

342202

NOTICE OF DETERMINATION
Marin County Environmental Coordination and Review

FILED

Office of Planning and Research
County Clerk, County of Marin

NOV 06 2007

Marin County Community Development Agency
(Lead Agency)

MICHAEL J. SMITH
MARIN COUNTY CLERK
By: J. Whitney, Deputy

ECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

Project Title: Marin Countywide Plan Update

State Clearinghouse #: 2004022076
(if submitted to State Clearinghouse)

Contact Person: Tim Haddad, Environmental Coordinator

Telephone Number: (415) 499-6274

Assessor's Parcel: Countywide

Project Location: Countywide

Project Description: The 2007 Countywide Plan proposes a comprehensive update of the 1994 Marin Countywide Plan. The Board of Supervisors is adopting the Mitigated Alternative (Alternative 4) of the Countywide Plan as described in the EIR with modifications as described in the approval resolution and its accompanying findings.

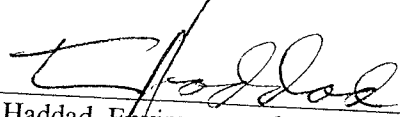
This is to advise that the Board of Supervisors approved the above described project on November 6, 2007, and has made the following determinations regarding the above described project:

1. The project in its approved form will have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan was adopted for this project.
5. A statement of Overriding Considerations was adopted for this project.
6. Findings were made pursuant to the provisions of CEQA.

This is to certify that a copy of the Final EIR, with comments and responses, and record of project approval is available to the General Public and is on file and may be examined at:

Agency: Marin County Community Development Agency

Address: 3501 Civic Center Drive, #308
San Rafael, CA 94903

By: 
Tim Haddad, Environmental Coordinator

POSTED 11/14/07 TO 12/6/07
Date: 11/6/07

The filing of this Notice of Determination starts a 30 day statute of limitations on court challenges to the approval under CEQA.

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N-08-02

NCE-08-74

MARIN COUNTY BOARD OF SUPERVISORS
RESOLUTION NO. 2007-147

FILED

A RESOLUTION CERTIFYING
THE FINAL ENVIRONMENTAL IMPACT REPORT FOR
THE 2007 MARIN COUNTYWIDE PLAN

NOV 06 2007

MICHAEL J. SMITH
MARIN COUNTY CLERK
By: J. Whitney, Deputy

- I. WHEREAS, in 2000 the Board of Supervisors approved a work program and public participation program to update the Countywide Plan ("CWP"). The update process included extensive input from the public (including four working groups) as well as from environmental, housing, economic and legal consultants. In accordance with the requirements of the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000-211178.1) a Notice of Preparation 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.
- II. 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 were published in a newspaper of general circulation to begin a 60-day public review and comment period on the adequacy of the DEIR.
- III. WHEREAS, 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.
- IV. 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, July 9, and July 23, 2007. Public hearings were held by the Board of Supervisors on September 10, 11, and 25, October 16, and November 6, 2007. Oral and written comments were presented and considered at the hearings.
- V. 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.
- VI. 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

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presented in the Revisions to the May 2007 Marin Countywide Plan Revised Draft (July 18, 2007).

- VII. 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.
- VIII. 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.
- IX. 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 addressed concerns regarding the merits of the Countywide Plan Update. In some instances comments required 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 were adopted as an Amendment to the FEIR (July 2007). Following additional public comments provided to the Board of Supervisors during its consideration of the plan and EIR, various changes were made to policies and programs contained in the plan and proposed as mitigation. A response by the EIR consultant has been provided for each of these changes and adopted as Amendment II to the FEIR (October 2007). Since 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.
- X. WHEREAS, on July 23, 2007, the Marin County Planning Commission conducted a public hearing and voted unanimously to recommend that the Board of Supervisors certify the Final EIR for the Countywide Plan.
- XI. WHEREAS, prior to and at the November 6, 2007 hearing at which this resolution is adopted, the Board of Supervisors was provided with the complete contents of the Final EIR consisting of the following seven 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), (6) Marin Countywide Plan Update Final Environmental Impact Report Response to Comments Amendment (July 2007), and (7) Marin Countywide Plan Update Final Environmental Impact Report Response to Comments Amendment II (October 2007).
- XII. WHEREAS, the Marin County Board of Supervisors has reviewed and considered in light of public comments and testimony the information in the Final EIR, EIR administrative record, and

staff reports for adequacy, completeness and compliance with CEQA, State CEQA Guidelines, and County Environmental Review Procedures.

NOW, THEREFORE, BE IT RESOLVED, that the Marin County Board of Supervisors hereby finds:

1. The recitals above are true and accurate and reflect the independent judgment of the Board of Supervisors.
2. Notice of the Planning Commission and Board of Supervisors hearings on the Countywide Plan environmental review documents was given as required by law and the actions were conducted in accordance with 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 environmental review documents. These opportunities for comment meet or exceed the requirements of 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 Board of Supervisors was presented with all of the information described in the recitals and has considered this information in adopting this resolution.
6. The Final EIR (a) has been completed in compliance with the intent and requirements of CEQA and the State CEQA Guidelines, and the County EIR process, (b) reflects the independent judgment and analysis of the County of Marin, and (c) has been presented to and reviewed and considered by the Board of Supervisors in its deliberations regarding adoption of the 2007 Countywide Plan.

PASSED AND ADOPTED at the regular meeting of the Board of Supervisors of the County of Marin, State of California, on the 6th day of November, 2007, by the following vote to-wit:

AYES: SUPERVISORS: Judy Arnold, Harold C. Brown, Jr., Charles McGlashan,
Susan L. Adams, Steve Kinsey

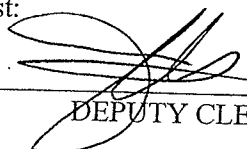
NOES: NONE

ABSENT: NONE



STEVE KINSEY, PRESIDENT
MARIN COUNTY BOARD OF SUPERVISORS

Attest:



DEPUTY CLERK

MARIN COUNTY BOARD OF SUPERVISORS

RESOLUTION NO. 2007-148

A RESOLUTION ADOPTING
THE 2007 MARIN COUNTYWIDE PLAN AND
MITIGATION MONITORING AND REPORTING PROGRAM
TOGETHER WITH FINDINGS AND
A STATEMENT OF OVERRIDING CONSIDERATIONS

FILED

NOV 06 2007

MICHAEL J. SMITH
MARIN COUNTY CLERK
By: J. Whitney, Deputy

- 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. While the corridor concept of the CWP includes all 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 five 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 purveyors 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 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 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.

POSTED 11/6/07 TO 10/6/07

- 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 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 along the Bay shoreline designated to provide for increased protection of environmental characteristics of the historic bay margins.
- VII. WHEREAS, 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. Beginning on February 12, 2007 a series of public hearings was 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 by the Planning Commission on February 12 and 26, March 5, 12, 19, and 26, April 2, 9, 16, 23 and 30, May 7, June 11, July 9, and July 23, 2007. Public hearings were held by the Board of Supervisors on September 10, 11, and 25, October 16, and November 6, 2007. Oral and written comments were presented and considered at the hearings.
- VIII. 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 Revisions to the May 2007 Marin Countywide Plan Revised Draft (July 18, 2007).
- IX. WHEREAS, on July 23, 2007, the Marin County Planning Commission conducted a public hearing and voted unanimously to approve a resolution recommending to the Board of Supervisors that the Board (1) certify the Final EIR for the Countywide Plan and (2) adopt the July 2007 Countywide Plan Update as the 2007 Countywide Plan.
- X. WHEREAS, following the public hearings described above, the Board of Supervisors considered adoption of the 2007 Countywide Plan Update on November 6, 2007. Prior to and at the November 6, 2007 hearing the Board was provided with the complete contents of the 2007 Countywide Plan update consisting of the following document: "Marin Countywide Plan Final Draft For Approval By The Marin County Board of Supervisors November 6, 2007" which document is hereby incorporated in this Resolution by reference as if fully set forth herein.
- XI. WHEREAS, prior to and at the November 6, 2007 hearing the Board was provided with the complete contents of the that Final EIR consisting of the following seven 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), (6) Marin Countywide Plan Update Final Environmental Impact Report Response to Comments Amendment (July 2007), and (7) Marin Countywide Plan Update Final Environmental Impact Report Response to Comments Amendment II (October 2007).

- XII. WHEREAS, the County complied with the requirements of the California Environmental Quality Act (CEQA Public Resources Code Sections 21000-211178.1) in the manner described in the resolution adopted November 6, 2007 certifying the CWP Update Final EIR.
- XIII. WHEREAS, the Marin County Board of Supervisors has reviewed and considered the information in the Final EIR described above, Final EIR administrative record, Staff Reports, and all oral and written testimony presented to the Board.

NOW, THEREFORE, BE IT RESOLVED, that the Marin County Board of Supervisors hereby:

1. Finds that the recitals above are a true and accurate and reflect the independent judgment of the Board of Supervisors.
2. Finds that notice of the Planning Commission and Board of Supervisors hearings on the Countywide Plan Update, DEIR and Final EIR was given as required by law and the actions were conducted pursuant to the Planning and Zoning Law, CEQA, and the State CEQA Guidelines.
3. Finds that all individuals, groups and agencies desiring to comment were given adequate opportunity to submit oral and written comments on the Countywide Plan Update and environmental review documents. These opportunities for comment meet or exceed the requirements of the Planning and Zoning law, CEQA, and the County Environmental Review procedures.
4. Finds that it was presented with all of the information described in the recitals and has considered this information including the environmental review documents prepared pursuant to CEQA in adopting this resolution.
5. Finds that adoption of the 2007 Countywide Plan, including the mitigation measures designated for adoption in Attachment 1, is in the public interest.
6. Finds that the mitigation measures are fully enforceable as policies and/or implementation measures of the Plan, and are binding upon the County and all affected parties

NOW, THEN LET IT BE FURTHER RESOLVED that the Marin County Board of Supervisors hereby:

1. Adopts the findings set forth in Attachment 1 to this resolution, which attachment is incorporated by this reference;
2. Adopts the statement of overriding considerations included in Attachment 1 to this resolution; and
3. Adopts the Mitigation Monitoring and Reporting Program set forth in Attachment 2 to this resolution.


NOW, THEN LET IT BE FINALLY RESOLVED that the Marin County Board of Supervisors hereby adopts the 2007 Countywide Plan including the mitigation measures designated for adoption in Attachment 1.

PASSED AND ADOPTED at the regular meeting of the Board of Supervisors of the County of Marin, State of California, on the 6th day of November, 2007, by the following vote to-wit:

AYES: SUPERVISORS: Judy Arnold, Harold C. Brown, Jr., Charles McGlashan,
Susan L. Adams, Steve Kinsey

NOES: NONE

ABSENT: NONE



STEVE KINSEY, PRESIDENT
MARIN COUNTY BOARD OF SUPERVISORS

Attest:



DEPUTY CLERK