

EXHIBIT 1

FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT 2007 MARIN COUNTYWIDE PLAN

I. OVERVIEW

A. Purpose of the Findings

The purpose of these findings is to satisfy the requirements of section 21081 of the California Environmental Quality Act (CEQA), Public Resources Code section 21000 et seq., and sections 15091, 15092, and 15093 of the CEQA Guidelines, 14 Cal. Code Regs. Sections 15000 et seq., associated with adoption of the 2007 Marin Countywide Plan ("2007 CWP" or "Project"). These findings provide the written analysis and conclusions of the Board of Supervisors regarding the 2007 CWP. They are divided into general sections. Each of these sections is further divided into subsections, each of which addresses a particular impact topic and/or requirement of law. At times, these findings refer to materials in the administrative record, which are readily available for review at County offices.

B. Background

The Final Environmental Impact Report (FEIR) was certified by the Marin County Board of Supervisors on November 6, 2007. (The FEIR is referred to herein as the "EIR"). The EIR found that the project resulted in unavoidable significant effects on the environment. Because Alternative 4 (Mitigated Alternative) meets the project's basic objectives and is the environmentally superior alternative, the Planning Commission recommended that the Board of Supervisors adopt the Mitigated Alternative with certain modifications. Therefore, the Mitigated Alternative with modifications recommended by the Planning Commission has been brought forward for approval instead of the proposed project. The Board of Supervisors through the Approval Resolution is adopting the Mitigated Alternative with modifications. The Planning Commission's and Board of Supervisor's modifications to the Mitigated Alternative are shown in Exhibit 8.0-13 in the FEIR and in the amendments to the FEIR.

These findings are made and adopted by the Marin County Board of Supervisors in satisfaction of State and local requirements relative to the environmental review, analysis, consideration, and approval of the 2007 CWP.

C. 2007 Countywide Plan

Location

The 2007 CWP, which serves as Marin County's General Plan, applies to all land within the unincorporated area of Marin County subject to County jurisdiction. Marin County is one of the nine counties that comprise the San Francisco Bay Area. It is linked to San Francisco by the Golden Gate Bridge and to the East Bay via the Richmond-San Rafael Bridge. Marin County's total land and water area is

approximately 606 square miles, of which about 87 percent (527 square miles) is unincorporated.

Objectives

Pursuant to State law, the overarching objective of a General Plan is to guide a jurisdiction's growth over a long-term planning horizon, in a manner consistent with the community's vision of its long-term physical form and development. The 2007 CWP is intended to reflect the community's expressions of quality of life and community values; satisfy the mandates of state law; and serve as the basis for community decision-making regarding the designations of land uses and the allocation of resources.

The objectives of the Project are to adopt a Countywide Plan that achieves the following:

- Preserved and restored natural environment. Marin watersheds, natural habitats, wildlife corridors, and open space shall be protected, restored, and enhanced.
- Sustainable agriculture community. Marin's working agricultural landscapes shall be protected and the agricultural community shall remain viable and shall successfully produce and market a variety of healthy foods and produces.
- High-quality built environment. Marin's community character, architectural heritage of its downtowns and residential neighborhoods, and the vibrancy of its business and commercial centers shall be preserved and enhanced.
- More affordable housing. Marin's members of the workforce, the elderly, and special needs groups shall have increased opportunities to live in well-designed, socially and economically diverse affordable housing strategically located in mixed use sites near employment or public transportation.
- Less traffic congestion. Marin community members shall have access to flexible work schedules, car pools and additional transportation choices for pedestrians, bicycles, and transit users that reduce traffic congestion.
- A reduced ecological footprint. Marin residents and businesses shall increasingly use renewable energy, fuel-efficient transportation choices, and green building and businesses practices similar to the level of Western Europe.

Organization

The 2007 CWP proposes a comprehensive update of the 1994 Marin Countywide Plan (1994 CWP). The 2007 CWP significantly reorganizes and revises the 1994 CWP. The 2007 CWP contains all of the statutorily mandated elements (i.e., Land Use, Circulation, Conservation and Open Space, Safety/Noise, and Public Services) within three broader elements: The Natural Systems and Agricultural Element, The Built Environment Element, and The Socioeconomic Element. The purpose of the 2007 CWP is to set policy guidelines for future conservation and development in the unincorporated portion of Marin County and to deal with changed conditions since the last revision of the CWP. The 2007 CWP establishes an overall framework and set of goals for countywide development. While cities within Marin County control all development within their jurisdictions, the County is responsible for development decisions in the unincorporated areas. In addition, the 2007 CWP has been enlarged to include such social equity and cultural issues as public health, environmental justice, child care, the economy, and arts and culture.

The EIR provides a detailed description of the project.

Public Review Process

An Initial Study, completed by Marin County in February 2004 and revised in July 2005, confirmed the need for an environmental impact report and determined the topics for analysis. Marin County sent a Notice of Preparation (NOP) on February 16, 2004 to government agencies, special service districts, organizations, and individuals with an interest in or jurisdiction over the project. This step ensured early consultation on the scope of the EIR. The comment period was originally scheduled to end on March 17, 2004. At the request of several citizens and to allow additional time to respond to the NOP, the comment period was extended to March 31, 2004. The Marin County Planning Commission held a public scoping meeting for the project on March 4, 2004.

Following the preparation of the revised Initial Study in July 2005, Marin County sent a revised NOP to government agencies, special service districts, organizations, and individuals with an interest in or jurisdiction over the project on August 24, 2005. The review period was originally scheduled to end on September 22, 2005. At the request of several citizens and to allow additional time to respond to the NOP the comment period was extended to October 31, 2005. The Marin County Planning Commission held a second public scoping meeting for the project on October 26, 2005.

Marin County prepared, and on January 16, 2007, circulated the Draft EIR on the proposed *Marin Countywide Plan Update* project. The Draft EIR was prepared in accordance with CEQA and the CEQA Guidelines. During the public review period from January 16, 2007 to March 16, 2007 and at the two public hearings February 12, 2007 and February 26, 2007, comments on the Draft EIR were solicited from governmental agencies and the public.

Marin County circulated a Final EIR on June 4, 2007. All written comments received during the 60-day public review period and comments received at all the public hearings were addressed in the Final EIR. The County also prepared two Final EIR Amendments (Amendment July 2007 and Amendment II November 2007) that analyze additional revisions to the 2007 CWP proposed by the Planning Commission and Board of Supervisors. Pursuant to this analysis, the revisions do not alter the conclusions of the Draft EIR, nor do they trigger the thresholds for recirculation set forth in section 15088.5 of the CEQA Guidelines.

During the course of public hearings, some of the new policies and programs in the 2007 CWP that ensure the majority of impacts from implementation of the CWP are less than significant were altered by the Planning Commission and the Board of Supervisors. These revisions are presented and analyzed in Exhibit 8.0-13 of the Final EIR starting on page 8.0-771. In addition, the FEIR Amendments analyze additional revisions to the 2007 CWP proposed by the Planning Commission and the Board of Supervisors.

D. Alternative 4 (Mitigated Alternative)

Because the 2005 CWP evaluated in the draft EIR would result in unavoidable significant effects related to transportation, groundwater recharge, water supply and demand, and public services, the Planning Commission recommended that the Board of Supervisors adopt the Mitigated Alternative with specified revisions. (Planning Commission Recommended Draft Marin Countywide Plan, July 23, 2007). Pursuant to the Planning Commission's recommendation, the Board of Supervisors is adopting the Planning Commission's recommended draft with modifications. The Planning Commission's and Board of Supervisor's modifications to the Mitigated Alternative are shown in Exhibit 8.0-13 in the EIR and in Amendments I and II to the FEIR. The findings below address the environmental effects of the Mitigated Alternative as modified by the Board of Supervisors based on the EIR, public testimony, staff reports and other material in the administrative record.

The Mitigated Alternative revises and adds policies and programs to those identified in the Draft EIR to reduce significant impacts of the project as originally proposed, such as those related to transportation, groundwater recharge, water supply and demand, affordable housing, and public services. For example, the project as originally proposed included refinements to the Housing Overlay Designation to those recommended in Mitigation Measure 4.1-5 for Impact 4.1-5, Development of Residential Land Uses Incompatible with Established Land Use. The Mitigated Alternative includes new programs CD-2.n, Processing on Affordable Housing Projects, which provides for technical assistance and priority processing of affordable housing projects, and CD-2.10, Expand Countywide Efforts to Increase Workforce Housing Rather Than Full Commercial Build-out, which will increase opportunities for affordable housing near employment centers and public transportation.

The Board omitted policy alternative 2.2, Establish Housing Bank from the Mitigated Alternative. The Housing Bank was proposed to facilitate allocation of housing units to specific areas of the Housing Overlay Designation (HOD). However, this goal was achieved through adoption of Policy CD-2.3, Establish a Housing Overlay Designation, through which sites within the HOD are assigned caps for housing unit allocations. Therefore, the Board concluded that elimination of this policy does not affect the reallocation of these housing units because the reallocation will still be accomplished through implementation of Policy CD-2.3.

In addition, the Mitigated Alternative includes a proposed new policy directed at protecting groundwater recharge areas. The Mitigated Alternative also includes additional mitigation directed at ensuring adequate infrastructure would be available to serve new development in the unincorporated area of the county. The Mitigated Alternative is intended to add additional measures to reduce project impacts further even though impacts may remain significant and unavoidable. The EIR identifies the Mitigated Alternative as the Environmentally Superior Alternative.

The modifications to the Mitigated Alternative made by the Planning Commission and the Board of Supervisors were analyzed in the FEIR and amendments to the FEIR. Based on these analyses, the modifications do not alter the conclusions of the EIR, nor do they trigger the thresholds for recirculation set forth in section 15088.5 of the CEQA Guidelines.

E. Defined Terms

To provide consistency in the use of terms and to increase readability, these findings often provide short terms for certain longer, more encompassing terms or concepts. Unless the context requires a different meaning, any term or phrase used in these findings, which has its first letter capitalized, has the meaning given to it by these findings. Certain such terms and phrases are referenced below, while others are defined where they appear in the text of these findings.

Approval Resolution – The Resolution approving the 2007 CWP. These findings are attached to the Approval Resolution.

CEQA - The California Environmental Quality Act: Public Resources Code §21000 et seq.

County - The County of Marin.

2007 Countywide Plan (2007 CWP or Project) - The Final Draft 2007 update of the Countywide Plan; this is the Mitigated Alternative evaluated in the EIR as modified by the Board of Supervisors and adopted by the Approval Resolution. This is the "Project" pursuant to CEQA §21065 and State CEQA Guidelines §15378.

1994 Countywide Plan (1994 CWP) - Refers to the 1994 update of the Countywide Plan.

EIR - The term "EIR" (environmental impact report) is a general reference to the Final Environmental Impact Report, and other documents incorporated by reference into the Final EIR, including the Draft EIR and Appendices 1 and 2 (January 2007), Responses to Comments to the Draft EIR (June 2007) and Final EIR Responses to Comments Amendment I (July 2007) and Amendment II (November 2007).

Level of Service – For a road system of a given capacity, the volume-to-capacity ratio (i.e., a measure of the degree to which the total capacity of a roadway is used by vehicles) is the primary indicator of the transportation system's performance. The volume-to-capacity ratio is converted to a letter grade called the "level of service."

Mitigation Measures -- CEQA requires that, where feasible, significant impacts of a project be avoided or mitigated. Measures to avoid or mitigate such impacts are referred to herein as Mitigation Measures.

MMRP - The term "MMRP" (Mitigation Monitoring and Reporting Program) refers to a mitigation monitoring program that is adopted if a project is approved with an EIR that identifies significant environmental impacts pursuant to Public Resources Code §21081.6. The MMRP is contained in "**Exhibit 2**" of the Approval Resolution, is designed to ensure project compliance with adopted Mitigation Measures during project implementation.

CEQA Guidelines -- The State regulations implementing CEQA; California Code of Regulations, Title 14, Chapter 3 §15000 et seq.

F. Severability

If any term, provision, or portion of these findings or the application of same to a particular situation is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of these findings, or the application of the same to other situations, shall continue in full force and effect unless amended or modified by the County.

G. Program EIR

The 2007 CWP EIR is a program EIR under Section 15168 of the State CEQA Guidelines. As described in CEQA Guidelines § 15168(a)(3), a program EIR “may be prepared on a series of actions that can be characterized as one large project and are related...in connection with the issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program.” As a program EIR, the document focuses on the overall effect of the 2007 CWP. This analysis does not examine the effects of site specific projects that may occur within the overall umbrella of this program in the future. The nature of general plans is such that many proposed policies are intended to be general, with details to be worked out during implementation. Thus, many of the impacts and mitigation measures can only be described in general or qualitative terms. The analysis in the program EIR is considered the first tier of environmental review, creating the foundation upon which future, project-specific CEQA documents can build. A program EIR can be incorporated by reference into subsequently prepared environmental documents to address issues such as cumulative impacts and growth inducing impacts, allowing the subsequent documents to focus on new or site-specific impacts.

The EIR provides a complete evaluation of not only the proposed project, but also the cumulative impacts of the project along with other existing and proposed uses, and alternatives to the project, including the Mitigated Alternative as revised by the Planning Commission and the Board of Supervisors.

II. FINDINGS ARE DETERMINATIVE

The Board of Supervisors recognizes that there may be differences in and among the different sources of information and opinions offered in the documents and testimony that make up the EIR and the administrative record; that experts can disagree; and that the Board of Supervisors must base its decisions and these findings on the substantial evidence in the record that it finds most compelling. Therefore, by these findings, the Board of Supervisors ratifies, clarifies, and/or makes insignificant modifications to the EIR and resolves that these findings and the Mitigation Monitoring and Reporting Program shall control and are determinative of the significant impacts of the Project. In addition, the Board of Supervisors declares that except as otherwise provided herein, in the event of any discrepancy between the wording of a policy or program in these Findings and the wording in the 2007 Countywide Plan or the MMRP, the wording in the Plan or MMRP is in error and shall be replaced with the wording in these Findings.

III. CONCURRENCE WITH POTENTIAL IMPACTS DETERMINED TO BE LESS-THAN-SIGNIFICANT WITHOUT NEED FOR IMPOSITION OF MITIGATION

The Board of Supervisors has reviewed and considered the information in the EIR, including Chapters 4, 5, and 6 addressing environmental effects, mitigation measures, and alternatives.

These chapters conclude that the less than significant impacts for the proposed project evaluated in the EIR are also less than significant impacts for the Project. Therefore, the Board of Supervisors, relying on the facts and analysis in the EIR, which was presented to the Board of Supervisors and reviewed and considered prior to any approvals for the Project, concurs with the conclusions of the EIR regarding the less-than-significant environmental impacts of the Project.

New policies and programs in the 2007 CWP ensure that the majority of impacts from implementation of the 2007 CWP are less than significant. During the course of public hearings, some of these policies and programs were altered by the Planning Commission and the Board of Supervisors. These revisions are presented and analyzed in Exhibit 8.0-13 of the Final EIR starting on page 8.0-771. In addition, the FEIR Amendments analyze additional revisions to the 2007 CWP proposed by the Planning Commission and the Board of Supervisors. Pursuant to this analysis, the revisions do not alter the conclusions of the EIR, nor do they trigger the thresholds for recirculation set forth in section 15088.5 of the CEQA Guidelines.

IV. CEQA §21081(a) REQUIREMENTS REGARDING SIGNIFICANT IMPACTS

The Board of Supervisors has modified the 2005 CWP as originally proposed, by the approval of the Mitigated Alternative as revised, to attempt to avoid or substantially reduce significant environmental impacts, and to otherwise consider, address and resolve environmental concerns presented during public review of the EIR. The EIR identifies certain significant environmental impacts caused by the Project and recommends specific mitigation measures to reduce these impacts to a less-than-significant level and the Board of Supervisors has certified the EIR as being adequate according to CEQA and has reviewed and considered the information in the EIR and in the entire record; therefore, the Board of Supervisors makes specific findings, as set forth in the sections that follow, for each significant impact, pursuant to CEQA §21081(a), based not only on the EIR, but on the evidence in the entire record, including written and oral testimony to the Board of Supervisors.

According to CEQA §21081 no public agency shall approve or carry out a project for which an environmental impact report has been certified which identified one or more significant effects on the environment that would occur if the project is approved or carried out unless both of the following occur:

1. The public agency makes one or more of the following findings with respect to each significant effect:
 - a. Changes or alterations have been required in, or incorporated into, the project, which mitigate or avoid the significant effects on the environment (referred to herein as: "Finding 1: The impact is mitigated to a less-than-significant level.")
 - b. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency (referred to herein as "Finding 2: Another public agency can and should mitigate the impact.")
 - c. Specific economic, legal, social, technological, or other considerations, make infeasible the mitigation measures or alternatives identified in the environmental impact report (referred to herein as: "Finding 3: Specific considerations make mitigation measures or alternatives infeasible." or if the impact is partially mitigated, but not to a less-than-significant level; "Finding 3: The impact would

be mitigated, but not to a less-than-significant level. Special considerations make further mitigation measures or alternatives infeasible.")

2. With respect to the significant effects, which were subject to Finding 3 described above, the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

The facts, findings, and substantial evidence supporting the findings related to significant effects of the Project in the sections that follow, do not repeat the full analysis of impacts and description of mitigation measures contained in documents making up the administrative record. Instead, the following discussion specifically references particular locations in documents containing such information (e.g., specific pages in the EIR). The referenced documents are either included or attached herein, or are readily available to the public for review at the Marin County Community Development Agency - Planning Division, 3501 Civic Center Drive, Room 308, San Rafael, California.

The discussion which follows under the caption "Facts" for each significant impact does recite some of the background environmental impact information related to the Project; the finding made by the Board of Supervisors is set forth under the caption "CEQA §21081(a) Finding"; and the discussion under the caption "Evidence Supporting the Finding" contains substantiating information about what mitigation is provided and how it reduces the significant impact. The numerical assignments used in these facts, findings, and substantial supporting evidence correspond to the numbering system used in the EIR.

V. SIGNIFICANT UNAVOIDABLE, GROWTH INDUCING, AND SIGNIFICANT IRREVERSIBLE IMPACTS

The EIR identifies the following significant unavoidable, growth inducing, and significant irreversible impacts associated with approval of the Project. All of the following impacts were identified as potentially significant in the EIR and potentially feasible mitigation measures were identified. Except as noted, the Board of Supervisors has incorporated the mitigation measures described below into the Project.

The Board of Supervisors finds that these impacts will remain significant after identified mitigation measures are implemented. The Board of Supervisors finds and determines that these significant and unavoidable adverse impacts are acceptable and that the Project may be approved despite these impacts for the reasons specified below in the Statement of Overriding Considerations. The Board further finds that there are no additional feasible mitigation measures or alternatives that the Board could adopt at this time that would reduce the following impacts to a less than significant level.

Section 2.4 of the EIR explains that implementation of the 2007 CWP would result in significant impacts that cannot be mitigated to a level of insignificance if the project is implemented. Table 2.0-1 of the EIR provides a summary of the potentially significant impacts and mitigation measures. Chapter 6 of the EIR addresses cumulative impacts as required by section 15130 of the CEQA Guidelines. The EIR identifies the following potentially significant direct and cumulative impacts associated with the Project, which will remain significant even after implementation of mitigation measures identified in the EIR. The additional mitigation measures specified in the Mitigated Alternative further reduce many of the impacts related to the Project but most impacts remain significant and unavoidable.

Most mitigation measures and policy alternatives proposed in the EIR are new or revised policies and programs. The EIR showed these new and revised policies and programs in underlined and ~~strikeout~~ text. Here, the entire policy revised in accordance with the mitigation measure or policy alternative as proposed in the EIR is included below in plain text. New language added by the Board of Supervisors is underlined. Language deleted by the Board of Supervisors is identified with a ~~strikethrough~~.

LAND USE, POPULATION, AND HOUSING

IMPACT 4.1-2: GROWTH AND CONCENTRATION OF POPULATION

Facts

The EIR found that land uses and development consistent with the 2007 CWP would induce substantial growth within the unincorporated portion of Marin County. This impact is discussed starting on page 4.1-47 of the EIR.

CEQA §21081(a) Finding

Finding 3: The impact would be mitigated, but not to a less-than-significant level. Special considerations make further mitigation measures or alternatives infeasible.

Evidence Supporting the Finding

Based on the EIR and the entire record, this growth inducing impact is mitigated with imposition of Mitigation Measure 4.1-2 found on page 4.1-51 of the EIR, but not to a level less-than-significant because substantial growth and concentration of population would still occur in the unincorporated area above existing conditions.

Even with imposition of Mitigation Measure 4.1-2, this impact would remain significant and unavoidable.

Adopted Mitigation Measure: 4.1-2

The following new policies and programs shall be added to the Community Development section of the Built Environment Element.

Program CD- ~~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.

Policy CD-~~5.2 (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 circulation element to be exceeded (See TR-1.e);
- b) Any circulation improvements or programs needed to maintain the established level of service standard ~~established in the Circulation Element~~ have been programmed and funding has been committed;

- c) Environmental review of needed circulation improvement projects or programs has been completed;
- d) The time frame for completion of the needed circulation improvements or programs will not cause the established level of service standard ~~in the Circulation element~~ to be exceeded.
- e) Wastewater, water (including for adequate fire flows) and other infrastructure improvements will be available to serve new development by the time the development is constructed.

Program CD-~~(new)~~ 5.k 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.

Program CD-~~(new)~~ 5.a Review and Correlate Countywide Growth and Infrastructure. Work with the proposed City- County Committee or a similar collaborative venue (to be established pursuant to Policy CD-4.f) 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-~~(new)~~ 5.m Development Review: ~~Through the development and environmental review processes,~~ Ensure that policy provisions are evaluated and implemented through the development and environmental review processes. 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.

As explained in Exhibits 8.0-13 and amendments to the FEIR, the revisions by the Board of Supervisors do not alter the conclusions of the EIR, nor do they trigger the thresholds for recirculation set forth in section 15088.5 of the CEQA Guidelines.

The Board adopts Mitigation Measure 4.1-2 as proposed in the EIR.

TRANSPORTATION

IMPACT 4.2-1: INCREASE IN VEHICLE MILES TRAVELED

Facts

The EIR found that land uses and development consistent with the 2007 CWP would result in a significant increase in vehicle miles traveled in Marin County. This impact is discussed starting on page 4.2-42 of the EIR.

CEQA §21081(a) Finding

Finding 3: The impact would be mitigated, but not to a less-than-significant level. Special considerations make further mitigation measures or alternatives infeasible.

Evidence Supporting the Finding

Based on the EIR and the entire record, this increase in vehicle miles traveled is mitigated with imposition of Mitigation Measure 4.2-1 found on page 4.2-44 of the EIR, as revised below, but

not to a level less-than-significant because as a general trend, vehicle miles traveled per capita continues to increase as personal wealth increases, cities expand outwards, and affordable housing is constructed farther from job centers. Given regional and economic considerations, despite implementing the full package of aggressive programs, such as those proposed in this mitigation measure, it remains unlikely that significant decreases in vehicle miles traveled will be achieved. Even with imposition of Mitigation Measure 4.2-1 and with the revisions proposed in the Mitigated Alternative, this impact would remain significant and unavoidable.

Adopted Mitigation Measure: 4.2-1

The following new policy and program shall be added to the Transportation section of the Built Environment Element:

Policy TR-1.8 Reduce Vehicle Miles Traveled (VMT). Reduce the rate of increase for total vehicle miles traveled per person by single-occupant automobile by ten percent to not exceed the population growth rate.

Program TR-1.s VMT Reduction Monitoring and Implementation and Transportation Demand Management Program. Develop and implement a countywide program for monitoring and reducing VMT consistent with State and regional efforts and based on information from State and regional planning agencies. and implementing targeted-Identify and require in new developments specific transportation demand management (TDM) strategies for reducing the VMT below levels that would otherwise occur per person including. Consider the following types of strategies for inclusion in the VMT Reduction Monitoring and Implementation and Transportation Demand Management Program:

- ~~All new residential projects over 50 units shall be within five miles of a major transportation node.~~
- Increased transit.
- All new residential projects consisting of 25 units or more should be located within 1/2 mile of a transit node, shuttle service, or bus route with daily, with regularly scheduled, daily service.
- ~~Require that n~~New multi-family residential projects over ten dwelling units have consisting of 25 units or more should include TDM measures in place 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.
- ~~New residential development should provide~~ Safe, convenient connections should be provided to existing pedestrian and bicycle facilities and secure bicycle parking should provide be provided in new nonresidential developments.
- ~~Complete key regional bikeways including the Cal Prk Hill Path and Tunnel.~~
- ~~Require that new employers of TDM should be required for new or expanded projects with 50 employees or more, implement TDM programs including programs such as parking cash out, subsidized transit passes, ridesharing incentives, and bicycle storage facilities.~~

As explained in Exhibits 8.0-13 and amendments to the FEIR, the revisions by the Board of Supervisors do not alter the conclusions of the EIR, nor do they trigger the thresholds for recirculation set forth in section 15088.5 of the CEQA Guidelines.

The Board adopts Mitigation Measure 4.2-1 as revised above.

**IMPACT 4.2-2: UNACCEPTABLE LOS ON U.S. 101 AT GOLDEN GATE BRIDGE
(SCREENLINE # 1)¹**

Facts

The EIR found that land uses and development consistent with the 2007 CWP would result in traffic that contributes to an unacceptable LOS on U.S. 101 at the Golden Gate Bridge. This impact is discussed starting on page 4.2-45.

The majority of the programs encompassed by Mitigation Measure 4.2-2 would require additional funding for implementation. Some aspects of these programs are within the County's jurisdiction, but many aspects are within the jurisdiction of such agencies as the Marin County Transit District, the Golden Gate Bridge Transit District, or Transportation Authority of Marin. See Figure 3-38 ("Transportation Program Implementation") of the 2007 CWP.

CEQA §21081(a) Finding

Finding 2: Another public agency can and should mitigate the impact.

Finding 3: The impact would be mitigated, but not to a less-than-significant level. Special considerations make further mitigation measures or alternatives infeasible.

Evidence Supporting the Finding

Based on the EIR and the entire record, this LOS impact is mitigated with imposition of Mitigation Measure 4.2-2 found on page 4.2-46 of the EIR, but not to a level less-than-significant because although initiatives in the 2007 CWP would reduce congestion on the Golden Gate Bridge, the mitigating effects would not be substantial enough to reduce this impact to a less-than-significant level. As noted, many aspects of this program are within the jurisdiction of such agencies as the Marin County Transit District, the Golden Gate Bridge Transit District, or Transportation Authority of Marin.

The Mitigated Alternative would produce fewer significant transportation impacts than any other alternative or the proposed project. In discussing the Mitigated Alternative, the EIR explains that the Mitigated Alternative will reduce overall development, and in turn, transportation impacts. See EIR starting on page 5.0-56. However, even though the Mitigated Alternative would result in fewer significant impacts than the proposed project, this impact would remain significant and unavoidable.

¹ Weekday AM and PM peak hour roadway operation were evaluated at 19 key locations, called screenlines.

Adopted Mitigation Measure: 4.2-2

Several policies and programs contained in the 2007 CWP Update would help mitigate this impact. Goal TR-3, which seeks to provide efficient, affordable public transportation service countywide, and its supporting policies and programs would help reduce congestion on the Golden Gate Bridge by attracting more commuters to public transit services by increasing bus service, improving bus facilities, providing reduced cost transit passes, participating in regional transit initiatives, and promoting transit-oriented development. Though these initiatives would reduce congestion on the Golden Gate Bridge, the mitigating effects would not be substantial enough to reduce this impact to a less-than-significant level.

The Board adopts Goal TR-3 as described in Mitigation Measure 4.2-2 in the EIR.

IMPACT 4.2-3: UNACCEPTABLE LOS ON STATE ROUTE 1 FROM U.S. 101 TO ALMONTE BOULEVARD (SCREENLINE # 3)

Facts

The EIR found that land uses and development consistent with the 2007 CWP would result in traffic that contributes to unacceptable LOS on State Route 1 between U.S. 101 and Almonte Boulevard. This impact is discussed starting on page 4.2-46 of the EIR.

Currently there are no funds allocated for Mitigation Measure 4.2-3.

CEQA §21081(a) Finding

Finding 3: The impact would be mitigated, but not to a less-than-significant level. Special considerations make further mitigation measures or alternatives infeasible.

Evidence Supporting the Finding

Based on the EIR and the entire record, this LOS impact is partially mitigated by adoption of the Mitigated Alternative. That alternative produces fewer significant transportation impacts than any other alternative or the proposed project. In discussing the Mitigated Alternative, the EIR explains that the Mitigated Alternative will reduce overall development, and in turn, transportation impacts. See Draft EIR starting on page 5.0-56. However, even though the Mitigated Alternative would result in fewer significant impacts than the proposed project, this impact would remain significant and unavoidable.

The EIR proposes Mitigation Measure 4.2-3 found on page 4.2-47 of the EIR. If feasible, this measure would further mitigate this impact, but not to a level less-than-significant because although the measure would reduce congestion on State Route 1, the improvements would still not satisfy the LOS D criteria for this roadway.

The proposed mitigation measure is infeasible because there is no state or federal funding identified for the improvements. The proposed measure would also result in significant adverse impacts to wetlands. The Board of Supervisors and Planning Commission received testimony that the improvements would have an adverse effect on community character.

Rejected Mitigation Measure: 4.2-3

Widen State Route 1 between U.S. 101 and Almonte Boulevard from one to two lanes in each direction, which would increase roadway capacity from 800 vehicles per hour to 1,600 vehicles per hour in each direction.

The Board rejects Mitigation Measure 4.2-3 as infeasible for the reasons set forth above.

IMPACT 4.2-4: UNACCEPTABLE LOS ON STATE ROUTE 131 FROM U.S. ROUTE 101 TO STRAWBERRY DRIVE (SCREENLINE # 4)

Facts

The EIR found that land uses and development consistent with the 2007 CWP would result in an unacceptable LOS on State Route 131 from U.S. 101 to Strawberry Drive. This impact is discussed starting on page 4.2-47.

Currently there are no funds allocated for Mitigation Measure 4.2-4. Caltrans, in cooperation with Marin County, would be responsible for implementation.

CEQA §21081(a) Finding

Finding 2: Another public agency can and should mitigate the impact.

Finding 3: The impact would be mitigated, but not to a less-than-significant level. Special considerations make further mitigation measures or alternatives infeasible.

Evidence Supporting the Finding

Based on the EIR and the entire record, this LOS impact is mitigated with imposition of Mitigation Measure 4.2-4 found on page 4.2-47 of the EIR as presented in program TR-1.g (Determine Appropriate Mitigation), but not to a level less-than-significant because funding for this mitigation measures is not currently available. Moreover, the project requires the funding and cooperation of other agencies. Therefore, it is uncertain whether this improvement would be completed within the time frame of the 2007 CWP and implementation of Mitigation Measure 4.2-4 may be infeasible.

The Mitigated Alternative would produce fewer significant transportation impacts than any other alternative or the proposed project. In discussing the Mitigated Alternative, the EIR explains that the Mitigated Alternative will reduce overall development, and in turn, transportation impacts. See Draft EIR starting on page 5.0-56. However, even though the Mitigated Alternative would result in fewer significant impacts than the proposed project, this impact would remain significant and unavoidable.

Adopted Mitigation Measure: 4.2-4

Expand State Route 131 from two to three lanes in the eastbound direction from southbound U.S. 101 to Strawberry Drive.

The Board adopts Mitigation Measure 4.2-4 as presented in program TR-1.g (Determine Appropriate Mitigation).

IMPACT 4.2-6: UNACCEPTABLE LOS ON SIR FRANCIS DRAKE BOULEVARD FROM U.S. 101 TO ELISEO DRIVE (SCREENLINE # 7)

Facts

The EIR found that land uses and development consistent with the 2007 CWP would result in traffic that contributes to unacceptable LOS on Sir Francis Drake Boulevard between U.S. 101 and Eliseo Drive. This impact is discussed starting on page 4.2-49.

Currently there are no funds allocated for Mitigation Measure 4.2-6. The City of Larkspur, in cooperation with Marin County, would be responsible for implementation.

CEQA §21081(a) Finding

Finding 2: Another public agency can and should mitigate the impact.

Finding 3: The impact would be mitigated, but not to a less-than-significant level. Special considerations make further mitigation measures or alternatives infeasible.

Evidence Supporting the Finding

Based on the EIR and the entire record, this LOS impact is mitigated with imposition of Mitigation Measure 4.2-6 found on page 4.2-50 of the EIR as presented in program TR-1.g (Determine Appropriate Mitigation), but not to a level less-than-significant because this improvement is neither funded nor designed. Moreover, the project requires the cooperation and financial participation of a separate agency. In addition, expanding Sir Francis Drake Boulevard from two to three lanes in each direction may be infeasible due to existing residential and commercial development. Therefore, it is uncertain whether this improvement would be completed within the time frame of the 2007 CWP and implementation of Mitigation Measure 4.2-6 may be infeasible.

The Mitigated Alternative would produce fewer significant transportation impacts than any other alternative or the proposed project. In discussing the Mitigated Alternative, the EIR explains that the Mitigated Alternative will reduce overall development, and in turn, transportation impacts. See EIR starting on page 5.0-56. However, even though the Mitigated Alternative would result in fewer significant impacts than the proposed project, this impact would remain significant and unavoidable.

Adopted Mitigation Measure: 4.2-6

Widen Sir Francis Drake Boulevard from two to three lanes in each direction from U.S. 101 to Eliseo Drive in order to mitigate this impact via roadway expansion.

The Board adopts Mitigation Measure 4.2-6 as presented in program TR-1.g (Determine Appropriate Mitigation).

IMPACT 4.2-7: UNACCEPTABLE LOS ON EAST SIR FRANCIS DRAKE BOULEVARD FROM LARKSPUR FERRY TO SAN QUENTIN (SCREENLINE # 8)

Facts

The EIR found that land uses and development consistent with the 2007 CWP would result in traffic that contributes to unacceptable LOS on East Sir Francis Drake Boulevard between the Larkspur Ferry and San Quentin. This impact is discussed starting on page 4.2-50.

Currently there are no funds allocated for Mitigation Measure 4.2-7. The County would be responsible for roadway improvements within unincorporated lands; the City of Larkspur would be responsible for improvements within city limits.

CEQA §21081(a) Finding

Finding 3: The impact would be mitigated, but not to a less-than-significant level. Special considerations make further mitigation measures or alternatives infeasible.

Evidence Supporting the Finding

Based on the EIR and the entire record, this LOS impact is partially mitigated by adoption of the Mitigated Alternative. That alternative produces fewer significant transportation impacts than any other alternative or the proposed project. In discussing the Mitigated Alternative, the EIR explains that the Mitigated Alternative will reduce overall development, and in turn, transportation impacts. See Draft EIR starting on page 5.0-56. However, even though the Mitigated Alternative would result in fewer significant impacts than the proposed project, this impact would remain significant and unavoidable.

The EIR proposes Mitigation Measure 4.2-7 found on page 4.2-50 of the EIR. If feasible, this measure would mitigate this impact to a less-than-significant level. The proposed mitigation measure is infeasible because the project is not designed and there is no funding identified for the improvements. The engineering requirements for completion of the project would lead to considerable costs which make the measure infeasible.

Rejected Mitigation Measure: 4.2-7

Expand East Sir Francis Drake Boulevard between the Larkspur Ferry Terminal and San Quentin from one to two lanes in each direction.

The Board rejects Mitigation Measure 4.2-7 as infeasible for the reasons set forth above.

IMPACT 4.2-8: UNACCEPTABLE LOS ON I-580 AT THE RICHMOND BRIDGE (SCREENLINE # 9)

Facts

The EIR found that land uses and development consistent with the 2007 CWP would result in traffic that cumulatively contributes to unacceptable LOS on I-580 at the Richmond Bridge. This impact is discussed starting on page 4.2-51.

Currently there are no funds allocated for Mitigation Measure 4.2-8. Caltrans, in cooperation with Marin County and the City of San Rafael, would be responsible for implementation.

CEQA §21081(a) Finding

Finding 2: Another public agency can and should mitigate the impact.

Finding 3: The impact would be mitigated, but not to a less-than-significant level. Special considerations make further mitigation measures or alternatives infeasible.

Evidence Supporting the Finding

Based on the EIR and the entire record, this LOS impact is mitigated with imposition of Mitigation Measure 4.2-8 found on page 4.2-51 of the EIR as presented in program TR-1.g (Determine Appropriate Mitigation), but not to a level less-than-significant because, although a number of 2007 CWP policies and programs would help reduce traffic congestion on I-580 the improvements would still not satisfy the LOS E criteria for this roadway. Furthermore, the improvements proposed in this mitigation measure are neither funded nor designed. Moreover, the project requires the cooperation and financial participation of other agencies which cannot be assured. Therefore, it is uncertain whether this improvement would be completed within the time frame of the 2007 CWP and implementation of Mitigation Measure 4.2-8 may be infeasible.

The Mitigated Alternative would produce fewer significant transportation impacts than any other alternative or the proposed project. In discussing the Mitigated Alternative, the EIR explains that the Mitigated Alternative will reduce overall development, and in turn, transportation impacts. See EIR starting on page 5.0-56. However, even though the Mitigated Alternative would result in fewer significant impacts than the proposed project, this impact would remain significant and unavoidable.

Adopted Mitigation Measure: 4.2-8

Expand I-580 from two to three lanes in the westbound direction from the Richmond Bridge to Sir Francis Drake Boulevard.

The Board adopts Mitigation Measure 4.2-8 as presented in program TR-1.g (Determine Appropriate Mitigation).

IMPACT 4.2-9: UNACCEPTABLE LOS ON U.S. 101 FROM I-580 TO SIR FRANCIS DRAKE BOULEVARD (SCREENLINE # 11)

Facts

The EIR found that land uses and development consistent with the 2007 CWP would result in traffic that cumulatively contributes to unacceptable LOS on U.S. 101 between I-580 and Sir Francis Drake Boulevard. This impact is discussed starting on page 4.2-51.

Currently there are no funds allocated for Mitigation Measure 4.2-8. Caltrans, in cooperation with Marin County and the City of San Rafael, would be responsible for implementation.

CEQA §21081(a) Finding

Finding 2: Another public agency can and should mitigate the impact.

Finding 3: The impact would be mitigated, but not to a less-than-significant level. Special considerations make further mitigation measures or alternatives infeasible.

Evidence Supporting the Finding

Based on the EIR and the entire record, this LOS impact is mitigated with imposition of Mitigation Measure 4.2-9 found on page 4.2-52 of the EIR as presented in program TR-1.g (Determine Appropriate Mitigation), but not to a level less-than-significant because although a number of 2007 CWP policies and programs would help reduce traffic congestion on U.S. 101 the improvements would still not satisfy the LOS E criteria for this roadway. Furthermore, the improvements proposed in this mitigation measure are neither funded nor designed. Moreover, the project requires the cooperation and financial participation of other agencies which cannot be assured. Therefore, it is uncertain whether this improvement would be completed within the time frame of the 2007 CWP and implementation of Mitigation Measure 4.2-9 may be infeasible.

The Mitigated Alternative would produce fewer significant transportation impacts than any other alternative or the proposed project. In discussing the Mitigated Alternative, the EIR explains that the Mitigated Alternative will reduce overall development, and in turn, transportation impacts. See EIR starting on page 5.0-56. However, even though the Mitigated Alternative would result in fewer significant impacts than the proposed project, this impact would remain significant and unavoidable.

Adopted Mitigation Measure: 4.2-9

Expand U.S. 101 between I-580 and Sir Francis Drake Boulevard from three to four mixed-flow lanes in the southbound direction.

The Board adopts Mitigation Measure 4.2-9 as presented in program TR-1.g (Determine Appropriate Mitigation).

IMPACT 4.2-10: UNACCEPTABLE LOS ON U.S. 101 FROM SECOND STREET TO I-580 (SCREENLINE # 12)

Facts

The EIR found that land uses and development consistent with the 2007 CWP would result in traffic that contributes to unacceptable LOS on U.S. 101 between Second Street and I-580. This impact is discussed starting on page 4.2-52.

Currently there are no funds allocated for Mitigation Measure 4.2-10. Caltrans, in cooperation with Marin County and the City of San Rafael, would be responsible for implementation.

CEQA §21081(a) Finding

Finding 2: Another public agency can and should mitigate the impact.

Finding 3: The impact would be mitigated, but not to a less-than-significant level. Special considerations make further mitigation measures or alternatives infeasible.

Evidence Supporting the Finding

Based on the EIR and the entire record, this LOS impact is mitigated with imposition of Mitigation Measure 4.2-10 found on page 4.2-52 of the EIR as presented in program TR-1.g (Determine Appropriate Mitigation), but not to a level less-than-significant because this improvement is neither funded nor designed. Moreover, the project requires the cooperation and financial participation of other agencies which cannot be assured. Therefore, it is uncertain whether this improvement would be completed within the time frame of the 2007 CWP and implementation of Mitigation Measure 4.2-10 may be infeasible.

The Mitigated Alternative would produce fewer significant transportation impacts than any other alternative or the proposed project. In discussing the Mitigated Alternative, the EIR explains that the Mitigated Alternative will reduce overall development, and in turn, transportation impacts. See EIR starting on page 5.0-56. However, even though the Mitigated Alternative would result in fewer significant impacts than the proposed project, this impact would remain significant and unavoidable.

Adopted Mitigation Measure: 4.2-10

Widen U.S. 101 northbound and southbound from three lanes and one auxiliary lane to four lanes one auxiliary lane between Second Street and I-580.

The Board adopts Mitigation Measure 4.2-10 as presented in program TR-1.g (Determine Appropriate Mitigation).

IMPACT 4.2-11: UNACCEPTABLE LOS ON SOUTH NOVATO BOULEVARD FROM U.S. 101 TO SUNSET PARKWAY (SCREENLINE # 17)

Facts

The EIR found that land uses and development consistent with the 2007 CWP would result in traffic that cumulatively contributes to unacceptable LOS on South Novato Boulevard from U.S. 101 to Sunset Parkway. This impact is discussed starting on page 4.2-53.

Currently there are no funds allocated for Mitigation Measure 4.2-8. This improvement is not within the County's jurisdiction; the City of Novato would be responsible for implementation.

CEQA §21081(a) Finding

Finding 2: Another public agency can and should mitigate the impact.

Finding 3: The impact would be mitigated, but not to a less-than-significant level. Special considerations make further mitigation measures or alternatives infeasible.

Evidence Supporting the Finding

Based on the EIR and the entire record, this LOS impact is mitigated with imposition of Mitigation Measure 4.2-11 found on page 4.2-53 of the EIR as presented in program TR-1.g

(Determine Appropriate Mitigation), but not to a level less-than-significant because this improvement is neither funded nor designed. Moreover, the project requires the support and funding of another agency which cannot be assured. Therefore, it is uncertain whether this improvement would be completed within the time frame of the 2007 CWP and implementation of Mitigation Measure 4.2-11 may be infeasible.

The Mitigated Alternative would produce fewer significant transportation impacts than any other alternative or the proposed project. In discussing the Mitigated Alternative, the EIR explains that the Mitigated Alternative will reduce overall development, and in turn, transportation impacts. See EIR starting on page 5.0-56. However, even though the Mitigated Alternative would result in fewer significant impacts than the proposed project, this impact would remain significant and unavoidable.

Adopted Mitigation Measure: 4.2-11

Expand South Novato Boulevard from one to two lanes in each direction from U.S. 101 to Sunset Parkway.

The Board adopts Mitigation Measure 4.2-11 as presented in program TR-1.g (Determine Appropriate Mitigation).

IMPACT 4.2-12: UNACCEPTABLE LOS ON LUCAS VALLEY ROAD FROM LAS GALLINAS AVENUE TO LOS GAMOS (SCREENLINE # 15)

Facts

The EIR found that land uses and development consistent with the 2007 CWP would result in traffic that contributes to unacceptable LOS on Lucas Valley Road from Las Gallinas Avenue to Los Gamos. This impact is discussed starting on page 4.2-54.

Currently there are no funds allocated for Mitigation Measure 4.2-12.

CEQA §21081(a) Finding

Finding 3: The impact would be mitigated, but not to a less-than-significant level. Special considerations make further mitigation measures or alternatives infeasible.

Evidence Supporting the Finding

Based on the EIR and the entire record, this LOS impact is mitigated with imposition of Mitigation Measure 4.2-12 found on page 4.2-54 of the EIR as presented in program TR-1.g (Determine Appropriate Mitigation), but not to a level less-than-significant because this improvement is neither funded nor designed. Therefore, it is uncertain whether this improvement would be completed within the time frame of the 2007 CWP and implementation of Mitigation Measure 4.2-12 may be infeasible.

The Mitigated Alternative would produce fewer significant transportation impacts than any other alternative or the proposed project. In discussing the Mitigated Alternative, the EIR explains that the Mitigated Alternative will reduce overall development, and in turn, transportation impacts. See EIR starting on page 5.0-56. However, even though the Mitigated Alternative would result in

fewer significant impacts than the proposed project, this impact would remain significant and unavoidable.

Adopted Mitigation Measure: 4.2-12

Expand Lucas Valley Road from one to two lanes in both directions from Las Gallinas Avenue to Los Gamos.

The Board adopts Mitigation Measure 4.2-12 as presented in program TR-1.g (Determine Appropriate Mitigation).

IMPACT 4.2-13: UNACCEPTABLE LOS ON U.S. 101 AT THE SONOMA / MARIN COUNTY LINE (SCREENLINE # 19)

Facts

The EIR found that land uses and development consistent with the 2007 CWP would result in traffic that contributes to unacceptable LOS on U.S. 101 at the Sonoma/Marin County line. This impact is discussed starting on page 4.2-54.

Currently there are no funds allocated for Mitigation Measure 4.2-13. Caltrans, in cooperation with Sonoma and Marin Counties, and the Cities of Novato and Petaluma, would be responsible for implementation.

CEQA §21081(a) Finding

Finding 2: Another public agency can and should mitigate the impact.

Finding 3: The impact would be mitigated, but not to a less-than-significant level. Special considerations make further mitigation measures or alternatives infeasible.

Evidence Supporting the Finding

Based on the EIR and the entire record, this LOS impact is mitigated with imposition of Mitigation Measure 4.2-13 found on pages 4.2-55 of the EIR as presented in program TR-1.g (Determine Appropriate Mitigation), but not to a level less-than-significant because this improvement is neither funded nor designed. Moreover, the project requires the cooperation and financial participation of other agencies which cannot be assured. Therefore, it is uncertain whether this improvement would be completed within the time frame of the 2007 CWP and implementation of Mitigation Measure 4.2-13 may be infeasible.

The Mitigated Alternative would produce fewer significant transportation impacts than any other alternative or the proposed project. In discussing the Mitigated Alternative, the EIR explains that the Mitigated Alternative will reduce overall development, and in turn, transportation impacts. See EIR starting on page 5.0-56. However, even though the Mitigated Alternative would result in fewer significant impacts than the proposed project, this impact would remain significant and unavoidable.

Adopted Mitigation Measure: 4.2-13

Expand U.S. 101 from two to three lanes in each direction from north of Atherton Avenue, where U.S. 101 drops to two lanes, to the Sonoma County Line.

The Board adopts Mitigation Measure 4.2-13 as presented in program TR-1.g (Determine Appropriate Mitigation).

IMPACT 4.2-14: UNACCEPTABLE LOS AT INTERSECTION OF STATE ROUTE 131 (TIBURON BOULEVARD) AND REDWOOD HIGHWAY FRONTAGE ROAD (INTERSECTION C)

Facts

The EIR found that land uses and development consistent with the 2007 CWP would result in traffic that contributes to unacceptable LOS at the intersection of State Route 131 (Tiburon Boulevard) and Redwood Highway Frontage Road. This impact is discussed starting on page 4.2-56.

Currently there are no funds allocated for Mitigation Measure 4.2-14. Caltrans, in cooperation with Marin County and the other cities/towns that contribute traffic, would be responsible for improvements on State Route 131 (Tiburon Boulevard). Marin County would be responsible for improvements to Redwood Highway Frontage Road.

CEQA §21081(a) Finding

Finding 2: Another public agency can and should mitigate the impact.

Finding 3: The impact would be mitigated, but not to a less-than-significant level. Special considerations make further mitigation measures or alternatives infeasible.

Evidence Supporting the Finding

Based on the EIR and the entire record, this LOS impact is mitigated with imposition of Mitigation Measure 4.2-14 found on page 4.2-56 of the EIR as presented in program TR-1.g (Determine Appropriate Mitigation), but not to a level less-than-significant because the improvements would still not satisfy the LOS criteria for this intersection. Furthermore, this improvement is neither funded nor designed. Moreover, the project requires the cooperation and financial participation of other agencies which cannot be assured. Therefore, it is uncertain whether this improvement would be completed within the time frame of the 2007 CWP and implementation of Mitigation Measure 4.2-14 may be infeasible.

The Mitigated Alternative would produce fewer significant transportation impacts than any other alternative or the proposed project. In discussing the Mitigated Alternative, the EIR explains that the Mitigated Alternative will reduce overall development, and in turn, transportation impacts. See EIR starting on page 5.0-56. However, even though the Mitigated Alternative would result in fewer significant impacts than the proposed project, this impact would remain significant and unavoidable.

Adopted Mitigation Measure: 4.2-14

Add an eastbound through lane on Tiburon Boulevard and a northbound right turn lane on the Redwood Highway Frontage Road.

The Board adopts Mitigation Measure 4.2-14 as presented in program TR-1.g (Determine Appropriate Mitigation).

IMPACT 4.2-15: UNACCEPTABLE LOS AT INTERSECTION OF SECOND STREET AND GRAND AVENUE (INTERSECTION D)

Facts

The EIR found that land uses and development consistent with the 2007 CWP would result in traffic that contributes to unacceptable LOS at the intersection of Second Street and Grand Avenue. This impact is discussed starting on page 4.2-56.

Mitigation Measure 4.2-15 is fully funded and is being implemented by the City of San Rafael.

CEQA §21081(a) Finding

Finding 2: Another public agency can and should mitigate the impact.

Finding 3: The impact would be mitigated, but not to a less-than-significant level. Special considerations make further mitigation measures or alternatives infeasible.

Evidence Supporting the Finding

Based on the EIR and the entire record, this LOS impact is mitigated with imposition of Mitigation Measure 4.2-15 found on page 4.2-56 of the EIR as presented in program TR-1.g (Determine Appropriate Mitigation), but not to a level less-than-significant because, even with implementation of the mitigation measure, traffic conditions would remain at LOS E and would not satisfy the LOS D standard.

The Mitigated Alternative would produce fewer significant transportation impacts than any other alternative or the proposed project. In discussing the Mitigated Alternative, the EIR explains that the Mitigated Alternative will reduce overall development, and in turn, transportation impacts. See EIR starting on page 5.0-56. However, even though the Mitigated Alternative would result in fewer significant impacts than the proposed project, this impact would remain significant and unavoidable.

Adopted Mitigation Measure: 4.2-15

Add a right turn lane to the northbound Grand Avenue approach at the Second Street and Grand Avenue intersection.

The Board adopts Mitigation Measure 4.2-15 as presented in program TR-1.g (Determine Appropriate Mitigation).

IMPACT 4.2-16: UNACCEPTABLE LOS AT INTERSECTION OF THIRD STREET AND GRAND AVENUE (INTERSECTION E)

Facts

The EIR found that land uses and development consistent with the 2007 CWP would result in traffic that contributes to unacceptable LOS at the intersection of Third Street and Grand Avenue. This impact is discussed starting on page 4.2-57.

Currently there are no funds allocated for Mitigation Measure 4.2-16. The City of San Rafael would be responsible for implementation.

CEQA §21081(a) Finding

Finding 2: Another public agency can and should mitigate the impact.

Finding 3: The impact would be mitigated, but not to a less-than-significant level. Special considerations make further mitigation measures or alternatives infeasible.

Evidence Supporting the Finding

Based on the EIR and the entire record, this LOS impact is mitigated with imposition of Mitigation Measure 4.2-16 found on page 4.2-57 of the EIR as presented in program TR-1.g (Determine Appropriate Mitigation), but not to a level less-than-significant because although this measure would improve the LOS to C and D during the AM peak, it would only achieve LOS E during PM peak. Furthermore, the improvements proposed in this mitigation measure are neither funded nor designed and these actions are within the sole discretion of another agency. Therefore, it is uncertain whether this improvement would be completed within the time frame of the 2007 CWP and implementation of Mitigation Measure 4.2-16 may be infeasible.

The Mitigated Alternative would produce fewer significant transportation impacts than any other alternative or the proposed project. In discussing the Mitigated Alternative, the EIR explains that the Mitigated Alternative will reduce overall development, and in turn, transportation impacts. See EIR starting on page 5.0-56. However, even though the Mitigated Alternative would result in fewer significant impacts than the proposed project, this impact would remain significant and unavoidable.

Adopted Mitigation Measure: 4.2-16

Add a westbound through lane on Third Street at the intersection of Third Street and Grand Avenue.

The Board adopts Mitigation Measure 4.2-16 as presented in program TR-1.g (Determine Appropriate Mitigation).

IMPACT 4.2-17: UNACCEPTABLE LOS AT INTERSECTION OF MILLER CREEK ROAD AND LAS GALLINAS AVENUE (INTERSECTION F)

Facts

The EIR found that land uses and development consistent with the 2007 CWP would result in traffic that contributes to unacceptable LOS at the intersection of Miller Creek Road and Las Gallinas Avenue. This impact is discussed starting on page 4.2-57.

This intersection is covered by Marin County's Transportation Improvement Fee Ordinance, which collects fees from developments that would significantly impact this intersection. However, development would only pay its fair share, which would not necessarily fully fund Mitigation Measure 4.2-17.

CEQA §21081(a) Finding

Finding 3: The impact would be mitigated, but not to a less-than-significant level. Special considerations make further mitigation measures or alternatives infeasible.

Evidence Supporting the Finding

Based on the EIR and the entire record, this LOS impact is mitigated with imposition of Mitigation Measure 4.2-17 found on page 4.2-58 of the EIR as presented in program TR-1.g (Determine Appropriate Mitigation), but not to a level less-than-significant. This intersection is covered by Marin County's Transportation Improvement Fee Ordinance which collects fees from developments that would significantly impact this intersection that would be used to mitigate intersection impacts. However, development would only pay its fair share, which would not necessarily fully fund these improvements.

The Mitigated Alternative would produce fewer significant transportation impacts than any other alternative or the proposed project. In discussing the Mitigated Alternative, the EIR explains that the Mitigated Alternative will reduce overall development, and in turn, transportation impacts. See EIR starting on page 5.0-56. However, even though the Mitigated Alternative would result in fewer significant impacts than the proposed project, this impact would remain significant and unavoidable.

Adopted Mitigation Measure: 4.2-17

Signalize the Miller Creek Road and Las Gallinas intersection plus add a westbound left turn pocket on Miller Creek Road.

The Board adopts Mitigation Measure 4.2-17 as presented in program TR-1.g (Determine Appropriate Mitigation).

IMPACT 4.2-18: UNACCEPTABLE LOS AT INTERSECTION OF MILLER CREEK ROAD AND U.S. 101 SOUTHBOUND OFF-RAMP (INTERSECTION G)

Facts

The EIR found that land uses and development consistent with the 2007 CWP would result in traffic that contributes to unacceptable LOS at the intersection of Miller Creek Road and U.S. 101 SB off-ramp. This impact is discussed starting on page 4.2-58.

This intersection is covered by Marin County's Transportation Improvement Fee Ordinance, which collects fees from developments that would significantly impact this intersection. However, development would only pay its fair share, which would not necessarily fully fund Mitigation Measure 4.2-18. Moreover, the U.S. 101 ramps are within the jurisdiction of Caltrans.

CEQA §21081(a) Finding

Finding 2: Another public agency can and should mitigate the impact.

Finding 3: The impact would be mitigated, but not to a less-than-significant level. Special considerations make further mitigation measures or alternatives infeasible.

Evidence Supporting the Finding

Based on the EIR and the entire record, this LOS impact is mitigated with imposition of Mitigation Measure 4.2-18 found on page 4.2-58 of the EIR as presented in program TR-1.g (Determine Appropriate Mitigation), but not to a level less-than-significant. This intersection is partially covered by Marin County's Transportation Improvement Fee Ordinance which collects fees from developments that would significantly impact this intersection that would be used to mitigate intersection impacts. However, development would only pay its fair share, which would not necessarily fully fund these improvements. This measure would also require the cooperation and financial participation of Caltrans which cannot be assured.

The Mitigated Alternative would produce fewer significant transportation impacts than any other alternative or the proposed project. In discussing the Mitigated Alternative, the EIR explains that the Mitigated Alternative will reduce overall development, and in turn, transportation impacts. See EIR starting on page 5.0-56. However, even though the Mitigated Alternative would result in fewer significant impacts than the proposed project, this impact would remain significant and unavoidable.

Adopted Mitigation Measure: 4.2-18

Signalize the Miller Creek Road and U.S. 101 SB off-ramp intersection.

The Board adopts Mitigation Measure 4.2-18 as presented in program TR-1.g (Determine Appropriate Mitigation).

IMPACT 4.2-19: UNACCEPTABLE LOS AT INTERSECTION OF MILLER CREEK ROAD AND U.S. 101 NORTHBOUND OFF-RAMP (INTERSECTION H)

Facts

The EIR found that land uses and development consistent with the 2007 CWP would result in traffic that contributes to unacceptable LOS at the intersection of Miller Creek Road and U.S. 101 NB off-ramp. This impact is discussed starting on page 4.2-59.

This intersection is covered by Marin County's Transportation Improvement Fee Ordinance, which collects fees from developments that would significantly impact this intersection. However, development would only pay its fair share, which would not necessarily fully fund Mitigation Measure 4.2-18. Moreover, the U.S. 101 ramps are within the jurisdiction of Caltrans.

CEQA §21081(a) Finding

Finding 2: Another public agency can and should mitigate the impact.

Finding 3: The impact would be mitigated, but not to a less-than-significant level. Special considerations make further mitigation measures or alternatives infeasible.

Evidence Supporting the Finding

Based on the EIR and the entire record, this LOS impact is mitigated with imposition of Mitigation Measure 4.2-19 found on page 4.2-59 of the EIR as presented in program TR-1.g (Determine Appropriate Mitigation), but not to a level less-than-significant because implementation of this mitigation measure would make this impact less-than-significant under Scenarios 2 and 3 but would still create a significant impact under Scenario 1 during the PM peak. This intersection is covered by Marin County's Transportation Improvement Fee Ordinance, which collects fees that would be used to mitigate impacts from developments that would significantly impact this intersection. However, development would only pay its fair share, which would not necessarily fully fund these improvements. This measure would also require the cooperation and financial participation of Caltrans which cannot be assured.

The Mitigated Alternative would produce fewer significant transportation impacts than any other alternative or the proposed project. In discussing the Mitigated Alternative, the EIR explains that the Mitigated Alternative will reduce overall development, and in turn, transportation impacts. See EIR starting on page 5.0-56. However, even though the Mitigated Alternative would result in fewer significant impacts than the proposed project, this impact would remain significant and unavoidable.

Adopted Mitigation Measure: 4.2-19

Signalize the Miller Creek Road and U.S. 101 NB off ramp intersection plus add eastbound and northbound left turn pockets.

The Board adopts Mitigation Measure 4.2-19 as presented in program TR-1.g (Determine Appropriate Mitigation).

IMPACT 4.2-20: ST. VINCENT'S / SILVEIRA / MARINWOOD

Facts

The EIR found that development in the St. Vincent's/Silveira/Marinwood area consistent with the 2007 CWP would result in significant project and cumulative traffic and intersection impacts. This impact is discussed starting on page 4.2-60.

The Miller Creek intersections mentioned in Mitigation Measure 4.2-20(a)-(c) are covered by Marin County's Transportation Improvement Fee Ordinance, which collects fees from developments that would significantly impact these intersections. However, development would only pay its fair share, which would not necessarily fully fund Mitigation Measure 4.2-20(a)-(c). Also, Mitigation Measure 4.2-20(d) is not funded. The improvements involving U.S. 101 ramps are within the jurisdiction of Caltrans.

CEQA §21081(a) Finding

Finding 2: Another public agency can and should mitigate the impact.

Finding 3: The impact would be mitigated, but not to a less-than-significant level. Special considerations make further mitigation measures or alternatives infeasible.

Evidence Supporting the Finding

Based on the EIR and the entire record, this LOS impact is mitigated with imposition of Mitigation Measure 4.2-20 found on page 4.2-61 of the EIR as presented in program TR-1.g (Determine Appropriate Mitigation) but not to a level that is less-than-significant. Implementation of this Mitigation Measure 4.2-20(a) would make the impact to Miller Creek Road and Las Gallinas intersection less-than-significant. Implementation of this Mitigation Measure 4.2-20(b) would make the impact to Miller Creek Road and U.S. 101 SB off-ramp intersection less-than-significant. Implementation of Mitigation Measure 4.2-20(c) would make the impact to Miller Creek Road and U.S. 101 NB off ramp intersection less-than-significant under Scenarios 2 and 3 but would still create a significant impact under Scenario 1 during the PM peak. The intersections described in Mitigation Measures 4.2-20(a), 4.2-20(b), and 4.2-20(c) are covered by Marin County's Transportation Improvement Fee Ordinance which collects fees that would be used to mitigate impacts from developments that would significantly impact these intersections. However, development would only pay its fair share, which would not necessarily fully fund these improvements. This measure would also require the cooperation and financial participation of Caltrans which cannot be assured.

The Mitigated Alternative would produce fewer significant transportation impacts than any other alternative or the proposed project. In discussing the Mitigated Alternative, the EIR explains that the Mitigated Alternative will reduce overall development, and in turn, transportation impacts. See EIR starting on page 5.0-56. However, even though the Mitigated Alternative would result in fewer significant impacts than the proposed project, this impact would remain significant and unavoidable.

Adopted Mitigation Measure: 4.2-20

4.2-20(a) Signalize the Miller Creek Road and Las Gallinas intersection plus add a westbound left turn pocket on Miller Creek Road.

4.2-20(b) Signalize the Miller Creek Road and U.S. 101 SB off-ramp intersection.

4.2-20(c) Signalize the Miller Creek Road and U.S. 101 NB off ramp intersection plus add eastbound and northbound left turn pockets.

4.2-20(d) Currently Lucas Valley Road is one lane in the each direction which provides 800 vehicles per hour of capacity in each direction. Under worst-case conditions, traffic volumes are forecast to exceed this capacity and acceptable LOS by 270 vehicles per hour. In order to accommodate this excess capacity via roadway expansion, Lucas Valley Road would need to be expanded from one to two lanes in the both directions from Las Gallinas Avenue to Los Gamos. This would expand roadway capacity from 800 to 1600 vehicles per hour.

The Board adopts Mitigation Measure 4.2-20 as presented in program TR-1.g (Determine Appropriate Mitigation).

IMPACT 4.2-21: SAN RAFAEL ROCK QUARRY

Facts

The EIR found that development in the San Rafael Rock Quarry consistent with the 2007 CWP would result in significant cumulative intersection impacts. This impact is discussed starting on page 4.2-62.

Mitigation Measure 4.2-21(a) is fully funded, but funding has not been allocated for Mitigation Measure 4.2-21(b). The City of San Rafael has jurisdiction over these improvements.

CEQA §21081(a) Finding

Finding 2: Another public agency can and should mitigate the impact.

Finding 3: The impact would be mitigated, but not to a less-than-significant level. Special considerations make further mitigation measures or alternatives infeasible.

Evidence Supporting the Finding

Based on the EIR and the entire record, this LOS impact is mitigated with imposition of Mitigation Measure 4.2-21 found on page 4.2-62 of the EIR as presented in program TR-1.g (Determine Appropriate Mitigation), but not to a level less-than-significant. Implementation of Mitigation Measure 4.2-21(a) would create LOS E conditions during the PM peak under all three scenarios at the Second Street and Grand Avenue intersection. Though this mitigation would improve traffic conditions, the intersection would still operate at an unacceptable level-of-service. Because no further improvements are planned this would be a significant unavoidable cumulative impact. Implementation of Mitigation Measure 4.2-21(b) would improve the LOS at the intersection of Third Street and Grand Avenue to C and D during the AM peak but would only achieve LOS E during the PM peak. This improvement is neither funded nor designed and these actions are within the sole discretion of another agency, thus implementation of this project within the 2007 CWP planning period is unlikely and may not be feasible.

The Mitigated Alternative would produce fewer significant transportation impacts than any other alternative or the proposed project. In discussing the Mitigated Alternative, the EIR explains that

the Mitigated Alternative will reduce overall development, and in turn, transportation impacts. See EIR starting on page 5.0-56. However, even though the Mitigated Alternative would result in fewer significant impacts than the proposed project, this impact would remain significant and unavoidable.

Adopted Mitigation Measure: 4.2-21

4.2-21(a) Add a right turn lane to the northbound Grand Avenue approach at the Second Street and Grand Avenue intersection. This improvement is included as part of a fully funded roadway improvement project listed in the San Rafael General Plan 2020.

4.2-21(b) Add a westbound through lane on Third Street at the intersection of Third Street and Grand Avenue.

The Board adopts Mitigation Measure 4.2-21 as presented in program TR-1.g (Determine Appropriate Mitigation).

IMPACT 4.2-22: KENTFIELD

Facts

The EIR found that development in the Kentfield area consistent with the 2007 CWP would result in significant project and cumulative traffic impacts. This impact is discussed starting on page 4.2-63.

Currently there are no funds allocated for Mitigation Measure 4.2-22. The City of Larkspur would have responsibility for part of Mitigation Measure 4.2-22(b).

CEQA §21081(a) Finding

Finding 2: Another public agency can and should mitigate the impact.

Finding 3: The impact would be mitigated, but not to a less-than-significant level. Special considerations make further mitigation measures or alternatives infeasible.

Evidence Supporting the Finding

Based on the EIR and the entire record, this traffic impact is mitigated with imposition of Mitigation Measure 4.2-22 found on page 4.2-63 of the EIR as presented in program TR-1.g (Determine Appropriate Mitigation), but not to a level less-than-significant because these improvements are neither funded nor designed. Moreover, the project requires the cooperation and financial participation of other agencies which cannot be assured. Furthermore, expanding Sir Francis Drake Boulevard from two to three lanes in each direction may be infeasible due to existing residential and commercial development. Therefore, it is uncertain whether this improvement would be completed within the time frame of the 2007 CWP and implementation of Mitigation Measure 4.2-22 may be infeasible.

The Mitigated Alternative would produce fewer significant transportation impacts than any other alternative or the proposed project. In discussing the Mitigated Alternative, the EIR explains that the Mitigated Alternative will reduce overall development, and in turn, transportation impacts. See EIR starting on page 5.0-56. However, even though the Mitigated Alternative would result in

fewer significant impacts than the proposed project, this impact would remain significant and unavoidable.

Adopted Mitigation Measure: 4.2-22

4.2-22(a) Expand Sir Francis Drake Boulevard between the Bon Air Road and Wolfe Grade in the westbound direction from two to three lanes.

4.2-22(b) Widen Sir Francis Drake Boulevard from two to three lanes in each direction from U.S. 101 to Eliseo Drive in order to mitigate this impact via roadway expansion.

The Board adopts Mitigation Measure 4.2-22 as presented in program TR-1.g (Determine Appropriate Mitigation).

IMPACT 4.2-23: STRAWBERRY

Facts

The EIR found that development in the Strawberry area consistent with the 2007 CWP would result in significant project and cumulative traffic and intersection impacts. This impact is discussed starting on page 4.2-64.

Currently there are no funds allocated for Mitigation Measure 4.2-23. Caltrans, in cooperation with Marin County, would be responsible for improvements on State Route 131. Caltrans, in cooperation with Marin County and the other cities/towns that contribute traffic, would be responsible for improvements on State Route 131 (Tiburon Boulevard). Marin County would be responsible for improvements to Redwood Highway Frontage Road.

CEQA §21081(a) Finding

Finding 2: Another public agency can and should mitigate the impact.

Finding 3: The impact would be mitigated, but not to a less-than-significant level. Special considerations make further mitigation measures or alternatives infeasible.

Evidence Supporting the Finding

Based on the EIR and the entire record, this LOS impact is mitigated with imposition of Mitigation Measure 4.2-23 found on page 4.2-64 of the EIR as presented in program TR-1.g (Determine Appropriate Mitigation), but not to a level less-than-significant. Funding for Mitigation Measure 4.2-23(a) is not currently available and, therefore, it is uncertain whether this improvement would be completed within the time frame of the 2007 CWP. Moreover, the project requires the cooperation and financial participation of other agencies which cannot be assured. Therefore, implementation of Measure 4.2-23(a) may be infeasible. Mitigation Measure 4.2-23(b) would reduce the traffic impact to Tiburon Boulevard (State Route 131) at Redwood Highway Frontage Road to less-than-significant during the AM peak but the intersection would still fail during the PM peak. As this improvement is neither funded nor designed, implementation of this project within the 2007 CWP planning period is unlikely and the mitigation measure may be infeasible.

The Mitigated Alternative would produce fewer significant transportation impacts than any other alternative or the proposed project. In discussing the Mitigated Alternative, the EIR explains that the Mitigated Alternative will reduce overall development, and in turn, transportation impacts. See EIR starting on page 5.0-56. However, even though the Mitigated Alternative would result in fewer significant impacts than the proposed project, this impact would remain significant and unavoidable.

Adopted Mitigation Measure: 4.2-23

4.2-23(a) Expand State Route 131 from two to three lanes in the eastbound direction from U.S. 101 to Strawberry Drive. This would expand roadway capacity in the eastbound direction from 1,920 to 2,880 vehicles per hour providing and acceptable LOS C under worst-case conditions.

4.2-23(b) Add an eastbound through lane on Tiburon Boulevard and a northbound right turn lane on the Redwood Highway Frontage Road.

The Board adopts Mitigation Measure 4.2-23 as presented in program TR-1.g (Determine Appropriate Mitigation).

IMPACT 4.2-24: TAM VALLEY/ALMONTE

Facts

The EIR found that development in the Tam Valley/Almonte area consistent with the 2007 CWP would result in significant project and cumulative traffic impacts. These impacts are discussed starting on page 4.2-65.

Currently there are no funds allocated for Mitigation Measure 4.2-24.

CEQA §21081(a) Finding

Finding 3: The impact would be mitigated, but not to a less-than-significant level. Special considerations make further mitigation measures or alternatives infeasible.

Evidence Supporting the Finding

Based on the EIR and the entire record, this LOS impact is partially mitigated by adoption of the Mitigated Alternative. That alternative produces fewer significant transportation impacts than any other alternative or the proposed project. In discussing the Mitigated Alternative, the EIR explains that the Mitigated Alternative will reduce overall development, and in turn, transportation impacts. See Draft EIR starting on page 5.0-56. However, even though the Mitigated Alternative would result in fewer significant impacts than the proposed project, this impact would remain significant and unavoidable.

The EIR proposes Mitigation Measure 4.2-3 found on page 4.2-47 of the EIR. If feasible, this measure would further mitigate this impact, but not to a level less-than-significant because although the measure would reduce congestion on State Route 1, the improvements would still not satisfy the LOS D criteria for this roadway. The proposed mitigation measure is infeasible for the reasons stated in discussion of Mitigation Measure 4.2-3.

Rejected Mitigation Measure: 4.2-24

4.2-24 Widen State Route 1 between U.S. 101 and Almonte Boulevard from one to two lanes in each direction.

The Board rejects Mitigation Measure 4.2-24 for the reasons set forth above.

ADDITIONAL TRANSPORTATION IMPACTS

In addition to the transportation impacts above, the EIR Alternatives Analysis identifies the following significant, unavoidable impact.

IMPACT TO STATE ROUTE 37 BETWEEN U.S. 101 AND ATHERTON AVENUE (SCREENLINE #18)

Facts

The EIR found that development consistent with the 2007 CWP would result in a significant cumulative traffic impact on State Route 37 between U.S. 101 and Atherton Avenue eastbound during the PM peak hour. This impact is discussed starting on page 5.0-82 of the EIR.

CEQA §21081(a) Finding

Finding 3: Special considerations make mitigation measures or alternatives infeasible.

Evidence Supporting the Finding

Based on the *Transportation 2030 Plan for the San Francisco Bay Area* developed by the Metropolitan Transportation Commission, this LOS impact cannot be mitigated because there are no improvements planned or funded. Although no feasible mitigation exists for this impact, the EIR concludes that on a Countywide basis the Mitigated Alternative will reduce overall traffic impacts.

AIR QUALITY

IMPACT 4.3-1: INCONSISTENCY WITH CLEAN AIR PLAN

Facts

The EIR found that land uses and development consistent with the 2007 CWP would not be consistent with the BAAQMD Thresholds of Significance since County projected VMT would increase at a faster rate than population. This impact is discussed starting on page 4.3-12 of the EIR.

CEQA §21081(a) Finding

Finding 3: The impact would be mitigated, but not to a less-than-significant level. Special considerations make further mitigation measures or alternatives infeasible.

Evidence Supporting the Finding

Based on the EIR and the entire record, this impact is mitigated with imposition of Mitigation Measure 4.3-1 found on page 4.3-15 of the EIR, but not to a level less-than-significant because, even with the mitigation measure, VMT may still exceed the rate of population growth, primarily because the predicted rate of VMT growth is so much higher than the rate of population growth. Therefore, the cumulative impact would remain significant and unavoidable.

Adopted Mitigation Measure: 4.3-1

4.3-1 Implement Mitigation Measure 4.2-1 of Impact 4.2-1 Increase in Vehicle Miles Traveled to reduce VMT per person.

The Board adopts Mitigation Measure 4.3-1 subject to modifications in Mitigation Measure 4.2-1 above.

IMPACT 4.3-2: INCONSISTENCY WITH CLEAN AIR PLAN TRANSPORTATION CONTROL MEASURES

Facts

The EIR found that the 2007 CWP policies would not support all efforts to implement Transportation Control Measures. This impact is discussed starting on page 4.3-15 of the EIR.

CEQA §21081(a) Finding

Finding 3: The impact would be mitigated, but not to a less-than-significant level. Special considerations make further mitigation measures or alternatives infeasible.

Evidence Supporting the Finding

Based on the EIR and the entire record, this inconsistency with an existing plan is mitigated with imposition of Mitigation Measure 4.3-2 found on page 4.3-19 of the EIR. The measure, which would reduce vehicle travel and calls for implementing related programs sooner, would result in increased support for Clean Air Plan TCMs. This impact would be substantially reduced but not to a less-than-significant level because full implementation of Program TR-2.g (Add Bicycle Lanes) is not feasible at this time. Although the County has received a \$25 million grant for use towards implementation of this program, full implementation will require resources beyond the grant and available County funds. While the County is committed to the program and is adopting the remainder of the Mitigation Measure, full implementation is not feasible at this time. Accordingly, the impact would remain significant and unavoidable.

Adopted Mitigation Measure: 4.3-2

4.3-2(a) Add a new program to the Design Section of the Built Environment Element as follows:

DES-2.d Require Parking “Cash-Out” Program. Require new office developments with more than 50 parking spaces to offer a Parking “Cash-Out” Program. Consider the feasibility of a parking cash-out program for other new developments located in the City-Centered Corridor.

4.3-2(b) It would be necessary to identify a funding source, make a higher priority or implemented sooner Programs AIR-3.a (funding source, higher priority, implement sooner), AIR-3.d (higher priority), AIR-3.e (higher priority), ~~TR-2.g (higher priority, implement sooner)~~, TR-2.k (higher priority, implement sooner), and TR-1.c (funding sources, higher priority, implement sooner).

The Board adopts Mitigation Measure 4.3-2 as revised above.

IMPACT 4.3-6: INCREASE IN GREENHOUSE GAS EMISSIONS

Facts

The EIR found that land uses and development consistent with the 2007 CWP would result in an increase in greenhouse gas emissions over existing levels. This impact is discussed starting on page 4.3-25 of the EIR.

CEQA §21081(a) Finding

Finding 3: The impact would be mitigated, but not to a less-than-significant level. Special considerations make further mitigation measures or alternatives infeasible.

Evidence Supporting the Finding

Based on the EIR and the entire record, this air quality impact is mitigated with imposition of Mitigation Measure 4.3-6 found on page 4.3-32 of the EIR, and by CWP program AIR-4.o (Implement Proposed State Programs to Reduce Greenhouse Gas Emissions), but not to a level less-than-significant because it is uncertain whether greenhouse gas emissions would be reduced countywide to below existing levels within the timeframe of the 2007 CWP. Therefore, this would result in a cumulative impact. Even with imposition of Mitigation Measure 4.3-6, this impact would remain significant and unavoidable.

Adopted Mitigation Measure: 4.3-6

4.3-6(a) Revise Program AIR-4.f of the Natural Systems & Agriculture Element as follows:

AIR-4.f Establish a Climate Change Planning Process. ~~Approve and begin~~ Continue implementation of the approved Marin County Greenhouse Gas Reduction Plan. Integrate ~~Marin County Greenhouse Gas Reduction Plan, climate change planning and program implementation~~ this plan 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.

4.3-6(b) Implement proposed State programs to reduce greenhouse gas emissions including the Renewable Portfolio Standards, California Fuel Efficiency (CAFE) standards and a carbon cap and trade program.

As explained in Exhibits 8.0-13 and amendments to the FEIR, the revisions by the Board of Supervisors do not alter the conclusions of the EIR, nor do they trigger the thresholds for recirculation set forth in section 15088.5 of the CEQA Guidelines.

The Board adopts Mitigation Measure 4.3-6 as revised above.

NOISE

IMPACT 4.4-5: CONSTRUCTION NOISE

Facts

The EIR found that land uses and development consistent with the 2007 CWP would temporarily elevate noise levels at adjacent noise sensitive land uses. This impact is discussed starting on page 4.4-18 of the EIR.

CEQA §21081(a) Finding

Finding 3: The impact would be mitigated, but not to a less-than-significant level. Special considerations make further mitigation measures or alternatives infeasible.

Evidence Supporting the Finding

Based on the EIR and the entire record, this construction noise impact is mitigated with imposition of Mitigation Measure 4.4-5 found on page 4.4-18 of the EIR, but not to a level less-than-significant because construction noise would continue to exceed 60 dBA L_{eq} or 80 dBA L_{max} at sensitive receptors. Because the Mitigated Alternative will result in less development than the original proposed project, this construction noise impact would be further reduced under the Mitigated Alternative. Even with imposition of Mitigation Measure 4.4-5, however, this impact would remain significant and unavoidable.

Adopted Mitigation Measure: 4.4-5

4.4-5 Revise Program NO-1.i of the Draft 2005 CWP Update as follows:

NO-1.i; Regulate Noise Sources. 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.

The Board adopts Mitigation Measure 4.4-5 as proposed in the EIR.

HYDROLOGY, WATER QUALITY, AND FLOOD HAZARDS

IMPACT 4.5-7: EXPOSURE OF PEOPLE OR STRUCTURES TO FLOOD HAZARDS

Facts

The EIR found that land uses and development consistent with the 2007 CWP could result in the development of residential or commercial structures in floodplains, and expose occupants and/or structures to flood hazards. Similar development could occur in shoreline areas and would be subject to flooding due to extreme high tides or coincident high tides and watershed flooding.

Sea level rise associated with the warming of the earth's atmosphere would exacerbate these risks. This impact is discussed starting on page 4.5-46 of the EIR.

CEQA §21081(a) Finding

Finding 3: The impact would be mitigated, but not to a less-than-significant level. Special considerations make further mitigation measures or alternatives infeasible.

Evidence Supporting the Finding

Based on the EIR and the entire record, this flood hazard impact is mitigated with imposition of Mitigation Measure 4.5-7 found on page 4.5-49 of the EIR and through implementation of program AIR-5.h (Implement Floodplain Ordinances), but not to a level that is insignificant. This impact would be reduced substantially because implementation of most aspects of this measure, along with adoption of other relevant policies in the 2007 CWP, would combine to help ensure that people and structures are protected against the 100-year flooding event. Addressing rising sea level elevations would protect future development in low-lying areas affected by extreme high tide events. Addressing development densities and regulating SCAs would ensure that the conveyance capacity of stormwater drainage systems would be preserved. The impact would not be reduced to a level that is insignificant, however, because, full funding for Program AIR-5.c (Prepare Response Strategies) is not feasible at this time. This program involves establishing an entirely new program to coordinate with the California Coastal Commission, Bay Conservation and Development Commission, water districts, wildlife agencies, and flood control districts, to prepare response strategies for Marin's human and natural systems. This program is not covered by the County's existing budget. Although it is a high priority and will be considered in future budgets, the Board of Supervisors will need to evaluate the funding in the context of competing demands for County resources. Therefore funding cannot be assured and the measure may not be feasible.

Adopted Mitigation Measure: 4.5-7

4.5-7 In order to reduce the exposure of people or structures to flood hazards to a less-than-significant level, the County would need to address issues related to channel stability, and sea level rise.

4.5-7(a) Implement Mitigation Measures 4.5-3(b) of Impact 4.5-3 Groundwater Recharge, and 4.5-4(a) and 4.5-4(b) of Impact 4.5-4 Drainage – On-Site and Downstream Erosion and Sedimentation upon adoption of the Draft 2005 CWP Update.

4.5-7(b) ~~Obtain additional funding necessary to implement Program AIR-5.c.~~ In addition, County staff would need to amend the Marin County Development Code to include construction standards for areas threatened by future sea level rise.

4.5-7(c) 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.

The Board adopts Mitigation Measure 4.5-7 as proposed in the EIR and as shown under sections for 4.5-3 Groundwater Recharge and 4.5-4 Drainage – On-Site and Downstream Erosion and Sedimentation.

BIOLOGICAL RESOURCES

IMPACT 4.6-2: SENSITIVE NATURAL COMMUNITIES

Facts

The EIR found that land uses and development activities consistent with the 2007 CWP could result in loss of sensitive natural communities. This impact is discussed starting on page 4.6-35 of the EIR.

CEQA §21081(a) Finding

Finding 3: The impact would be mitigated, but not to a less-than-significant level. Special considerations make further mitigation measures or alternatives infeasible.

Evidence Supporting the Finding

Based on the EIR and the entire record, this sensitive natural communities impact is mitigated with imposition of Mitigation Measure 4.6-2 found on page 4.6-40 of the EIR but not to a level that is insignificant because a portion of the recommended measure is not feasible. Partial adoption of Mitigation Measure 4.6-2, together with effective implementation of relevant programs, and oversight by regulatory agencies entrusted with enforcement of State and federal regulations that address protection and management of special-status species, would reduce adverse effects to sensitive natural communities resulting from land uses and development consistent with the 2007 CWP. The impact would not be reduced to a level that is insignificant, however, because, full funding for Program BIO-1.b (Develop Habitat Monitoring Programs) is not feasible at this time. This program is an entirely new program to use countywide GIS mapping of natural communities and other information sources, work with other agencies to develop a program to monitor trends in habitat loss, protection, and restoration and to establish cumulative thresholds for habitat loss for particularly vulnerable natural communities and use as a basis for modifying standards for mitigation. This program is not covered by the County's existing budget. Although it is a medium priority and will be considered in future budgets, the Board of Supervisors will need to evaluate the funding in the context of competing demands for County resources. Therefore funding cannot be assured and the measure may not be feasible.

The Mitigated Alternative further reduces impacts to sensitive natural communities through the addition of new policy BIO-4.17 and new programs BIO-4.m and BIO-4.n because they would continue collaboration with the Marin Resource Conservation District to protect and preserve SCAs. The new policy and programs are found on page 5.0-66 of the EIR.

With implementation of Mitigation Measure 4.6-2 as revised and the new policies proposed by the Mitigated Alternative, this impact would be significant and unavoidable.

Adopted Mitigation Measure: 4.6-2

4.6-2 In order to reduce the impact to sensitive natural communities to a less-than-significant level, the County would ~~obtain funding for Program BIO-1.b (Develop Habitat Monitoring Programs)~~, revise Program BIO-1.b (Develop Habitat Monitoring Programs)'s its priority to medium, and improve the timeframe of its implementation to the medium-term or sooner.

Mitigated Alternative Policies and Programs

New Policy 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 Conservation Area to minimize sedimentation and erosion to enhance habitat values.

New Program BIO-4.m Encourage Conservation Plans within the Stream Conservation Area. 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.

New Program BIO-4.n Provide Information to Reduce Soil Erosion and Sedimentation. 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.

The Board adopts Mitigation Measure 4.6-2 as proposed in the EIR and new policy BIO-4.17 and new programs BIO-4.m and BIO-4.n as proposed in the EIR.

IMPACT 4.6-4: WILDLIFE HABITAT AND MOVEMENT OPPORTUNITIES

Facts

The EIR found that land uses and development consistent with the 2007 CWP would result in a reduction of existing natural habitat, contribute to habitat fragmentation, and result in obstruction of movement opportunities. Aspects of the applicable policies contained in 2007 CWP would serve to partially address these impacts, but the conversion, fragmentation, and obstruction would be a significant impact. This impact is discussed starting on page 4.6-42 of the EIR.

CEQA §21081(a) Finding

Finding 3: The impact would be mitigated, but not to a less-than-significant level. Special considerations make further mitigation measures or alternatives infeasible.

Evidence Supporting the Finding

Based on the EIR and the entire record, this wildlife habitat and movement impact is mitigated with imposition of Mitigation Measure 4.6-4 found on page 4.6-42 of the EIR, but not to a level less-than-significant. Future development and land use activities would result in the conversion of existing habitat to urban and suburban uses, construction of new roadways and other

infrastructure improvements, and the expansion of public trail and recreational facilities among other activities, all of which would still contribute to substantial adverse effects on wildlife habitat and movement opportunities in the County.

The Mitigated Alternative further reduces impacts to wildlife habitat through the addition of new Policy BIO 4.(new) Continue Collaboration with the Marin Resource Conservation District, and new programs BIO-4.(new) Encourage Conservation Plans within the Stream Conservation Area and BIO-4.(new) Provide Information to Reduce Soil Erosion and Sedimentation found on page 5.0-66 of the EIR and amendments to the FEIR. These added policies and programs provide additional protection for Stream Conservation Areas. Even with imposition of Mitigation Measure 4.6-4 and with the revisions proposed in the Mitigated Alternative, however, this impact would remain significant and unavoidable.

Adopted Mitigation Measure: 4.6-4

4.6-4(a) Adopt Option 2 in Map 2-5a of the Draft 2005 CWP Update to provide for greater consideration of the remaining sensitive biological features on larger undeveloped properties including the St. Vincent's / Silveira properties and in the vicinity of Gness Field. This larger corridor would ensure that any future development applications must consider how individual biological features contribute to the overall habitat values of the larger baylands ecosystem, provide adequate setbacks for areas qualifying for protection under the WCA and SCA, and ensure protection of essential linkages to permanently protected habitat. By extending the boundary of the proposed Baylands Corridor on the St. Vincent's / Silveira properties to U.S. 101, additional emphasis would be given on providing essential linkages between the entire Miller Creek corridor, the scattered seasonal wetlands, and the oak woodlands along Pacheco Ridge. The Baylands Corridor under Option 2 would also encompass the entire 300-foot distance landward of the historic bay marshlands on the St. Vincent's / Silveira properties recommended as a minimum setback distance from historic tidelands in the Baylands Ecosystem Habitat Goals report. Including the historic tidelands and adjacent uplands as part of the Baylands Corridor on the St. Vincent's / Silveira properties would provide for recognition of the potential for possible future restoration and enhancement of the baylands on the undeveloped portion of this property. Any efforts to restore or enhance wetlands located west of Gness Field would have to be balanced with the possible safety concerns that increased activity by birds and other wildlife may have on airport operations.

4.6-4(b) In order to reduce impacts to wildlife habitat and movement opportunities, the County would obtain additional funding for Program BIO-2.b (Conduct Habitat Connectivity Assessment) and revise the timeframe of its implementation to the medium-term or sooner.

The Board adopts Mitigation Measure 4.6-4 as shown on Maps 2.5-a and -b and Goal Bio-5 of the 2007 CWP.

Mitigated Alternative Policies and Programs

BIO 4.17 (new) 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 Conservation Area to minimize sedimentation and erosion to enhance habitat values.

Programs:

BIO-4.m (new) *Encourage Conservation Plans within the Stream Conservation Area.* 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.

BIO-4.n (new) *Provide Information to Reduce Soil Erosion and Sedimentation.* 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.

The Board adopts Mitigation Measure 4.6-4 as proposed in the EIR.

GEOLOGY

IMPACT 4.7-1: SURFACE FAULT RUPTURE

Facts

The EIR found that land uses and development consistent with the 2007 CWP would expose people and new structures to the risk of loss, injury, or death involving ground surface rupture of a known active fault. This impact is discussed starting on page 4.7-17 of the EIR.

CEQA §21081(a) Finding

Finding 3: The impact would be mitigated, but not to a less-than-significant level. Special considerations make further mitigation measures or alternatives infeasible.

Evidence Supporting the Finding

Based on the EIR and the entire record, this geology impact is mitigated with imposition of Mitigation Measure 4.7-1 found on page 4.7-19 of the EIR, and through implementation of program EH-2.m (Implement Geologic Assessment Ordinances), but not to a level less-than-significant because the measure and other relevant policies and programs in the 2007 CWP would not reduce the exposure of people and structures to the adverse effects of surface fault rupture for severe events. Even with imposition of Mitigation Measure 4.7-1 this would remain a significant unavoidable project and cumulative impact.

Adopted Mitigation Measure: 4.7-1

4.7-1 In order to reduce this impact to a less-than-significant level, it would be necessary to revise Policy EH-2.2 (Comply with the Alquist-Priolo Act) and Program EH-2.d (Limit Building Sites in Alquist-Priolo Zones) to require that any development and redevelopment within the San Andreas Earthquake Fault Zones be properly evaluated and sited. In addition, a new program would be implemented to develop strategies to reduce the impact of surface fault rupture on critical public lifelines and access (i.e., evacuation) routes.

4.7-1(a) Revise Policy EH-2.2 (Comply with the Alquist-Priolo Act) and Program EH-2.d (Limit Building Sites in Alquist-Priolo Zones) of the Draft 2005 CWP Update as follows:

Policy EH-2.2; Comply with the Alquist-Priolo Act. Continue to implement and enforce the Alquist-Priolo Earthquake Fault Zoning Act.

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 professional geologist establishes that the development will comply with all applicable State and County earthquake standards and regulations.

4.7-1(b) Add a new program to the Draft 2005 CWP Update in order to reduce adverse effects of surface fault rupture to critical public lifelines and access (i.e., evacuation) routes that cross an active fault trace.

Program EH-2.1 (~~new~~) 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.

4.7-1(c) 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.

The Board adopts Mitigation Measure 4.7-1 as proposed in the EIR.

IMPACT 4.7-2: SEISMIC GROUND SHAKING

Facts

The EIR found that land uses and development consistent with the 2007 CWP would expose people, new development and redevelopment to substantial adverse seismic effects, including the risk of loss, injury, or death involving strong seismic ground shaking. This impact is discussed starting on page 4.7-20 of the EIR.

CEQA §21081(a) Finding

Finding 3: The impact would be mitigated, but not to a less-than-significant level. Special considerations make further mitigation measures or alternatives infeasible.

Evidence Supporting the Finding

Based on the EIR and the entire record, this seismic hazard impact is mitigated with imposition of Mitigation Measure 4.7-2 found on page 4.7-23 of the EIR, and through implementation of program EH-2.r (Implement Soil Classification and Design Guidelines), but not to a level less-than-significant because due to the various ages and types of construction and the minimum requirements in current building codes, some buildings would still be damaged, especially during severe seismic ground shaking.

The Mitigated Alternative would further reduce this impact by concentrating development in the more geologically stable City-Centered Corridor, rather than in West Marin. Even with imposition of Mitigation Measure 4.7-2 and with the revisions proposed in the Mitigated Alternative, however, this impact would remain significant and unavoidable.

Adopted Mitigation Measure: 4.7-2

4.7-2 Revise the following policy and programs related to seismic safety, retrofit, and the location of emergency service facilities and create a new program to systematically assess damaged and collapsed buildings after a damaging earthquake. In addition, the County would obtain funding and revise the timeframe of implementation of Program EH-2.e (Retrofit County Buildings), to the medium-term or sooner.

4.7-2(a) Revise Policy EH-2.3 (Ensure Safety of New Structures) and Programs EH-2.e (Retrofit County Buildings), PS-3.f (Promote Structural Safety), and PS-3.g (Locate Emergency Services Facilities Appropriately) to ensure seismic safety of all new structures, to address the proper location and retrofit of County buildings and essential critical facilities, and to promote structural and nonstructural safety (e.g., proper securing of nonstructural items within buildings).

Policy EH-2.3; Ensure Seismic Safety of New Structures. 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.

Program 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 eliminating any potentially hazardous features, and / or relocating services if necessary.

Program 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 natural gas safety and water heater bracing 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.

Program PS-3.g; Locate Emergency Services Facilities Appropriately. 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.

4.7-2(b) Add a new program to the Draft 2005 CWP Update that would create a process for systematic assessment of damaged and collapsed buildings immediately following a significant earthquake in order to determine recovery needs. This should begin with evaluation of essential service buildings and facilities and then continue with other structures.

Program EH-2.n (~~new~~); Post-earthquake Damage Assessment. Undertake immediate damage assessment of essential service buildings and facilities and then other buildings as part of the County's emergency response planning in response to a damaging earthquake.

4.7-2(c) Obtain funding for the revised Program EH-2.e (Retrofit County Buildings and Critical Facilities) and revise the time frame of its implementation to the medium-term or sooner.

4.7-2(d) 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.

As explained in Exhibits 8.0-13 and amendments to the FEIR, the revisions by the Board of Supervisors do not alter the conclusions of the EIR, nor do they trigger the thresholds for recirculation set forth in section 15088.5 of the CEQA Guidelines.

The Board adopts Mitigation Measure 4.7-2 as proposed in the EIR.

IMPACT 4.7-3: SEISMIC-RELATED GROUND FAILURE

Facts

The EIR found that land uses and development consistent with the 2007 CWP would expose people and structures to substantial adverse seismic effects, including the risk of loss, injury, or death from seismic-related ground failures. This impact is discussed starting on page 4.7-24 of the EIR.

CEQA §21081(a) Finding

Finding 3: The impact would be mitigated, but not to a less-than-significant level. Special considerations make further mitigation measures or alternatives infeasible.

Evidence Supporting the Finding

Based on the EIR and the entire record, this seismic hazard impact is mitigated with imposition of Mitigation Measure 4.7-3 found on page 4.7-27 of the EIR as revised below, and through implementation of program EH-2.r (Implement Soil Classification and Design Guidelines), but not to a level less-than-significant because the mitigation measure would not eliminate all structural damage, injuries, or death from seismic-related ground failures, especially for severe seismic events.

The Mitigated Alternative would further reduce this impact by concentrating development in the more geologically stable City-Centered Corridor, rather than in West Marin. Even with imposition of Mitigation Measure 4.7-3 and with the revisions proposed in the Mitigated Alternative, however, this impact would remain significant and unavoidable.

Adopted Mitigation Measure: 4.7-3

4.7-3 In order to reduce the exposure of people and structures to seismic-related ground failure to a less-than-significant level, the County would revise Programs EH-2.a (Require Geotechnical Reports) and EH-2.b (Require Construction Certification) and add a new program upon adoption of the Draft 2005 CWP Update.

4.7-3(a) Revise Programs EH-2.a (Require Geotechnical Reports) and EH-2.b (Require Construction Certification) of the Draft 2005 CWP Update as follows:

Program EH-2.a; Require Geotechnical Reports. Continue to require any applicant for land division, master plan, development approval, or new construction in a geologic hazard area to submit a geotechnical report prepared by a State-certified Engineering Geologist or a Registered Geotechnical Engineer that:

- evaluates soil, slope, and other geologic hazard conditions;
- commits to appropriate and comprehensive mitigation measures sufficient to reduce risks to acceptable levels, including post-construction site monitoring, if applicable; and
- addresses the impact of the project on adjacent lands, and potential impacts of off-site conditions;
- meets the requirements of other agency regulations with jurisdiction in the hazard area, such as BCDC requirements for the safety of fills consistent with the Bay Plan.

Program EH-2.b; Require Construction Observation and Certification. Require any work or construction ~~oversight~~ undertaken to correct slope instability or mitigate other geologic hazard conditions be supervised and certified by a geotechnical engineer and / or an engineering geologist, ~~as deemed necessary.~~

4.7-3(b) Add a new program to the Draft 2005 CWP Update that would continue to create Geologic Hazard Area maps based on the most up to date geologic and geotechnical information as it becomes available. This would be incorporated into County GIS data so that updates can be implemented as new information is obtained.

Program EH-2.o ~~(new)~~; Geologic Hazard Areas. ~~Continue to create~~ Update Geologic Hazard Area maps ~~that utilize~~ as updated information ~~as it becomes available.~~ These maps should be used to determine the need for geologic and geotechnical reports for a proposed development or redevelopment.

4.7-3(c) 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 seismic-related ground failure.

As explained in Exhibits 8.0-13 and amendments to the FEIR, the revisions by the Board of Supervisors do not alter the conclusions of the EIR, nor do they trigger the thresholds for recirculation set forth in section 15088.5 of the CEQA Guidelines.

The Board adopts Mitigation Measure 4.7-3 as revised above.

IMPACT 4.7-4: LANDSLIDING

Facts

The EIR found that land uses and development consistent with the 2007 CWP would expose people and structures to adverse effects of landsliding, including the risk of loss, injury, or death from slow or rapid gravity driven earth movement. This hazard is prevalent in the hillsides of Marin County. This impact is discussed starting on page 4.7-28 of the EIR.

CEQA §21081(a) Finding

Finding 3: The impact would be mitigated, but not to a less-than-significant level. Special considerations make further mitigation measures or alternatives infeasible.

Evidence Supporting the Finding

Based on the EIR and the entire record, this landsliding impact is mitigated with imposition of Mitigation Measure 4.7-4 found on page 4.7-29 of the EIR, and through implementation of program EH-2.p (Implement Stability Report Ordinances), but not to a level less-than-significant because implementation of this measure would not eliminate source areas of debris flows and landslides in Marin County, especially during prolonged or intense rainfall events.

The Mitigated Alternative would further reduce this impact by concentrating development in the more geologically stable City-Centered Corridor, rather than in West Marin. Even with imposition of Mitigation Measure 4.7-4 and with the revisions proposed in the Mitigated Alternative, however, this impact would remain significant and unavoidable.

Adopted Mitigation Measure: 4.7-4

4.7-4(a) In order to reduce adverse effects from the exposure of people and structures to landslides to a less-than-significant level, the County would adopt and implement revised programs (i.e., Programs EH-2.a [Require Geotechnical Reports] and EH-2.b [Require Construction Observation and Certification]) and the new program (i.e., EH-2.(new) [Geologic Hazard Areas]) in Mitigation Measure 4.7-3 of Impact 4.7-3 Seismic-Related Ground Failure.

4.7-4(b) 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.

The Board adopts Mitigation Measure 4.7-4 as proposed in the EIR.

IMPACT 4.7-8: TSUNAMIS AND SEICHES

Facts

The EIR found that land uses and development consistent with the 2007 CWP could expose people and structures in some low-lying areas of Marin County to substantial adverse effects of tsunamis and seiches, including the risk of loss, injury, or death from this hazard. Seiches could occur within enclosed bodies of water and could cause damage to property. Tsunamis along the coastal corridor could cause significant damage, injury and death. This impact is discussed starting on page 4.7-36 of the EIR.

CEQA §21081(a) Finding

Finding 3: The impact would be mitigated, but not to a less-than-significant level. Special considerations make further mitigation measures or alternatives infeasible.

Evidence Supporting the Finding

Based on the EIR and the entire record, this natural hazard impact is mitigated with imposition of Mitigation Measure 4.7-8 found on page 4.7-38 of the EIR, but not to a level less-than-significant because people and development in low-lying areas would experience substantial damage, loss, injury, or death in a severe event.

The Mitigated Alternative would further reduce this impact by decreasing the amount of development in West Marin. Some development would be shifted from the more vulnerable West Marin area to the City-Centered Corridor, thereby decreasing the number of people exposed to risk from tsunamis and seiches. Even with imposition of Mitigation Measure 4.7-8 and with the revisions proposed in the Mitigated Alternative, however, this impact would remain significant and unavoidable.

Adopted Mitigation Measure: 4.7-8

4.7-8 In order to reduce impacts associated with tsunamis and seiches to a less-than-significant level, the County would revise Policy EH-2.4 (Protect Coastal Areas from Tsunamis) to address tsunami wave runup and inundation impacts when reviewing proposed development along coastal areas of Marin County when inundation maps become available. In addition the County would revise Programs EH-3.a (Regulate Development in Flood and Inundation Areas) and EH-3.g (Locate Critical Facilities Safely) to continue to require that new development / or improvements be more resistant to damage and that critical facilities be located outside of tsunami hazard areas. In addition, it would be necessary for the County to participate in the National Weather Service's TsunamiReady program, which promotes tsunami hazard preparation in coastal communities.

4.7-8(a) Revise Policy EH-2.4 (Protect Coastal Areas from Tsunamis) and Programs EH-3.a (Regulate Development in Flood and Inundation Areas) and EH-3.g (Locate Critical Facilities Safely) as follows.

Policy EH-2.4; Protect Coastal Areas from Tsunamis. When inundation maps become available, address tsunami wave runup and inundation impacts when reviewing proposed development along coastal areas of Marin County.

Program EH-3.a; Regulate Development in Flood and Inundation Areas. Continue to require all improvements in Bayfront, Floodplain, Tidelands, and Coastal High Hazard Zones to be designed to be more resistant to damage from flooding, tsunamis, seiches, and related water-borne debris, and to be located so that buildings and features such as docks, decking, floats, and vessels would be more resistant to damage.

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

4.7-8(b) Add a new program to the Draft 2005 CWP Update that would require Marin County's participation in the National Weather Service's TsunamiReady program to create public awareness and community preparedness in hazard areas. Certification would be accomplished by satisfying criteria including 1) establishing an emergency operations center; 2) creating multiple ways of receiving National Weather Service tsunami warnings; 3) the ability to disseminate a

tsunami warning; 4) having a tsunami hazard plan; and 5) creating a community awareness program.

Program EH-2.s (new); Make Marin County TsunamiReady. Become a National Weather Service TsunamiReady community in order to promote public awareness, community preparedness, and facilitate quick recovery in the event of a tsunami.

The Board adopts Mitigation Measure 4.7-8 as proposed in the EIR.

AGRICULTURE

IMPACT 4.8-1: CONVERSION OF AGRICULTURAL LANDS TO NON-AGRICULTURAL USES

Facts

The EIR found that land uses and development consistent with the 2007 CWP would result in conversion of both County and State designated farmlands to non-agricultural uses. While these changes primarily would reflect existing State and federal ownership of these lands as part of their respective park and recreational areas, conversion would still occur. This impact is discussed starting on page 4.8-8 and on page 5.0-71 of the EIR.

CEQA §21081(a) Finding

Finding 3: The impact would be mitigated, but not to a less-than-significant level. Special considerations make further mitigation measures or alternatives infeasible.

Evidence Supporting the Finding

Based on the EIR and the entire record, this agricultural impact is mitigated with imposition of Mitigation Measure 4.8-1 found on page 4.8-19 of the EIR, but not to a level less-than-significant because some amount of conversion of State and County designated agricultural lands would still occur and no mitigation is available for the conversion of State and County designated agricultural lands to open spaces uses. The Mitigated Alternative further reduces agricultural impacts through revisions to Policy AG-1.a and Programs AG-1.f and AG-2.c found on page 5.0-71 and 5.0-72 of the EIR and amendments to the FEIR, but the impacts to agricultural resources would remain significant and unavoidable.

Adopted Mitigation Measure: 4.8-1

4.8-1 Implement Mitigation Measure 4.1-4(a) and 4.1-4(b) for Impact 4.1-4 Agricultural Processing, Retail Sales, and Visitor-Serving Uses.

The Board adopts Mitigation Measure 4.8-1 as proposed in the EIR with the modifications shown below.

Mitigated Alternative Policies and Programs

The Mitigated Alternative incorporates Option 2 of Policy AG-1.a regarding the residential building size in agricultural areas revised as follows:

AG-1.a Residential Building Sizes in Agricultural Areas. The size of residential structures has been or will be dealt with in Community Plans or Specific Plans. Since most agricultural areas are located outside of community plan boundaries and no specific plans are anticipated in agricultural areas, standards concerning residential building sizes are covered in this program. The primary purpose of this program is to ensure that lands designated for agricultural use do not become defacto converted to residential use, thereby losing the long-term productivity of such lands. It is also a purpose of this program to enable the inter-generational transfer of agricultural lands within farm families so that the long-term productivity of such lands is maintained.

- i. Residential development shall not be allowed to diminish current or future agricultural use of the property or convert it to primarily residential use.
- ii. Agricultural worker housing, up to 540 square feet of garage space for each dwelling unit, agricultural accessory structures and up to 500 square feet of office space used as a home occupation in connection with the agricultural operation on the property shall be excluded from this policy.
- iii. Any proposed residential development above 4,000 square feet shall be subject to design review and must ensure that the mass and scale of new or expanded structures respect environmental site constraints and the character of the surrounding area. Such development must be compatible with ridge protection policies (see DES-4.e) and avoid tree-cutting and grading wherever possible. Such proposed residential development is also subject to discretionary review. The County shall exercise its discretion for the following in light of some or all of the following criteria and for the purpose of ensuring that the parcel does not defacto convert to residential use:
 - (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, for example, whether there is an existing or proposed dedication or sale of a permanent agricultural easements or other similar protective agricultural restrictions such as Williamson Act contract or farmland security zone;
 - (3) Whether long term capital investment in agriculture and related infrastructure, such as fencing, processing facilities, market mechanisms, agricultural worker housing or agricultural leasing opportunities have been established or are proposed to be established;
 - (4) Whether sound land stewardship practices, such as ~~Marin Organic Certification~~, riparian habitat restoration, water recharge projects, fish friendly farming practices or erosion control measures have been or will be implemented;
 - (5) Whether the proposed residence will facilitate the ongoing viability of agriculture such as through the intergenerational transfer of existing agricultural operations.
- iv. In no event shall a single family residence subject to these provisions exceed 7,000 square feet in size.

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.

Revise Program **AG-1.f** to read as follows:

AG-1.f *Review the TDR Program.* Evaluate the potential for an expanded Transfer of Development Rights program to achieve effective protection of agricultural lands and the viability of existing agricultural operations. 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:

- a) 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.
- b) Identify possible criteria for identifying donor and receiver sites and recommend procedures for the resale and transfer of purchased residential development rights
- c) Evaluate the feasibility of the Marin Agricultural Land Trust or another non-profit entity to administer or participate in an expanded program.
- d) The feasibility study should be prepared by qualified consultants with expertise in developing and implementing TDR programs.

The above information may also be developed in conjunction with the processing of a TDR project pursuant to the Marin County Development Code.

Revise Program **AG-2.c** to read as follows:

AG-2.c ~~*Prepare Criteria and Standards.*~~ *Review Existing Development Code Criteria and Standards.* Review and amend the Development Code as appropriate to include new and/or modified criteria and standards to encourage for agricultural processing and strengthen Marin's agricultural industry, including limitations on and sales while limiting uses that are not compatible with sustainable agriculture. 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, noise, and views. Continue to support the efforts of the UC Cooperative Extension, Marin Resource Conservation District, 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.

As explained in Exhibits 8.0-13 and amendments to the FEIR, the revisions by the Board of Supervisors do not alter the conclusions of the EIR, nor do they trigger the thresholds for recirculation set forth in section 15088.5 of the CEQA Guidelines.

The Board adopts the revisions to Policy AG-1.a and Programs AG-1.f and AG-2.c as revised above.

WATER SUPPLY AND DEMAND

IMPACT 4.9-1: ADEQUACY OF WATER SUPPLY DURING A NORMAL YEAR

Facts

The EIR found that land uses and development consistent with the 2007 CWP would increase the demand for water. As a result, water supplies would be insufficient to serve some of the unincorporated and incorporated areas in normal rainfall years. Development of additional water resources would be required. This impact is discussed starting on page 4.9-74 of the EIR.

CEQA §21081(a) Finding

Finding 3: The impact would be mitigated, but not to a less-than-significant level. Special considerations make further mitigation measures or alternatives infeasible.

Evidence Supporting the Finding

Based on the EIR and the entire record, this water supply impact is mitigated with imposition of Mitigation Measure 4.9-1 found on page 4.9-87 of the EIR, as revised below, but not to a level less-than-significant because water supply impacts would still occur. The Mitigated Alternative further reduces impacts to water supply through revision of policy WR-2.2 as shown below. The revision to WR-2.2 strengthens the policy by applying it to both urban and rural lands, however the impact would remain significant and unavoidable.

Adopted Mitigation Measure: 4.9-1

4.9-1(a) Revise Programs PFS-2.c, PFS-2.d, PFS-2.g, PFS-2.h, PFS-2.j, PFS-2.m, PFS-2.o, PFS-2.p, PFS-2.q, WR-2.k, and WR-3.b of the Draft 2005 CWP Update as follows:

Program PFS-2.c; Promote Ahwahnee Principles for Water Supply. 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.

Program PFS-2.d; Support Water Demand Planning. Provide Countywide Plan buildout information in the form of letters to water supply purveyors to use in the development of their respective Urban Water Management Plans (UWMPs). 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.

Program PFS-2.g; Promote Xeriscaping, ~~Site Appropriate Landscaping and Native Plants~~. 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. For parcels adjacent to publicly managed open space, appropriate landscaping will also be non-invasive and have low flammability, and be prepared in strict conformance with the County's list of appropriate plants. Limit the amount of water intensive landscaping, particularly lawn area allowed, in order to reduce the amount of water needed for irrigation.

Program PFS-2.h; Promote Site Appropriate, Low-water Use and Drought Tolerant Native Plants in Public Facilities. Restore and promote the native plants garden at the Civic Center and ~~incorporate the development of~~ 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.

Program PFS-2.j; Upgrade West Marin Systems. Promote assistance to water service providers to upgrade the water delivery systems in West Marin to reduce the incidence of saltwater intrusion and leakage by reviewing plans and initiating discussion among West Marin water providers of viable programs. The County should promote the upgrade and improvement of water supply development (e.g., wells), water treatment, water delivery and water storage facilities for the purpose of providing supplemental and backup water supplies for peaking and emergency purposes. Upgrade of water systems should be consistent with the Ahwahnee Principles for water supply that encourage a diverse water portfolio, matching of water supply with intended use, protection of natural systems and water resources, and evaluation of the multiple benefits of a water system upgrade program, among others.

Program PFS-2.m; Promote Onsite Rainwater Capture and Retention. ~~Support~~ Encourage the use of on-site rainwater capture, storage, and infiltration for irrigation and other non-potable uses; ~~where appropriate and work with Environmental Health Services and water service providers to~~ Establish standards for rainwater quality and use. Ensure that catchments do not adversely affect habitat dependent on in-stream flow, and include provisions to prevent contaminating local groundwater and surface water or damaging local septic and water systems.

Program PFS-2.o; Assess Project Impacts to Surface Water and Groundwater. Require documentation that new development projects (including installation of wells) with the potential to degrade or deplete surface water or groundwater resources will not adversely affect a basin or subbasin, where appropriate including in-stream flows for aquatic habitat.

Program PFS-2.p; Investigate and Consider Appropriate Small-Scale Wastewater Reduction, Treatment Use Technologies. Work with water agencies to ~~identify and~~ resolve conflicting regulations regarding pre-treated septic drip dispersal systems and appropriate graywater use, to evaluate the potential of small-scale portable graywater converter systems as possible sources for landscaping water, and to modify regulations as necessary to encourage safe graywater use (such as dual systems that employ graywater to support landscaping). (Also see Water Resource policies and programs). ~~Include~~ Evaluate the potential to use waterless urinals, NSF-approved composting toilets, and other appropriate water saving technologies.

Program PFS-2.q; Adopt Tiered Billing Rates. ~~Provide letters of support to Marin County water agencies without tiered billing rates~~ 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. The tiers should be 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.

WR-2.k; Establish Educational Partnerships to Protect Water Quality. Initiate 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 nutrient, and chemical sources of water pollution. This would begin with letters to establish a lead agency to direct the effort. ~~This~~ It would include soliciting ~~the~~ input from local, State, and federal recreation management agencies to educate boaters and other recreational groups regarding proper management and disposal of human waste.

WR-3.b; Support and Integrate Water District Conservation Efforts. Assist 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. Assess the degree of demand hardening. (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).

4.9-1(b) Add the following policies to the Public Facilities and Services section of the Built Environment Element.

New Program PFS-2.r; Offset New Water Demand. In water districts where there is insufficient water to serve new ~~development, construction or uses requiring an additional water meter or increased water supply as determined by the district or Marin County,~~ the County shall require new construction or uses development to offset demand so that there is no net increase in demand. One through one or more of the following measures may be required to achieve no net increase in demand: 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 the applicable water district and shall serve as evidence that an adequate, long-term, and sustainable water supply is available to serve the project.

New Program PFS-2.s; Sustainable Water Supply Required. No new ~~development project~~ construction or uses requiring an additional water meter or increased water supply as determined by the appropriate district 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. These measures should be achieved in partnership with the applicable water district.

4.9-1(c) The County would be required to obtain funding for Programs PFS-2.e, PFS-2.k, PFS-2.n, PFS-2.p, WR-2.k, WR-3.a, and WR-3.b, set the priority of PFS-2.k and WR-2.k to “medium” or higher, and revise the time frame of implementation of PFS-2.f, PFS-2.n, PFS-2.o, and WR-2.k to the medium-term or sooner.

Mitigated Alternative Policies and Programs

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

As explained in Exhibits 8.0-13 and amendments to the FEIR, the revisions above do not alter the conclusions of the EIR, nor do they trigger the thresholds for recirculation set forth in section 15088.5 of the CEQA Guidelines.

The Board adopts Mitigation Measure 4.9-1 and the revisions to Policy WR-2.2 as recommended by the Mitigated Alternative and as shown above.

IMPACT 4.9-2: ADEQUACY OF WATER SUPPLY DURING A DROUGHT AND MULTI-DROUGHT YEARS

Facts

The EIR found that land uses and development consistent with the 2007 CWP would increase the demand for water. As a result, water supplies would be insufficient to serve some of the unincorporated and incorporated areas, especially in dry years. Development of additional water resources would be required. This impact is discussed starting on page 4.9-89 of the EIR.

CEQA §21081(a) Finding

Finding 3: The impact would be mitigated, but not to a less-than-significant level. Special considerations make further mitigation measures or alternatives infeasible.

Evidence Supporting the Finding

Based on the EIR and the entire record, this water supply impact is mitigated with imposition of Mitigation Measure 4.9-2 found on page 4.9-114 of the EIR, but not to a level less-than-significant because most of the water service areas will experience water supply problems during extended droughts.

The Mitigated Alternative further reduces this impact through several water conservation and reuse programs that reduce the demand for water. Even with imposition of Mitigation Measure 4.9-2 and with the revisions proposed in the Mitigated Alternative, this impact would remain significant and unavoidable.

Adopted Mitigation Measure: 4.9-2

4.9-2 Same as Mitigation Measure 4.9-1(a), 4.9-1(b) and 4.9-1(c) for Impact 4.9-1 Adequacy of Water Supply During a Normal Year.

The Board adopts Mitigation Measure 4.9-2 as proposed in the EIR with the revisions shown in the discussion of the mitigation measures cross-referenced above.

IMPACT 4.9-4: IMPACT TO GROUNDWATER SUPPLY

Facts

The EIR found that land uses and development consistent with the 2007 CWP would result in increased rural demand for groundwater supply. Installation of private wells for domestic and/or agricultural use would result in adverse impacts on groundwater levels in wells and decreased well yields, especially in drought. Due to the lack of comprehensive information regarding the county's groundwater resources, it is uncertain if groundwater supplies would be sufficient to meet rural water demands, especially in drought. This impact is discussed starting on page 4.9-118 of the EIR.

CEQA §21081(a) Finding

Finding 3: The impact would be mitigated, but not to a less-than-significant level. Special considerations make further mitigation measures or alternatives infeasible.

Evidence Supporting the Finding

Based on the EIR and the entire record, this groundwater supply impact is mitigated with imposition of Mitigation Measure 4.9-4 found on page 4.9-119 of the EIR, as revised below, but not to a level less-than-significant because due to the lack of comprehensive information regarding the county's groundwater resources, it is uncertain if groundwater supplies would be sufficient to meet rural water demands, especially during a drought. The Mitigated Alternative further reduces impacts to groundwater supply through revisions to policy WR-2.2 and program WR-2.b found on page 5.0-69 of the EIR and amendments to the EIR, and the addition of new policies WR-2.n and PFS-2.t found on pages 5.0-69 and 5.0-70 of the EIR. Policy WR-2.2 and program WR-2.b are shown under Impact 4.9-1.

Even with imposition of Mitigation Measure 4.9-4 and with the revisions proposed in the Mitigated Alternative, this impact would remain significant and unavoidable.

Adopted Mitigation Measure: 4.9-4

4.9-4(a) Revise Programs **PFS-2.m**, **PFS-2.p**, **WR-2.d**, and **WR-2.h** of the Draft 2005 CWP Update and add a new program to the Water Resources section as follows:

Program PFS-2.m; Promote Onsite Rainwater Capture and Retention. ~~Support~~ Encourage the use of on-site rainwater capture, storage, and infiltration for irrigation and other non-potable uses, ~~where appropriate and work with Environmental Health Services and water service providers to~~ Establish standards for rainwater quality and use and include provisions to prevent ~~contaminating local groundwater and surface water or damaging local septic and water systems.~~ Ensure that catchments do not adversely affect habitat dependent on in-stream flow.

Program PFS-2.p Investigate and Consider Appropriate Small-Scale Wastewater Reduction, Treatment and Use Technologies. Work with water agencies to identify and resolve conflicting regulations regarding pre-treated septic drip dispersal systems and appropriate graywater 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). ~~Include~~ Evaluate the potential to use waterless urinals, NSF-approved composting toilets, and other appropriate water saving technologies.

Program WR-2.d ~~Monitor and Maintain Septic Systems and Wells. Continue Alternative Septic / Waste System Monitoring. Establish a Septic / Waste Alternatives Maintenance and Inspection Program to ensure the proper installation, maintenance and use of alternative septic systems. Work with manufacturers, suppliers and installers to provide guidelines for approvable alternative septic/waste systems. Establish watershed wide septic maintenance programs to ensure proper septic system monitoring, repair, and function, as warranted. Establish the frequency of required inspections based on the risks to the environment and to groundwater supplies associated with the location of the septic system. For example, a high priority system near a waterway may need to be inspected as frequently as every 2 years, while a system in a well drained, dry upland area may need inspection only every 5-10 years. Septic program and permitting procedures must at a minimum comply with State law. Document local wells and groundwater use as part of this program, and include monitoring of groundwater quality, as warranted.~~

WR-2.h; Establish Additional County Service Areas. Establish a Marshall County Service Area to relocate septic systems away from Tomales Bay, and to instigate monitoring of on-site septic systems in a risk based, comprehensive and cost effective manner. The proposed boundary of the County Service Area should include the entire East Shore planning area. Additional County Service Areas should include the rural communities of Tomales and Nicasio. In addition to wastewater services, County service areas should provide water supply services.

WR-2.o (new); Establish a Groundwater Monitoring Program for Unincorporated County Areas. Establish a countywide groundwater monitoring program that would include all or portions of unincorporated areas that use groundwater. Conduct periodic water level measuring and water quality sampling with regular reporting (at least annual) to the Board of Supervisors.

4.9-4(b) The County would be required to obtain funding for Programs PFS-2.k, PFS-2.n, PFS-2.p, WR-2.d, WR-2.h, WR-2.i, and the new programs. The County would also be required to set the priority of Program PFS-2.k and the new program to “medium” or higher, and revise the time frame of implementation of Program PFS-2.n and the new program to the medium-term or sooner.

Mitigated Alternative Policies and Programs

WR-2.n Implement Least Toxic Methods for Maintenance and Pest Control. Utilize Integrated Pest Management (IPM) practices for County facilities. Develop a maintenance program for all County 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.

PFS-2.t *Manage Groundwater* 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) Restrict coverage by impervious materials and require use of pervious materials;
- b) Limit building and parking footprints;
- c) 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.

As explained in Exhibits 8.0-13 and amendments to the FEIR, the revisions by the Board of Supervisors do not alter the conclusions of the EIR, nor do they trigger the thresholds for recirculation set forth in section 15088.5 of the CEQA Guidelines.

The Board adopts Mitigation Measure 4.9-4 as revised above and the policies WR-2.n and FS-2.t as recommended by the Mitigated Alternative and as shown above.

IMPACT 4.9-5: INTERFERENCE WITH OR DEGRADATION OF WATER SUPPLY

Facts

The EIR found that land uses and development consistent with the 2007 CWP would increase water demands and result in interference with water supply quantity and/or degradation of water supply quality. This impact is discussed starting on page 4.9-120 of the EIR.

CEQA §21081(a) Finding

Finding 3: The impact would be mitigated, but not to a less-than-significant level. Special considerations make further mitigation measures or alternatives infeasible.

Evidence Supporting the Finding

Based on the EIR and the entire record, this water supply impact is mitigated with imposition of Mitigation Measure 4.9-5 found on page 4.9-121 of the EIR, but not to a level less-than-significant because additional groundwater pumping, especially in West Marin and rural areas would occur and due to the lack of comprehensive information regarding the county's groundwater resources, the resulting level of impact is uncertain.

Even with imposition of Mitigation Measure 4.9-5, this impact would remain significant and unavoidable.

Adopted Mitigation Measure: 4.9-5

4.9-5 Same as Mitigation Measures 4.9-1(a), 4.9-1(b) and 4.9-1(c) for Impact 4.9-1 Adequacy of Water Supply During a Normal Year and 4.9-4(a) and 4.9-4(b) for Impact 4.9-4 Impact to

Groundwater Supply.

The Board adopts Mitigation Measure 4.9-5 as proposed in the EIR and as revised in the discussions of the cross-referenced mitigation measures.

IMPACT 4.9-6: SECONDARY IMPACTS

Facts

The EIR found that land uses and development consistent with the 2007 CWP would result in increased use of water supplies and result in secondary impacts such as environmental impacts. This impact is discussed starting on page 4.9-122 of the EIR.

CEQA §21081(a) Finding

Finding 3: The impact would be mitigated, but not to a less-than-significant level. Special considerations make further mitigation measures or alternatives infeasible.

Evidence Supporting the Finding

Based on the EIR and the entire record, this water supply impact is mitigated with imposition of Mitigation Measure 4.9-6 found on page 4.9-122 of the EIR, but not to a level less-than-significant because the extent of secondary impacts (e.g., alteration of instream flow regimes and subsequent effects on aquatic habitat) are uncertain.

Even with imposition of Mitigation Measure 4.9-6, this impact would remain significant and unavoidable.

Adopted Mitigation Measure: 4.9-6

Mitigation Measure 4.9-6 Same as Mitigation Measures 4.9-1(a), 4.9-1(b) and 4.9-1(c) for Impact 4.9-1 Adequacy of Water Supply During a Normal Year, Mitigation Measure 4.9-3 for Impact 4.9-3 Require New or Expanded Water Supply Facilities and 4.9-4(a) and 4.9-4(b) for Impact 4.9-4 Impact to Groundwater Supply.

The Board adopts Mitigation Measure 4.9-6 as proposed in the EIR and as revised in the discussion of the cross-referenced mitigation measures.

PUBLIC SERVICES

IMPACT 4.10-2: HAZARDOUS EMISSIONS, MATERIALS OR WASTE NEAR SCHOOL SITES

Facts

The EIR found that land uses and development consistent with the 2007 CWP could result in schools being located within one-quarter mile of locations that use or emit hazardous materials. This impact is discussed starting on page 4.10-10 of the EIR.

CEQA §21081(a) Finding

Finding 3: The impact would be mitigated, but not to a less-than-significant level. Special considerations make further mitigation measures or alternatives infeasible.

Evidence Supporting the Finding

Based on the EIR and the entire record, this hazardous emissions impact is mitigated with imposition of Mitigation Measure 4.10-2 found on page 4.10-12 of the EIR but not to a level that is less than significant. With the mitigation measure, this impact would be reduced because the measure would result in continued monitoring of sites that use or are contaminated by hazardous materials, provide public education, and coordinate efforts to site schools and other sensitive receptors away from hazardous materials. The impact would not be reduced to a level that is insignificant, however, because, full funding for Program EJ-1.a (Investigate a Possible Nexus) is not feasible at this time. This program is an entirely new program to compare locations with high levels of toxins and sites of businesses with Hazardous Waste Permits to census tract data on income and ethnicity to determine where any correlations may exist between toxins and disproportionately impacted communities. This program is partially funded but full funding is not covered by the County's existing budget and will require cooperation of a range of other agencies. Although it is a medium priority and further funding will be considered in future budgets, the Board of Supervisors will need to evaluate the funding in the context of competing demands for County resources. Because funding and the cooperation of other agencies cannot be assured, the measure may not be feasible.

Adopted Mitigation Measure: 4.10-2

4.10-2(a) Revise Policy EJ-1.1 in order to ensure that mapping would locate known sources of hazardous materials.

Policy EJ-1.1; Identify and Target Impacted Areas. Use available measurement data to map locations with known toxins and other health-threatening pollutants.

4.10-2(b) 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 implementation for programs PS-4.a (Regulate Development Near Waste Sites), EJ-1.g (Deny Pollution-Source Proposals), and EJ-1.h (Require Pollution Analysis) to the medium-term or sooner.

The Board adopts Mitigation Measure 4.10-2 as proposed in the EIR with the revisions noted above.

IMPACT 4.10-8: ENERGY CONSUMPTION FROM BUILDING CONSTRUCTION AND RETROFIT

Facts

The EIR found that land uses and development consistent with the 2007 CWP could result in inefficient and excessive use of energy resources from building construction and retrofit. This impact is discussed starting on page 4.10-44 of the EIR.

CEQA §21081(a) Finding

Finding 3: The impact would be mitigated, but not to a less-than-significant level. Special considerations make further mitigation measures or alternatives infeasible.

Evidence Supporting the Finding

Based on the EIR and the entire record, this energy resources impact is mitigated with imposition of Mitigation Measure 4.10-8 found on page 4.10-46 of the EIR, but not to a level less-than-significant because it cannot be certain that additional funding would be obtained and because responsibility for implementation of these programs would also depend on community based organizations and energy providers. Therefore, there is no guarantee that these programs would be implemented.

Because the Mitigated Alternative would promote less development than would the original proposed project, the Mitigated Alternative would reduce this impact. Even with imposition of Mitigation Measure 4.10-8 and with the revisions proposed in the Mitigated Alternative, however, this impact would remain significant and unavoidable.

Adopted Mitigation Measure: 4.10-8

4.10-8 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 (Establish a Permanent Sustainable Energy Planning Process) and EN-3.h (Adopt LEED Standards for Public Buildings) in a timely manner.

The Board adopts Mitigation Measure 4.10-8 as proposed in the EIR.

IMPACT 4.12-4: LIGHT POLLUTION AND NIGHTTIME SKY

Facts

The EIR found that land uses and development consistent with the 2007 CWP would create additional sources of lighting resulting in sky glow, light trespass, and glare. This impact is discussed starting on page 4.12-20 of the EIR.

CEQA §21081(a) Finding

Finding 3: The impact would be mitigated, but not to a less-than-significant level. Special considerations make further mitigation measures or alternatives infeasible.

Evidence Supporting the Finding

Based on the EIR and the entire record, this visual impact is mitigated with imposition of Mitigation Measure 4.12-4 found on page 4.12-22 of the EIR, as revised below, but not to a level less-than-significant because some additional sources of lighting would be beyond the control of the County (i.e., from the cities or from ministerial projects). Even with imposition of Mitigation Measure 4.3-6, this impact would remain significant and unavoidable.

Adopted Mitigation Measure: 4.12-4

DES-1.h Lighting Design Guidelines. Amend the Development Code to include lighting design guidelines to be applied through design review and other discretionary permits. Explore the feasibility of amending the Building Code to include lighting specifications. Require new development and major remodel 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 and/or specifications should address:

- 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;
- Reasonableness of Intensity – Acceptable standards shall be defined for various land uses and development types specifying the maximum allowable total lumens per acre;
- 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;
- Signage – Standards with respect to illuminated signs shall be developed 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;
- Night Lighting – 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;
- Education – 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;
- Incentives – The County shall develop incentives for residents and businesses encouraging the conversion of existing lighting sources to compliant ones; and
- Enforcement – These standards shall be incorporated into the County Development Code and design review process for new development.

As explained in Exhibits 8.0-13 and amendments to the FEIR, the revisions by the Board of Supervisors do not alter the conclusions of the EIR, nor do they trigger the thresholds for recirculation set forth in section 15088.5 of the CEQA Guidelines.

The Board adopts Mitigation Measure 4.12-4 as revised above.

VI. POTENTIALLY SIGNIFICANT IMPACTS MITIGATED TO A LESS THAN SIGNIFICANT LEVEL

Chapter 4 of the EIR analyzes potentially significant environmental impacts and identifies impacts that can and will be mitigated to a less than significant level or avoided by incorporation of mitigation measures or policy alternatives into the Project. The Board of Supervisors has incorporated the mitigation measures and policy alternatives described below into the 2007 CWP. The measures are set forth in full in the Mitigation Monitoring Reporting Plan. As explained in the EIR, implementation of these mitigation measures or policy alternatives described below would lessen their respective impact(s) to a less than significant level.

The entire mitigation measure or policy alternative as proposed in the EIR is included below. The EIR showed new and revised policies and programs in underlined and ~~strikeout~~ text. Here, the entire mitigation measure or policy alternative proposed in the EIR is included below in plain text. New language added by the Board of Supervisors is underlined. Language deleted by the Board of Supervisors is identified with a ~~strike through~~.

LAND USE, POPULATION, AND HOUSING

IMPACT 4.1-4: AGRICULTURAL PROCESSING, RETAIL SALES, AND VISITOR-SERVING USES

Facts

The EIR found that implementation of the 2007 CWP could result in new or expanded agricultural processing, retail sales, or visitor-serving uses on agricultural lands in unincorporated Marin County. Such uses could result in land use conflicts with existing agricultural operations and residential areas as well as result in indirect impacts such as additional noise and traffic. This impact is discussed starting on page 4.1-58 of the EIR.

CEQA §21081(a) Finding

Finding 1: The impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based upon the EIR and the entire record, this land use conflict impact is mitigated with imposition of Mitigation Measure 4.1-4(a) and (b), found on page 4.1-60 of the EIR, as revised below. With the mitigation measure, this impact would be reduced to a less-than-significant level because the mitigation measures' proposed changes to Program AG-2.c strengthen the effectiveness of this program by directing the County to further support agricultural activities in the County while ensuring compatibility with surrounding land uses to avoid land use conflicts and impacts.

The Mitigated Alternative as subsequently modified by the Board of Supervisors and discussed above further reduces this impact through revisions to programs AG-1.f and AG-2.c found on page 5.0-71 and 5.0-72 of the EIR and amendments to the FEIR. These program revisions are shown under Impact 4.8-1 above.

Adopted Mitigation Measure: 4.1-4

4.1-4(a) calls for the revision of Program AG-2.c:

Program AG-2.c. ~~Prepare Criteria and Standards. Review Existing Development Code Criteria and Standards.~~ Review and Amend the Development Code as appropriate to include new and/or modified criteria and standards to encourage for agricultural processing and strengthen Marin's agricultural industry, including limitations on and sales while limiting uses that are not compatible with sustainable agriculture. 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, noise, and views. 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.

As explained in Exhibits 8.0-13 and amendments to the FEIR, the revisions by the Board of Supervisors do not alter the conclusions of the EIR, nor do they trigger the thresholds for recirculation set forth in section 15088.5 of the CEQA Guidelines.

The Board adopts Mitigation Measure 4.1-4 as revised above.

IMPACT 4.1-5: DEVELOPMENT OF RESIDENTIAL LAND USES COMPATIBLE WITH ESTABLISHED LAND USE

Facts

Development of some of the identified Housing Overlay Designation sites would be inconsistent with the proposed 2007 CWP criteria and result in land use conflicts. This impact is discussed starting on page 4.1-61 of the EIR.

CEQA §21081(A) FINDING

Finding 1: The impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based upon the EIR and the entire record, this land use impact is mitigated with imposition of Mitigation Measure 4.1-5, found on page 4.1-62 of the EIR. With the mitigation measure, this impact would be reduced to a less-than-significant level because the parcels within the Housing Overlay District (HOD) that did not meet the criteria established for the HOD are removed from consideration for HOD designation. Therefore, the physical impacts due to inconsistency with the recommended criteria would be reduced to less-than-significant levels.

Adopted Mitigation Measure: 4.1-5

4.1-5 In order to reduce impacts associated with development of Housing Overlay Designation sites, those individual parcels that do not meet the criteria listed in Policy CD-2.3 shall be removed from further consideration.

The Board adopts Mitigation Measure 4.1-5 as proposed in the EIR and shown in Maps 3-2a and -2b.

IMPACT 4.2-5: UNACCEPTABLE LOS ON SIR FRANCIS DRAKE BOULEVARD FROM BON AIR ROAD TO WOLFE GRADE (SCREENLINE # 6)

Facts

The EIR found that land uses and development consistent with the 2007 CWP would result in traffic that contributes to unacceptable LOS on Sir Francis Drake Boulevard between Bon Air Road and Wolfe Grade. This impact is discussed starting on page 4.2-48. However, adoption of the Mitigated Alternative would reduce this impact to a less-than-significant level.

CEQA §21081(a) Finding

Finding 1: The impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based on the EIR and the entire record, this LOS impact is mitigated with imposition of Mitigation Measure 4.2-5 found on page 4.2-49 of the EIR, as presented in program TR-1.g (Determine Appropriate Mitigation).

The Mitigated Alternative would produce fewer significant transportation impacts than any other alternative or the proposed project. In discussing the Mitigated Alternative, the EIR explains that the Mitigated Alternative will reduce overall development, and in turn, transportation impacts. See EIR starting on page 5.0-56. The EIR analysis also concludes that, with implementation of Mitigation Measure 4.2-5, this impact would be reduced to a less-than-significant level. (See Exhibit 5.0-5 on page 5-0-10.)

Adopted Mitigation Measure: 4.2-5

Expand Sir Francis Drake Boulevard between Bon Air Road and Wolfe Grade in the westbound direction from two to three lanes.

The Board adopts Mitigation Measure 4.2-5 as presented in program TR-1.g (Determine Appropriate Mitigation).

AIR QUALITY

IMPACT 4.3-3: BUFFER ZONES FOR POTENTIAL SOURCE OF ODOR/TOXICS

Facts

The EIR found that land use maps associated with the 2007 CWP do not propose new sources of odors or toxic air contaminants. However, they show sensitive land uses near existing sources of odors and toxic air contaminants. This impact is discussed starting on page 4.3-19 of the EIR.

CEQA §21081(a) Finding

Finding 1: The impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based on the EIR and the entire record, this air quality impact is mitigated with imposition of Mitigation Measure 4.3-3 found on page 4.3-21 of the EIR. With the mitigation measure, this impact would be reduced to a less-than-significant level because the measure provides proper setbacks for new sensitive receptors located near the freeways of central and northern Marin County, thereby avoiding exposure of these new receptors to significant health risks from diesel particulate matter emitted along U.S. Highway 101.

Adopted Mitigation Measure: 4.3-3

4.3-3(a) Revise Policy AIR 2-1 of the Natural Systems & Agriculture Element as follows:

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~~ uses 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).

4.3-3(b) Revise Program AIR-2.a of the Natural Systems & Agriculture Element 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.

4.3-3(c) Add a new program to the Natural Systems & Agriculture Element as follows:

AIR-2.c (~~new~~) 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.

As explained in Exhibits 8.0-13 and amendments to the FEIR, the revisions by the Board of Supervisors do not alter the conclusions of the EIR, nor do they trigger the thresholds for recirculation set forth in section 15088.5 of the CEQA Guidelines.

The Board adopts Mitigation Measure 4.3-3 as revised above.

HYDROLOGY, WATER QUALITY, AND FLOOD HAZARDS

IMPACT 4.5-1: WATER QUALITY STANDARDS

Facts

The EIR found that land uses and development consistent with the 2007 CWP would introduce additional pollutants to downstream waters. Such pollutants would result in adverse changes to the water quality of Marin County's natural and artificial drainageways and ultimately to Richardson, San Francisco, and San Pablo Bays. This impact is discussed starting on page 4.5-30 of the EIR.

CEQA §21081(a) Finding

Finding 1: The impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based on the EIR and the entire record, this water quality impact is mitigated with imposition of Mitigation Measure 4.5-1 found on page 4.5-30 of the EIR, as revised below, and through implementation of program WR-2.1 (Implement County Ordinances). With the mitigation measure, this impact would be reduced to a less-than-significant level because the measure strengthens existing programs that protect water quality from septic system operation and calls for continuing implementation of existing ordinances. Therefore, the measure reduces adverse impacts from new development to the maximum extent feasible.

The Mitigated Alternative further reduces water quality impacts through implementation of new program WR-2.m as shown below. Implementation of Program WR-2.m would further reduce impacts associated with contamination of stormwater by directing the County to consider standards for non-toxic building materials.

Adopted Mitigation Measure: 4.5-1

4.5-1 In order to reduce impacts to water quality from septic system operation to a less-than-significant level, the County would amend Program WR-2.i to reduce adverse effects to water quality to the maximum extent practical for new development and redevelopment projects and to continue to implement existing ordinances.

4.5-1(a) Revise Program WR-2.i of the Draft 2005 CWP Update as follows:

WR-2.i; Establish a Septic Inspection, Monitoring, and Maintenance District. Establish a countywide Septic Management Inspection and Monitoring and Maintenance District that would include all or 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, cost effective way. Establishment requires a petition or election to put the district in place.

4.5-1(b) Continue to implement County ordinances addressing 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.

The Board adopts Mitigation Measure 4.5-1 as revised above.

Mitigated Alternative Policies and Programs

New Program WR-2.m Non-Toxic Building Materials Standards. Consider adoption of standards for non-toxic exterior building materials ~~criteria~~ to reduce the potential of toxics entering stormwater.

New Program WR-2.n Implement Least Toxic Methods for Maintenance and Pest Control. Utilize Integrated Pest Management (IPM) practices for County facilities. Develop a maintenance program for all County 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.

As explained in Exhibits 8.0-13 and amendments to the FEIR, the revisions by the Board of Supervisors do not alter the conclusions of the EIR, nor do they trigger the thresholds for recirculation set forth in section 15088.5 of the CEQA Guidelines.

The Board adopts new Programs WR-2.m and WR-2.n as proposed in the EIR and per the revisions shown above.

IMPACT 4.5-3: GROUNDWATER RECHARGE

Facts

The EIR found that land uses and development consistent with the 2007 CWP would result in additional impervious surfaces and the diversion of groundwater to surface water (i.e., through subsurface drainage features or localized dewatering measures), thereby reducing groundwater recharge in some Marin County watersheds. Reductions in groundwater recharge and / or local dewatering measures could affect the yield of downslope wells and have adverse effects on sensitive plant communities. This impact is discussed starting on page 4.5-32 of the EIR.

CEQA §21081(a) Finding

Finding 1: The impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based on the EIR and the entire record, this groundwater recharge impact is mitigated with imposition of Mitigation Measure 4.5-3 found on page 4.5-36 of the EIR and through implementation of program BIO-4.p (Implement NPDES Phase II). With the mitigation measure, this impact would be reduced to a less-than-significant level because the measure elevates

Program PFS-2.o (Assess Project Impacts to Surface Water and Groundwater), which requires documentation that new development projects would not adversely affect a groundwater basin or subbasin, to a higher priority for implementation. In addition, the measure ensures continued implementation of existing ordinances that protect groundwater recharge. The Mitigated Alternative further reduces groundwater recharge impacts through implementation of policies PFS-2.t and PFS-3.3 found on page 5.0-70 of the EIR and program WR-2.n found on page 5.0-69 of the EIR. These policies and program alternatives are shown under Impact 4.9-4 above.

Adopted Mitigation Measure: 4.5-3

4.5-3(a) Revise the timeframe of implementation of Program PFS-2.o to the medium-term or sooner.

4.5-3(b) Continue to implement County ordinances that maintain continued groundwater recharge, require surface runoff pollution control plans and best management practices for new developments and redevelopments to ensure that project related and cumulative impacts to groundwater recharge are minimized or avoided through conditions on project approval as required by the ordinances.

The Board adopts Mitigation Measure 4.5-3 as proposed in the EIR.

Mitigated Alternative Policies and Programs

New Program PFS-2.t Manage Groundwater. 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) Restrict coverage by impervious materials and require use of pervious materials;
- b) Limit building and parking footprints;
- c) 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.

New Policy PFS-3.3 Reduce Stormwater Volume. 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.

The Board adopts new Programs PFS-2.t and PFS-3.3 as proposed in the EIR.

IMPACT 4.5-4: DRAINAGE – ON-SITE AND DOWNSTREAM EROSION AND SEDIMENTATION

Facts

Land uses and development consistent with the 2007 CWP could result in an alteration of local drainage patterns and/or the modes of stormwater conveyance that would increase watershed peak flow rates. Increased peak flow rates may exacerbate hillside or channel/floodplain erosion and downstream sedimentation. This impact is discussed starting on page 4.5-37 of the EIR.

CEQA §21081(a) Finding

Finding 1: The impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based on the EIR and the entire record, this stormwater peak flow-related impact is mitigated with imposition of Mitigation Measure 4.5-4 found on page 4.37 of the EIR as revised below and through implementation of program BIO-4.p (Implement NPDES Phase II). With the mitigation measure and other policies and programs in the CWP, this impact would be reduced to a less-than-significant level by ensuring that discretionary projects are designed and constructed in accordance with accepted engineering practices to minimize local hillslope and channel instability, soil loss, impacts to riparian vegetation, increased peak flows, and adverse affects to downstream storm drainage facilities. The measure would also ensure that applicable regulatory statutes would be followed. As explained in Exhibit 8.0-13 of the FEIR, the following revisions do not alter the conclusions of the EIR, nor do they trigger the thresholds for recirculation set forth in section 15088.5 of the CEQA Guidelines.

The Mitigated Alternative further reduces this impact through revisions to policy EH-3.3, which strengthens the policy and reduces impacts associated with flooding by addressing cumulative conditions, and through adoption of new programs EH-3.p and EH-3.q found on page 5.0-71 of the EIR, by assessing cumulative conditions and by developing watershed management and monitoring plans.

Adopted Mitigation Measure: 4.5-4

4.5-4 In order to reduce impacts from erosion and downstream sedimentation in Marin County drainageways to a less-than-significant level, the County would add an additional policy to minimize the adverse affects of increased peak flow rates and storm drain discharges from development.

Mitigation Measure 4.5-4(a) calls for the establishment of:

New Policy BIO-4.19 Maintain Channel Stability. ~~Project a~~ Applicants for development/~~redevelopment~~ projects shall, ~~where evidence is presented to the County demonstrating the need for an assessment~~ 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 should 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.

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~~ his/her own channel stabilization program, or defer to the mitigations generated during the required environmental review by the County for the project, which could include ~~pre-project peak flow maintenance of peak flows at pre- and post-project levels, or less.~~ Any Proposed stabilization measures shall anticipate ~~any~~ project-related changes to the drainageway flow regime.

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 infiltration, disconnected impervious surfaces, swales, bioretention, 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 run-off). The applicant may be required to participate in a peak stormwater runoff management program developed pursuant to new Policy BIO-4.20.

4.5-4(b) Continue to implement NPDES Phase II permit requirements relating to peak flow controls to ensure that project related and cumulative impacts to peak flows are minimized or avoided through conditions on project approval as required by the ordinances.

4.5-4(c) Implement Mitigation Measure 4.5-1(b) of Impact 4.5-1 Water Quality Standards and 4.5-3(b) of Impact 4.5-3 Groundwater Recharge relating to infiltration and peak flow rate control upon adoption of the Draft 2005 CWP Update.

Mitigated Alternative Policies and Programs

Program EH-3.p Assess the Cumulative Impacts of Development in Watersheds on Flood Prone Areas. 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.

Program EH-3.q Develop Watershed Management and Monitoring Plans. Develop watershed specific, integrated 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.

As explained in Exhibits 8.0-13 and amendments to the FEIR, the revisions by the Board of Supervisors do not alter the conclusions of the EIR, nor do they trigger the thresholds for recirculation set forth in section 15088.5 of the CEQA Guidelines.

The Board adopts Mitigation Measure 4.5-4 as revised above and policy alternatives EH-3.p and EH-3.q as shown above.

IMPACT 4.5-5: STORMWATER DRAINAGE SYSTEM CAPACITIES

Facts

The EIR found that implementation of the 2007 CWP would increase peak flow rates, erosion, and downstream sedimentation in and around new development. Such increases would reduce the capacity of drainageways and could result in flood flows that exceed existing downstream channel or stormwater system capacities. This impact is discussed starting on page 4.5-41 of the EIR.

CEQA §21081(a) Finding

Finding 1: The impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based on the EIR and the entire record, this stormwater drainage system impact is mitigated with imposition of Mitigation Measure 4.5-5 found on page 4.5-43 of the EIR. With the adoption of other relevant 2007 CWP policies and this mitigation measure, this impact would be reduced to a less-than-significant level because this measure would ensure that discretionary projects are designed and constructed in accordance with accepted engineering practices. Such practices would minimize local hillslope and channel instability, soil loss, impacts to riparian vegetation, increased peak flows, and adverse effects to downstream storm drainage facilities.

Adopted Mitigation Measure: 4.5-5

4.5-5 To minimize the potential impact of flooding from undersized stormwater drainage system capacity, Mitigation Measures 4.5-1(b) of Impact 4.5-1 Water Quality Standards, 4.5-3(b) of Impact 4.5-3 Groundwater Recharge, and 4.5-4(b) of Impact 4.5-4 Drainage – On-Site and Downstream Erosion and Sedimentation should be implemented upon adoption of the Draft 2005 CWP Update.

The Board adopts Mitigation Measure 4.5-5 as proposed in the EIR and per revisions shown under sections for Impact 4.5-1 Water Quality Standards, 4.5-3 Groundwater Recharge, and 4.5-4 Drainage – On-Site and Downstream Erosion and Sedimentation.

IMPACT 4.5-6: STORMWATER DRAINAGE SYSTEM EXPANSIONS

Facts

The EIR found that land uses and development consistent with the 2007 CWP would require the expansion of existing stormwater drainage systems. Depending on the routes selected for the storm drain alignments and other right-of-way and environmental factors, such construction could

result in secondary impacts to hydrology and water quality. This impact is discussed starting on page 4.5-44 of the EIR.

CEQA §21081(a) Finding

Finding 1: The impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based on the EIR and the entire record, this stormwater drainage system impact is mitigated with imposition of Mitigation Measure 4.5-6 found on page 4.5-45 of the EIR. This impact would be reduced to a less-than-significant level because adoption of this measure, along with adoption of other relevant policies in the 2007 CWP, would combine to minimize erosion impacts from future construction of storm drain system expansions. Furthermore, these measures can maintain peak flows at predevelopment levels, which would be necessary to preserve the existing capacity of storm drain systems and minimize downstream erosion.

Adopted Mitigation Measure: 4.5-6

4.5-6 Implement Mitigation Measures 4.5-1(b) of Impact 4.5-1 Water Quality Standards, 4.5-3(b) of Impact 4.5-3 Groundwater Recharge, and 4.5-(b) of Impact 4.5-4 Drainage – On-Site and Downstream Erosion and Sedimentation upon adoption of the Draft 2005 CWP Update.

The Board adopts Mitigation Measure 4.5-6 as proposed in the EIR and per revisions shown under sections for Impact 4.5-1 Water Quality Standards, 4.5-3 Groundwater Recharge, and 4.5-4 Drainage – On-Site and Downstream Erosion and Sedimentation.

BIOLOGICAL RESOURCES

IMPACT 4.6-1: SPECIAL-STATUS SPECIES

Facts

The EIR found that land uses and development consistent with the 2007 CWP could result in loss of populations or essential habitat for special-status species. This impact is discussed starting on page 4.6-30 of the EIR.

CEQA §21081(a) Finding

Finding 1: The impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based on the EIR and the entire record, this special-status species impact is mitigated with imposition of Mitigation Measure 4.6-1 found on page 4.6-35 of the EIR. Adoption of Mitigation Measure 4.6-1, which would reduce impacts to anadromous fish and other aquatic species to a less than significant level through continued participation in the FishNet4c program, together with effective implementation of relevant programs, and oversight by regulatory agencies entrusted with enforcement of State and federal regulations that address protection and

management of special-status species, would substantially reduce adverse effects to special-status species resulting from land uses and development consistent with the 2007 CWP.

Adopted Mitigation Measure: 4.6-1

4.6-1 Add a new policy to the Biological Resources section as follows:

BIO-2.e: Participate in FishNet4C Program. 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.

The Board adopts Mitigation Measure 4.6-1 as proposed in the EIR.

GEOLOGY

IMPACT 4.7-5: SUBSIDENCE AND SETTLEMENT

Facts

The EIR found that land uses and development consistent with the 2007 CWP would expose structures to ground subsidence and settlement. Damage to structures and improvements could be substantial as deposits prone to subsidence and settlement are present throughout Marin County, especially in the flatland areas adjacent to the bay. This impact is discussed starting on page 4.7-30 of the EIR.

CEQA §21081(a) Finding

Finding 1: The impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based on the EIR and the entire record, this geological impact is mitigated with imposition of Mitigation Measure 4.7-5 found on page 4.7-31 of the EIR, and through implementation of EH-2.q (Implement Subsidence Evaluation Guidelines). With the mitigation measure and other related CWP policies and program, this impact would be reduced to a less-than-significant level because future development and redevelopment would be required to perform site-specific geological and geotechnical investigations and to incorporate current design and construction methodologies, which would reduce the exposure of people to subsidence and settlement.

Adopted Mitigation Measure: 4.7-5

4.7-5(a) In order to reduce adverse effects from the exposure of people and structures to subsidence and settlement to a less-than-significant level, the County would adopt and implement the revised programs (i.e., Programs EH-2.a [Require Geotechnical Reports] and EH-2.b [Require Construction Observation and Certification]) and the new program (i.e., EH-2.o [Geologic Hazard Areas]) in Mitigation Measure 4.7-3 of Impact 4.7-3 Seismic-Related Ground Failure.)

4.7-5(b) Revise the timeframe of implementation of Program EH-2.g to the medium-term or sooner.

4.7-5(c) 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 new subdivisions and grading permits to identify hazards associated with subsidence and settlement.

The Board adopts Mitigation Measure 4.7-5 as proposed in the EIR and as shown under the section for Impact 4.7-3 Seismic-Related Ground Failure.

IMPACT 4.7-6: EXPANSIVE SOILS

Facts

The EIR found that land use and development consistent with the 2007 CWP would expose structures to substantial adverse effects of expansive soils, including the risk of damage and possible loss of structures and property improvements. This hazard is prevalent in Marin County, especially in the flatland areas adjacent to the bay. This impact is discussed starting on page 4.7-32 of the EIR.

CEQA §21081(a) Finding

Finding 1: The impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based on the EIR and the entire record, this expansive soils impact is mitigated with imposition of Mitigation Measure 4.7-6 found on page 4.7-33 of the EIR, and with implementation of program EH-2.r (Implement Soil Classification and Design Guidelines). With this mitigation measure, this impact would be reduced to a less-than-significant level by requiring proper geotechnical investigation and reporting as required by Mitigation Measures 4.7-3 related to Impact 4.7-3 Seismic-Related Ground Failure.

Adopted Mitigation Measure: 4.7-6

4.7-6(a) In order to reduce adverse effects from the exposure of structures to expansive soils to a less-than-significant level, the County would adopt and implement the revised programs (i.e., Programs EH-2.a [Require Geotechnical Reports] and EH-2.b [Require Construction Observation and Certification]) and the new program (i.e., EH-2.o [Geologic Hazard Areas]) in Mitigation Measure 4.7-3 of Impact 4.7-3 Seismic-Related Ground Failure.

4.7-6(b) 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.

The Board adopts Mitigation Measure 4.7-6 as proposed in the EIR and as shown under the section for Impact 4.7-3 Seismic-Related Ground Failure.

IMPACT 4.7-7: SEPTIC SUITABILITY OF SOILS

Facts

The EIR found that land uses and development consistent with the 2007 CWP would require the use of on-site waste disposal systems such as septic tank systems or other alternative wastewater disposal systems. Some soils are incapable of adequately supporting these systems. Therefore, their use would cause damage to improvements and would adversely affect surface and groundwater resources. This impact is discussed starting on page 4.7-33 of the EIR.

CEQA §21081(a) Finding

Finding 1: The impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based on the EIR and the entire record, this impact is mitigated with imposition of Mitigation Measure 4.7-7 found on page 4.7-35 of the EIR. With adoption of Mitigation Measure 4.6-2, this impact would be reduced to a less-than-significant level by reducing the adverse effects from septic system use in unsuitable soils by providing a countywide management plan.

Adopted Mitigation Measure: 4.7-7

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 (Continue Providing High-Priority Inspections) in order to continue no-cost inspections of septic systems in high priority areas.

The Board adopts Mitigation Measure 4.7-7 as proposed in the EIR.

PUBLIC SERVICES

IMPACT 4.10-1: RELEASE OF HAZARDOUS MATERIALS

Facts

The EIR found that land uses and development consistent with the 2007 CWP would result in the transport, use or disposal of hazardous materials that could expose the public and environment to a significant hazard through either their routine use or an accidental release. This impact is discussed starting on page 4.10-9 of the EIR.

CEQA §21081(a) Finding

Finding 1: The impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based on the EIR and the entire record, this hazardous materials impact is mitigated with imposition of Mitigation Measure 4.10-1 found on page 4.10-10 of the EIR, as revised below. With the mitigation measure, this impact would be reduced to a less-than-significant level

because the measure would ensure the continued regulation, education, and proper disposal of hazardous materials.

Adopted Mitigation Measure: 4.10-1

4.10-1(a) Add a new program to facilitate public education regarding the safe use, transport, and disposal of hazardous materials and to encourage the use of less-toxic or non-toxic materials as a substitute.

Program PS-4.h (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.

4.10-1(b) Add a new program to inform and encourage the public to use the available hazardous waste disposal facilities in Marin County.

New Program PS-4.i (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.

As explained in Exhibits 8.0-13 and amendments to the FEIR, the revisions by the Board of Supervisors do not alter the conclusions of the EIR, nor do they trigger the thresholds for recirculation set forth in section 15088.5 of the CEQA Guidelines.

The Board adopts Mitigation Measure 4.10-1 as revised above.

IMPACT 4.10-3: DEVELOPMENT ON A HAZARDOUS WASTE SITE

Facts

The EIR found that land uses and development consistent with the 2007 CWP would not be located on a site currently included on a list of known hazardous materials sites compiled pursuant to Government Code Section 65962.5. However, unknown hazardous materials could be encountered at a future development site and subsequently require such a listing. This impact is discussed starting on page 4.10-12 of the EIR.

CEQA §21081(a) Finding

Finding 1: The impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based on the EIR and the entire record, this hazardous materials impact is mitigated with imposition of Mitigation Measure 4.10-3 found on page 4.10-13 of the EIR. With the mitigation measure, this impact would be reduced to a less-than-significant level because the measure ensures that mapping would locate known sources of hazardous waste.

Adopted Mitigation Measure: 4.10-3

4.10-3 Revise Policy EJ-1.1 (Identify and Target Impact Areas) in order to ensure that mapping would locate known sources of hazardous waste.

Policy EJ-1.1 Identify and Target Impacted Areas. Use available measurement data to map locations with known toxins and other health-threatening pollutants.

The revisions to Policy EJ-1.1 serve to mitigate both impacts 4.10-2 and 4.10-3. The Board adopts Mitigation Measure 4.10-3 as proposed in the EIR.

IMPACT 4.10-4: INCREASED WASTEWATER TREATMENT DEMAND

Facts

The EIR found that land uses and development consistent with the 2007 CWP would increase wastewater treatment demand to service providers. While sufficient capacity is projected to meet this demand, implementation of the 2007 CWP would generate wastewater flows that would exceed the capacity of the Bolinas Community Public Utilities District. This impact is discussed starting on page 4.10-4 of the EIR.

CEQA §21081(a) Finding

Finding 1: The impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based on the EIR and the entire record, this wastewater treatment impact is mitigated with implementation of Mitigation Measure 4.10-4 found on page 4.10-20 of the EIR. This measure is implemented through Policy CD-5.2 (Correlate Development and Infrastructure), which provides: “For health, safety and general welfare, new development should only occur when adequate infrastructure is available, consistent with the following findings: . . . (e) Wastewater, water (including for adequate fire flows) and other infrastructure improvements will be available to serve new development by the time the development is constructed.” This implements Mitigation Measure 4.10-4 by ensuring that discretionary projects in the jurisdiction of the Bolinas Public Utility District will be denied until such time the district is able to construct new or expanded facilities with sufficient capacity to accommodate such growth.

The Mitigated Alternative further reduces wastewater treatment impacts through revision of Programs PFS-3.a and implementation of new program PFS-3.f found on page 5.0-70 of the EIR. These programs would further reduce impacts associated with stormwater runoff and potential overflow of wastewater treatment facilities by calling for the reduction of stormwater runoff through alternative wastewater technologies.

Adopted Mitigation Measure: 4.10-4

4.10-4 In order to reduce this impact to a less-than-significant level, the County shall continue to cooperate with the Bolinas Community Public Utilities District to maintain the existing moratorium on new development and deny discretionary projects until such time the district is able to construct new or expanded facilities with sufficient capacity to accommodate such growth.

Mitigated Alternative Policies and Programs

Program PFS-3.a Reduce Wastewater Volume. 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 ~~waste disposal providers~~ water districts to reduce the volume of wastewater that must be treated.

New Program PFS-3.f Develop Appropriate Wastewater Treatment Technologies. 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.

As explained in Exhibits 8.0-13 and amendments to the FEIR, the revisions by the Board of Supervisors do not alter the conclusions of the EIR, nor do they trigger the thresholds for recirculation set forth in section 15088.5 of the CEQA Guidelines.

The Board adopts Mitigation Measure 4.10-4 as proposed in the EIR, adopts the revision to program PFS-3.a as shown above, and adopts new program PFS-3.f as proposed in the EIR and in amendments to the FEIR.

CULTURAL RESOURCES

IMPACT 4.11-1: HISTORICAL RESOURCES

Facts

The EIR found that land uses and development consistent with the 2007 CWP could result in the disturbance of historical resources. This impact is discussed starting on page 4.11-10 of the EIR.

CEQA §21081(a) Finding

Finding 1: The impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based on the EIR and the entire record, this cultural resource impact is mitigated with imposition of Mitigation Measure 4.11-1 found on page 4.11-12 of the EIR. With the mitigation measure, this impact would be reduced to a less-than-significant level because the measure requires the County to obtain additional funding for programs that provide protection for historical resources and elevate the priority of their implementation. The Mitigated Alternative further reduces

impacts to cultural resources through implementation of new policy HAR-2.i because it would ensure consistency with SB18 tribal consultation requirements. The new policy and programs are found on page 5.0-77 of the EIR.

Adopted Mitigation Measure: 4.11-1

4.11-1 In order to reduce impacts to historical resources to a less-than-significant level, the County would be required to obtain additional funding for programs HAR-1.g (Create a County Historical Commission), HAR1.l (Adopt Preservation Guidelines), and HAR-1.m (Require Design Compatibility) and revise the time frame of their implementation to the medium-term or sooner.

Mitigated Alternative Policies and Programs

New Program HAR-2.i (~~new~~) Implement SB18 Tribal Consultation Requirements. In accordance with the new state law, SB18, require tribal consultation prior to adopting or amending any general plan, community plan, or specific plan.

- a) 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.
- b) Contact each tribe identified by NAHC in writing and provide the opportunity to consult about the proposed project.
- c) Organize a consultation with tribe(s) that responds to the written notice within 90 days.
- d) Refer proposals to adopt or amend the Countywide Plan, community plan, or specific plans to each tribe included on the NAHC list at least 45 days prior to the proposed action.
- e) 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.

The Board adopts Mitigation Measure 4.11-1 and new program HAR-2.i as proposed in the EIR.

IMPACT 4.12-2: COMMUNITY CHARACTER

Facts

The EIR found that land uses and development consistent with the 2007 CWP would adversely affect the visual quality and character of Marin County's unincorporated communities and rural areas. This impact is discussed starting on page 4.12-15 of the EIR.

CEQA §21081(a) Finding

Finding 1: The impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based on the EIR and the entire record, this community character impact is mitigated with imposition of Mitigation Measure 4.12-2 found on page 4.12-18 of the EIR. With the mitigation measure, this impact would be reduced to a less-than-significant level because adoption of Mitigation Measure 4.12-2 elevates the priority of funding and implementation of Program DES-1.a (Add Design Components to Community Plans), which would add design components to community plans and encourage ridgeline and viewshed protection. Therefore, this measure

would reduce adverse effects of development on the character of Marin County's urban and rural communities resulting from land uses and development consistent with the 2007 CWP.

Adopted Mitigation Measure: 4.12-2

4.12-2 In order to reduce impacts to the visual character of Marin County's communities to a less-than-significant level, the County would be required to obtain funding for program DES-1.a (Add Design Components to Community Plans) and revise the time frame of its implementation to the medium-term or sooner. In addition, the Marin County Community Development Agency would be responsible for revising design guidelines of community plans to be consistent with the CWP Update.

The Board adopts Mitigation Measure 4.12-2 as proposed in the EIR.

VII. MITIGATION MONITORING PROGRAM.

Finding

As required by Public Resources Code section 21081.6 and sections 15091(d) and 15097 of the CEQA Guidelines, the County, in adopting these findings, also adopts a Mitigation Monitoring and Reporting Program.

Evidence Supporting the Finding

A. The Board adopts a Mitigation Monitoring Reporting Plan for the 2007 CWP. The Plan lists each mitigation measure and action to be performed, specifies the responsible party and timing, and cross-references the relevant 2007 CWP policy, where relevant. The Mitigation Monitoring Plan is designed to ensure that, during all phases of the project, the County and any other responsible parties implement the adopted mitigation measures.

B. The Board finds that the Mitigation Measures incorporated into and imposed upon the Project, including mitigation measures that were added or revised in the FEIR and amendments to the FEIR, will not have new significant environmental impacts that have not already been analyzed.

VIII. PROJECT ALTERNATIVES

A. CEQA Alternatives Analysis

Section 15126.6(f) of the CEQA Guidelines requires that an EIR include "a range of reasonable alternatives to the project, or to the location of the project, which would avoid or substantially lessen any significant effects of the project." Based on the analysis in the EIR, the project as proposed was expected to result in significant and unavoidable impacts to agriculture, water resources, transportation and circulation, air quality, aesthetics, and soil erosion. The alternatives to that project were designed to avoid or reduce these significant and unavoidable impacts and to further reduce impacts that are found to be less than significant. The Board has reviewed the significant impacts associated with a reasonable range of alternatives as compared with the project as originally proposed, and in evaluating the alternatives has also considered each alternative's feasibility, taking into account a range of economic, environmental, social, legal, and

other factors. In evaluating and rejecting the alternatives, the Board has also considered the important factors listed in the Statement of Overriding Considerations, below.

B. Definition of Feasibility of Alternatives

Public Resources Code §21081(b)(3) provides that when approving a project for which an EIR has been prepared, a public agency may find that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report." Under Public Resources Code §21061.1, the term "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

C. Environmentally Superior Alternative

On page 5.0-93, the EIR discusses which alternative is environmentally superior, based on the alternatives analysis. The EIR concluded that Alternative 4 (Mitigated Alternative) was environmentally superior to the proposed project (i.e., 2005 Proposed Countywide Update) and the other alternatives to the project that feasibly implement the project's objectives. This alternative would reasonably implement the County's objectives. This is the alternative adopted by the Board.

D. Findings on Feasibility of Alternatives

The EIR examined four alternatives to the proposed project in Section 5.0 of the EIR, including Alternative 1 - No Project/No Action Alternative; Alternative 2 - Economic Vitality; Alternative 3 - Environmental Preservation; and Alternative 4 - Mitigated Alternative.

For the reasons set forth below and considering the entire record, the Board of Supervisors hereby determines that the EIR presents a reasonable range of alternatives, in accordance with CEQA, and approves Alternative 4 – Mitigated Alternative rather than the Project as originally designed and finds that Alternative 1 - No Project/No Action Alternative; Alternative 2 - Economic Vitality; Alternative 3 – Environmental Preservation are infeasible within the meaning of these statutes. Each reason set forth below is a separate and independent ground for the Board of Supervisors' determination.

1. Alternative 1

Description of the Alternative

The "No Project/No Action Alternative" is discussed starting on page 5.0-7 of the EIR. The No Project/No Action Alternative assumes that no updated CWP is adopted for Marin County and future development would continue to be guided by the 1994 CWP and zoning. This alternative reflects growth under the 1994 CWP policies, assuming availability of infrastructure improvements and community services. Impacts related to land use, noise, agriculture, wastewater management, solid waste management, fire protection and emergency services, criminal justice services, public education services, parks and recreation services, and cultural resources would be similar to those of the Mitigated Alternative. However, the No Project Alternative would result in greater impacts to transportation; air quality; hydrology, water quality, and flood hazards; water supply; biological resources; geology, soils, and seismicity; hazardous waste management; energy resources; and visual resources.

Reasons for Rejecting the Alternative

The Board of Supervisors rejects the No Project/No Action Alternative because it maintains the existing 1994 CWP and zoning and does not update its policies or land use map to account for changing economic conditions, land use patterns, socioeconomic changes or technological advancements. Some of the primary objectives of the 2007 CWP are to achieve a preserved and restored natural environment and less traffic congestion. Although the 1994 CWP includes policies to support the preservation and restoration of the natural environment, it contains fewer specific policies and programs, and would result in more dispersed development and increased nonresidential floor area in comparison to the Mitigated Alternative. This alternative would be a continuation of existing land use patterns, generally low-density, scattered development that would result in inefficient and excessive use of energy resources, and, in turn, a greater ecological footprint than the Mitigated Alternative. The 1994 CWP also does not reduce traffic congestion as well as does the Mitigated Alternative. Therefore, the No Project/No Action Alternative would not meet the objectives of the 2007 CWP.

2. Alternative 2

Description of the Alternative

“Alternative 2” is discussed starting on page 5.0-27 of the EIR. This alternative is based on the Economic Vitality scenario considered as a part of the County’s Countywide Plan visioning process. The goal of Alternative 2 is to maintain a healthy and vibrant economy while maintaining the quality of life that attracts businesses and residents to Marin. This alternative would result in the highest number of housing units of all the alternatives. The result would be a higher intensity and extent of possible future development than the Mitigated Alternative. This alternative would result in fewer environmental impacts relative to the Mitigated Alternative with respect to traffic congestion. Impacts related to noise, agriculture, wastewater management services, solid waste management, energy resources, fire protection and emergency services, criminal justice services, public education services, parks and recreation services, and cultural resources would be similar. However, Alternative 2 would result in greater impacts on land use; air quality; hydrology, water quality and flood hazards; biological resources; geology, soils, and seismicity; water supply; hazardous waste management; and visual resources.

Reasons for Rejecting the Alternative

The Board of Supervisors rejects Alternative 2 because, with the exception of traffic congestion, the environmental impacts associated with Alternative 2 are equal to or greater than those of the Mitigated Alternative. Much of the increased development would be focused in an area that has sensitive biological and wetland resources resulting in significant impacts to wetlands, natural habitats, and wildlife corridors.

3. Alternative 3

Description of the Alternative

“Alternative 3” is discussed starting on page 5.0-41 of the EIR. This alternative is based on the Environmental Preservation scenario considered as a part of the County’s Countywide Plan visioning process. The goal of Alternative 3 is to maximize protection of environmentally sensitive lands. This alternative would result in a greater amount of development than the

Mitigated Alternative in the West Marin Planning Area, because it would not establish the Housing Overlay Designation, but in less development overall. Alternative 3 would result in fewer environmental impacts relative to the Mitigated Alternative with respect to vehicle miles traveled and traffic congestion, air quality, geology, energy resources. Impacts related to noise would be similar. However, Alternative 3 would result in greater impacts on land use, biological resources, water quality, geology, agriculture, water supply, hazardous waste management, wastewater management services, solid waste management, fire protection and emergency services, criminal justice services, public education services, parks and recreation services, cultural resources, and visual resources.

Reasons for Rejecting the Alternative

The Board of Supervisors rejects Alternative 3 because the environmental impacts associated with Alternative 3 are, for the most part, equal to or greater than those of the Mitigated Alternative. Although the amount of development overall would be less than development under the 2007 CWP, this alternative would result in increased development in areas that have sensitive biological and wetland resources resulting in significant impacts to wetlands, natural habitats, and wildlife corridors (i.e., West Marin Planning Area).

4. 2005 Proposed CWP Update (Project as Originally Proposed)

Description of the Alternative

The 2005 Proposed CWP Update is discussed throughout the EIR, and contrasted with the Mitigated Alternative starting on page 5.0-56 of the EIR. The 2005 Proposed CWP Update was the baseline from which alternatives were developed. It does not incorporate the mitigation measures identified by the EIR, nor the further mitigation incorporated into the Mitigated Alternative. The 2005 Proposed CWP Update would result in a greater amount of development than the Mitigated Alternative, including more housing in some areas of the City-Centered Corridor. Thus, it creates greater strains on traffic and greater demand for water in those areas. The 2005 Proposed CWP Update would result in less overall impact to vehicle miles traveled than would the Mitigated Alternative. Impacts related to air quality, land use, noise, water quality, biological resources, cultural resources and visual quality would be similar to those of Mitigated Alternative. The 2005 Proposed CWP Update would result in greater impacts to transportation, groundwater recharge, water supply and demand, agriculture, hazardous materials, geological hazards and public services.

Reasons for Rejecting the Alternative

The Board of Supervisors rejects the 2005 Proposed CWP Update because the environmental impacts associated with the 2005 Proposed CWP Update are, for the most part, equal to or greater than those of the Mitigated Alternative. The 2005 CWP evaluated in the draft EIR would result in unavoidable significant effects related to transportation, groundwater recharge, water supply and demand, and public services. Moreover, the 2005 Proposed CWP Update does not incorporate the refinements developed in the Mitigated Alternative.

IX. STATEMENT OF OVERRIDING CONSIDERATIONS.

In accordance with section 15083 of the CEQA Guidelines, the Board has weighed the economic, legal, social, technological, and other benefits of the 2007 CWP against related unavoidable significant environmental impacts in determining whether to approve the Project, and has

determined that the benefits of the Project outweigh its unavoidable adverse environmental effects so that the adverse environmental effects may be considered “acceptable.”

EVIDENCE

Based upon the objectives identified in the 2007 CWP and EIR and through extensive public participation, the Board of Supervisors has determined that the Project should be approved and that any remaining unmitigated environmental impacts attributable to the Project are outweighed by the following specific housing, environmental, economic, fiscal, social, and other overriding considerations, each one being a separate and independent basis upon which to approve the Project. Substantial evidence in the record demonstrates the following benefits that the County would derive from the Project.

A. Environmental Considerations

1. The Project follows the principles of planning sustainable communities by meeting both the present and future needs of Marin County.
2. The Project incorporates all feasible mitigation measures to reduce potential environmental impacts to the greatest extent practicable.
3. The 2007 CWP revises and adds policies and programs to those identified in the EIR to reduce significant impacts of the project as originally proposed, such as those related to transportation, groundwater recharge, water supply and demand, and public services. The 2007 CWP adopts additional measures to reduce project impacts further even though impacts may remain significant and unavoidable.
4. The Project ensures a preserved and restored natural environment by directing growth towards the City-Centered Corridor and other developed areas where adequate infrastructure does or can exist. Encouraging development in existing areas results in fewer impacts from the construction of new infrastructure, maximizes use of existing impervious surfaces, reduces miles traveled which translates into air quality benefits, and reduces pressures on the conversion of farmland and open space.
5. The Project includes new and improved goals, policies, and programs regarding biological resources (including policies to restrict land use in Stream Conservation Areas and policies to protect resources within the Baylands Corridor), water resources, environmental hazards, atmosphere and climate, open space, trails, and agriculture and food.
6. The Project reduces potential impacts on water demand through a policy that states that no new development project shall be approved without a specific finding that an adequate, long-term, and sustainable water supply is available to serve the project. The Project reduces impacts related to wastewater treatment by including policies to investigate and consider appropriate small-scale wastewater reduction, treatment, and use technologies (e.g., gray water). The Project includes policies that reduce the amount of hazardous materials used in the county and policies that reduce the county’s solid waste stream (e.g., increased recycling and reuse of materials, emphasis on a closed-loop system of production and consumption, development of recycling education programs, and other measures).
7. The Project includes policies that implement a County Greenhouse Gas Reduction Plan and integrates this plan into long range and current planning functions. The Natural Systems and

Agriculture element includes goals, policies, and programs to protect and improve Marin County's air quality, to minimize greenhouse gas emissions, and to counter possible impacts of climate change.

8. The Project includes goals, policies, and programs to reduce development's impact on energy use through a reduction in energy and resource consumption and through an increase in the use of energy-efficient design and green building materials.

B. Fiscal and Economic Considerations

1. The Project best supports the local economy by designating an appropriate and feasible amount of land for development, while balancing the protection of agricultural and environmentally sensitive lands and resources. The Project would promote a strong, community-centered, and sustainable economy by attracting and retaining businesses that provide goods and services needed locally in an environmentally aware manner, and that offer stable, living-wage employment in interesting, pleasant, and healthy work environments close to employee residences or transit.

2. Marin County enjoys a strong and diverse economy. The Project best protects the economic viability of agricultural and non-residential land uses by continuing to prevent the conversion of agricultural land to non-agricultural uses, in addition to restricting the subdivision of agricultural land. Furthermore, efforts to promote organic agriculture, support locally grown food, and diversify agricultural uses and products help ensure continued economic growth and viability. The Project supports economic growth and stability by providing for non-residential and commercial development while collaborating with local employers to address transportation and housing needs and to educate and prepare Marin's workforce.

3. The Project plans for growth in a way that ensures the availability of adequate sites appropriate for commercial uses and that provides more housing and employment options for the County's new and existing residents. The Socioeconomic Element will direct the County's efforts toward attracting and retaining new businesses, which can supply employment opportunities for the County's residents. The Socioeconomic Element includes policies and programs that encourage environmentally sound business practices, expand job opportunities, and implement socially responsible business practices.

4. The Project includes a new policy to ensure that an adequate circulation system plus adequate public infrastructure and services are available to serve the realistic buildout in the County's unincorporated area. Furthermore, a new policy requires that new development should only occur when adequate infrastructure is available.

5. The Project operates within the fiscal constraints imposed by the County's limited budget. The Project adopts numerous innovative and valuable mitigation measures identified in the EIR that will lessen the environmental impacts of the Project; however, nearly all of these mitigation measures carry some financial cost that will have to be borne by the County. Meanwhile, the County is implementing many other ambitious policy initiatives, such as the Employee Commute Alternatives Program (ECAP), a Countywide Community Wildfire Management Plan, a Watershed Management Program, and a Public Safety Building Project, to name only a few examples. The County can expect its budget to be further strained in the upcoming decade as energy costs rise, as baby boomer employees retire and require increased pension and health care spending, and as the state continues to impose unfunded mandates on local governments. These

competing obligations require the County to conclude that certain mitigation measures with high costs cannot be assured of full implementation at this time.

C. Housing Considerations

1. The State of California has made the early attainment of decent housing and a suitable living environment for every Californian a statewide priority. As set forth in Government Code section 65580, the County of Marin must facilitate the improvement and development of housing to make adequate provision for the housing needs of all economic segments of the community. Similarly, CEQA recognizes the importance of balancing the prevention of environmental damage with the provision of a “decent home and satisfying living environment for every Californian.” Public Resources Code § 21000(g). The 2007 CWP sets forth the County’s long-range plan for meeting regional housing needs, during the present and future housing cycles, while balancing environmental, economic, and fiscal factors and community goals.

2. The June 3, 2003 Housing Element for the County of Marin provides numerous goals, including working together to achieve the county’s housing goals, maintaining and enhancing existing housing and blending well-designed new housing into neighborhoods, using our land efficiently to meet housing needs and implement smart and sustainable development principles, providing for special needs populations while coordinating with support services, building local government institutional capacity, and monitoring accomplishments to respond to housing needs effectively over time.

3. The policies and programs in the Countywide Plan build upon the existing state-certified housing element and will continue the County’s history of providing leadership and innovation in affordable housing. In the 1999 - 2006 Housing Element cycle the County met and exceeded its fair share of the Regional Housing Needs Allocation and zoned for and approved 100% of the allocated 521 units, 320 of which were affordable to low and very-low income households. The County zoned for 122% of the required very-low income units, 208% of the low-income units and 114% of the moderate income units. The County brought the cities and towns together to develop the award-winning Housing Element Workbook, which assisted local jurisdictions to adopt best practices for encouraging the development of affordable housing. The County will build upon this process in the current housing element cycle and continue to collaborate with local jurisdictions to develop a framework to encourage well-designed affordable homes for all economic segments of the community. The 2007 CWP acknowledges these principles and provides a variety of locales and types of communities where affordable housing may be located.

4. The Project is consistent with the County’s certified Housing Element and meets the affordable housing goals and requirements of the County by establishing a Housing Overlay Designation (HOD). The purpose of the HOD is to encourage construction of units to meet the need for special needs housing and for workforce housing, especially for low-income and very low-income households, in the City-Centered Corridor close to transit, employment, and services. This will be accomplished in part through redevelopment of underutilized sites. Two main policies in the Countywide Plan, the Housing Overlay Designation and the expanded Mixed-use land use designation, together allow for 1,694 new units of housing, of which approximately 400-500 would be affordable to lower and moderate income households. Housing density within the HOD would be at least 25-30 units per acre.

5. The Project provides numerous incentives for development of affordable housing including development standard adjustments and density bonus concessions, such as parking, floor area ratio exemptions, height and fee reductions, and other incentives. The project also allows priority

processing for affordable housing projects meeting established requirements and for efforts to retain the existing affordable housing stock, in addition to encouraging community land trusts to provide affordable housing.

6. The Project designates adequate land for housing, and serves to minimize to the extent feasible the high housing costs in Marin County by promoting redevelopment of underutilized sites, encouraging infill development closer to jobs, services, and transit, allowing residential duets on corner lots, and adopting the Housing Overlay Designation, along with other strategies discussed above.

D. Legal and Regulatory Considerations

1. The 2007 CWP proposes a comprehensive update of the 1994 Marin CWP. The 2007 CWP process began with a series of five public workshops beginning in October 2000. It continued with 23 meetings of four community-based working groups between 2001 and 2002, and 37 Planning Commission hearings between 2004 and 2007. There were also numerous meetings with community groups, cities, county commissions, and county departments between 2001 and 2007. Testimony at 37 Planning Commission and fourteen Board hearings on the 2007 CWP indicated that there was broad support for the process undertaken by the Planning Commission and the Board in the drafting of the 2007 CWP and for the resulting balancing of interests that is reflected in the 2007 CWP.

2. The Project balances the protection of ecologically sensitive resources with the protection of property rights and the need for transportation, affordable housing, and economic growth. The Project represents the best compromise in terms of satisfying the County's obligations to social, environmental, and housing considerations, all within the constraints of the County's limited budget.

3. The Project ensures that private property owners will continue to have economically viable uses of their lands. This promotes economic development, spreads public burdens fairly, and protects the County from regulatory takings challenges.

4. The Project is consistent with the rule that, in mitigating or avoiding a significant effect of a project on the environment, a public agency may exercise only those express or implied powers provided by law other than the California Environmental Quality Act. Public Resources Code § 21004.

E. Social Considerations

1. The Project builds on work initiated on the 2007 CWP beginning in October 2000 with a series of five public workshops. It is also informed by four public working groups which met 23 times between 2001 and 2002 and 37 Planning Commission hearings held between 2004 and 2007. The 2007 CWP best reflects community consensus as a result of an extensive public planning process that included over 100 meetings open to the public.

2. The Project resolves lengthy negotiations and deliberations by the Board, the Planning Commission and the community dating back to well before initiation of this update to the CWP regarding housing, environmental and agricultural protection, and economic growth.

3. The Project best reflects the community's expressions of quality of life and community values and guides the County's future growth in line with those values. The Project supports a balance between housing, environmental preservation and restoration, population growth, and economic development. The Project will expand housing choices for its community members while serving the regional demand for a diverse range of housing types, including low and very-low income housing.

4. The Project provides new and improved goals, policies, and programs regarding the economy, childcare, public safety, community participation, diversity, education, environmental justice, public health, arts and culture, historical and archaeological resources, and parks and recreation.

X. RECIRCULATION NOT REQUIRED.

In the course of responding to comments received during the public review and comment period on the EIR, certain portions of the EIR have been modified and some new information amplifying and clarifying information in the EIR has been added to the Final EIR. As part of the final approval package for the Countywide Plan Update, the County has prepared an analysis of the modifications to the Countywide Plan Update analyzed in the EIR and has assessed whether those modifications trigger the thresholds for recirculation as identified in Public Resources Code § 21092.1 and in Section 15088.5 of the CEQA Guidelines. (See EIR Amendments.) The analysis demonstrates that the Countywide Plan Update adopted by the Board falls within the scope of the EIR analysis. Adoption and implementation of the Countywide Plan Update will not result in any significant environmental impacts not identified in the EIR or result in a substantial increase in the severity of a significant environmental impact identified in the EIR. There are no substantial changes in the project or the circumstances under which the project is being undertaken that necessitate revisions of the EIR, nor has significant new information become available. "Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR." 14 Cal. Code Regs. § 15088.5(b). The Board of Supervisors hereby determines, based on the standards provide in Public Resources Code § 21092.1 and Section 15088.5 of the CEQA Guidelines, that recirculation of the adopted Countywide Plan Update is not required.

EVIDENCE

A. In the course of responding to comments received during the public review and comment period on the EIR, certain portions of the EIR have been modified and some new information amplifying and clarifying information in the EIR has been added to the Final EIR.

B. No substantial changes to the EIR or the 2007 CWP were proposed following release of the draft EIR. The changes, clarifications, and additions to the EIR and the 2007 CWP made in the FEIR do not identify or result in any new significant impacts or substantial increase in the severity of any environmental impacts. Therefore, recirculation of the EIR or a supplement to the Final EIR is not required.

XI. RECORD OF PROCEEDINGS.

The documents and other materials that constitute the record of proceedings (i.e. those items listed in Section 21167.6(e) of the Public Resources Code) on which the County of Marin Board of Supervisors' Findings are based are located at the County of Marin Community Development Agency - Planning Division, 3501 Civic Center Drive, Room 308, San Rafael, California. The

custodians for these documents are the County of Marin Community Development Agency and the Clerk to the Board. This information is provided in compliance with Public Resource Code §21081.6(a)(2) and 14 Cal Code Regs §15091(e).

EVIDENCE

A. County of Marin Community Development Agency files, staff reports to the Board of Supervisors, minutes and records of the Planning Commission and Board of Supervisors proceedings, and other documents and materials constitute the record of proceedings upon which the Board of Supervisors bases its actions contained herein.

B. The documents and other material that constitute the record of proceedings are located at County of Marin Community Development Agency, 3501 Civic Center Drive, Room 308, San Rafael, CA 94903.

XII. FISH AND GAME FEE. Considering the record as a whole, there is evidence that the Project may have the potential for an effect either individually or cumulatively on wildlife resources as defined under sections 711.2 and 711.4 of the Fish and Game Code.

EVIDENCE

A. For the purposes of the Fish and Game Code, the 2006 2007 CWP will have a significant adverse impact on the fish and wildlife resources upon which the wildlife depends.

B. The administrative record as a whole indicates the Project could result in changes to the resources listed in section 753.5(d) of the Department of Fish and Game regulations.

C. Section 4.6 of the EIR discusses specific impacts related to biological resources.

D. Pursuant to Fish and Game code section 711.4(e), the lead agency for this project is the County of Marin, the document filing number is SCH SCH#2004022076, and the project name as approved is Marin Countywide Plan.

XIII. CONCLUSION.

In accordance with Public Resources Code section 21081 and CEQA Guidelines section 15091, the Board of Supervisors finds as follows:

EVIDENCE

The EIR for the County of Marin Countywide Plan Update was prepared pursuant to the CEQA Guidelines. The Board of Supervisors independently determined that the EIR fully and adequately addresses the impacts of the proposed operation.

The number of project alternatives identified and considered in the EIR meet the test of "reasonable" analysis and provide the Board with important information from which to make an informed decision.

Public hearings were held before the Planning Commission and the Board of Supervisors. Substantial evidence in the record from those meetings and other sources demonstrates various economic, legal,

social, and environmental benefits which the County would achieve from the implementation of the Countywide Plan Update.

The Board of Supervisors has balanced these project benefits and considerations against the unavoidable environmental risks identified in the EIR and has concluded that those impacts are outweighed by the project benefits.

In accordance with Public Resources Code section 21081 and CEQA Guidelines section 15091, the Board of Supervisors finds as follows:

A. Based on the foregoing Findings and the information contained in the record, the County hereby makes one or more of the following findings with respect to each of the significant environmental effects of the Project:

1. Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects of the Project; or
2. Specific economic, legal, social, technological or other considerations, including that some of the mitigation measures are under the jurisdiction of another agency, made infeasible some of the mitigation measures or alternatives identified in the Final EIR.

B. Based on the foregoing Findings and the information contained in the record, the Board of Supervisors finds that:

1. All significant effects on the environment due to the approval of the Project will be eliminated or substantially lessened where feasible through the incorporation and implementation of mitigation measures.
2. Any remaining significant effects on the environment found to be unavoidable are acceptable due to the factors described in the Statement of Overriding Considerations above.

C. These findings are based on the Draft and Final EIR (SCH#2004022076), 2007 Countywide Plan Update, Mitigation and Monitoring Plan, comments from other responsible agencies and the public received on the EIR, testimony before the Planning Commission and Board of Supervisors during public hearings, staff analysis and commentary, and the administrative record as a whole.

The Board concludes that the Countywide Plan Update should be adopted.