. 101 and West I-580 to north U.S. 101 to 2nd Street</u> ◆ <u>New southbound auxiliary lane on U.S. 101 from Anderson Drive to San Pablo Bridge</u> ◆ <u>Add a northbound auxiliary lane on U.S. 101 from Paradise Drive to Corte Drive</u> ◆ <u>Widen San Francisco Drive Boulevard from the Leaburn Ferry terminal to Anderson Drive</u> ◆ <u>Improve U.S. 101 / Tamalpais interchange</u> ◆ <u>Widen Tiburon Boulevard on crossing to San Pablo Bridge with dual southbound ramps from U.S. 101 to Strawberry Drive</u> ◆ <u>Widen all lanes and other lanes bridge improvements at U.S. 101 / Marin interchange</u> ◆ <u>Widen and improve segment on State Route 1 between Marinette Road and U.S. 101 including replacement of Tennessee Valley (Coyote Creek) bridge</u> ◆ <u>Access management for State Route 1 from U.S. 101 to</u>
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	<u>Silicon Beach and Tennessee Valley Road for access to the Golden Gate Air Parkways and Silicon Beach Recreation areas.</u> ◆ <u>Regional transit bus operations on I-580 from South Gate to San Rafael, San Francisco</u> ◆ <u>Widen San Francisco Drake Boulevard between Bon Air Road and Valley Creek</u> ◆ <u>Expand 4200 from two to three lanes in the westbound direction from the Richmond Bridge to San Francisco Boulevard</u> ◆ <u>As needed, widen South Napa Boulevard from I-807 to Sunset</u> ◆ <u>Widen Laguna Valley Road from Las Colinas Avenue to Las Colinas</u> ◆ <u>Add a right turn lane to the westbound Grand Avenue approach at Second Street and Grand Avenue intersection</u> ◆ <u>Add a westbound third lane on Third Street at the intersection of Third and Grand Avenue.</u> ◆ <u>Improve Miller Creek Road and Las Colinas intersection as needed</u> ◆ <u>Improve Miller Creek Road and U.S. 101 interchange as needed</u>
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* The table has been edited and the program has been corrected.

Issue BT-23: Policies for regulating development in the Ridge and Upland Greenbelt. <u>FINAL LANGUAGE: Program DES-4.</u>	On April 23, 2007, the PC accepted Policies DES-4.d and DES-4.e, as modified below, which provide for view protection in Ridge and Upland Greenbelt. <u>Program DES-4.e was modified on CWP page 3-156</u> DES-4.e <i>Protect Views of Ridge and Upland Greenbelt Areas.</i> Employ a variety of strategies to protect views of Ridge and Upland Greenbelt areas, including by: • Identifying any unmapped ridgelines of countywide significance, both developed and undeveloped, and adding them to the adopted County Ridge and Upland Greenbelt Areas map; • Amending the Development Code and County zoning maps to designate a suburban edge on all parcels contiguous to the City-Centered Corridor that abut the Ridge and Upland Greenbelt, and requiring that those parcels develop at rural densities with visually sensitive site design; • Rezoning Ridge and Upland Greenbelt lands to the Planned District category and adjacent buffer areas to a transitional district, thereby subjecting them to County Design Review Requirements that include hillside protection; • Requiring buildings in Ridge and Upland Greenbelt areas to be screened from view by wooded areas, rock outcrops, or topographical features (see program DES-3.b); and • Calculating density for Ridge and Upland Greenbelt subdivisions at the lowest end of the General Plan designation range.
Sub-Issue BT-23a: Should the RUG boundaries be revised?	On April 23, 2007, the PC accepted the <u>RUG boundaries as proposed on Map 3-4</u> (which incorporates boundary revisions and refinements)

Issue 32-24: Mitigation of visual impacts. <u>FINAL LANGUAGE: DES-1.h</u>	On April 23, 2007 the Planning Commission accepted the following as modified below. DES-1.a <i>Add Design Components to Community Plans.</i> Update community plans to include customized building and site design standards that reflect the unique character of each area, respond to local design issues, and encourage ridgeline and watershed protection, walking, bicycling, and shared parking in commercial centers. Also consider the use of form-based codes and design charrettes where applicable. <u>DES-1.h was added to CWP page 3-60 and to Figure 3-10 (Implementation Chart) on page 3-74.</u> <u>Program DES-1.h (new) Lighting Design Guidelines.</u> Amend the Development Code to include lighting design guidelines. Require new development and (major remodels) projects that would make significant parking lot improvements or add new lighting to submit a lighting plan consistent with these guidelines for design review by County staff. Lighting design guidelines should address: ▫ <u>Efficiency – Cost effective energy efficient standards for outdoor lighting shall be developed to conserve energy thereby reducing excessive lighting, light pollution, light trespass, and glare;</u> ▫ <u>Reasonableness of Intensity – Acceptable standards shall be defined for various land uses and development types specifying the maximum allowable total lumens per acre;</u> ▫ <u>Directional Control – Standards shall be developed to minimize the upward transmission and intensity of light at various distances from its source through the use of full-cutoff lighting, downward casting, shielding, visors etc;</u> ▫ <u>Signage – Standards with respect to illuminated signs shall be de-</u>
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	veloped that prohibit or limit the size, spacing, design, upward transmission of light, and hours of operation. In addition, signs should be white or light colored lettering on dark backgrounds; ▫ <u>Night Lighting</u> – Hours of operation for various uses shall be specified in order to prohibit all-night lighting except when warranted for public safety reasons. On demand lighting shall be encouraged; ▫ <u>Education</u> – A voluntary educational component of this program shall include the distribution of informational materials for use by county residents, developers, and lighting supply retailers. These materials shall provide specific methods and product information necessary for compliance of new development as well as aiding the conversion of existing lighting sources; ▫ <u>Incentives</u> – The County shall develop incentives for residents and businesses encouraging the conversion of existing lighting sources to compliant ones; and ▫ <u>Enforcement</u> – These standards shall be incorporated into the County Development Code and design review process for new development.
Issue EE-25 EE-25: Mitigation of solid waste disposal and landfill capacity impacts. <u>FINAL LANGUAGE: GOAL PFS-4</u> <u>FINAL LANGUAGE: PFS-4.1, and 4.3</u>	On April 23, 2007, the Planning Commission accepted the following: <u>Goal PFS-4 was modified on page 3-204</u> <u>GOAL PFS-4</u> <i>Efficient Processing and Reduced Landfill of Solid Waste Materials.</i> Minimize, treat, and safely process solid waste materials in a manner that protects natural resources from pollution while planning for the eventual reuse or recycling of discarded material to achieve zero waste. <u>Policies PFS-4.1, and 4.3 were modified on page 3-204</u> <u>PFS 4.1</u> <i>Reduce the Solid Waste Stream.</i> Decrease the amount of solid

	ensure their <u>highest and best use</u>. <u>PFS-4.1 (new) Foodwaste Collection Program.</u> The County should actively promote the launching of a curbside foodwaste collection program by integrating this measure into bid specification.
Issue PE-26: Mitigation of construction noise impacts. <u>FINAL LANGUAGE: Program No-1.i</u>	On April 23, 2007, the PC accepted the following MM revising NO-1.i as follows: <u>Program No-1.i was modified on page 3-185</u> <u>NO-1.i; Regulate Noise Sources.</u> Adopt a noise ordinance that sets Sections 6.70.030(5) and 6.70.040 of the Marin County Code establish allowable hours of operation for construction-related activities. As a condition of permit approval for projects generating significant construction noise impacts during the construction phase, construction management for any project shall develop a construction noise reduction plan and designate a disturbance coordinator at the construction site to implement the provisions of the plan.
Issue PE-27: Mitigation of wastewater and stormwater impacts. <u>FINAL LANGUAGE: GOAL PFS-3</u>	On April 23, 2007, the Planning Commission accepted the following: <u>GOAL PFS-3 was modified on page 3-203</u> <u>GOAL PFS-3 Reduction, Safe Processing, and Re-Use of Wastewater.</u> Continue to enhance the Alternative Onsite Wastewater Monitoring Program. This program ensures the proper operation of alternative and innovative wastewater system designs. Continue to work with manu-

<u>FINAL LANGUAGE: Policy PFS-3.3</u>	facturers, designers, installers, end users, and the Regional Water Quality Control Board to evaluate the effectiveness and capabilities of these alternatives to traditional septic system designs. Work with stakeholders to periodically update design guidelines and regulations in the light of evolving best practices. <u>Policy PFS-3.3 was added to page 3-203</u> <u>PFS-3.3 (new) <i>Reduce Stormwater Volume</i> Implement appropriate upstream water-saving technologies to reduce stormwater volumes and increase percolation. Increase permeable surfaces and encourage on-site percolation to reduce stormwater volume and potential overflow of wastewater treatment facilities.</u> <u>Policy PFS-3.a was modified on page 3-204</u> <u>PFS-3.a <i>Reduce Wastewater Volume.</i> Work with sanitary districts and Environmental Health to assess alternative point-source wastewater technologies including State-approved graywater systems, NSF-approved waterless urinals and composting toilets, pervious surfaces for roads, driveways and parking lots, and subsurface drip dispersal. Provide public information and update Codes to promote safe, appropriate technologies. Urge water districts to consider volumetric billing and tiered water rate structure and to partner with water districts to reduce the volume of wastewater that must be treated.</u> <u>Program PFS-3.f was added to page 3-204 added to Figure 3-50 (Implementation Chart) on page 3-213</u> <u>PFS-3.f (new) <i>Develop Appropriate Wastewater Treatment Technologies</i> Work with sanitary districts to assess appropriate wastewater treatment technologies including advance biological treatments, living machines, bio-solid composting and methane capture for electrical generation</u>
<u>FINAL LANGUAGE: Program PFS-3.f</u>	

NOTE: Many policies and programs were revised at a later meeting date. The left column indicates "Final Language" to be added to the 2007 Revised CWP to guide the FEIR and final PC review.

Draft Summary Planning Commission Tentative Decision Public Hearing of April 30, 2007 Socio-Economic and Built Environment Issues	
Issue SE-1: Can the public's exposure to hazardous materials be minimized? <u>FINAL LANGUAGE: -PS-4(NEW)</u>	On April 30, 2007 the Planning Commission accepted the following mitigation measures: 4.10-1(a) adds new program PS-4.(new), <i>Hazardous Materials Education</i> 4.10-1(b) adds new program PS-4.(new), <i>Hazardous Materials Disposal</i> <u>Program PS-4.(new): Hazardous Materials Education. Continue to educate the public about the safe use, transport, and disposal of hazardous materials and encourage (e.g., through incentive programs) the use of less-toxic substances in residential and County operations.</u> <u>Program PS-4.(new): Hazardous Materials Disposal. Promote, educate, and encourage the public and businesses to properly dispose of any hazardous materials or waste at the Marin County's permanent household hazardous waste collection facility.</u>
Issue SE-2: Can impacts to sensitive receptors from hazardous emissions, hazardous materials, and hazardous waste be reduced? <u>FINAL LANGUAGE: EJ-1.1</u>	On April 30, 2007 the Planning Commission accepted the following mitigation measures: 4.10-2(a) and 4.10-3 revise program EJ-1.1.1, Identify and Target Impacted Areas 4.10-2(b) obtains funding for and changes the implementation timeframe for various EJ and PS programs Policy EJ-1.1; Identify and Target Impacted Areas. Use available measurement data to map locations with high levels of <u>known</u> toxins and other health-threatening pollutants. <i>Mitigation Measure 4.10-2(b)</i> In order to reduce impacts related to hazardous emissions, materials, and waste, near Marin County's schools to a less-than-significant level, the County would need to obtain funding for program EJ-1.a (Investigate a Possible Nexus) and revise the time frame of im-

	plementation for programs PS-4.a (<i>Regulate Development Near Waste Sites</i>), EJ-1.g (<i>Deny Pollution-Source Proposals</i>), and EJ-1.h (<i>Require Pollution Analysis</i>) to the medium-term or sooner. Convert MM 4.10-2(b) to a funding priority change in the CWP tables.
Issue SE-3: Consistency with SB18 (tribal consultation requirements) <u>FINAL LANGUAGE: HAR-2 (NEW)</u>	On April 30, 2007 the Planning Commission accepted the Mitigated Alternative's proposed new program HAR-2.(new), <i>Implement SB18 Tribal Consultation Requirements</i>, recommended text changes to the CWP and program modifications below: <u>HAR-2.(new) Implement SB18 Tribal Consultation Requirements.</u> In accordance with the new state law, SB18, require tribal consultation prior to adopting or amending any general plan or specific plan. a) <u>Send proposal information to the Native American Heritage Commission (NAHC) and request contact information for tribes with traditional lands or places located within the geographical areas affected by the proposed changes.</u> b) <u>Contact each tribe identified by NAHC in writing and provide the opportunity to consult about the proposed project.</u> c) <u>Organize a consultation with tribe(s) that responds to the written notice within 90 days.</u> d) <u>Refer proposals to adopt or amend the Countywide Plan or specific plans to each tribe included on the NAHC list at least 45 days prior to the proposed action.</u> e) <u>Provide at least 10 days before a public hearing, notice of hearing to tribes and any other persons who have requested such notice is provided.</u>

<u>FINAL LANGUAGE TO HAR-1.A, 1.D, AND 1.G.</u>	DEIR's recommended text changes in the Historical and Archaeological Resources section of the Draft CWP: ➤ Information about the name of the tribe should be updated from "Miwok", to "Federated Indians of Graton Rancheria, including the Coast Miwok and Southern Pomo." (Note: Based on consultation with the FIGR this has been done as a technical correction already.) ➤ Status of the tribe as a Federated Indian tribe with an adopted democratic constitution needs to be recognized. The relationship between the County and the tribe should therefore be specifically considered government to government. Proposed revisions to programs HAR-1.a, <i>Map Resource Areas</i>, HAR-1.d, <i>Require Archaeological Surveys for New Development</i>, and HAR-1.g, <i>Create a County Historical Commission</i> HAR-1.a <i>Map Resource Areas</i>. Update the County sensitivity map (not site-specific) that identifies potential locations of archaeological resources, and survey and evaluate existing archaeology resources every three years (while maintaining confidentiality regarding the location of archaeological sites). <u>Consult with FIGR as appropriate in map updates.</u> HAR-1.d <i>Require Archaeological Surveys for New Development</i>. Require archaeological surveys conducted on site by a State-qualified and FIGR recommended archaeologist for new development proposed in areas identified as potential resource locations on the County sensitivity map (see Program HAR-1.a). HAR-1.g <i>Create a County Historical Commission</i>. Establish a Historical Preservation Commission (or expand an existing commission) to prepare a cultural resource preservation plan in partnership with the County Historical Society and to review projects related to historical resources. <u>Include a representative from the FIGR on the Historical Commission.</u>
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Issue SE-4: Are new programs needed to address park maintenance and protection of environmentally sensitive areas on park lands? <u>FINAL LANGUAGE: PK-1.T AND 1.U</u>	On April 30, 2007 the Planning Commission accepted the following new programs as modified: PK-1.t, Continue Ongoing Park Maintenance Programs PK-1.u, Protect Environmentally Sensitive Park Areas PK-1.t Continue Ongoing Park Maintenance Programs. Continue ongoing management and maintenance programs to ensure the long-term protection of existing park resources and park infrastructure. Explore opportunities for cost savings and innovation which meet the objectives of protecting Marin County parks. PK-1.u Protect Environmentally Sensitive Park Areas. Protect undeveloped natural park areas such as Tiburon Uplands and Gallinas Creek at McInnis Park, and reassess existing park areas to determine whether they should be re-designated as open space. Where necessary, work with local fire management agencies to reduce fuel loads in an environmentally sensitive manner.
Issue SE-5: Should there be an arts tax? <u>FINAL LANGUAGE: ART-2.I</u>	On April 30, 2007 the Planning Commission accepted ART-2.i as modified below: ART-2.i Consider <u>Funding for the an Arts Tax</u>. Investigate the feasibility of establishing an arts fund. a tax related to services utilized by patrons of the arts and attendees of cultural events. Make this fund available to support fund arts and cultural capital facilities.
Issue SE-6: Can recidivism be reduced? <u>FINAL LANGUAGE: PS-2.2</u>	On April 30, 2007 the Planning Commission accepted Program PS-2.2 as modified below: PS-2.2 <u>Support Services for Mentally Ill Criminal Offenders.</u> Reduce Recidivism. Reduce the incidence of crimes by the mentally ill by continuing to support the Support and

	Treatment After Release (STAR) and mental health court programs.
Issue 3C.7 : Should the CWP include a program supporting the Marin CARES Program?	On April 30, 2007 the Planning Commission DELETED PROGRAM CH-2.C CH-2.e <i>Continue to Fund CARES. Maintain support for the Marin CARES program; which provides scholarship information and guidance to early childhood educators.</i>
Supplemental Issue SF-8 : Should Additional Earthquake Measures be provided? <u>FINAL LANGUAGE: PS-3.F, 3.G, and 3.k (new)</u>	On April 30, 2007 the Planning Commission accepted Mitigation Measures 4.7-2(a) which proposes revisions to Programs PS-3.f <i>Promote Structural and Nonstructural Safety</i> , PS-3.g <i>Locate Emergency Services Facilities Appropriately</i> and MM 4.7-2(d) below: Program PS-3.f; <i>Promote Structural and Nonstructural Safety</i>. <u>Provide and inform the public of the available educational guides promoting structural and nonstructural earthquake safety. Encourage installation of automatic natural gas shut-off valves in buildings. Encourage retrofit of older buildings and securing nonstructural elements of a building to prevent the falling or throwing of objects. Encourage retrofitting seismically vulnerable buildings.</u> Program PS-3.g; <i>Locate Emergency Services Facilities Appropriately</i>. <u>Locate and design emergency buildings and vital utilities, communication systems and other public facilities so that they remain operational during and after an emergency or disaster. Encourage that these structures and facilities are designed to be earthquake proof to ensure continuous operation even during extreme seismic ground shaking.</u> <i>Mitigation Measure 4.7-2(d)</i> <u>Program PS-3.k (new), <i>Ensure Seismic Design Regulations</i>.</u> <u>Continue to implement County ordinances to ensure new construction utilize California Building Code seismic design requirements, seismic shut off devices, and anchoring of liquid petroleum gas tanks as well as require geological assessment (e.g., Soils Investigation and Geologic / Geotechnical reports) for grading permits to determine the effects of seismic ground shaking on proposed grading.</u>

	Issue PE-1a: Should the HOD be modified? On April 30, 2007 the Planning Commission directed Staff to bring back the HOD policy and program with modifications including: ○ Increase potential HOD units in the Marin City Traffic Impact Area by 75 units to a total of 150; ○ Change the total HOD units to 658; ○ Include a Map of Traffic Impact Areas based on both screenlines and HOD locational criteria to limit the geographic extent of Traffic Impact Areas; ○ Clarification that on large commercial sites HOD unit square footage would be offset by a reduction in permissible commercial square footage; ○ Clarification that senior units must be within the peak hour traffic generated by the permissible development on a site; ○ Clarification that 25 units/acre refers to the density of only that portion of the site developed for housing; ○ Development within an HOD designated or approved area may utilize the state density bonus or the alternative density bonus provided by Exhibit 5.0-15, but not both; and ○ Encouragement of a community planning process. The proposed modifications to policy CD-2.3 and program CD-2.d per the Commission's direction are reflected in the revised language below. CD-2.3 Establish a <i>Housing Overlay Designation</i>.
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as shown on Maps 3-2a and 3-2b. The purpose of the HOD is to encourage construction of units to meet the need for workforce housing, especially for very low- and low-income households, and for special needs housing, in the City-Centered Corridor close to transit, employment, and/or public services, including reuse of existing shopping centers or other underutilized sites. <u>Development within the HOD that meets the standards in Program CD-2.d shall be eligible for a density bonus as an alternative to any density bonus authorized by State law. Development pursuant to the HOD Policy and Program on sites designated as both mixed use and as suggested HOD sites are subject to the HOD criteria for development and not as mixed use site. On commercially designated parcels over 12 acres in size including Marin City, each square foot of HOD housing shall be offset by an equal reduction in the square footage of the permissible commercial development. Up to 658 housing units may be approved within the Housing Overlay Designation subject to a discretionary approval process.</u>	The criteria used in establishing the Housing Overlay Designation include: Designated by the Countywide Plan as Planned Designation (PD) Transit Village Area or Reclamation Area, Multifamily (MF), General Commercial (GC), Neighborhood Commercial (NC), Office Commercial (OC), Recreation Commercial (RC), or Public Facility (PF). Located within: ○ The unincorporated portion of the City-Centered Corridor: ○ One-half mile of a transit node or route with daily, regularly scheduled service; and ○ One mile of a medical facility, library, post office, or commercial center. ○ The area to be developed: ○ Does not exceed an average 20 percent slope and is not within the Ridge and Upland Greenbelt; ○ Is not within a Wetlands Conservation Area or Streamside Conservation Area; ○ Is not a park or public open space area; and
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- Is not primarily located within the 100 year flood plain.

- ~~Preliminary feasibility of site to meet affordability requirements.~~

The County will engage in discussions with cities and towns within Marin County regarding the possibility of locating residential units otherwise allocated to the Housing Overlay Designation within these cities and towns, subject to the criteria described above.

Based on the above, the potential Housing Overlay Designation suggested sites and unit allocations by traffic impact areas are listed in **Exhibit 5.0-15** and shown in **Exhibit 5.0-16**.

Exhibit 5.0-15

<u>Exhibit 5.0-15</u>		
<u>Traffic Impact Areas as determined by Screenlines and HOD site criteria (See Exhibit 5.0-16 forthcoming)</u>	<u>HOD Unit Potential for Traffic Impact Areas (including Density Bonus Units)</u>	<u>Suggested Qualifying Sites within Traffic Impact Areas</u>
Screenline 13:	50	○ Lomita Park (San Rafael) ○ <u>Other qualifying sites</u>
Screenline 22:	10	○ Oak Manor ○ <u>Other qualifying sites</u>
Screenline 7:	110	○ Marinwood Shopping Center ○ <u>Idylberry School</u> ○ Other qualifying sites
Screenline 19:	50	○ Fireside Motel
Screenline 23:	163	○ College of Marin ○ Marin General Hospital

		○ Toussin ○ <u>Other qualifying sites</u>
Screenline 8:	25	○ Gallinas Elementary School ○ Other qualifying sites
Screenline 17:	100	○ Strawberry Shopping Center ○ Other qualifying sites
Screenline 21:	<u>150</u>	○ Marin City Shopping Center ○ Other qualifying sites
	Total: <u>658</u>	Total Potential HOD Units including Density Bonus Units

Proposed Modifications to Program **CD-2.d**:

CD-2.d *Implement the Housing Overlay Designation Program.* The reviewing authority may allocate HOD units to suggested qualifying sites or other qualifying sites within Traffic Impact Areas shown on **Exhibit 5.0-16**. The number of HOD units shall be a density bonus and shall be an alternative to any density bonus authorized by State law; project sponsors may elect to proceed pursuant to either the HOD density bonus or State law density bonus. Housing Overlay units within identified Traffic Screenlines may be allocated to suggested HOD sites listed in **Exhibit 5.0-15** if the HOD project meets the following standards:

- a) Developer is encouraged to undertake a community based planning process.
- b) Developer is encouraged to maintain ownership interest in the project.

	corporates attractive and usable common/open space areas must be utilized, consistent with design guidelines. d) Affordability levels to be consistent with the County's inclusionary requirements. For rental developments a.) At least 49% of the units should be deed restricted and occupied by households whose incomes are 60% or less of area median income, adjusted for family size. For ownership developments: a.) at least 60% of the units should be deed restricted and occupied by households whose incomes are 80% or less of area median income adjusted for family size, b.) OR at least 49% of the units should be deed restricted and occupied by households whose incomes are 60% or less of area median income, adjusted for family size. e) Affordable ownership and rental units shall be deed restricted in perpetuity or for a period of not less than 55 years to ensure a stock of affordable ownership and rental units. f) Housing densities of at least 25 units per acre on the <u>portion of the site developed for housing.</u> g) Projects that qualify for the designation and meet the affordability requirements may be entitled to development standard adjustments, such as parking, floor area ratio, height and fee reductions and other considerations. h) The inclusion of workforce housing, especially for very low- and low-income households and for special needs housing, will be strongly encouraged at the time of commercial or other expansion and major remodeling proposals. i) Additional "units" of senior housing on an <u>HOD site</u> may be permitted if: (1) the additional "units" are affordable to below market households; and (2) <u>projected peak-hour traffic impacts of the proposed affordable senior housing fall within the maximum peak-hour traffic generated by the permissible development on the site</u> based on a traffic study to verify reduced trips and reduced parking.
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	j) Parking requirements may be adjusted on a case-by-case basis for senior and affordable housing using criteria established in the URBEMIS model to encourage transit oriented development. Trip reduction credits may be obtained through utilization of the following mitigation measures locating development close to transit, or in a location where the jobs-housing balance will be optimized; commitments from the developer to implement demand management programs including parking pricing and leased parking for market rate units; use of tandem parking, off-site parking, among other measures to permanently reduce parking need. Reduction of parking requirements are subject to discretionary approval and may require a parking study to verify reduced parking demand. k) Potential impacts are mitigated to the maximum extent feasible. l) Occupancy or resident preferences for HOD projects should be analyzed for appropriateness in each project, taking into consideration applicable traffic impacts, jobs/housing balance opportunities, and fair housing laws. Application can be made by a property owner to the County for the designation of a new HOD site which meets all of the criteria identified in Policy CD-2.3. In such cases, the review authority may designate an additional HOD site and reallocate units "assigned to" HOD sites within the same <u>Traffic Impact Area</u> within the <u>758 658</u> total HOD units. Funding shall be pursued to prepare Master Plans and related environmental review documents to facilitate development on HOD sites. <u>The County's inclusionary housing ordinance (Marin County Code Chapter 22.22) shall be amended to exempt from inclusionary housing requirements any project developed with an HOD density bonus.</u>
Issues EC-1b : Should new programs be added to ensure the effectiveness of the HOD policy?	On April 30, 2007 the Planning Commission accepted the following new programs: CD-2.k, Analyze Additional HOD Sites During the Housing Element Update CD-2-f, Evaluate Affordability Rates of the HOD

	CD-2-k (new), Analyze additional HOD Sites During the Housing Element Update. Ensure that other potential Housing Overlay Designation sites are analyzed and considered during the update of the Marin County Housing Element. CD-2-l (new), Evaluate Affordability Rates of the HOD. Monitor and update the affordability rates required in Program CD-2.d, Implement the Housing Overlay Designation, to advance the HOD goals of providing rental housing to our low income workforce, seniors and special needs populations.
Issue BE-4: Is growth in the County supported by the infrastructure? Should exceptions to the vehicle LOS standards be provided for affordable housing projects, while requiring all projects to mitigate project-related traffic impacts?	On April 30th the Planning Commission requested staff bring back Program TR-1.e to restrict densities where LOS was exceeded with modifications to the proposed exceptions. The proposed modifications are reflected in the revised policy below. TR-1.e Uphold Vehicle Level of Service Standards. Uphold peak-hour vehicle Level of Service standard (LOS) D or better for urban and suburban arterials and LOS E or better for freeways and rural expressways. Only the Congestion Management Program specified roadway and highway segments operating at a lower LOS than the standard in 1991 are “grandfathered” and may continue to operate at the lower LOS standard until such time as the roads are improved or the traffic load or demand is altered or diverted. An improvement plan should be developed on Highway 101 and the grandfathered roadway segments to address existing deficiencies through transportation demand management, transit, and infrastructure improvements where non-infrastructure alternatives are not feasible. New development shall be restricted to the low end of the applicable residential density/commercial floor area ratio range where the LOS standards will be exceeded at any intersection or road segment or worsened on any grandfathered segment. <u>Densities higher than the low end of the applicable residential density/commercial floor area ratio may be considered for the following:</u> - o Development that qualifies as Housing Overlay Projects in accordance with Policy CD-2.3, Establish a Housing Overlay Designation. and Program CD-2.d, Implement the Housing Overlay Designation - o Mixed use projects developed in accordance with Policy CD-8.7. - o Minor improvements or renovation of existing neighborhood serving retail uses provided the total square footage is not increased and community serving uses are re-

	tained. - o Second units developed pursuant to state law. - o <u>New affordable housing projects that do not exceed 50 units affordable to very low and low income households.</u> - o <u>Projects within a Public Facilities designation</u> All projects shall be conditioned to include feasible mitigation measures for project-related traffic impacts.
Issue BE-7: Can the increase in Vehicle Miles Traveled (VMT) be mitigated: Can better strategies be developed for achieving TDM goals?	On April 30, 2007 the Planning Commission accepted proposed revisions to Mitigation Measure 4.2-1's new program TR-1.(new), <i>VMT Reduction Monitoring and Implementation Program</i> below: Program TR-1.(new) VMT Reduction Monitoring and Implementation Program. <u>Develop and implement a program for monitoring VMT and identify and require in new developments specific strategies for reducing the rate of increase for VMT per person including. Consider the following types of strategies for inclusion in the VMT Reduction Monitoring and Implementation Program:</u> • <u>All new residential projects consisting of 25 units or more should be located within five 1/2 miles of a major public transportation node-transit node or bus stop with daily, regularly scheduled service during both off peak and peak times.</u> • <u>New multi-family projects consisting of 25 units or more should include TDM measures such as reduced parking for affordable or senior projects, subsidized public transportation passes, or ride-matching programs based on site specific review. For market rate projects, consider TDM programs such as charging parking fees separate from rent.</u> • <u>Safe, convenient connections should be provided to existing pedestrian and bicycle facilities and secure bicycle parking shall be provided in new nonresidential devel-</u>

	opments. TDM should be required for new or expanded projects with 50 employees or more, including programs such as parking cash out, subsidized transit passes, ridesharing incentives, and bicycle storage facilities. <i>Staff needs to check the SE element to change ¼ mile to ½ mile to be consistent with above.</i>
Issues PP-8a, PP-8b, PP-13: How should we address traffic congestion related to travel to and from Marin County recreation destinations? FINAL LANGUAGE: TR-3.h (new)	On April 30, 2007 the Planning Commission accepted proposed new program TR-3.h, <i>Implement a Traffic Reduction Program for Recreational Travel to West Marin</i> as modified below: (implements policy TR-3.6, Reduce Congestion Due to Visitor Traffic in West Marin). TR-3.h (new) Implement A Traffic Reduction Program for Recreational Traffic to West Marin. Collaborate with Caltrans, local, state, and federal parkland agencies, and local communities to benchmark existing traffic conditions on roads to West Marin and provide ongoing traffic monitoring during peak recreation periods on access routes to West Marin. Identify and implement alternatives to recreational automobile travel to recreational areas in West Marin including, but not limited to extended and expanded shuttle bus service, shuttle service to remote parking lots for early trip capture, travel advisory signage, and other similar measures.
Issue PE-9: Should the targets for “Miles of Class I bicycle pathways” and “Miles of Class II bike lanes” be increased?	On April 30, 2007 the Planning Commission accepted DPW’s recommendation that the targets be retained as currently shown in the Draft CWP: Indicator: Miles of Class I Bicycle Pathway Non-binding target: Increase to 5-10 by 2010 and 10-25 miles by 2015 Benchmark: 3.5 miles of Class 1 in 2000 Indicator: Miles of Class II Bike Lanes

	Non-binding target: Increase to 4.5 – 10 miles by 2010 and 9 - 25 miles by 2015 Benchmark: 2.25 miles of Class 2 in 2000
Issues BE-10 : Should an indicator for bike/pedestrian collisions be included?	On April 30, 2007 the Planning Commission accepted the recommendation to Add indicators to the Transportation section to monitor injury and fatality motor vehicle collisions involving bicyclists and involving pedestrians.
Issues BE-28 ¹ : Can we expedite processing for affordable housing projects? FINAL LANGUAGE: CD-2.n (new)	On April 30, 2007 the Planning Commission accepted the Mitigated Alternative's proposed new program CD-2.(new), <i>Processing on Affordable Housing Projects</i>: CD-2.n(new) <i>Processing on Affordable Housing Projects</i>. The County will provide technical assistance and priority process affordable housing projects which meet established requirements for very low and low income housing as determined by state and federal criteria and HOD projects. The Community Development Agency director may waive or transfer In-Lieu Housing Trust funds to pay for up to 100 percent of the Community Development Agency fees for qualifying projects. The amount of fee waiver or transfer will be determined based on the proportion of the project that is below market rate housing and the length of time the housing shall remain affordable.
Issue BE-A : Can we improve the mixed-use land use designations?	On April 30, 2007 the Planning Commission directed Staff to bring back the Mixed Use policy and land use designations with modifications including: - o Clarification that the permissible FAR includes any housing developed on a mixed use site; - o Capping the total allowable units in mixed use projects to 1,036; - o The additional residential units allowed by the mixed use designation are an alternative to the state density bonus. Development may utilize one but not both of these bonuses. The maximum number of 1036 can not be exceeded without a plan amendment accompanied by environmental review. The maximum densities apply whether the bonus utilized is the state bonus

¹ Misnumbered in the Staff Report (p. 19) as BE-23.

	or the bonus allowed by this policy. CD-8.7 Establish Commercial/Mixed Use Land Use Categories and Intensities. Commercial/mixed use land use categories are established to provide for a mix of retail, office, and industrial uses as well as moderate to high density mixed-use residential development in a manner compatible with public facilities, natural resource protection, environmental quality, and high standards of urban design. Mixed-use developments that incorporate residential units on commercial properties are encouraged to provide on-site housing for employees and contribute to affordable housing. Mixed use projects shall not exceed the maximum permissible Floor Area Ratio for each site except for affordable units located in areas with acceptable vehicle levels of service pursuant to Policy TR-1.e. Up to 1,036 units may be approved for mixed use development subject to a discretionary approval process. <u>The additional units contemplated by this policy are an alternative to the state density bonus. Development may utilize one but not both of these bonuses.</u> The following criteria shall apply to any mixed-use development: 1. For parcels larger than 2 acres in size, no more than <u>50% of the total amount of new floor area may be developed for commercial uses provided an equal square footage of new housing is developed.</u> For parcels 2 acres and less in size, no more than <u>75% of the total amount of new floor area may be developed for new commercial uses provided an area equal to 25% of the new commercial floor area shall be developed for new housing.</u> <u>Compliance with the above provisions shall be subject to the requirements of the County's jobs/housing linkage and inclusionary housing ordinance (Marin County Code Chapter 22.22).</u> 2. Projected peak-hour traffic impacts of the proposed mixed-use development are no greater than that for the maximum commercial development permissible on the site under the specific land use category; 3. Priority shall be given to the retention and continuation of existing neighborhood
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	serving retail uses in any redevelopment of existing commercial sites; and 4. The site design fits with the surrounding neighborhood and incorporates design elements such as podium parking, usable common/open space areas, and vertical mix of uses, where applicable. The following categories shall be established for commercial land uses: (Footnote: Note that the zoning designations listed in each category below are examples of consistent zoning and are not the only possible consistent zoning designations. A complete list of permitted and conditional uses and the development standards can be found in the Development Code. Educational, charitable, and philanthropic institutions such as schools, libraries, community centers, museums, hospitals, childcare centers, and places of worship may be permitted in any commercial area.) General Commercial/Mixed Use. The General Commercial mixed-use land use category is established to allow for a wide variety of commercial uses including retail and service businesses, professional offices, and restaurants, as well as moderate to high density mixed-use residential development. The Development Code includes permitted and conditional uses and development standards consistent with this designation. The Land Use Policy Maps provide floor area ratio (FAR) standards for this designation. Residential development located in a mixed-use development within this designation shall be included in the permissible amount of development under these FARs. Consistent Zoning: C P C1 - H H - 1 RMP - .1 to RMP - 30 Office Commercial/Mixed Use. The Office Commercial land use category is established to encourage a mixture of professional, administrative, and medical office uses, as well as medium to high density mixed-use or residential development where appropriate. Employee and resident-serving retail and service businesses may also be permitted within this category. The Development Code includes permitted and conditional uses and development standards consistent with this designation. The Land Use Policy Maps provide for commercial floor area ratio (FAR) standards for this designation.
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	tion. Residential development located in a mixed-use development within this designation shall be included in the permissible amount of development under these FARs. Consistent Zoning: A – P O – P RMP - .1 to RMP - 30 <i>Neighborhood Commercial/Mixed Use.</i> The Neighborhood Commercial land use category is established to encourage smaller-scale retail and neighborhood-serving office and service uses and mixed-use development oriented toward pedestrians and located in close proximity to residential neighborhoods. The Development Code includes permitted and conditional uses and development standards consistent with this designation. The Land Use Policy Maps provide for floor area ratio (FAR) standards for this designation. Residential development located in a mixed-use development within this designation shall be included in the permissible amount of development under these FARs. Consistent Zoning: VCR RMPC VCR:B2
Issues BE-B: Should policies permitting duplexes, duets, and shared housing in single-family areas be considered (possibly during community plan updates)?	On April 30, 2007 the Planning Commission requested that proposed CD-2.1(new) be brought back for consideration as a program during the next update of the Housing Element. During the Housing Element update, additional information and considerations should include: how best to ensure the units are appropriately scattered; whether duplexes and duets should be in lieu of a second unit; how best to ensure new units are designed to fit within the existing character of the neighborhood and within traffic constraints, among other environmental considerations; and economic information as needed to make informed decisions about a possible duet/duplex program. For the record, the proposed language presented to the PC was as follows: CD-2.1 (new) <i>Encourage Affordable Duplexes and Duets in Single-Family Neighborhoods as Appropriate.</i> Allow single family designated parcels which meet intelligent infill criteria (close to public transit, employment and services) to include duplexes and duets that comply

	with single family development standards (such as FAR limits, density, parking, setbacks, and height limits). Encourage additional units on a single-family designated parcel to be affordable to low or very low income households. Within any Planning Area, the amount of additional multi-family units produced per this policy would be restricted to the maximum number of units, including secondary dwelling units. Affordable duplexes or duets on single-family designated parcels shall be subject to intelligent infill criteria and applicable design guidelines - and should not be approved unless the number of existing dwelling units is <u>within less than</u> 80% of the theoretical buildout for the planning area the project is located within.
Issues BE-C: Can we prevent loss of affordable units when nonconforming uses redevelop? and Issues BE-E: Can Mill Valley policies be adapted in order to retain housing stock? <u>FINAL LANGUAGE: CD-2.n (new)</u>	On April 30, 2007 the Planning Commission requested a new program be drafted that would call for the exploration of how best to maintain legal nonconforming affordable housing units and revise affordable housing regulations to retain housing stock. Proposed Program language intended to address both Issue BE-C and BE-E is as follows: CD-2.n (new) <i>Revise Affordable Housing Regulations to Retain Housing Stock.</i> During the upcoming Housing Element update process, evaluate and revise the Housing Element as appropriate in order to preserve the affordable housing supply such as in lieu fees for residences converted to non-residential use, requirements for replacement housing, and strategies for maintaining legal nonconforming affordable units such as requiring requilt units to be deed restricted as affordable housing. To aid the evaluation, economic information and reasons why units are non-conformain should be provided.
Issue BE-D: Can we provide more specific policy direction to ensure a stock of affordable rental	On April 30, 2007 the Planning Commission directed staff to make no changes to the Draft CWP, but to address the topic at the time of updating the condominium ordinance.

units?	
Issues BE-F: Can housing fund dollars be used for making affordable projects green?	On April 30, 2007 the Planning Commission directed staff to make no changes to the Draft CWP but to consider adding language encouraging funding for green building in affordable housing developments during the next Housing Element update.
Issue BE-G: Clarify whether reduction in water demand is intended to be on a “per capita” basis or on a “total usage” basis. <u>FINAL LANGUAGE: PFS-1.4</u>	On April 30, 2007 the Planning Commission accepted Staff proposed revision to policy PFS-1.4, <i>Reduce Demand on Public Facilities</i> (added language requires demand reduction to be both per capita and total usage; implementing program is PFS-1.e, <i>Reduce Demand on Public Facilities</i>, which is unchanged from the Draft CWP) and The Mitigated Alternative’s proposed revision to policy PFS-1.4, <i>Reduce Demand on Public Facilities</i>. With both revisions, PFS-1.4 would read: PFS-1.4 <i>Reduce Demand on Public Facilities</i>. Reduce per capita and total demand for water, wastewater treatment, and stormwater management through integrated and cost-effective design, and technology and demand reduction standards for new development and redevelopment.
Issues BE-H: Is the Indian Valley Specific Plan Consistent with the Draft CWP?	On April 30, 2007 the Planning Commission accepted the staff finding that the Indian Valley Specific Plan is consistent with the Draft CWP as proposed. No change to the CWP is required.
Issues BE-I: Should the “Design” section be renamed to retain the existing title (“Design”) or revert to	On April 30, 2007 the Planning Commission accepted the change to “Community Design.”

the title “Community Design.”	
Issue DE-1.g: Could program DES-1.g, <i>Hold Remodels to the Same Standards as New Housing</i>, have unanticipated negative consequences, particularly with respect to remodels of very old houses? <u>FINAL LANGUAGE: DES-1.g</u>	On April 30, 2007 the Planning Commission accepted proposed revision to program DES-1.g, Hold Remodels to the Same Standards as New Housing as follows. DES-1.g <i>Hold remodels to the Same Standards as New Housing.</i> Ensure, to the extent feasible, that Design Guidelines include standards for remodel projects that mandate the same qualities of materials, and construction and design required for new homes.
Issues DE-1.g: Do the proposed LEED requirements for public facilities vary too much from the proposed LEED requirements for commercial buildings? <u>FINAL LANGUAGE: EN-3.h</u>	On April 30, 2007 the Planning Commission accepted proposed revision to program EN-3.h, <i>Adopt LEED Standards for Public Buildings</i> (which makes the requirements more uniform). EN-3.h <i>Adopt LEED Standards for Public Buildings.</i> Implement where feasible the LEED Silver certification requirements or a higher standard for <u>development and major remodels</u> of new public buildings, over 10,000-square feet.
Issues DE-1.g: How can construction-related energy impacts be reduced?	On April 30, 2007 the Planning Commission accepted Mitigation Measure 4.10-8 as proposed (requires funding for and timely implementation of programs EN-1.a, <i>Establish a Permanent Sustainable Energy Planning Process</i>, and EN-3.h, <i>Adopt LEED Standards for Public Buildings</i>). In order to reduce energy impacts related to energy consumption from building construction and retrofit to a less-than-significant level, the County would be required to obtain additional funding for

	and implement EN-1.a <i>Establish a Permanent Sustainable Energy Planning Process</i> and EN-3.h <i>Adopt LEED Standards for Public Buildings</i> in a timely manner.
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