

# STREAM CONSERVATION AREA WORK PROGRAM

February 11, 2020

## 1. SCA Scope of Work

### Phase 1 (FY 2020 – 2021)

#### A. Define interdepartmental, interagency, and stakeholder needs.

- Objective:** Engage relevant departments and agencies to review scope, understand needs, define roles, and collaborate to ensure resources are allocated to support the initiative.
- Engage targeted stakeholder groups through one-on-one meetings to gather and share information; identify interests, concerns, and expertise; manage expectations; and build community awareness and ownership.

#### Marin County Department of Public Works (DPW) – Land Development

- Coordinate on Public Engagement Plan with CDA;
- Coordinate implementation of the FSEIR Mitigation Measures; identify functional responsibilities (Creek Permit Program, MCSTOPPP, Watershed, Roads, etc); and develop a Work Program and Budget integrated with the SCA Work Program;
- Provide technical assistance to CDA and other participants through stormwater, watershed, and creek permit programs; and
- Coordinate relationship of the Creek Permit with proposed SCA Permit and with the Marin RCD Permit Coordinator Program (PCP).

#### Marin County Parks

- Advise on relationship to surrounding Open Space Preserves (Roy's Redwoods and Gary Giacomini OSP); and
- Lend biological, watershed, and regulatory expertise.

#### Marin County Fire

- Vegetation management review for SCA Permits and impact of fire management on vegetation within the SCA; and
- Coordination with FIRESafe Marin, the proposed Marin Wildfire Prevention Authority (MWPA – pending approval of ballot measure), and PG&E tree trimming and removal program under the California Public Utilities Commission.

#### CDA Environmental Health Service (EHS)

- Clarify SCA permit applicability regarding management of onsite wastewater treatment systems; and
- Coordinate with the pending Woodacre/San Geronimo Flats Wastewater Recycling Project (Community wastewater recycling option).

Targeted Agency Representatives:

- California Department of Fish and Wildlife (CDFW)
- Federated Indians of Graton Rancheria
- Marin Municipal Water District (MMWD)
- Marin Resource Conservation District (RCD)
- National Marine Fisheries Services (NMFS)
- National Parks
- Pacific Gas and Electric Company
- Regional Water Quality Control Board
- State Parks

Lagunitas Creek Technical Advisory Committee (L-TAC)

- Serve as an advisory body with updates provided as needed.

Contractors and Building Professionals (architects, builders, arborists, landscapers)

- Identify those active in the San Geronimo Valley;
- Communicate purpose and requirements of proposed regulations and policies; and
- Provide support and training.

Scientific and Technical Expertise

- On as-needed basis, consult with expert(s) in the areas of fluvial geomorphology, hydrology, fisheries biology and wildlife ecology, and stream restoration.

Targeted Stakeholder Groups

- San Geronimo Valley Planning Group
- **San Geronimo Valley Stewards**
- Environmental Action Committee of West Marin (EAC)
- Marin Conservation League
- Salmon Protection and Watershed Network (SPAWN) / Turtle Island Restoration Network / Stanford Environmental Law
- Sierra Club Marin Group
- San Geronimo Valley Land Trust
- The Trust for Public Land (TPL)
- Watershed Alliance of Marin
- Center for Biological Diversity

**B. Develop an Expanded SCA Ordinance for the San Geronimo Valley and update SCA policies in the Countywide Plan (CWP) as necessary.**

- Compile identified issues from both the 2013 Interim SCA Ordinance and FSEIR process;
- Use the 2013 Interim SCA Ordinance as a base for developing a new ordinance with a tiered permitting structure to account for differences in various development activities and associated stream impacts tailored for the San Geronimo Valley;

- Update the ordinance consistent with Mitigation Measure 5.1-1 adopted in the 2007 CWP Final Supplemental Environmental Impact Report with a Focus on Potential Cumulative Impacts to Salmonids in the San Geronimo Valley (FSEIR) as well as updated information on salmonids and operational lessons learned through the County's funding of the Marin RCD's Landowner Assistance and Education Program;
- Consider CDFW, RWQCB, and Army Corps of Engineers stream regulatory programs and requirements for consistency with the SCA Ordinance;
- Update the CWP's Natural Systems Element SCA policies, as necessary to ensure vertical consistency between the SCA ordinance and the CWP;
- Develop a program to provide for offsite mitigation; and
- Develop ideas for reviewing effectiveness of the SCA Ordinance.
- Schedule: Approximately one year (includes four-week contingency) to conclude March 2021.

| Milestone  | Date                |
|--|---------------------|
| Board approves work program  | February 11, 2020   |
| Community engagement – ongoing targeted outreach   | Ongoing             |
| Draft Ordinance to conform to FSEIR and Updates to CWP SCA policies, as necessary <ul style="list-style-type: none"> <li>a. Administrative Draft</li> <li>b. Public Review Draft</li> </ul> Execute consultant contracts | Weeks 1 – 20        |
| Community Workshops<br>Objective: educate residents on permit process and available resources  | Weeks 22 and 27     |
| Planning Commission Draft Ordinance  | Week 28             |
| Planning Commission Hearing  | Week 32             |
| Board of Supervisors Hearing   | Week 42             |
| Adopted Ordinance and CWP Update   | Week 48             |
| Training   | Week 48 and ongoing |
| Contingency  | + 4 weeks           |

## C. Community Engagement

- Targeted outreach to community stakeholder groups;
- Conduct one to two facilitated community workshops in addition to public hearings with Planning Commission and Board of Supervisors
- Provide resources and materials including the “Landowner Resource Guide” (aka Toolkit) and information regarding implementation and best management practices; and
- Conduct a Pilot Demonstration Program of Best Management Practices and SCA Permit process: through field training, workshops, and staff assistance working through one to two SCA permit applications – otherwise conduct voluntary site demonstrations.

### Communication Channels

- Stakeholders: targeted outreach to stakeholder groups;
- Webpage: webpage with information, resources, FAQs, and other materials;
- Email: utilize GovDelivery to push news, press release, and status updates;
- Direct Mail: Notification to streamside and Valley residents;
- Media: prepare and issue media releases to local news outlets;
- Print materials: flyers, fact sheets, and brochures;
- Workshops and webinars: engage and educate community members;
- Online Q&A: prepare questions for online conversation;
- Video: Develop instructional “how to” videos on how to apply Best Management Practices (BMPs).
- Social Media: Utilize Nextdoor, Twitter, Facebook, and others as feasible.

## D. Map streams in compliance with CWP Program BIO-4.c (map perennial, intermittent, and, where feasible, ephemeral streams subject to SCA policies).

## E. Implementation

### Training

- Conduct CDA staff training (planners, customer service team, building and EHS staff) as well as DPW staff in Flood Control and Land Development;
- Provide ordinance, procedural guidance and summary documents, such as the toolkit, to CDA and DPW staff;
- Provide update at CDA agency meetings;
- Issue RFP for two training sessions, which should include video recording and virtual online options, to be posted online;
- Conduct two (2) contractor information sessions; and
- Post recordings of training sessions online.

### Administration

- Update toolkit, planning application guide, applications, fee schedule, fact sheets, Development Code, MuniCode, and other resources.

Materials and Resources

- Coordinate updated website
- Provide fact sheets, toolkit, and similar resources at Community Development and Public Works service counters (and online)
- Provide toolkit to stakeholders and contractors (note contractors may need a different toolkit than those for residents for applicability reasons);
- Distribution of materials and resources to stakeholders, agencies and departmental partners, including relevant libraries; and
- Mail summary of proposed ordinance to all impacted property owners.

F. Initiate planning for Phase 2 - Develop work program for Phase 2 of the SCA Ordinance to apply to streams located outside of the San Geronimo Valley and present to the Board of Supervisors for approval.

**2. Budget**

Staff anticipates an approximate one-year time frame, including contingency.

The following are preliminary budget estimates for implementing this program. Precise costs will be developed upon approval of specific scopes of work. Costs for County staff have not been included.

Additional expense for environmental review is not anticipated for this phase.

| <b>Phase 1 Expenses</b>   | <b>Budget</b>                                |
|---|--|
| Develop SCA Ordinance for the San Geronimo Valley and CWP SCA policies as necessary | In-kind staff time from various Departments. |
| Marin RCD Technical Support   | \$57,500                                     |
| Biological and watershed technical support  | \$40,000                                     |
| Facilitation and Meeting Costs  | \$27,000                                     |
| Materials and Resources, Printing, and Mailing                                      | \$4,000                                      |
| Environmental Review  | TBD  |
| <b>Phase 1 Non-staff Cost</b>   | <b>\$128,500</b>                             |

SUMMARY OF GENERAL PLAN RELATED LAWS AND LEGISLATION (2019 – 2007)

**AB 747 (Levine, 2019) – Safety Element**

Requires local governments, on or after January 1, 2022, to review and update the safety element to identify evacuation routes and their capacity, safety, and viability under a range of emergency scenarios.

**SB 99 (Nielsen, 2019) – Safety Element**

Requires a local government to review and update the safety element during the next revision of the housing element occurring on or after January 1, 2020, to identify residential developments in hazard areas that do not have at least two emergency evacuation routes.

**SB 1000 (Leyva, 2016) – Environmental Justice.**

Requires both cities and counties that have disadvantaged communities to incorporate environmental justice policies into their general plans, either in a separate element or by integrating related goals, policies, and objectives throughout the other elements. This update, or revision if the local government already has Environmental Justice goals, policies, and objectives, must happen “upon the adoption or next revision of two or more elements concurrently on or after January 1, 2018.”

**SB 379 (Jackson, 2015) – Safety Element**

Requires adaptation planning in the safety element. This bill would, upon the next revision of a local hazard mitigation plan on or after January 1, 2017, or, if the local jurisdiction has not adopted a local hazard mitigation plan, beginning on or before January 1, 2022, require the safety element to be reviewed and updated as necessary to address climate adaptation and resiliency strategies applicable to that city or county.

**AB 1739 (Dickinson, 2014) – Groundwater Management**

Prior to the adoption or any substantial amendment of a general plan, the planning agency is required to review and consider certain specified groundwater plans and refer a proposed action to certain specified groundwater management agencies.

**SB 1241 (Kehoe, 2012) – Safety Element**

Revises safety element requirements for state responsibility areas and very high fire hazard severity zones and requires the safety element to take into account specified considerations, including the most recent version of the Office of Planning and Research’s “Fire Hazard Planning” document. *Amends Sections 65302 and 65302.5 of, and adds Sections 65040.20 and 66474.02 to, the Government Code, and adds Section 21083.01 to the Public Resources Code.*

**SB 1090 (2012) – Land Use Element**

Amends statutory language added by SB 244 (2011). Requires the update of the land use element to be based on specified available data and to include identification of each island or fringe community that is a disadvantaged unincorporated community.

**SB 244 (Wolk, 2011) – Land Use Element**

Requires the land use element to include analysis of the presence of island, fringe, or legacy unincorporated communities. Subsequently amended by SB 1090 (2012).

**AB 1358 (Leno, 2008) – Circulation Element**

Requires a city or county, upon any substantive revision of the circulation element, to modify the circulation element to plan for a balanced, multimodal transportation network that meets the needs of all users of streets, roads, and highways, in a manner that is suitable to the rural, suburban, or urban context of the general plan.

*Amends Sections 65040.2 and 65302 of the Government Code.*

**AB 162 (Wolk, 2007) – Safety Element**

Requires specified elements to address flood hazards and identify areas that may accommodate floodwater for purposes of groundwater recharge and stormwater management. Requires safety element to address flood hazards as specified.

*Amends Sections 65302, 65303.4, 65352, 65584.04, and 65584.06 of, and adds Sections 65300.2 and 65302.7 to, the Government Code.*