

BLACK POINT COMMUNITY PLAN UPDATE ADVISORY COMMITTEE

Thursday, May 16, 2013
6:00 – 8:00 PM
Novato Atherton Fire Department Training Room
450 Atherton Avenue
Novato, CA 94945

AGENDA

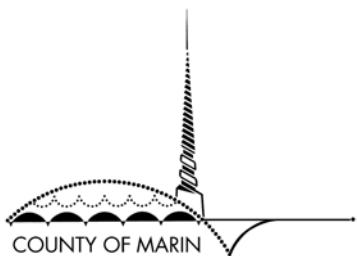
1. Review and accept summary minutes from April 15, 2013.
2. Revised Community Plan Update Schedule
3. Discuss Specific Outreach Strategies.
 - a. Discuss potential Open Marin potential (<http://www.marincounty.org/openmarin>)
4. Discuss Community Meeting #1 (tentatively scheduled for July, date tbd).
5. Review of the Existing Black Point Community Plan Objectives.
6. Identify and discuss the distinct neighborhoods within the planning area and if there is a need for additional specific policies.
7. Discussion of Preliminary Issues.
Continued discussion of the preliminary issues, including the Baylands Corridor.
8. Next Steps
 - a. Next meeting (June 20, 2013)
 - b. Future agenda items
9. Adjournment

Attachments:

- *Draft April 15, 2013 Minutes*
- *Revised Community Plan Update Schedule*
- *Blackpoint Community Plan Objectives*
- *Revised Draft Preliminary Black Point Issues Summary*
- *Marin Countywide Plan Baylands Corridor Policies and Programs*

For additional information regarding this agenda please contact Kristin Drumm at (415) 473-6290 or kdrumm@marincounty.org.

Visit the Black Point Community Plan Update website at <http://www.co.marin.ca.us/blackpoint>



**BLACK POINT COMMUNITY PLAN UPDATE ADVISORY COMMITTEE
Meeting Minutes**

Monday, April 15, 2013
Novato Fire Department, Atherton Station
Training Room
450 Atherton Avenue
Novato, CA 94945

Members Present

Michael Barber
Hank Barner
Rob Jaret
Susanna Mahoney
Bill Richards

Staff

Jack Liebster, Planning Manager
Kristin Drumm, Senior Planner
Alisa Stevenson, Assistant Planner

1. Welcome

Staff welcomed the Advisory Committee members and introductions followed.

2. Review and Accept Ground Rules

The Advisory Committee reviewed and accepted the proposed ground rules.

M/s Barber/Mahoney, and passed unanimously of those present to accept the ground rules.

3. Select Chair and Vice Chair

The purpose of the Chair and Vice Chair is to preside over the Advisory Committee meetings and act as a spokesperson for the committee. Hank Barner commented that he did not think the update to the community plan will be controversial, depending on the measures taken to address the issues. After discussion the committee recommended Hank Barner as Chair and Susanna Mahoney as Vice Chair.

M/s Barber/Jaret, and passed unanimously of those present to select Hank Barner as Chair and Susanna Mahoney as Vice Chair.

4. Overview of Community Plan Update Schedule

Staff discussed the schedule to update the community plan and noted the timeline is ambitious. A question arose on the timing of the environmental review process. Staff noted that environmental documents for the community plan update will tier off the Final Environmental Impact Report prepared for the 2007 Marin Countywide Plan. Additional analysis under this review will depend on the scope of the project, once that has been defined by staff. The committee suggested they should meet monthly to maintain momentum, especially on months when community meetings are scheduled. Staff will modify the schedule accordingly.

5. Discuss Outreach Strategy

Staff discussed Open Marin as a tool for community engagement and outreach, and the development of a website specifically for the community plan update. The website will allow interested parties to subscribe to receive periodic emails, which will soon be initiated. The Committee suggested staff send out a postcard or letter announcing the update process as the best approach to engaging the community. In addition, the committee discussed using door hangers, flyers, going door-to-door, and posting to the Novato Patch.

Other community stakeholders may include: local businesses (Country Vet, Village Center businesses), schools (Olive Elementary), local service districts (fire, sanitary, sewer, Sheriff, Marin County Parks, State Parks, Fish and Wildlife Service, SMART, Marin Transit and Golden Gate Bridge and Highway District, Marin Audubon and other environmental groups, Stonetree Golf Course, Rush Creek residents, and residents along Atherton Road near Highway 101 not in the community plan area.

6. Overview of Key Issues

Staff indicated that the issues were derived from programs in the Countywide Plan, the existing community plan, the Black Point Improvement Club letter of interest to the Board of Supervisors requesting the community plan update, and from the Black Point Improvement Club's own draft working papers.

The committee indicated home size will be a major issue. Other significant issues include sea level rise, establishing design and setback standards, light pollution, expansion of the baylands corridor, commercial development of the "Village Center" area, impacts from SMART and freight trains on the community, and wildlife corridors.

It was noted that the introduction to the community plan should define what "Black Point" is and identify the unique neighborhood names, such as Black Point, Green Point, and Gridiron. The updated plan should consider specific policies for these unique areas. The plan should also provide clear objectives.

7. Discussion of First Public Meeting

This item was not discussed.

8. Next Steps

The committee agreed to meet on a regular monthly basis (third Wednesday of the month), the location and time to be determined. The next meeting is scheduled for May 15. Staff will look into the availability of the Novato Fire Department Training Room for future meetings. The committee noted other potential meeting locations include: the Novato Horseman's Association, Bahia Homeowner's Association Clubhouse, Stonetree Golf Course, and the Marin County Civic Center should the Training Room not be available.

Staff will revise the preliminary issues and bring back to the next committee meeting for further discussion.

9. Adjournment

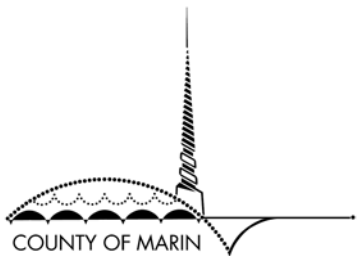
The meeting was adjourned at 7:30 pm.

Black Point Community Plan Update (2013 - 2014)

A planning process driven by effective public participation, clear communication, and proactive strategies to address the land use issues of the community in concert with the Countywide Plan.

	January	February	March	April	May	June	July	August	September	October	November	December	January	February	March	April	May	June	July		
project management	Assemble staff	Prelim Issue summary		Advisory Meeting#1 (Prelim issues)	Advisory Meeting#2 (refine scope)	Advisory Meeting#3 (refine scope)	Advisory Meeting #4 (policies)	Advisory Meeting #5	Advisory Meeting #6	Advisory Meeting #7	Advisory Meeting #8	Advisory Meeting #9	Advisory Meeting #10	Advisory Meeting #11	Advisory Meeting #12					Current Planning staff follow up on relevant policies	
	Develop work plan			Participant database	Inventory Analysis	Inventory Analysis															
	CEQA Compliance												Format plan document			Document Production					
	Assemble Advisory Group		Ongoing staff consultation - public works, housing, current planning, environmental planning, and other stakeholders																		
community engagement	Initiate outreach					Send out public notice and mailers	Community Meeting #1 (kick-off, process + issues)		Community Meeting #2 (layout, review issues, strategies - did we hear you right)			Community Meeting #3 (present prelim draft)					Planning Commission	Planning Commission		Board of Supervisors	
	Open Marin/Town Hall																				
products and deliverables	Community Plans Page	Preliminary Issues, maps, timeline	Outreach materials		Launch e-news	Statement of scope (i.e., topics of plan)	Meeting materials	Draft plan outline	Meeting materials		Preliminary Draft Plan	Meeting materials		Admin Draft						Final Plan	Post adopted plan to Community Plans page
	Black Point Project Page				Base map	Inventory Analysis															Publish Plan
Ongoing web content management, email updates, press releases, etc.																			→		
	January	February	March	April	May	June	July	August	September	October	November	December	January	February	March	April	May	June	July		
	2013												2014								

- Public:** Community identity, key issues, feedback on draft scope, policies and plan. Ongoing participation through meetings, media, etc.
- Advisory Committee:** Outreach to community. Help to better define/understand public comments. Refine public input & provide feedback
- Staff:** Provide zoning/CWP resources. Guide scope. Prepare materials, draft reccs & plan. Facilitate all meetings. Carry plan forward to PC and BOS



BLACK POINT COMMUNITY PLAN OBJECTIVES

1. Maintain Black Point as an identifiable rural residential community. .
2. Maintain Black Point as an independent unincorporated village. .
3. Preserve the natural attributes and features which are located within and which surround the Black Point Community.
4. Seek minimal improvements within the Black Point area which would further enhance the quality of life and safety with the community.
5. Seek orderly and managed growth of the Black Point village area as well as the surrounding incorporated areas which influence the character of Black Point.

The following is a proposed objective for discussion purposes from the Draft working paper prepared by the Black Point Improvement Club:

Seek to remove the Black Point community from the County's City-Centered Corridor and have it included in the newly formed (in the 2007 Countywide Plan) Baylands Corridor.

DRAFT BLACK POINT PRELIMINARY ISSUES SUMMARY
(Revised from April 15, 2013)

The following issues have been refined based on initial input from the Advisory Committee. However, these are preliminary issues. Additional issues that may surface as the update process unfolds and will be considered, as necessary.

ISSUE	POTENTIAL STRATEGY	COMMENTS
Biological Resources		
1. Baylands Corridor. Should the Baylands Corridor be extended?		What locations should be included? Review mapping criteria to determine if appropriate and consistent to modify the Baylands Corridor boundary.
2. Wildlife Corridors. Preserve and Protect Wildlife Corridors. The presence of wildlife helps to define the semi-rural character of the community and the corridors add to the openness of the area.	<ul style="list-style-type: none"> a. New development and redevelopment application review should include assessment of negative impacts to wildlife corridors. The plans should attempt to avoid negative impacts to corridors. If negative impacts cannot be avoided, then conditions of approval should contain mitigation for the impacts. Examples would include the side of development area, location of the development are with respect to the corridors, restriction on the amount and location of fencing permitted and provision for alternative corridors (Restrictions of the Renaissance Estates at Stone Tree might serve as a model). b. Keep the corridors from brush and undergrowth. Native plants, trees and shrubs should be encouraged. c. Keep the corridors as wild as possible, given the restraints of development. While literature indicates a minimum of 1,000 feet, such widths in many parts of Black Point are unrealistic. Observation indicated that wildlife in our community use corridors of smaller widths, especially for short distances between habitats. d. Minimize, if possible, the use of land adjacent to the corridor to lessen human impacts. e. Prevent, to the degree possible, light pollution into the corridors. f. Pesticides and other chemicals should be avoided in and near the 	Recommendations obtained from the Draft Wildlife Corridors paper for the Black Point Community Plan (prepared by the BPIC), dated 11/11/2010

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ISSUE	POTENTIAL STRATEGY	COMMENTS
	<p>corridors.</p> <p>g. Sponsor educational programs concerning wildlife corridors.</p> <p>h. Identify and map locations of wildlife corridors suggestion)</p>	
Environmental Hazards		
<p>1. Fire Safety: Address emergency evacuation routes</p>	<p>a. Continue to work with the Novato Fire District to educate residents on fire safety and conduct regular evacuation drills. Other areas of Black Point/Green Point should develop evacuation plans and hold periodic drills, including Glenn Lane/road, School Road, and Crest Road.</p> <p>b. Designate emergency evacuation routes, such as Bay Canyon. Bay Canyon has two locked gates that must be opened in an emergency. Future development should seek to minimize this problem.</p> <p>c. Ensure designated evacuation routes are maintained and kept clear</p> <p>d. In the Gridiron area, require new development to provide roadside pullouts or wider road sections, where feasible, to allow additional room for emergency vehicles to pass or turn around. [Should this be applied to the entire planning area?]</p> <p>e. Work with FIRESAFE Marin and the Novato Fire Department to seek funding for additional “Chipper Days” to remove fuels from the defensible space radius that surrounds homes and to clear vegetation back from access roads.</p>	<p>Recommendations from the Draft Fire and Safety working paper for the Black Point Community Plan (prepared by the BPIC), dated 3/20/2013</p>
<p>2. Flooding. Address Flooding</p>	<p>a. Continue to follow the Draft Novato Watershed Program, as part of the Marin County Watershed Program, to identify opportunities to integrate flood protection goals with creek and watershed restoration elements.</p>	<p>Consult with Marin County Department of Public Works on the progress of this program. http://marinwatersheds.org/novato_creek.html</p>
<p>3. Sea Level Rise. Address Sea Level Rise</p>	<p>a. Acknowledge the threat of sea level rise and support appropriate responses while recognizing that sea level rise is a global rather than purely local issue. The impacts of sea level rise will vary according to local factors, such as shoreline characteristics, land movement, and local wind patterns. Policy approaches to be examined should include options</p>	

DRAFT BLACK POINT PRELIMINARY ISSUES SUMMARY
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ISSUE	POTENTIAL STRATEGY	COMMENTS
	such as relocating existing or planned infrastructure to safer locations, in conjunctions with entities such as Caltrans, and changing siting and design standards for new private development.	
Community Design		
1. Home size. Need additional guidance on home size.	a. Consider establishing Floor Area Ratio (FAR) in the ARP zoned areas.	<p>Recommendation from the Draft Zoning paper for the Black Point Community Plan (prepared by the BPIC), dated 7/15/2010</p> <p>The paper suggests “a lower FAR should be used for the A zoning, such as 0.1. The use of an FAR of .05 for parcels zoned A3 or larger would not be fair and could not be recommended.”</p> <ul style="list-style-type: none"> ➤ Review the Single Family Residential Design Guidelines and refine if needed.
2. Setbacks. Need more consistency in addressing setbacks	a. Consider minimum setbacks. The minimum requirements could be expanded to reflect the pattern of setbacks in the immediate neighborhood	<p>Recommendation from the Draft Zoning paper for the Black Point Community Plan (prepared by the BPIC), dated 7/15/2010</p> <ul style="list-style-type: none"> ➤ Review the Single Family Residential Design Guidelines and refine if needed
3. View Corridors. Address view corridors	a. Work with community groups to identify, map, and protect important view corridors. Establish design standards for development in these areas as part of the design review requirements and individual community plans.	The Marin Countywide Plan Program DES-4.a suggests considering viewshed and view corridor protection in community plans.
4. Light Pollution (“Dark Skies”). Retain the dark sky and limit light pollution.	<p>a. Light pollution should be held to a minimum for new development and remodels.</p> <p>b. Outdoor lighting for residential areas should be limited for safety purposes only.</p> <p>c. Outdoor lighting fixtures should be designed to produce downward lighting and to prevent glow, glare and trespass.</p> <p>d. Outdoor decorative lighting, such as flood lights, are not appropriate and are prohibited.</p> <p>e. Lighting for commercial areas should also be designed to prevent flow, glare, and trespass. It should be designed to meet the needs of the</p>	<p>Recommendations here are from the Draft Control of Light Pollution paper for the Black Point Community Plan (prepared by the BPIC).</p> <ul style="list-style-type: none"> ➤ Fairfax has a light pollution ordinance that may serve as a model. Further research is needed. ➤ Review the Single Family Residential Design Guidelines and refine if needed

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ISSUE	POTENTIAL STRATEGY	COMMENTS
	<p>commercial area without accenting the built environment and creating visual clutter. The lighting should also be designed to be reduced when the area is not being used, such as in the middle of the night.</p> <p>f. Street lights should be used for safety purposes only, such as at busy intersections. Those lights should be designed to direct the light downward to reduce glow, glare, and trespass.</p> <p>g. Outdoor lighting with motion sensors and automatic dimmers are encouraged.</p> <p>h. Use of exterior lighting should avoid interference with bedroom windows of neighborhood properties.</p> <p>i. Lighting for walkways, gardens, and paths should be for safety purposes only and should be downward and limited to heights of less than 8 feet, lower heights being encouraged.</p> <p>j. Use of bollard or fixtures mounted on short posts are encouraged.</p>	
Community Development		
<p>1. The Village Center Area. Shall the Village Center Area be retained for local resident serving commercial development?</p>		<p>Shall the Village Center area be retained for local resident-serving commercial development? This area includes properties owned by the Kelleher Lumber Company, Northwestern Pacific Railroad, and the deli/liquor shop. The area is zoned VCR (Village Commercial Residential).</p> <p>The Kelleher Lumber Company parcels consists of parcels 157-091-02, 06, 08, 38 & 39. These parcels are zoned VCR.</p> <p>The Northwestern Pacific Railroad owns the largest parcel, 157-091-29, which is zoned VCR.</p> <p>The deli/liquor shop is parcel 157-031-12. Parcel 157-031-04 is vacant. Other VCR parcels include 157-031-02 (developed) and 157-031-06 (portion zoned VCR is developed).</p>
<p>2. Affordable Housing</p>	<p>a. Acknowledge how second units serve as an important source of affordable housing for the community.</p>	<p>Consistent with Government Code Section 65852.2, second units are allowed in all residential zoning districts as a permitted use subject to non-</p>

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(Revised from April 15, 2013)

ISSUE	POTENTIAL STRATEGY	COMMENTS
		discretionary review. As a matter of policy, the County encourages second unit development as a valuable infill and intensification strategy.
3. Non-conforming lots. Many lots in the Gridiron are non-conforming. Need guidance on neighborhood consistency.		Source: Black Point Improvement Club letter to the Marin County Community Development Agency, dated 9/1/2013. Review existing plan policies for adequacy.
Transportation		
1. Roads	a. Roads should not be widened (except for safety improvements) in order to maintain the community's rural character. b. Provide information and increase awareness to property owners that many of the roads in the community are not publicly maintained; remind property owners of the need to maintain their portion of the road easements.	Provide a map of the county maintained roads.
2. Paper streets	a. Retain paper streets even if they are not likely to serve as the sole or primary access to property, developed or undeveloped.	Recommendation from the Draft Paper Streets paper for the Black Point Community Plan (prepared by the BPIC), dated 11/4/2010
3. Bicycle and Pedestrian Trails		The County of Marin is planning to construct Class II bike lanes on Olive Avenue between the City limits and Atherton Avenue.; this project is currently in the design phase, with construction anticipated for 2014/15.
4. Equestrian Trails	1. Maintain existing equestrian trails.	Should these be mapped?
5. The San Francisco Bay Trail		A future route of the San Francisco Bay Trail is proposed to follow along the railroad tracks. An on street, existing, unimproved Bay Trail is shown along Highway 37 (there are no bike lanes or sidewalks).
Public Facilities and Services		
1. Sanitation	Need more monitoring and maintenance. Acknowledge that it is not economically feasible for most properties to hook up to a public sewer system.	All properties are on individual septic systems. Marin County Development Code 18.06.100 requires a biennial inspection to assure the continued proper functioning of every individual disposal system.

Marin Countywide Plan

Baylands Corridor Policies and Programs

Goal BIO-5 Baylands Conservation. Preserve and enhance the diversity of the baylands ecosystem, including tidal marshes and adjacent uplands, seasonal marshes and wetlands, rocky shorelines, lagoons, agricultural lands, and low-lying grasslands overlying historical marshlands.

The Baylands Corridor is described in Maps 2-5a and 2-5b. While the mapped areas include lands within incorporated cities, the policies, programs, and implementation measures related to the Baylands Corridor apply only within unincorporated Marin County.

The Baylands Corridor consists of areas previously included in the Bayfront Conservation Zones in the 1994 Countywide Plan, as well as all areas included in Bayfront Conservation Zone overlays adopted since the 1994 Countywide Plan. The Baylands Corridor consists of land containing historic bay marshlands based on maps prepared by the San Francisco Estuary Institute. Based upon information contained in studies completed during the preparation of this Plan, the Baylands Corridor also includes associated habitat from the San Francisco Bay to Highway 101 in the Las Gallinas Planning Area. Except in the Tam Junction area and at the Rowland Boulevard and Highway 101 interchange in Novato, the Baylands Corridor does not extend west of Highway 101.

Where applicable for large parcels (more than 2 acres in size) that are primarily undeveloped, and based upon site-specific characteristics, an additional area of 300 feet or more of associated habitat is included. The inclusion of the 300-foot buffer is consistent with the minimum setback recommendations contained in the 1999 *Baylands Ecosystem Habitat Goals* report. This portion of the corridor serves both to recognize the biological importance of associated uplands adjacent to remaining tidelands, and to provide the opportunity to improve habitat values as part of future restoration of historic tidelands.

Within the Baylands Corridor, potential residential density and commercial floor area ratios shall be calculated at the low end of the applicable ranges. This provision does not apply to small parcels (2 acres or less in size) that were legally created prior to January 1, 2007. Within PD-AERA designation, the density and floor area ratios shall be as specified for those areas. Section 22.14.060 of the Development Code should be updated to reflect these policies.

For parcels of all sizes, existing lawful uses are grandfathered. For properties 2 acres or less in size within the Bayfront Conservation Zone on January 1, 2007, no additional regulations are imposed other than those previously applied to such lands. Creation of the Baylands Corridor will not subject currently allowed activities to additional County regulation. Such activities include repair and maintenance of bank erosion protection (riprap, plantings, etc.) and docks, levees, or dredging of existing dredged channels (such as Novato Creek), including existing dredge disposal sites.

Within the Baylands Corridor, public improvements at Gross Field and immediately adjacent properties pursuant to an approved Airport Master Plan or Airport Land Use Plan will not be subject to additional Baylands protection regulations.

The provisions of TR-1.7, Direct Aviation Uses to Appropriate Locations, and TR-1.p, Limit Aviation Uses, apply to Gross Field. Efforts to restore or enhance wetlands in the vicinity of

Gross Field shall be consistent with an approved Airport Master Plan or Airport Land Use Plan and applicable FAA regulations. While the San Rafael airport is not in the Baylands Corridor, efforts to restore or enhance wetlands in the vicinity of the San Rafael Airport shall be consistent with the City of San Rafael's General Plan and other applicable City regulations, and shall also be consistent with safety considerations related to aircraft operations.

Small parcels not currently subject to tidal influence should be subject to mapping and analysis to determine whether they should be added to or omitted from the Baylands Corridor. In particular, historic marshland in the Richardson Bay and Bothin Marsh area should be included in the resource mapping and analysis to determine if these parcels meet the criteria for inclusion in the Baylands Corridor.

This mapping and analysis should do the following: (1) identify existing vegetative cover and sensitive features, such as streams, wetlands, and occurrences of special-status species; (2) use focal species and other similar ecological tools to determine the interrelationship between baylands and uplands; (3) identify methods to maintain connectivity between sensitive habitat features and baylands; (4) specify criteria and thresholds used in determining the extent of upland habitat essential to the baylands ecosystem; (5) make recommendations on an appropriate biologically based boundary if the Baylands Corridor is to be expanded; and (6) identify lands that provide habitat, could be restored to provide habitat, or provide protection from sea level rise. Completion of the analysis does not require on-site evaluations.

All parcels added to the Baylands Corridor as a result of this study are subject to Baylands Corridor regulations in effect at that time.

Policies

- BIO-5.1** **Protect the Baylands Corridor.** Ensure that baylands and large, adjacent essential uplands are protected, and encourage enhancement efforts for baylands, including those in the Baylands Corridor. The following criteria shall be used to evaluate proposed development projects that may impact the Baylands Corridor:
- For large parcels (over 2 acres in size), adhere to development setback standards for areas qualifying for protection under the WCA and SCA, but increase setback distances as necessary to ensure that hydrologically isolated features such as seasonal wetlands and freshwater marshes are adequately linked to permanently protected habitat. These additional development setbacks shall serve to prevent fragmentation and preserve essential upland buffers in the Baylands Corridor.
 - For small parcels (2 acres or less in size), encourage property owners where suitable habitat exists to preserve up to 10 feet landward of mean high tide as a species refuge area for high water events. Site constraints, opportunities for avoidance of sensitive biological resources, and options for alternative mitigation, may also be considered.
 - Minor redevelopment involving less than 25% of a structure on a residential or industrial parcel that is already filled and at least 50% developed may be exempted from the requirements for a site assessment, provided that no additional filling or modification to wetlands occurs. (See BIO-5.2.)

- BIO-5.2** **Limit Development and Access.** Ensure that development does not encroach into sensitive vegetation and wildlife habitats, damage fisheries or aquatic habitats, limit normal wildlife range, or create barriers that cut off access to food, water, or shelter for wildlife. Require an environmental assessment where development is proposed within the Baylands Corridor.
- BIO-5.3** **Leave Tidelands in Their Natural State.** Require that all tidelands be left in their natural state to respect their biological importance to the estuarine ecosystem. Any modifications should be limited to habitat restoration or enhancement plans approved by regulatory agencies.
- BIO-5.4** **Restore Marshlands.** Enhance wildlife and aquatic habitat value of diked bay marshlands, and encourage land uses that provide or protect wetland or wildlife habitat and do not require diking, filling, or dredging.
- BIO-5.5** **Protect Freshwater Habitats.** Preserve and, where possible, expand habitats associated with freshwater streams, seasonal wetlands, and small former marshes to facilitate the circulation, distribution, and flow of fresh water, and to enhance associated habitat values.
- BIO-5.6** **Use Flood Basins for Seasonal Habitat.** Utilize natural or manage manmade flood basins to provide seasonal habitat for waterfowl and shorebirds, and prohibit development in these basins to protect habitat values.
- BIO-5.7** **Limit Access to Wetlands.** Design public access to avoid or minimize disturbance to wetlands, necessary buffer areas, and associated important wildlife habitat while facilitating public use, enjoyment, and appreciation of bayfront lands.
- BIO-5.8** **Control Shoreline Modification.** Ensure that any modifications to the shoreline do not result in a loss of biodiversity or opportunities for wildlife movement. Possible modifications may include construction of revetments, sea walls, and groins, as permitted by State and federal agencies.
- BIO-5.9** **Allow Limited Agricultural Use.** Encourage only those agricultural uses that are compatible with protection of wetlands and other sensitive resources to remain in baylands. Conversion of non-agricultural lands to agriculture should occur only if wetlands or other sensitive biological resources would not be lost or adversely affected. Where possible, wetlands should be enhanced and restored as part of agricultural use or conversion.
- BIO-5.10** **Encourage Acquisition of Essential Baylands.** Continue to acquire large, essential baylands for open space and habitat restoration purposes, and support public and private partnerships working to acquire baylands.

Implementing Programs

- BIO-5.a** ***Establish Criteria for Upland Setbacks in the Baylands Corridor.*** During the Development Code 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 resources, and to provide essential linkages between important features such as seasonal wetlands, freshwater marsh, and roosting and nesting areas. 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.

BIO-5.b ***Provide Landowner Education.*** Landowner education will be provided regarding the sensitivity of baylands and adjacent upland buffer areas as part of the Natural Resource Information Program called for in Program BIO-1.c. An emphasis will be placed on educating owners of developed properties adjacent to baylands where minimum upland setback distances are not provided. Information on regulations protecting baylands should be available, together with general methods to minimize disturbance and improve habitat values. An updated list of regulatory agencies and their contact information should be maintained as part of the Natural Resource Information Program.

BIO-5.c ***Update Development Code.*** Update the Development Code, redefining the Bayfront Conservation Zone to reflect Baylands Corridor policies as well as including relevant aspects from the current Bayfront Conservation Zone. The updated Development Code shall identify criteria to be used in evaluating proposed development projects, and appropriate development restrictions necessary to protect sensitive biological and wetland resources.

BIO-5.d ***Enforce Tidelands Restrictions.*** Ensure that the Development Code prohibits diking, filling, or dredging in tidelands, unless the area is already developed and currently being dredged. Current dredging operations for maintenance purposes may continue, subject to environmental review, if necessary. In some cases, exceptions may be made for areas that are isolated or limited in productivity. In tidal areas, only land uses that are water dependent shall be permitted, as consistent with federal, State, and regional policy. These include, but are not limited to the following:

- ports
- water-dependent industry and utilities
- essential water conveyance
- wildlife refuge and habitat restoration
- water-oriented recreation

Exemptions may be granted for emergency or precautionary measures taken in the public interest, such as protection from flooding or other natural hazards. Removal of native vegetation shall be discouraged, and secondary effects evaluated, such as potential reduction in available surface water and water quality degradation due to nonpoint discharge. Alteration of hydrology should only be allowed when it can be demonstrated that the impact will be beneficial or insignificant.

BIO-5.e ***Enforce Diked Bay Marshlands Requirements.*** Ensure that the updated Development Code allows only those land uses in diked bay marshlands that protect wetland or wildlife habitat and do not require diking, filling, or dredging, including the following:

- restoration to tidal status
- restoration to seasonal wetlands
- appropriate agricultural use
- flood basins
- wastewater reclamation areas
- maintenance and minor expansion of existing development located landward of existing dikes

Other uses that do not require diking, filling, or dredging may be allowed, consistent with zoning, if it can be demonstrated that impacts to baylands are minimized and adequately mitigated. Land uses that provide protection from flood or other natural hazards may be allowed if necessary to protect public health and safety. Existing dredging operations in developed areas may continue, subject to environmental review, if necessary. Priority shall be given to water-oriented uses, such as public access and low-intensity passive recreational and educational opportunities that include habitat protection and enhancement components.

BIO-5.f ***Control Public Access.*** Design public use areas to be clearly marked, to minimize possible conflicts between public and private uses, to provide continuous walkways from the nearest roads to the shoreline and along the shoreline, to be set back from any proposed structure, and to be buffered from wetlands. Restrict access to environmentally sensitive marshland and adjacent habitat, especially during spawning and nesting seasons.

BIO-5.g ***Identify Baylands as a Priority for Open Space Acquisition.*** Designate regionally significant baylands, including tidelands, diked marshlands, and adjacent uplands, as a priority for open space acquisition, particularly in areas known to support essential habitat for special-status species, wetlands, and important habitat linkages for wildlife (see policies and programs in the Open Space and Trails sections of this Element).

BIO-5.h ***Encourage Baylands Protection in Cities and Towns.*** Work with the cities and towns of Corte Madera, Larkspur, Mill Valley, Novato, San Rafael, Sausalito, Belvedere, and Tiburon to protect tidelands and remaining undeveloped, diked historic saltmarsh areas.

BIO-5.i ***Conduct Mapping and Analysis.*** Small parcels not currently subject to tidal influence should be subject to mapping and analysis to determine whether they should be added to or omitted from the Baylands Corridor. In particular, historic marshland in the Richardson Bay and Bothin Marsh area should be included in the resource mapping and analysis to determine if these parcels meet the criteria for inclusion in the Baylands Corridor.

This mapping analysis should do the following: (1) identify existing vegetative cover and sensitive features, such as streams, wetlands, and occurrences of

special-status species; (2) use focal species and other similar ecological tools to determine the interrelationship between baylands and uplands; (3) identify methods to maintain connectivity between sensitive habitat features and baylands; (4) specify criteria and thresholds used in determining the extent of upland habitat essential to the baylands ecosystem; (5) make recommendations on an appropriate biologically based boundary if the Baylands Corridor is to be expanded; and (6) identify lands that provide habitat, could be restored to provide habitat, or provide protection from sea level rise. Completion of the analysis does not require on-site evaluations.

All parcels added to the Baylands Corridor as a result of this study are subject to Baylands Corridor regulations in effect at that time.

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.