



**MEMORANDUM**

July 18, 2019

**TO:** Marin County Planning Commission

**SUBJECT:** Comments received on the San Geronimo Valley SEIR Amendment

Since distribution of the staff report, staff have received additional communication from interested parties regarding the Amendment to the Final Supplement to the 2007 Countywide Plan Environmental Impact Report (Final SEIR) which focuses on the potential cumulative impacts to salmonids in the San Geronimo Valley. Please review the enclosed communications listed below.

**ATTACHMENT:**

1. Email and letter from San Geronimo Valley Stewards received July 18, 2019 (letter dated October 8, 2018)

## Taylor, Tammy

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**From:** Mosher, Ana Hilda  
**Sent:** Thursday, July 18, 2019 10:13 AM  
**To:** Reid, Rachel; Taylor, Tammy  
**Subject:** FW: July 22 Meeting Marin Planning Commission: SGV Stewards Request Changes to Resolution 2019 Final SEIR  
**Attachments:** 10-8-18 - SGV Stewards Final SEIR - V5DJP.pdf



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**ANA HILDA MOSHER**  
SENIOR SECRETARY/PLANNING COMMISSION SECRETARY

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STAY CONNECTED:



**“Please consider the environment before printing this email or attachments”**

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**From:** Peggy Sheneman <peggycreeks@comcast.net>  
**Sent:** Thursday, July 18, 2019 10:10 AM  
**To:** Mosher, Ana Hilda <AMosher@marincounty.org>  
**Subject:** July 22 Meeting Marin Planning Commission: SGV Stewards Request Changes to Resolution 2019 Final SEIR

From: Peggy Sheneman, on behalf of

San Geronimo Valley Stewards

July 18, 2019

To: Marin County Planning Commission

Attached are the October 2018 comments made by San Geronimo Valley Stewards to Marin County officials about the Final SEIR for the cumulative impacts on salmon in San Geronimo Valley.

SG Valley Stewards is a non-profit with about 600 supporters, volunteers, and donors, most of whom live in SG Valley. You may have seen our signs "Protecting Families and Fish". We subscribe to the guidance of Dr. Elinor Ostrum who won the 2009 Nobel Prize in Economics. Her research demonstrates that common natural resources (such as fisheries) are best protected by the cooperation of local residents, rather than "top down" edicts of government agencies.

We respectfully request the Planning Commission Resolution include the following statement:

"The Planning Commission shall continue to consider (in addition to the information in the SEIR) the economic, social, and housing factors, in determining whether a project (such as a countywide plan or expanded stream ordinance) is feasible or to avoid or mitigate effects on the environment."

The additional language is consistent with CEQA Guideline 15131 (c) which states: "economic, social, and housing factors shall be considered by public agencies, together with technological and environmental factors, in determining whether a project is feasible or to avoid the effects on the environment." In this case, the "project" is the Expanded SCA Ordinance (recommended by the consultant who authored the SEIR), and the next countywide plan (as County staff has publicly stated the SEIR will guide the draft of the next countywide plan).

Why add this to the Resolution?

Because this SEIR recommends the Marin Planning Commission and Board of Supervisors adopt an "Expanded SCA Ordinance". Indeed, the private consultant goes so far as to dictate the details of a new stream ordinance.

We understand the Planning Commission does not edit or change the technical or scientific findings of the SEIR. Within the narrow scope of its duties and expertise, the consultant's role is to state observable facts and reasonable projections.

But the duty of public agencies is broader--to apply technical findings and to consider also economic, social and housing factors in making sound policy decisions for a new countywide plan and /or a proposed ordinance.

The duty and cost of saving salmon would be shifted to 741 existing homeowners.

The SEIR fails to consider any other source of mitigation or impact reduction. Completed or proposed projects by SPAWN and government agencies are dismissed as "speculative". Half the Valley homeowners (those within 100 feet of any stream or rain runoff) would be charged with fixing all the salmon impacts caused by half the homes outside the SCA, agriculture, projected new homes not yet constructed, and government agencies (County Open Space and MMWD who own 40% of the land mass). The SEIR proposes no other remedy--only an "Expanded SCA Ordinance" imposed on 741 family homes. (See attached SGVS Comments 5 and 6, pages 10 and 11.)

Planning Commissioners' experience and expertise should guide consideration of economic, social and housing factors.

SG Valley Stewards looks forward to further consideration by the Planning Commission of possible remedies that enhance salmon habitat and permit improved living conditions for Valley families. Planning Commissioners are uniquely qualified to suggest creative solutions because of their backgrounds in architecture, land use planning, and construction. The Planning Commissioners' experience in enforcement would inform the need for a simple and affordable ordinance that encourages voluntary compliance.

Stewards request changes in proposed ordinance.

With regard to the attached SGVStewards comments 1, 2, and 3 (pages 2 - 7), please consider:

--Delete the requirement of discretionary permits for small home projects (less than 500 square feet). Discretionary permits generate litigation, and the Valley has had enough.

--Allow site assessments for small projects to be done by County staff or a contractor hired by the homeowner. For the new ordinance to require a "qualified professional with 5 years experience in stream ecology, hydrology, and salmon" sounds like full employment for SPAWN. Costs would increase by \$300 per hour.

--Handicap ramps and small accessibility projects should be categorically exempt.

--People must be able to replace a leaking roof and fix gutters with no outside expert opinion, if impervious area does not increase. Will the County force a family to abandon their home and suffer structural damage in the rain, while waiting for a salmon expert to devise a stormwater plan?

--One-for-one tree replacement is adequate to maintain shade over fish-bearing main creek channels. No tree replacement should be required for uphill streams or ephemeral or seasonal creeks where salmon do not summer-over. The Valley needs fire fuel reduction, not more trees.

Less than one percent.

Total impervious area in the Valley would increase less than one percent (0.06%), under the SEIR projections of future build out. (SGVStewards Comment 4, pages 8-9.) A light regulatory touch is needed to preserve existing family homes. The Planning Commission should demand measured salmon benefits of land-based creekside measures--none of which has been cited by the SEIR. These should be balanced against the costs of public enforcement, the expense and delay for existing homeowners, and mitigation measures that could be undertaken on government-owned lands, new construction homesites, and agriculture.

SGV Stewards reserve objections and requests for information.

Our October 2018 comments have not been fully addressed, and we reserve our objections, requests for information, and recommendations for accurate measurements regarding riparian habitat, benefits for salmon, existing impervious area, housing conditions, and build out projections.

Thank you for your consideration,

San Geronimo Valley Stewards

Peggy Sheneman

October 8, 2018

To: Rachel Reid, Environmental Planning Manager  
[RReid@marincounty.org](mailto:RReid@marincounty.org)  
Community Development Agency  
[envplanning@marincounty.org](mailto:envplanning@marincounty.org)

From: San Geronimo Valley Stewards  
Peggy Sheneman, Denis Poggio, Koa Pickering, Steve Tognini, Mike Snyder,  
Laura Szawarzenski, Rick & Ann Seramin, Gerald Toriumi, James M. Barnes

San Geronimo Valley Stewards (Stewards) is a volunteer non-profit with over 600 San Geronimo Valley (SGV) supporters and donors. We thank Marin County for the opportunity to comment on the July 2018 Final SEIR (Final SEIR) for the SGV.

We (Stewards) appreciate the response of Stillwater Sciences to the Stewards' 2017 comments regarding roads and Total Impervious Areas (TIA) (SEIR pages 7 - 339 to 7 - 342). We also appreciate the detailed responses to all comment letters in Part 7 of the Final SEIR.

### **Planning Commission Resolution**

We understand the Planning Commission cannot edit or make additions to the Final SEIR. It is a science-based report from Stillwater Sciences to provide the technical information the public officials to make scientifically sound management decisions regarding the SGV Watershed and the residents whose property are abutting its streams and tributaries.

However, the Planning Commission, will after be listening to public comments, will adopt a Resolution that will be forwarded to the Board of Supervisors (BOS) for their consideration.

We respectfully request the Planning Commission's Resolution include the Stewards' comments listed below to County staff and the BOS before the acceptance of the Final SEIR.

The Stewards' request the Planning Commission Resolution include recommendations listed below regarding the Expanded Stream Conservation Area (SCA) Ordinance as proposed in the Final SEIR.

The Expanded SCA Ordinance would dictate the future San Geronimo Valley (SGV) property use, types of home improvements requiring unrealistic County permit processes, along with burdensome financial County permitting costs. It is our contention that much of the requirements listed in the Expanded SCA Ordinance would negatively affect property values of 741 existing SGV family homes that are located within 100 feet of San Geronimo Creek and its tributaries. (SEIR pg. 2-42).

We believe the Final SEIR would through the Expanded SCA Ordinance will impose on the existing SGV 741 families the financial burden to mitigate environmental effects from all current and future development in the entire SGV. including development on parcels outside the stream conservation area and development on parcels which are exempt from the Expanded SCA Ordinance because they are owned by government agencies or agricultural enterprises.

This financial mitigation burden is not acceptable to the 741 SGV families and it is an over-reaching effort by the BOS upon financially struggling families in the SGV to be penalized for Nature's unrecognized negative effects on aquatic eco-systems in the SGV Watershed. The 741 SGV residents are not the main contributor for the decline of the Coho and Steelhead Salomon; oceanic conditions are the principal affecting their return to the SGV.

The Planning Commission is uniquely qualified to make suggestions about the Expanded SCA Ordinance, because the Commissioners are knowledgeable about architecture, construction, housing, land use, and related fields.

The Commissioners would have a central role enforcing any future Expanded SCA Ordinance. The Commissioners possess decades of experience with sensible regulations that work, and other regulations that have failed to meet legitimate public goals without over reaching into the public's wallets.

### **SGV Stewards Comments on Final SEIR**

Comment 1: County officials consider socio-economic factors, balance costs against measurable benefits, and evaluate the effect on existing homeowners.

Comment 2: County clarify requirements; create less burdensome rules for minor home repairs, additions or replacements; and exempt house roof replacements.

Comment 3: Fire prevention and defense: Request County delete requirement to double or triple the number of trees planted in SG Valley.

Comment 4: Projections of additional building units and increased TIA are inflated and should be checked against actual site assessments.

Comment 5: The proposed SCA Ordinance imposes on 741 existing family homes (located within 100 feet of any stream) the entire mitigation burden for all development everywhere in the SGV Watershed, including buildings located outside the stream conservation area and future buildings not yet constructed.

Comment 6: Evaluate potential mitigation effects of other projects not studied in Final SEIR

### **Details on SGV Stewards' Comments**

Comment 1: County officials consider socio-economic factors, balance costs against measurable benefits, and evaluate the effects on existing home owners.

- CEQA Guideline 15131 (c) states "*economic, social and housing factors shall be considered by public agencies, together with technological and environmental factors, in determining whether a project is feasible or to avoid effects on the environment*". (SEIR pg. 7-8.)
- Marin 2007 Countywide Plan (CWP) describes public health, safety and affordable housing as policy goals. (SEIR pg. 7-40.) The task of our public agencies is broader than the limited scope requested of the consultants who wrote the Final SEIR, who state that economic or social effects on humans cannot be considered as a "significant impact" on the environment. (SEIR pg. 7-40.)

Although Stillwater Sciences was not engaged to determine public policy, it is disappointing the only mitigation measure studied or proposed by the Final SEIR is the Expanded SCA Ordinance to regulate SGV family homes (SEIR Chapter 5).

Before drafting a new SCA ordinance, County officials should exercise their discretion to analyze costs and benefits of other potential mitigation measures which benefit salmon populations, and to explore alternatives that are less financially burdensome on those Marin property owners located within the SCA.

- The 2016 Census Report details that the Marin median 12-month income is \$63,608, which is the typical annual income for the SGV.
- The 2016 Census Report also reports that 4,100 people live on 1,415 developed parcels in the San Geronimo Valley. (SEIR pgs 2-36 & 2-37)
- Approximately 741 existing single-family residences are located on parcels completely or partially within the SCA. (SEIR pg. 2-42. See Marin County 2009 LIDAR map available in CDA office.)
- Tax Dollars Diverted into Salmon Enhancement Projects
  - Despite over \$30 million in taxpayer dollars diverted into land-based salmon enhancement projects surrounding SGV Creek, and untold delay and expense as San Geronimo families suffered through five years of building moratoriums and court injunctions, the adult coho salmon population has not increased.
  - 
  - There is no published scientific data which has objectively measured any increase in the adult salmon population as a result of projects funded by \$30 tax dollars.
- Fish Counts
  - Since 1982 Marin Municipal Water District (MMWD) has been required by the Regional Water Quality Control Board to count adult salmon each year from Tomales Bay upstream to the San Geronimo Creek and its tributaries.
  - 164 adult salmon have been annually mean recorded by MMWD staff that reach the San Geronimo Creek and its tributaries.
  - Each year about 82 coho Redds (nests) have been counted (as annual mean) in San Geronimo Creeks and its tributaries over the past 35 years, “National Park Service assume two adult salmon for each Redd.”
  - Adult salmon migration varies, depending on ocean conditions, drought, floods, and the 3-year salmon life cycle. Adult coho number from 2 to 20 in low years (such as 1995, 2008, 2013). Adult coho number from 230 to 516 in high years (such as 1996, 2001, 2004, 2006).
  - The number of Redds (nests) have ranged from 10 to 96 per year since the most recent drought began in 2013. Adult coho number about 57 (annual mean) for the past 5 years in San Geronimo Creeks and its tributaries.
  - Between 3% to 7% of juveniles spawned in San Geronimo Creek and tributaries return to our creeks as adults in their third year. There is some evidence the number and body weight of juvenile salmon have increased, so juveniles may be healthier when they migrate to the ocean. **But larger numbers of adult salmon are not returning to SGV creeks each year.** (Minutes from the March 2018 and June 2018 meetings of Lagunitas Creek Technical Advisory Committee).



- The number of adult salmon returning to the San Geronimo Creeks suggests that ocean conditions not SGV family homes, are the major problem affecting salmon survival.
  - Is it cost effective for our government to divert public tax dollars into land-based projects on the creek banks?
    - NO.
  - Why are we ensnaring SGV families in old small homes they are not permitted to improve because of costly and lengthy County Permitting Processes?
    - Because of Salmon Protection and Watershed Network (SPAWN) threat of more law suits against the County of Marin.
  - Why, for example, do County regulations make it prohibitively expensive for the typical SGV family to add a 400 square foot accessory unit and create workforce housing?

**Request 1.0:** If the Planning Commissioners determine to accept the Final SEIR, the Commission Resolution should recommend that, before any new SCA ordinance is drafted, County staff and the BOS study:

- Methods to reduce the expense, delay, and regulatory burden on existing SGV family homes;
- The housing needs of humans;
- The public costs of enforcing an SCA ordinance; and
- Actual measurable increase in the salmon population attributable to land-based creek restoration projects.

**Comment 2: Clarify and simplify requirements for existing homes.**

- The BOS and County staff MUST clarify what home improvement and maintenance falls under the category of “DEVELOPMENT” for SGV property owners. Surely, repairs of stairs, decks, doors, along with additions or replacements on existing homes; and existing house roof replacements should be exempt from the category of a “DEVELOPMENT”.
- The Final SEIR proposes an "Expanded SCA Ordinance" which would require a discretionary permit and a professional site assessment (SEIR pg. 5-18.) for certain "development activities", which seem to include minor repairs, replacements and additions to existing single-family homes located within the SCA.
- Discretionary permits invite litigation and discourage compliance with best practices. The requirement for a discretionary permit is often impossible for the homeowner to satisfy, without hiring a real estate lawyer and an engineering expert.
  - Consider the long process: First, the Community Development Agency conducts a hearing before an administrative officer, with notice to neighbors and advocacy groups.
  - If the officer grants a permit, any person can appeal to the Planning Commission.
  - If the permit is granted, the objecting party can appeal to the BOS.
  - Finally, the objecting party may file a lawsuit in the Marin Superior Court.
- SGV residents have already been subjected to the nightmare scenario of SPAWN’s many lawsuits.
  - For example, the Murray Family was ordered to pay over \$100,000 of SPAWN's attorney fees and the County of Marin has NOT yet issued to the Murray Family their building permit to construct a 1,200 square foot house in Woodacre.

Not only does the requirements from the proposed Expanded SCA Ordinance make new housing economically unviable, but SGV families living in existing homes cannot afford to maintain them if they try to comply with SCA Ordinance regulations.

- Regulatory expense, delay and risk of litigation actually discourage compliance with best practices which would protect our streams.
- Professional Site Assessment Adds Unnecessary Expense
  - The proposed new SCA ordinance requires a site assessment by a qualified professional with at least 5 years' experience in stream ecology, hydrology, and salmon. (SEIR pg. 5-20.)
    - Would it be possible or reasonable for a typical SGV property owner to hire qualified professional at \$300 per hour to assess the new drainage patterns into the adjacent ephemeral or seasonal creek from installing a new roof?
      - NO
    - Assume at least six hours of their time to travel, inspect the project, and writing their report for the County's consideration and to the property owner.
      - Extra cost \$1800 would be added to every minor home project.

#### These Are Examples of Minor House Projects That Could Require Discretionary Permit and Site Assessment Under Mitigation Measure

- Increased Impervious Area
  - Add smooth surface ramp for wheelchair or walker for access and egress to existing single-family properties;
  - Construct 4 feet X 6 feet roofed enclosure for garbage cans and recycling bins; or
  - Build 6 feet X 6 feet chicken coop or other domestic pet.
- Vegetation Clearing
  - Remove an existing lawn turf and replace with gravel and low water plants;
  - Clear poison oak, blackberries and shrubs to create 100-foot fire defensible space;
- Increased Surface Run-Off:
  - Repair or replace gutters and downspouts on existing roofs; or
  - Install new gutter or curb on existing driveways.
- Is it cost effective for the County of Marin to micro-manage small single-family projects on existing SGV homes?
  - NO
- Is there any evidence the salmon population will increase by subjecting homeowners to the expense and delay for repairing and maintaining their homes?
  - NO

**Request 2.0:** We Propose the Planning Commissioners Recommend Reduced County Permit Fees to Affordable Levels and To Direct Staff to Develop an Expedited Permitting Process for The SGV Property Owners Seeking County Permits and Approval.

- The Planning Commission's Resolution should recommend that County staff draft exceptions and simplified written guidelines for SGV family projects that maintain the habitability of existing homes.
- Small projects should promptly be issued over-the-counter permits, based on site photographs and plans by licensed contractors.

**Request 2.1:** Focus on Net Impervious Area and Encourage Removal

- Allow the homeowner to add new impervious area around their home by granting 2:1 (two-for-one) credit for removing or replacing old impervious materials.
  - Example: Homeowner is allowed to add a new 10 feet x 10 feet” deck, on condition of removing old 10 feet x 20 feet above-ground swim pool.

**Request 2.2:** Handicap Access

- The Planning Commission resolution should recommend a blanket exemption for new impervious area reasonably necessary for differently-abled people to live comfortably in their homes, such as a ramp or car port cover.

**Request 2.3:** Human Health and Safety Requires Immediate Roof and Gutter Replacements

- The Planning Commission Resolution should recommend that the expanded SCA Ordinance exempt repair and replacement of roofs, gutters and downspouts, on existing homes, with over-the-counter permits, issued for a licensed roofing contractor. The Final SEIR recommends that any” new or replaced impervious areas”, which would include a roof repairs or replacement, would require bio-retention design and underdrain-overflow requirements. (SEIR pg. 5-21 & 5-22.) Typical SGV house roofs are over 500 square feet.

In addition, replacement of existing roof or driveways over 500 square feet would require a storm water control plan (SWCP) that exceeds the standards of Bay Area Regional Authorities. The SWCP must "achieve retention of the 85th percentile 24-hour design storm." (SEIR pg. 5-22.)

- This is an over-reach by Stillwater to recommend to the Planning Commission to mandate this expense to be required by an SGV property owner when maintaining their property.
- **Please do not put our families at risk for uninhabitable homes and serious structural damage, while we wait for experts and government officials to approve our roof replacement. Many people do not know their roofs leak until the first storm. It can be difficult to schedule a roofing contractor in the busy season.**

**Comment 3.0: Fire Prevention and Defense**

Requires Deleting the Requirement to Double or Triple the Number of Trees In the SGV.

- The Expanded SCA Ordinance would require that for each tree removed from properties in the SCA that it would be replaced by two new trees planted on site, or by three new trees planted off site. (SEIR pgs. 5-20 & 5-21.)
- The Final SEIR makes this naïve proposal, ostensibly to *SOLVE TWO PROBLEMS THAT DO NOT EXIST*:
  - Reduced habitat complexity, and
  - Increased water temperature.
- The SEIR determines these two "project effects" have less than significant impact on salmon summer rearing. (SEIR pgs. 5-38 & 6-2.)
- The 2009 Marin County LIDAR map shows ample shade canopy over fish bearing streams.
- This confirms the Marin Municipal Water District finding of 70% to 80% shade canopy, cited in the 2009 Salomon Enhancement Plan (SEP) Report and Existing Conditions Report.

- The Final SEIR states that additional trees are required to provide salmon and steelhead fish more shade from trees.
- The addition of more trees is not substantiated from the County's "digital analysis".
  - We support the County issuing an RFP to hire qualified consultants to photograph all the SGV Watershed fish-bearing streams to determine the necessity of providing more shade is necessary.
  - Occasional tree cutting may reduce shade canopy along steep seasonal and ephemeral streams on the hillsides.
  - However, the environmental impact on these non-fish bearing streams is offset or mitigated by reduced fire danger.
- Tree and brush-filled canyons become fire chimneys, as flames from the SGV floor are wind driven to higher elevations. A fire in the SGV can travel to Fairfax or Mill Valley from hot wind driven embers, certainly not the best management practice to reduce fire threats to other County communities.
- The SGV needs fire fuel reduction, not more trees.
  - Small trees now crowd the forest floor.
    - Drive down Sir Francis Drake Blvd. and look up at the hills.
  - We live in a bowl of overgrown brush and small trees that should be thinned and removed to promote a healthy fire-resistant forest for the SGV.
- The SG Valley is a human fire trap.
  - We have only three roads to evacuate 4,100 people with their pets and animals.
  - Each road is only two lanes, and those will be needed by firefighters and emergency equipment.
- Wildfire Conflagration Would Forever Destroy Salmon Habitat  
 At high temperatures, the ground can burn to mineral soil, removing all vegetation. The streams would fill with chemical flame retardant, and become choked with melted metal and plastics from buildings, roads and cars.
  - Refer to James Barnes' September 17, 2018 email to the Planning Commission from regarding the SGV fire threats. Mr. Barnes is a veteran aerial fire fighter with Cal-Fire.
- Tree Removal and Defensible Space Is Required by Fire Agencies, State Law and Our Insurance Companies  
 The SGV Stewards requested the 2017 Draft SEIR to allow the SGV property owners the unprohibited right to remove any tree or shrub, if required by state law, a fire agency or insurance carriers. Unfortunately, the final SEIR currently before the Planning Commission merely recites general policies from the 2007 County Wide Plan (CWP) which is NO SMALL OVERSIGHT. (SEIR pgs. 7-51 & 7-52.)

**Request 3.0:** The Planning Commission resolution should recommend deleting the requirement of planting 2 or three new trees for each tree removed in the SCA. One-for-one 1:1 tree replacement is adequate to maintain the currently healthy shade canopy and low water temperatures for summer salmon rearing.

**Request 3.1:** The Planning Commission resolution should recommend to County officials to also consider an exemption (with no replacement planting) for any tree or shrub removal required by state law, a fire agency, and/or any insurance carrier.

**Request 3.2:** We agree with Final SEIR pg. 5-21 that three species would not be good replacement trees: tanoak, California bay laurel, and Douglas fir. The Planning Commission should recommend one other species be listed ineligible: ghost pine (*Pinus sabiniana*). These pyrophytics were planted around the golf course 50 years ago and are now spreading in the SG Valley.

Comment 4.0: Projections of additional building units and developable parcels are inflated, and should be checked against actual site assessments. The Final SEIR over-estimates development within the SCA and for the watershed as a whole.

When compared with actual past experience in SGV, the future projections are inflated. Mean house size in 2005 was 2,675 square feet footprint. (SEIR pg. 2-31.)

Recently reviewed Community Development Agency construction permits issued revealed:

- 73 new single-family homes (including the planned development of French Ranch) during years 2000 to 2017,
  - of which 35 homes were less than 2,500 square feet;
- 151 home additions during years 2015 to 2017
  - reflecting pent up demand following 5 years of building moratoriums and court injunctions due to SPAWN'S law suits; and
- home additions range from 50 SF to 1,000 square feet.
  - With an average 400 square feet or less.
- Presently there are 312 vacant parcels have access to utilities, roads and MMWD water.
- The Final SEIR projects 358 units will be built on 323 unimproved parcels. (SEIR pg. 2-34.)
  - Is it realistic to suppose the inaccessible parcels will be developed with multiple units?
    - NO
- According to County data there are only 95 buildable parcels within the SCA.
- However, Marin CDA and the 2010 SEP Report revealed another 108 mapped parcels are not buildable because they are too small to accommodate at least 3,000 square feet of house, garage and a driveway.
- Many mapped parcels are leftover "paper streets" recorded in 1920 by Lagunitas Land Company.
  - However, the Final SEIR before the Planning Commission currently projects 166 new building units on parcels totally or partially within the SCA. (SEIR pgs. 2-45 & 7-338.)

Where Does Final SEIR Find 71 Additional Developable Parcels Within The SCA?

- Those 71 parcels are described as "non- residential" or "other land use classifications". (SEIR pgs. 7-337 & 7-338.)
- What specific classifications and uses?
- Would development require zoning changes or special use permits?
- We request Marin CDA staff inspect these 71 parcels to verify if any can be developed at reasonable cost and accessibility.
- If not, then Marin CDA staff must update their data to remove those 71 parcels from being buildable.

TIA Might Increase 1% (Or Less) In Each "Sub Basin", Even Assuming An Inflated Number Of New Units Are Built In The Entire Valley.

- SEIR "Sub Basins" are broadly mapped to include acreage outside the SCA.
- SEIR states:
  - 99 new developments could be located in the "Woodacre Creek Sub Basin"
  - 157 new developments could be in "Lower San Geronimo Sub basin". (SEIR pg. 2-37.)
- Each "sub basin" includes areas far away from creeks, or on steep hillsides, where fish cannot swim. (SEIR pgs. 2-25 & 2-45.)
- While buildings located outside the SCA may generate sediment and TIA-caused storm flow, the Final SIER proposes that only homes located within the SCA are burdened with the proposed ordinance to mitigate development effects for the entire sub basin.

Note: An exception is Montezuma where TIA might increase 1.4% (SEIR pg. 2-38.)

Total Impervious Area (TIA) Within The SCA Would Increase One Tenth Of One Percent (0.1%), Even Assuming An Inflated Number Of New Units In The SCA.

- Final SEIR measures 2,418 acres within the SCA.
- It concludes the 2007 CWPlan could potentially add 2.9 acres of impervious area within the SCA
  - increasing TIA from 189 acres to 192 acres.
- This could increase TIA from 7.8% of total SCA acres to 7.9% of total SCA acres. (SEIR pgs. 2-45 & 2.46.)
- For the entire watershed, TIA might increase 0.6% (less than one percent), even assuming the inflated projection of 358 new developed units. (SEIR pg. 2-38.)
- Under the 2007 CWPlan, SEIR estimates 74 acres of TIA could hypothetically be added to the total 12,036 acres in SGV.
- We are of the opinion that 12,036 acres is inaccurate and requires more analysis.
- A light regulatory touch is called for 741 existing homes in the SCA, no matter how you measure tiny the hypothetical increases in TIA.

**Request 4.0:** The Planning Commission Resolution Should Recommend County Staff and The Board of Supervisors Look at Alternative Mitigation Measures That Do Not Burden Existing Family Homes Within The SCA, Built Decades Ago, On Small Parcels.

- Balance the hypothetical 1% increase in TIA for the entire watershed (on the one hand) against private costs, public enforcement expense, and lack of affordable housing.
- A fair and effective mitigation program should not penalize creekside homeowners with consultants' fees and delay, but instead should encourage all SGV property owners to follow best practices authored by the County of Marin.

**Request 4.1:** The Planning Commission Resolution should recommend County staff evaluate the reasonably probable number and size of future houses within the SCA, with attention to the SGV history of small homes and limited additions to square footage based upon the parcel's ability to perk and if the site is unbuildable due to slope.

**Request 4.2:** The Planning Commission should recommend site evaluation of vacant parcels within the SCA to estimate how much development is reasonably possible, with attention to whether each parcel is accessible to roads and utilities, and whether each parcel could support 3,000 square feet of house, garage, driveway and septic system.

**Comment 5.0:** Final SEIR shifts to 741 family homes located within the SCA the full burden of mitigation for all current and future development in the entire Valley.

- The Expanded SCA Ordinance appears to apply only to private properties within the SCA.
- The SEIR would impose no duties on government lands which is exempt under the County Development Code, nor Agricultural uses which are separately regulated, nor on parcels located outside the SCA.
- About 40% of the acreage within the SCA is owned by two government agencies
- MMWD and Marin County Parks & Open Space District.
  - Impervious area on these lands includes the MMWD water treatment plant, which undoubtedly contributes to stormwater flow into San Geronimo Creek. Dirt and gravel roads on these lands dump sediment into creeks. Fire fuel load is high because the agencies do not spend enough money for meaningful tree and shrub removal.
- Existing County data show 1,415 improved parcels in SGV. (SEIR pg. 2-42.)
  - About half of the 741 of those improved parcels are located fully or partially within the SCA.
- Final SEIR projects it may be possible to improve 1,721 parcels in the SGV under the 2007 CWP.
  - In the future, about half of the 885 improved parcels may be partially or completely within the SCA. (SEIR pg. 2-42.)
- Sediment and storm water from Government Lands and new houses outside the SCA, in the hills flow down to family homes along the creeks.
- Half the SGV property owners are being burdened by the SCA Ordinance to clean up the harm caused by the other half, as well as environmental impacts on government land and agricultural properties.
  - This is unfair to those SGV property owners which appear on the LIDAR map as within the SCA merely because they are located near seasonal or ephemeral stream in the hills (where there are no fish).
  - This is unfair to families whose older homes were built decades ago near fish-bearing streams and now need to modernize for habitability.
    - Policy needs to be created to address these older homes from being overburdened by the SCA Ordinance.
- If Marin voters truly believe land-based creek projects funded with tax dollars will save the salmon, they should be willing to shoulder the costs imposed on 741 existing family homes.
- Normal repairs, minor replacements of existing structures, and small home additions should not be burdened with permit fees, professional site assessments, and lawyer bills accompanied with years of Marin CDA's design and review processes.

**Request 5.0:** The Planning Commission Resolution should recommend the BOS and County staff examine a more equitable distribution of mitigation costs.

**Request 5.1:** Consider for existing family homes:

- Waived or reduced permit fees,
- County funded-professional fees,
- Site assessments by County staff, rather than outside consultants, and
- Consider minimal regulations and permitting costs for normal repairs, replacements of existing structures, and small additions on existing homes.

**Comment 6.0: Evaluate potential mitigation effects of other projects not studied in Final SEIR.**

- Final SEIR does not evaluate the environmental benefits or mitigation effects of future projects, which SEIR describes as "reasonably foreseeable" which include
  - Community septic/sewer system for flats of Woodacre and San Geronimo;
  - Marin DPW road repairs and stream crossing upgrades, such as the daylighting of culvert at confluence of Woodacre Creek and San Geronimo Creek; or
  - The many salmon enhancement projects sponsored by SPAWN and California Department of Fish and Wildlife.
- The Final SEIR states the "details are unknown and impacts would be SPECULATIVE" even though the projects will "provide substantial benefits" for salmon, they cannot be considered due to "lack of sufficient information". (Id.) (SEIR pg. 5-2.)
- The Final SEIR further states "these projects "WOULD NOT CONTRIBUTE CONSIDERABLY TO ADVERSE CUMULATIVE IMPACTS" FOR SALMON."
- Why are we spending public money on these salmon enhancement and flood plain projects if their benefits for salmon are too speculative to measure?
- Final SEIR totally ignores other watershed projects.
- 2014 Coho-Friendly Habitat and Operations Plan for San Geronimo Golf Course, over \$1.2 million has been spent to upgrade stream crossings, plant natives, and remove invasive from ponds. The 2014 Coho-Friendly Plan was commissioned by SPAWN, prepared by environmental experts, and funded by CDFW and NOAA.
  - SPAWN's current construction of a flood plain in Tacaloma and Jewell, through which fish must pass before they reach the SGV.
  - SPAWN's design and CDFW's approved plan to spend \$3 million of tax dollars to re-build Roy's Fish Ladder and construct a second stream parallel to San Geronimo Creek.
    - Footnote: SPAWN's 1999 re-build plan for Roy's Fish Ladder was a huge disaster, in that the steel railings on the face of each concrete pool killed many returning Redds during their journey to spawn in the Woodacre Creek headwaters.

**Request 6.0:** The Planning Commission resolution should recommend that, before the BOS and County staff burden 741 SGV family homes with the numerous mitigation duties for the entire SGV Watershed, we suggest they consider other pending or proposed Salmon Enhancement Projects, and mitigation measures on Governmental Lands.

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In closing and most important, please listen to the families who live in San Geronimo Valley, whom we represent and voice their concerns regarding the Final SEIR and SCA Ordinance.

We have learned from Dr. Elinor Ostrom, who was awarded the 2009 Nobel Prize in Economic Sciences, that fisheries and other natural resources are best managed by local communities. We recommend her book, *Governing the Commons (Cambridge University Press 1990)*. *Rules governing common resources should match local needs and conditions; "People affected by the rules should participate in setting and modifying the rules"*.

Thank you for your attention to our comments and please apply your due consideration to our Requests. And Comments

Respectfully yours,  
San Geronimo Valley Stewards