

MARIN COUNTY PLANNING COMMISSION
RESOLUTION NO. 07-009

A RESOLUTION RECOMMENDING THAT
THE MARIN COUNTY BOARD OF SUPERVISORS
CERTIFY THE FINAL ENVIRONMENTAL IMPACT REPORT FOR
THE 2007 MARIN COUNTYWIDE PLAN AND
ADOPT THE 2007 MARIN COUNTYWIDE PLAN

- I. WHEREAS, in 2000 the Board of Supervisors approved a work program and public participation program to update the Countywide Plan (“CWP”). The purpose of the update is to set policy guidelines for future conservation and development in the county and to address changed conditions since the last revision of the CWP in 1994. The CWP is a comprehensive, long term general plan for the physical development of Marin County and establishes an overall framework and set of goals for countywide development in the unincorporated area of the County. The CWP Update encompasses the unincorporated territory of Marin County. The CWP Update’s regulatory authority encompasses only the unincorporated territory of Marin County.

- II. WHEREAS, the update process included extensive input from the public (including four working groups) as well as from environmental, housing, economic, and legal consultants. There have been over 100 meetings open to the public regarding the draft Plan. Comments and participation were sought from County residents, California Native American Indian tribes, public agencies, public utility companies, and civic, education, and other community groups. The Countywide Plan Update was referred to all cities and towns in and adjacent to the County, all school districts in the County, the Marin County Local Agency Formation Commission, the Association of Bay Area Governments, the Metropolitan Transportation Commission, the National Park Service, U.S. Coast Guard, public water providers in the County, the Bay Area Air Quality Management District, the Federated Indians of Graton Rancheria, and a number of other public agencies.

- III. WHEREAS, a public review draft of the CWP Update was released in February 2004, which was followed by over twenty-two public hearings at the Marin County Planning Commission in order to help finalize the project description to be evaluated in the environmental impact report. Staff amended the Plan to reflect the comments received from the Planning Commission and public input, and released a Revised Public Review Draft in August 2005. That version incorporated comments received from several hundred letters from the public in addition to recommendations heard at the twenty-two public hearings.

- IV. WHEREAS, the overarching theme presented in the Draft 2005 CWP Update FEIR is planning sustainable communities. The guiding principles of the CWP Update are:
1. Link equity, economy, and the environment locally, regionally, and globally.
 2. Minimize the use of finite resources and use all resources efficiently and effectively.
 3. Reduce the use and minimize the release of hazardous materials.
 4. Reduce greenhouse gas emissions that contribute to global warming.
 5. Preserve our natural assets.
 6. Protect our agricultural assets.
 7. Provide efficient and effective transportation.
 8. Supply housing affordable to the full range of our members of the workforce and diverse community.
 9. Foster businesses that create economic, environmental, and social benefits.
 10. Educate and prepare our workforce and residents.
 11. Cultivate ethnic, cultural, and socioeconomic diversity.
 12. Support public health, safety, and social justice.
- V. WHEREAS, to address these principles, the CWP has been substantially reformatted into three main elements: Natural Systems and Agriculture Element, Built Environment Element, and Socioeconomic Element. The seven mandatory General Plan Elements required by the State Planning and Zoning Laws (Conservation, Open Space, Land Use, Circulation, Housing, Noise, and Safety) and the five optional elements in the 1994 CWP (Agriculture, Community Facilities, Parks and Recreation, Trails, and Economic) have been updated and incorporated into the reformatted three main elements of the 2005 CWP Update FEIR. A recent update of the Housing Element of the CWP was adopted earlier and remains unchanged by the CWP Update.
- VI. WHEREAS, the 2005 CWP Update FEIR retains the “corridor” concept of the 1994 CWP, dividing the County into designated regional units based on specific geographic and environmental characteristics and natural boundaries formed by north/south trending geomorphic ridges. In addition to the Coastal Recreation Corridor, Inland Rural Corridor, and City-Centered Corridor retained from the 1994 CWP, the Plan Update now designates a fourth environmental corridor, the Baylands Corridor. This corridor encompasses tidelands, marshes and diked lands and adjacent, largely undeveloped uplands, grasslands, oak savannahs, and creeks, and is designated to protect this Bay ecosystem and link it to similar habitats and protected upland areas.
- VII. WHEREAS, in accordance with the requirements of the California Environmental Quality Act (CEQA Public Resources Code Sections 21000-21092) a Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the CWP Update and program concepts for updating the 2003 Development Code consistent with the CWP Update was circulated on February 16, 2004. A revised NOP was

circulated on August 24, 2005, to public agencies and all interested parties for a 30-day review and comment period that was extended to October 31, 2005. Scoping sessions were held on March 4, 2004, and October 26, 2005, to obtain public comment on issues to be considered in the EIR.

- VIII. WHEREAS, the Draft Environmental Impact Report (DEIR) (State Clearinghouse Number 2004022076) and a Notice Of Completion (NOC) and notice of public hearing on the DEIR were distributed on January 16, 2007, to members of the Planning Commission, Board of Supervisors, State Clearinghouse, State and local agencies and special districts, property owners, and others requesting notice of the DEIR, and other interested groups and individuals. The NOC and notice of public hearing was published in a newspaper of general circulation to begin a 60-day public review and comment period on the adequacy of the DEIR.
- IX. In conjunction with the release of the DEIR for the CWP Update the Board of Supervisors and Planning Commission met on January 30, 2007, and adopted a schedule for public hearings to obtain public comment on the CWP Update and the DEIR.
- X. WHEREAS, beginning on February 12, 2007, a series of public hearings were held by the Planning Commission including public hearings on February 12 and 26, 2007, to receive testimony on the adequacy of the Draft EIR and a hearing on the Final EIR on June 11, 2007. Public hearings to receive testimony on the Countywide Plan Update were held on February 12 and 26, March 5, 12, 19, and 26, April 2, 9, 16, 23 and 30, May 7, June 11, and July 9, 2007. A public hearing to consider this recommendation to the Board of Supervisors was held on July 23, 2007. Oral and written comments were presented and considered at the hearings.
- XI. WHEREAS, following the close of the February 26, 2007, public hearing, the Commission directed that a Final EIR Response to Comments be prepared after the close of the comment period on the DEIR. On March 16, 2007, the public review and comment period on the DEIR was closed, and written comments were received on the Draft EIR until 4:00 p.m. on that date.
- XII. WHEREAS, following the close of the May 7, 2007, public hearing, the Commission directed that the August 2005 Draft Countywide Plan Update be revised to reflect the initial recommendations of the Commission at that time. These revisions were presented in the Marin Countywide Plan Revised Draft (May 2007). Following the close of the July 9, 2007, public hearing, the Commission directed that supplementary materials be prepared reflecting the Commission's initial recommendations based on review of the May 2007 Revised Draft. These revisions were presented in the Planning Commission Recommended Draft (July 2007).
- XIII. WHEREAS, on June 4, 2007, the Marin Countywide Plan Update Response to Comments on the Draft Environmental Impact Report (June 2007) (FEIR) and a notice of distribution of the FEIR for review and notice of a public hearing of the Planning Commission to consider comments on the FEIR on June 11, 2007,

were distributed to members of the Planning Commission, Board of Supervisors, State Clearinghouse, State and local agencies and special districts, EIR commentors, and other interested groups and individuals. Notice of distribution of the FEIR for review and notice of the public meeting of the Commission to consider recommendation for certification of the FEIR was published in a newspaper of general circulation to begin a two-week public review and comment period on the FEIR, which concluded on June 18, 2007.

- XIV. WHEREAS, the FEIR included responses to comments on the DEIR and an assessment of revisions to the August 2005 Draft Countywide Plan Update in the Marin Countywide Plan Revised Draft (May 2007). The assessment concluded that the revisions do not alter the conclusion of the Draft EIR and do not trigger the thresholds for recirculation set forth in Section 15088.5 of the CEQA Guidelines. The revisions to the May 2007 Revised Draft are clarifications and technical changes and similarly do not alter the conclusion of the Draft EIR and do not trigger the thresholds for recirculation.
- XV. WHEREAS, on June 18, 2007, the review and comment period on the FEIR was closed, and written comments were received on the FEIR until 4:00 p.m. on that date. These comments primarily address concerns regarding the merits of the Countywide Plan Update. In some instances comments require minor clarification or amplification of information, impact analysis, or mitigations in the FEIR. A response by the EIR consultant has been provided for each of these issues. The responses to comments on the FEIR have been adopted as an Amendment to the FEIR to complete the Final EIR as adequate for certification. Because the comments and responses result in only minor clarifications and insignificant changes to the FEIR, they do not trigger CEQA requirements for recirculation of the document for additional public review and do not prevent certification of the EIR as adequate and complete. On July 16, 2007, copies of the Final EIR Response to Comments Amendment was distributed to members of the Commission, Board of Supervisors, Agencies, EIR commentors and other interested parties. The Amendment to the Final EIR will be considered as part of the certified Final EIR in making an informed recommendation on the project.
- XVI. WHEREAS, on July 23, 2007, the Marin County Planning Commission conducted a public hearing to consider a recommendation to the Board of Supervisors to certify the Final EIR for the Countywide Plan and adopt the July 2007 Countywide Plan Update.
- XVII. WHEREAS, prior to and at the July 23, 2007, hearing, the Commission was provided with the complete contents of the July 2007 Countywide Plan Update consisting of the following two documents: (1) the Marin Countywide Plan Revised Draft (May 2007) and (2) Planning Commission Recommended Draft (July, 2007).
- XVIII. WHEREAS, prior to and at the July 23, 2007, hearing, the Commission was provided with the complete contents of the Final EIR consisting of the following six documents: (1) Marin Countywide Plan Update Draft Environmental Impact Report (January 2007); (2) Marin Countywide Plan Update Draft Environmental

Impact Report – Appendix 1 Background Reports (January 2007); (3) Marin Countywide Plan Update Draft Environmental Impact Report – Appendix 2 (January 2007); (4) Draft EIR for Countywide Plan Errata Sheet (1/23/07); (5) Marin Countywide Plan Update Response to Comments on the Draft Environmental Impact Report (June 2007); and (6) Marin Countywide Plan Update Final Environmental Impact Report Response to Comments Amendment (July 2007).

- XIX. WHEREAS, the Marin County Planning Commission believes that the Planning Commission Recommended Draft (July, 2007) of the Countywide Plan Update reflects the optimal combination of goals, policies, and programs to work towards the guiding principles identified above. In the course of its review the Planning Commission identified issues of concern that will be included in a separate letter to be sent by the Chairman of the Planning Commission to the Board of Supervisors for specific consideration.
- XX. WHEREAS, the Marin County Planning Commission has reviewed and considered the information in the Draft EIR, Final EIR, Final EIR Appendices, EIR administrative record, staff reports, and response to comments Amendment to the Final EIR for adequacy, completeness, and compliance with CEQA, State CEQA Guidelines, and County Environmental Review Procedures.

NOW, THEREFORE, BE IT RESOLVED, that the Marin County Planning Commission makes the following findings:

1. The recitals above are true and accurate and reflect the independent judgment of the Planning Commission.
2. Notices of the Planning Commission hearings on the Countywide Plan Update, DEIR, and Final EIR were given as required by law, and the actions were conducted pursuant to the Planning and Zoning Law, CEQA, and the State CEQA Guidelines.
3. All individuals, groups, and agencies desiring to comment were given adequate opportunity to submit oral and written comments on the Countywide Plan Update, DEIR and Final EIR. These opportunities for comment meet or exceed the requirements of the Planning and Zoning law, CEQA, and the County Environmental Review procedures.
4. All comments submitted during the public review and comment period on the DEIR, the public hearings on the adequacy of the DEIR conducted by the Planning Commission, and the public review and comment period and hearing on the Final EIR were responded to adequately.
5. The Planning Commission was presented with all of the information described in the recitals and has considered this information in adopting this resolution; and
6. The Final EIR has been completed in compliance with the intent and requirements of CEQA and the State CEQA Guidelines, and the County EIR process, and reflects the independent judgment of the County of Marin. The Planning Commission has considered the information contained in the Final EIR

in making its recommendation to the Board of Supervisors regarding the Countywide Plan Update.

NOW, THEN, LET IT BE FURTHER RESOLVED that the Marin County Planning Commission recommends that the Marin County Board of Supervisors certify the Final Environmental Impact Report for the Countywide Plan Update as adequate and complete in compliance with CEQA, the State CEQA Guidelines, and the County Environmental Review Procedures, and as adequate and complete for consideration in making a decision on the merits of the Countywide Plan Update.

NOW, THEN, LET IT BE FURTHER RESOLVED that the Marin County Planning Commission finds that adoption of the July 2007 Countywide Plan Update as the 2007 Countywide Plan is in the public interest and is necessary for the public health, safety, and welfare of Marin County and recommends that the Marin County Board of Supervisors adopt the July 2007 Countywide Plan Update as the 2007 Countywide Plan after considering the information in the Final EIR and the policy questions identified in recital XIX, above, which the Planning Commission determined should receive particular attention by the Board of Supervisors in its review of the Countywide Plan Update. The Commission further recommends that the Board of Supervisors adopt the Mitigation Monitoring and Reporting Program as revised, consistent with mitigation measures in the Final Environmental Impact Report to ensure implementation of feasible mitigation measures identified in the EIR. The Planning Commission believes that these mitigation measures are fully enforceable as policies and/or implementation measures of the project, and should be binding upon the County and all affected parties.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Marin, State of California, on the 23rd day of July, 2007, by the following vote, to wit:

AYES: BARNER, DICKENSON, GINALSKI, GREENBERG, HOLLAND,
 JULIN, THOMPSON

NOES: NONE

ABSENT: NONE

WADE B. HOLLAND, CHAIR
MARIN COUNTY PLANNING COMMISSION

Attest:

Kim Shine
Recording Secretary