



COMMUNITY DEVELOPMENT AGENCY

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August 20, 2019

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SUBJECT: Final Supplement to the 2007 Countywide Plan Final Environmental Impact Report (Final SEIR) with a Focus on Potential Cumulative Impacts to Salmonids in the San Geronimo Valley (2019) *Revised* Draft Resolution

Building and Safety
Environmental Health Services
Planning
Environmental Review
Housing
Sustainability
Code Enforcement
GIS
Federal Grants

Dear Board members,

Since distribution of the staff report, staff have made a few clarifications to the language in the draft resolution that was previously sent to you. Please consider the attached, revised version when making your decision on the Final Supplement to the 2007 Countywide Plan Final Environmental Impact Report (Final SEIR) with a Focus on Potential Cumulative Impacts to Salmonids in the San Geronimo Valley (2019). No other changes have been made to the staff report or other attachments.

www.marincounty.org/cda

SIGNATURES:

Rachel Reid,
Environmental Planning Manager

Attachments:

1. *Revised* Draft Resolution Certifying the Final SEIR (2019) and Approving the *Marin CWP (2007)* with respect to the application of the *Marin CWP (2007)*'s policies governing biological and wetland resources in San Geronimo Valley

MARIN COUNTY BOARD OF SUPERVISORS

RESOLUTION NO _____

A RESOLUTION CERTIFYING
THE FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT
TO THE 2007 MARIN COUNTYWIDE PLAN FINAL SUPPLEMENTAL EIR
WITH A FOCUS ON POTENTIAL CUMULATIVE IMPACTS TO SALMONIDS
IN THE SAN GERONIMO VALLEY
AND
APPROVING THE 2007 MARIN COUNTYWIDE PLAN WITH RESPECT TO THE
APPLICATION OF THE 2007 MARIN COUNTYWIDE PLAN'S POLICIES GOVERNING
BIOLOGICAL AND WETLAND RESOURCES IN SAN GERONIMO VALLEY

SECTION I: FINDINGS

- I. WHEREAS, a Final Supplement to the 2007 Countywide Plan Environmental Impact Report (Final SEIR) has been prepared, which focuses on the potential cumulative impacts to salmonids in the San Geronimo Valley. The Proposed Project is future land use and development specific to the San Geronimo Valley, consistent with the goals, policies, and programs of the Marin CWP (2007) that serve to avoid or minimize adverse impacts on biological and wetland resources in the County. The 2007 Countywide Plan EIR was certified by the Marin County Board of Supervisors in November 2007 and the Marin CWP (2007) was adopted. Following the County's certification of the Final EIR, the Salmon Protection and Watershed Network (SPAWN) filed a lawsuit challenging the adequacy of the EIR. SPAWN's challenge was limited to the application of the Marin CWP (2007) and EIR to the San Geronimo Valley. On appeal, SPAWN's challenge was further narrowed to two primary contentions: that the EIR failed to properly analyze the cumulative impacts on threatened salmonids of future development in the San Geronimo Valley watershed as contemplated by the Marin CWP (2007), and that the EIR relied on inadequate mitigation measures to reduce the impacts of development to a less-than-significant level; and

- II. WHEREAS, in March 2014, the Court of Appeal of the State of California First Appellate District Division Three issued its opinion in regard to SPAWN's challenge, directing County of Marin to: to set aside its approval of the [Marin] CWP (2007) and certification of the related EIR with respect to the San Geronimo watershed only, pending preparation of a supplemental EIR with respect to the San Geronimo watershed only that includes an analyzes cumulative impacts in conformity with State California Environmental Quality Act (CEQA) Guidelines section 15130, subdivision (b) and [the Court's] opinion, and that describes mitigation measures in FINAL SEIR San Geronimo Valley July 2018 1-4 conformity with State CEQA Guidelines section 15126.4 and the Court's opinion, or makes other findings in conformity with State CEQA Guidelines section 15091; and

- III. WHEREAS, in August 2015, the County independently selected and contracted with a consulting firm, Stillwater Sciences, to prepare the supplemental environmental review documentation to the 2007 Countywide Plan EIR consistent with the Court's order. The evaluation and findings in the Draft SEIR provide the substantial evidence which the County relied on in determining that this Draft SEIR complies with CEQA and the Court order; and

- IV. WHEREAS, the Draft SEIR, a Notice of Availability (NOA) and Notice of Public Hearing on the Draft SEIR were posted on the Community Development Agency's website and distributed on May 1, 2017, to members of the Planning Commission, Board of Supervisors, State Clearinghouse, state and local agencies and special districts, and other interested groups and individuals. The NOA and Notice of Public Hearing were also published in a newspaper of general circulation and began a 45-day public review and comment period on the adequacy of the Draft SEIR; and
- V. WHEREAS, on May 22, 2017, the Marin County Planning Commission conducted a public hearing to receive testimony on the adequacy of the Draft SEIR. Oral and written comments were presented at the hearing. The primary issues raised included resource management, water quality, impacts to salmonids, and growth inducing cumulative impacts. Following the close of the public hearing, the Commission directed that a Final SEIR Response to Comments be prepared after the close of the comment period on June 15, 2017 on the Draft SEIR; and
- VI. WHEREAS, the Final SEIR (revised Draft SEIR text with track changes, Response to Comments and Appendices) and a notice of distribution of the Final SEIR for review and notice of a public meeting of the Planning Commission to consider a recommendation for certification of the Final SEIR were distributed on August 3, 2018 to members of the Planning Commission, Board of Supervisors, State Clearinghouse, state and local agencies and special districts, Final SEIR commenters, and other interested groups and individuals. Notice of distribution of the Final SEIR for review and notice of the public meeting of the Commission to consider recommendation for certification of the Final SEIR was published in the Marin Independent Journal to begin a 21-day review and comment period on the Final SEIR. This 21-day review and comment period was subsequently extended to October 8, 2018 to provide interested parties additional time to prepare comments; and
- VII. WHEREAS, responses to the comments received during the 66-day review period on the Final SEIR were prepared and are proposed to be adopted as an Amendment to the Final SEIR. As a courtesy, the Final SEIR Amendment has been recirculated for additional public review and does not prevent certification of the EIR as adequate and complete. The purpose of the Final SEIR Amendment is to conclude the public review and comment process by responding to significant environmental points raised in the additional comments received on the Final SEIR, consistent with the requirements of CEQA and County environmental review procedures, and to proceed with allowing the Final SEIR to be considered for certification. The Final SEIR Amendment is to be considered together with the Final SEIR at the time the decision makers consider the SEIR for certification and the project for approval; and
- VIII. WHEREAS, on July 22, 2019, the Marin County Planning Commission conducted a public meeting to consider recommendation to the Board of Supervisors to certify the Final SEIR. The Final SEIR and a Response to Comments Amendment to the Final SEIR, together with staff's report recommending certification of the Final SEIR were provided to the Commission. The Commission received written comments from the public and heard testimony from all those present wishing to speak, discussed Commissioners' questions and issues of concern, received answers from staff and the SEIR consultant on a number of issues; and
- IX. WHEREAS, the Marin County Planning Commission reviewed and considered the information in the Draft SEIR, Final SEIR, SEIR administrative record, Response to Comments Amendment to the Final SEIR, the specific CEQA findings contained in Exhibit A of this Resolution, for adequacy, completeness and compliance with CEQA, State CEQA Guidelines, and County Environmental Review Procedures and recommended certification and approval of the documents to the Board of Supervisors.

SECTION II: FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT

NOW, THEREFORE, BE IT RESOLVED, that the Marin County Board of Supervisors makes the following findings:

- 1) The Final SEIR consists of three volumes: the May 2017 Draft Supplemental Environmental Impact Report (“Draft SEIR”), the July 2018 Final SEIR (“Final SEIR”), and the July 2019 Amendment to the 2007 Countywide Plan Final Environmental Impact Report with a Focus on Potential Cumulative Impacts to Salmonids in the San Geronimo Valley (together, the “SEIR”).
- 2) Notice of the Planning Commission and the Board of Supervisor’s hearings on the Draft SEIR and meeting to certify the Final SEIR and SEIR Amendment were given as required by law and the actions were conducted pursuant to State CEQA Guideline Sections 15088, 15088.5, 15089, 15090.
- 3) All individuals, groups and agencies desiring to comment were given adequate opportunity to submit oral and written comments on the Draft SEIR and to submit written comments on the adequacy of the Final SEIR for certification. These opportunities for comment meet or exceed the requirements of CEQA and the County Environmental Review procedures.
- 4) All comments submitted during the public review and comment period on the Draft SEIR, the public hearing on the adequacy of the Draft SEIR conducted by the Planning Commission, the Board of Supervisors, and the public review and comment period on the Final SEIR were responded to adequately in the Final SEIR Amendment.
- 5) The Board of Supervisors were presented with all of the information in the administrative record, testimony, and SEIR documents for the project Final SEIR, and the Board of Supervisors have reviewed and considered this information and the Final SEIR.
- 6) The Final SEIR (a) has been completed in compliance with the intent and requirements of CEQA, the State CEQA Guidelines, and the County Environmental Impact Review Guidelines, (b) reflects the independent judgment and analysis of the County of Marin, and (c) has been presented to and reviewed and considered by the Board of Supervisors in its deliberations regarding approval of the Supplement to the 2007 Countywide Plan Final Environmental Impact Report with a Focus on Potential Cumulative Impacts to Salmonids in the San Geronimo Valley.
- 7) The Final SEIR provides adequate information and analysis to make an informed decision on the environmental effects of the *Marin CWP (2007)* with respect to the application of the *Marin CWP (2007)*’s policies governing biological and wetland resources in San Geronimo Valley.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Marin County Board of Supervisors, based on these findings, approves the 2007 Marin Countywide Plan with respect to the application of the 2007 Marin Countywide Plan’s policies governing biological and wetland resources in San Geronimo Valley.

SECTION III: VOTE

PASSED AND ADOPTED at the regular meeting of the Board of Supervisors of the County of Marin, State of California, on the 20th day of August, 2019, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

KATHRIN SEARS, PRESIDENT
MARIN COUNTY BOARD OF SUPERVISORS

Attest:

Matthew H. Hymel
Clerk of the Board of Supervisors