



**NOTICE OF DETERMINATION
Marin County Environmental Review**

FILED

01/25/2023

TO: X Office of Planning and Research
X County Clerk, County of Marin

FROM: Marin County Community Development Agency

**SHELLY SCOTT
MARIN COUNTY CLERK
By J. Gilardi, Deputy
21-2023 - 006**

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

State Clearinghouse Number: 2021120123

Project Title: Housing & Safety Elements Update to the 2007 Marin Countywide Plan, related Countywide Plan Amendments, and Development Code Amendments including Form Based Code

Contact Person: Rachel Reid, Environmental Planning Manager

Telephone Number: (415) 473-6863

Email Address: rreid@marincounty.org

Assessor's Parcels: Countywide

Project Location: Countywide, County of Marin

Project Description:

Housing Element Update:

The 2023-2031 Housing Element Update and related amendments to the 2007 Marin Countywide Plan (CWP) establishing a strategy for meeting housing needs for the 2023-2031 planning period in unincorporated Marin County. The Housing Element Update includes goals, policies, and programs to meet the County's Regional Housing Needs Allocation (RHNA) goal of 3,569 units in four categories of affordability to meet a broad range of housing needs.

Safety Element Update:

The 2023-2031 Safety Element Update and related amendments to the CWP. The Safety Element Update consists of policies focused on responding to potential adverse impacts associated with climate change, as well as specific new State requirements related to flood and fire hazards (SB 379, Gov Code §65304(g)(4), SB 99, Gov Code §65302(g)(5)). The update promotes equitable hazard mitigation, response, and recovery, especially for hazards related to climate change adaptation and resilience.

Development Code Amendments including Form Based Code:

The amendments to Marin County Code Title 22, the Development Code, are related to the following: 1) the Bayfront Conservation combining district standards, 2) implementation of State housing laws including Senate Bill 9 and Senate Bill 35, 3) the creation of a new Form Based combining district, 4) the adoption and integration of a Form Based Code with objective development standards into the County's zoning framework, 5) the creation of a new Housing Overlay Designation Combining District, and 6) the creation of a new Housing Development Regulation Compliance Review and a new Urban Lot Split application for the ministerial review of certain housing projects.

The Marin County Board of Supervisors approved the project on **January 24, 2023**, and has made the following determinations regarding the above-described project:

1. The project will have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were adopted and incorporated into the project.
4. A Statement of Overriding Considerations was adopted for this project.
5. Findings were made pursuant to the provisions of CEQA.

This is to certify that a copy of the Environmental Impact Report with comments and responses and record of project approval is available to the General Public at:

Agency: Marin County Community Development Agency
Address: 3501 Civic Center Drive, #308
San Rafael, CA 94903

Or online at: <https://www.marincounty.org/depts/cd/divisions/environmental-review/current-eir-projects/housing-and-safety-elements-environmental-impact-report>

By: 
Rachel Reid, Environmental Planning Manager

Date: 1/25/2023

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



State of California - Department of Fish and Wildlife
2023 ENVIRONMENTAL DOCUMENT FILING FEE
CASH RECEIPT
 DFW 753.5a (REV. 01/01/23) Previously DFG 753.5a

RECEIPT NUMBER: — —
STATE CLEARINGHOUSE NUMBER (If applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY	LEAD AGENCY EMAIL	DATE
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COUNTY/STATE AGENCY OF FILING	DOCUMENT NUMBER
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PROJECT TITLE

PROJECT APPLICANT NAME	PROJECT APPLICANT EMAIL	PHONE NUMBER ()
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PROJECT APPLICANT ADDRESS	CITY	STATE	ZIP CODE
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PROJECT APPLICANT (Check appropriate box)

Local Public Agency
 School District
 Other Special District
 State Agency
 Private Entity

CHECK APPLICABLE FEES:

<input type="checkbox"/> Environmental Impact Report (EIR)	\$3,839.25	\$ _____
<input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)	\$2,764.00	\$ _____
<input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW	\$1,305.25	\$ _____

Exempt from fee
 Notice of Exemption (attach)
 CDFW No Effect Determination (attach)
 Fee previously paid (attach previously issued cash receipt copy)

<input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only)	\$850.00	\$ _____
<input type="checkbox"/> County documentary handling fee		\$ _____
<input type="checkbox"/> Other		\$ _____

PAYMENT METHOD:

Cash
 Credit
 Check
 Other
 TOTAL RECEIVED
 \$ _____

SIGNATURE X	AGENCY OF FILING PRINTED NAME AND TITLE
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2023 ENVIRONMENTAL DOCUMENT FILING FEE
CASH RECEIPT
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NOTICE

Each project applicant shall remit to the county clerk the environmental filing fee before or at the time of filing a Notice of Determination (Pub. Resources Code, § 21152; Fish & G. Code, § 711.4, subdivision (d); Cal. Code Regs., tit. 14, § 753.5). Without the appropriate fee, statutory or categorical exemption, or a valid No Effect Determination issued by the California Department of Fish and Wildlife (CDFW), the Notice of Determination is not operative, vested, or final, and shall not be accepted by the county clerk.

COUNTY DOCUMENTARY HANDLING FEE

The county clerk may charge a documentary handling fee of fifty dollars (\$50) per filing in addition to the environmental filing fee (Fish & G. Code, § 711.4, subd. (e); Cal. Code Regs., tit. 14, § 753.5, subd. (g)(1)). A county board of supervisors shall have the authority to increase or decrease the fee or charge, that is otherwise authorized to be levied by another provision of law, in the amount reasonably necessary to recover the cost of providing any product or service or the cost of enforcing any regulation for which the fee or charge is levied (Gov. Code, § 54985, subd. (a)).

COLLECTION PROCEDURES FOR COUNTY GOVERNMENTS

Filing Notice of Determination (NOD):

- Collect environmental filing fee or copy of previously issued cash receipt. *(Do not collect fee if project applicant presents a No Effect Determination signed by CDFW. An additional fee is required for each separate environmental document. An addendum is not considered a separate environmental document. Checks should be made payable to the county.)*
- Issue cash receipt to project applicant.
- Attach copy of cash receipt and, if applicable, previously issued cash receipt, to NOD.
- Mail filing fees for **CRP** document to CDFW prior to filing the NOD or equivalent final approval (Cal. Code Regs. Tit. 14, § 753.5 (b)(5)). The CRP should request receipt from CDFW to show proof of payment for filing the NOD or equivalent approval. Please mail payment to address below made attention to the Cash Receipts Unit of the Accounting Services Branch.

If the project applicant presents a **No Effect Determination** signed by CDFW, also:

- Attach No Effect Determination to NOD *(no environmental filing fee is due)*.

Filing Notice of Exemption (NOE) *(Statutorily or categorically exempt project (Cal. Code Regs., tit. 14, §§ 15260-15285, 15300-15333))*

- Issue cash receipt to project applicant.
- Attach copy of cash receipt to NOE *(no environmental filing fee is due)*.

Within 30 days after the end of each month in which the environmental filing fees are collected, each county shall summarize and record the amount collected on the monthly State of California Form No. CA25 (TC31) and remit the amount collected to the State Treasurer. Identify the remittance on Form No. CA25 as "Environmental Document Filing Fees" per Fish and Game Code section 711.4.

The county clerk shall mail the following documents to CDFW on a monthly basis:

- ✓ A photocopy of the monthly State of California Form No. CA25 (TC31)
- ✓ CDFW/ASB copies of all cash receipts (including all voided receipts)
- ✓ A copy of all CDFW No Effect Determinations filed in lieu of fee payment
- ✓ A copy of all NODs filed with the county during the preceding month
- ✓ A list of the name, address and telephone number of all project applicants for which an NOD has been filed. If this information is contained on the cash receipt filed with CDFW under California Code of Regulations, title 14, section 753.5, subdivision (e)(6), no additional information is required.

DOCUMENT RETENTION

The county shall retain two copies of the cash receipt (for lead agency and county clerk) and a copy of all documents described above for at least 12 months.

RECEIPT NUMBER

- # The first two digits automatically populate by making the appropriate selection in the County/State Agency of Filing drop down menu.
- # The next eight digits automatically populate when a date is entered.
- # The last three digits correspond with the sequential order of issuance for each calendar year. For example, the first receipt number issued on January 1 should end in 001. If a county issued 252 receipts for the year ending on December 31, the last receipt number should end in 252. CDFW recommends that counties and state agencies 1) save a local copy of this form, and 2) track receipt numbers on a spreadsheet tabbed by month to ensure accuracy.

DO NOT COMBINE THE ENVIRONMENTAL FEES WITH THE STATE SHARE OF FISH AND WILDLIFE FEES.

Mail to:

California Department of Fish and Wildlife
 Accounting Services Branch
 P.O. Box 944209
 Sacramento, California 94244-2090