

From: peggycreeks@comcast.net
To: [Kinsey, Steven](#); [Sears, Kathrin](#); [Crosse, Liza](#); [Crawford, Brian](#); [Lai, Thomas](#); [Thorsen, Suzanne](#)
Cc: [Niz Brown](#)
Subject: Homeowners Must Have Seats at the Table, for Re-drafting CWPlan and New Stream Ordinance
Date: Tuesday, June 25, 2013 2:26:16 PM

To: Supervisor Steve Kinsey, Supervisor Kathrin Sears,
Supervisor Aide Liza Crosse
Community Development Agency--Brian Crawford,
Tom Lai, Suzanne Thorsen

From: San Geronimo Valley Stewards
Niz Brown 308-3900
Peggy Sheneman 488-4426

We appreciate the decision of the Board of Supervisors to refer to your Subcommittee the process for amending CountyWide Plan BIO-4 and redrafting the stream conservation ordinance.

At the June 18 Board meeting, San Geronimo Valley Stewards listened to the Supervisors' comments and the many good ideas presented by other speakers. We believe there is an opportunity for stakeholders to reach consensus on some issues that previously divided the groups.

Active Role for Homeowners

Now is the time for homeowner groups to actively participate in redrafting CWPlan BIO-4 and the new stream ordinance. For the past six years, people who own land along creeks have watched from the sidelines. The County and self-appointed environmental groups insist on moratoriums, extensions, salmon advisory plans, ordinances and injunctions. The results have been announced to the populace in massive public meetings, where homeowners have 3 minutes to speak and few people listen to other viewpoints.

You have an opportunity to break this pattern, which so far has resulted in failure. We still have no stream protection program, no stream ordinance, and no resolution of the Spawn litigation.

Success will come only when homeowners sit at the table with County officials and environmental groups as equal partners. Respectful patient discussion of alternatives, compromises, and new approaches would serve common interests.

Invite Representative Groups to Working Sessions.

We request the County schedule a series of Working Sessions, with each homeowner group and environmental group entitled to send two representatives of their choosing. (We are busy with work and family obligations, so allow each group to

select alternate representatives.)

The scope of the Working Sessions should include:

- the current EIR for current CWPlan BIO-4,
- recent update of cumulative impact report,
- 2009-10 ECR and SEP report,
- scope and process for Supplemental EIR to amend BIO-4,
- Amendments to CWPlan BIO-4,
acknowledging different locales,
- a permanent countywide stream ordinance,
consistent with BIO-4 amendments.

Geographic Areas.

Ms. Thorsen made a chart of the 3,600 lots in various geographic communities that fall within the stream conservation area. (See PC Staff Report, April 1, 2013, Item No. 4, page 7.) Homeowner groups from these communities (whether formal associations or informal organized neighbors) should be included:

Existing Homes Near Streams in Planned or Conventional Zoning Areas

San Geronimo Valley	955
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Sleepy Hollow	81
Indian Valley	60

The large number of streamside homes in San Geronimo (as compared to other areas) may be due to the County having mapped ephemeral streams in our area, while other area maps are (currently) limited to perennial and seasonal streams.

In addition, Ms. Thorsen lists 162 vacant lots in the San Geronimo Valley, of which 95 are sufficient size for potential development. (2010 SEP Report pages 2-27 and 2-28.) Each of the other geographic areas has a handful of vacant lots.

We have been informed Kent Woodlands has an active homeowners association with 46 homes, and we are not sure if these are included in the chart. Two comments from Kent Woodlands were received for the June 18 Board meeting.

The chart also lists over 1,000 lots as "other unincorporated". We are not sure if that includes lots owned by schools, government agencies, ranches, or whomever.

Meeting Agendas Should Focus on Important Issues

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Supervisor Kinsey proposes.

However, the CWPlan amendments and the stream ordinance must accommodate the differing topography, biology, and human social development in each area of the County. One size does not fit all.

Each meeting agenda should focus on a few important issues, and allow adequate time for discussion of each issue. This is not a speed race, but a search for middle ground and accommodation of diverse interests. Some suggested topics:

- setbacks and other protections for fish-bearing main stem creeks
- setbacks and alternative protections for perennial and seasonal streams
- new structures site planning (coverage ratios, flood elevation, etc.)
- ephemeral creeks: definitions, functions, limited protections
- creek restoration and flood control
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- riparian vegetation and trees
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- positive incentives and collaborative partnering with govt agencies and NGO's
- ombudsman to assist homeowners navigate the dozen federal, state and local agencies regulating creeks

We encourage the County to ask other neighborhood and environmental groups for their suggested topics and agendas.

Each topic should be considered by the entire Working Session. We ask you not divide us into "little circles" to discuss discrete issues and "report back" to the whole group. We have attended six years of such County meetings, and this method accomplishes nothing, because it dilutes major concerns and dampers the discovery of commonality among attendees. We also do not care to wander the room posting sticky tabs on little easels. Please, let's make the most of our time.

San Geronimo Valley Stewards has participated for three years in regular meetings of the Lagunitas Creek Technical Advisory Committee (TAC). This group holds constructive discussions among 12 government agencies, plus various homeowner groups and NGO's so we know it can be done.

As the meetings progress, some groups may drop out. Other homeowner groups are just now getting organized and later may ask to join. Please remain flexible.

Meetings should be open for any member of the public to observe. Public comments or questions should be channeled through the representative groups, so we don't bog down in hours of 3 minute speeches.

Funding for Neighborhood Groups.

Homeowners and community groups depend on hours of volunteer services. We do not have paid staff.

We rely on individual donations, and do not receive taxpayer dollars as grants or contracts, which are sources for many (but not all) environmental groups who have commented on the stream issues.

The County should budget or assist in obtaining grants for homeowner groups to consult with outside experts in biology, hydrology, environmental law and land use planning. Seed money from the County would facilitate homeowner groups pooling resources and would encourage volunteers and donors to contribute to the effort.

Conclusion.

San Geronimo Valley Stewards look forward to meeting with all groups of good will, and trust that this fresh approach may encourage reasonable accommodations. Thank you for your consideration.

From: [BOS](#)
To: [Albert, Tanya](#); [Alden, Leslie](#); [Clark, Susannah](#); [Crosse, Liza](#); [Escobar, David](#); [Fraits, Rick](#); [Laird, Sandy](#); [Parton, Maureen](#); [Vernon, Nancy](#); [Weber, Leslie](#)
Cc: [Thorsen, Suzanne](#)
Subject: FW: Fax Message NO.6728
Date: Monday, July 01, 2013 1:35:35 PM
Attachments: [20130701121904162.tif](#)

This fax message was received through the email address link for sending one email to all Supervisors. Please forward as you deem appropriate.

-----Original Message-----

From: Savin6055@marincounty.org [<mailto:Savin6055@marincounty.org>]
Sent: Monday, July 01, 2013 9:19 AM
To: BOS
Subject: Fax Message NO.6728

This E-mail was sent from "RNPE6830B" (C6055).

Queries to: Savin6055@marincounty.org



Salmon Protection And Watershed Network

PO Box 370 • Forest Knolls, CA 94933
9255 Sir Francis Drake Blvd. • Olema, CA 94950
Ph. 415.663.8590 • Fax 415.663.9534

www.SpawnUSA.org

1 July 2013

TO: MARIN COUNTY SUPERVISORS

RE: **MARIN COUNTY STREAM CONSERVATION ORDINANCE
SIGNATURES IN SUPPORT OF A STRONG, SCIENCE-BASED ORDINANCE
TO PROTECT ENDANGERED COHO SALMON**

On behalf of the supporters of SPAWN's efforts to ensure a strong science-based ordinance to protect endangered coho salmon and the critical riparian habitat this species depends on, we respectfully submit the following additional signatories for the administrative record. These signatories **are in addition to** the approximate 2,100 previously submitted before June 18, 2013.

We have sorted these by zip codes to enable Supervisors to identify supporters in their respective districts.

Thank you for your consideration.

From: [Andrea Taber](#)
To: [Kinsey, Steven](#); [Rice, Katie](#); [Sears, Kathrin](#); [Arnold, Judy](#); [Adams, Susan](#); [Lai, Thomas](#); [Thorsen, Suzanne](#)
Cc: [beth_descala](#)
Subject: Marin Stream Conservation and Restoration Trust (MAST)
Date: Tuesday, July 02, 2013 9:01:59 AM

Dear Supervisors Rice, Kinsey, Sears, Arnold, Adams, and Tom and Suzanne,

We are in the very initial stage of forming an incentive based nonprofit (marinstreams.org) to address the issues identified in the SCA Ordinance and restore and conserve Marin County stream corridors. Since the success of the conservation easement component of our nonprofit is directly correlated with the timing of the SCA Ordinance adoption, we urge you to please include us in the discussion moving forward. Our goal is to work in a collaborative fashion with environmental groups, property owners, and the County in putting forth a program which incentivizes property owners to take measures to restore stream corridors in unincorporated Marin County.

We are available to discuss the formation of MAST at your convenience and look forward to hearing from you soon. Thank you very much.

Sincerely,

Andrea Taber
Beth DeScala

Collaborating organizations include

Marin Conservation League * Marin Audubon Society * Marin Baylands Advocates * Sierra Club Marin Group
Salmon Protection and Watershed Network * San Geronimo Valley Planning Group

July 3, 2013

Supervisors Steve Kinsey and Kate Sears
Marin County Board of Supervisors
3501 Civic Center Drive
San Rafael, CA 94903

Re: Supervisors' Task Force on Stream Conservation Ordinance

Dear Supervisors Kinsey and Sears:

It's time to act to recover the health of our waterways!

Marin County's creeks and the creatures that depend on them for survival are in crisis mode. This has resulted from decades of structures, roads, levees, dams and parking lots replacing native landscape; recreational overuse; excessive runoff, and a growing list of pollutants entering waterways that can sicken wildlife and humans alike. This letter presents Community Marin's recommendations to address these critical problems.

You are heirs to a long legacy of leadership in a county nationally admired for its protection of the environment. We have waited too long, however, to ensure the long-term health of creeks that are the connective tissue for a natural world that is beyond value. Community Marin recommends the Board of Supervisors do the following:

1. Adopt a stream conservation ordinance with strong and reasonable standards that will accomplish the vision set forth in the Countywide Plan: *To protect the active channel, water quality and flood control functions, and associated fish and wildlife habitat along streams.* Among its features the ordinance should achieve the following, as recommended in *Community Marin 2013*, which has been adopted by Marin's major environmental organizations.

- Build on the watershed-based planning which your board has so capably begun.
- Support natural year-round creek flows and protective policies.
- Implement the 2007 Countywide Plan stream and creek protection policies and enforce them to protect all ephemeral, intermittent, and perennial streams.
- Provide adequate buffers and natural habitat along streams that help maintain hydraulic capacity, stabilize channels, manage stormwater, and alleviate flooding.
- Reduce or eliminate disturbances that might alter runoff such as loss of riparian vegetation and erosion.
- Prevent adverse changes to the chemistry and biology of streams and runoff.
- Improve water filtration by prohibiting further impervious pavement surfaces in the Stream Conservation Area.

This ordinance could be used as a model for the cities and towns.

2. Embrace and use the Countywide Plan that was developed and approved in partnership with the public over years of intensive research, review, and hearings. It guides our land use for the coming decades and contains prudent and well-defined environmental protections. Do not weaken this document.

3. **Act immediately to protect and nurture Coho** in the Lagunitas Creek watershed. This once abundant species is fighting for survival in Marin County as well as statewide. The Lagunitas Creek watershed supports 10 to 20 percent of the California Central Coast Coho and this population is recognized as nationally significant, with numerous State of California and federal agencies working toward its recovery. Marin County's support for this species' survival can be viewed as a touchstone gauge of our environmental ethic.

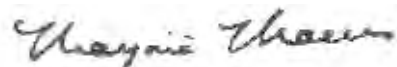
Coho recovery is crucial. They need protection now, not in the future.

4. Utilize the broad stream conservation ordinance to develop detailed plans customized to each of the county's watersheds and to set priorities and specific timelines for implementation.

At a time when so much government seems to be in the hands of those who would exploit the natural world, when the bottom line often trumps the environment, we look to Marin County's elected leaders to defend nature and set an example for others to follow.

Thank you for this opportunity to comment.

Yours truly,



Marge Macris, Community Marin Chair
Environmental Action Committee of West Marin
Marin Audubon Society
Marin Baylands Advocates
Marin Conservation League
Salmon Protection and Watershed Network (SPAWN)
San Geronimo Valley Planning Group
Sierra Club Marin Group
Watershed Alliance of Marin

CC: Marin County Board of Supervisors
Brian Crawford, Community Development Agency
Tom Lai, Community Development Agency
Marin County Planning Commission

From: [Stratton, Debra](#)
To: [Crawford, Brian](#); [Lai, Thomas](#); [Thorsen, Suzanne](#); [FYI](#)
Subject: FW: MAST - Marin Stream Conservation and Restoration Trust
Date: Friday, July 05, 2013 9:41:00 AM

FYI

From: beth descala [mailto:bethdescala@gmail.com]
Sent: Friday, July 05, 2013 9:39 AM
To: bethdescala@gmail.com descala
Subject: MAST - Marin Stream Conservation and Restoration Trust

As a result of public dissatisfaction with the draft Stream Conservation Area Ordinance, the Board of Supervisors voted on June 18 to form a subcommittee to reconsider the details and implications of the current draft. This delay provided an opportunity to create an incentive based program for the preservation of stream corridors in unincorporated Marin County. We wanted to let you know that we are in the initial stages of forming a new nonprofit called "Marin Stream Conservation and Restoration Trust" (MAST) at marintreams.org. The mission of MAST is to promote responsible stream conservation and restoration initiatives in Marin County through conservation easements, education, incentives, and creek stewardship through the collaboration of environmental organizations, property owners, and agencies. We believe that this platform will create a balanced and win/win scenario for the environment, as well as property owners.

Thank you for your support and interest in the Stream Conservation Area Ordinance. We value your input and creative ideas as we move forward and will keep you informed of our progress.

Andrea Taber ataber@marinstreams.org
Beth DeScala bdescala@marinstreams.org

July 7, 2013

To: SCA Task Force, Supervisor Kinsey and Sears
3501 Civic Center Drive, San Rafael, CA 94903

Re: Task Force assignment

Note: Following letter is attached.

Dear Supervisors Kinsey and Sears:

As you take on the task assigned to you by Board President Judy Arnold, we, the undersigned collaborating environmental organizations in Marin, ask you to please keep the following key recommendations uppermost in your considerations . . .

1. Focus on the objectives so well-articulated in the Countywide Plan: *To protect the active channel, water quality and flood control functions, and associated fish and wildlife habitat along streams.* County policies that support these objectives have endured 40 years, through three rigorous Countywide Plan updates, and should not be rewritten or weakened. They have played a critical role in helping to keep our creek side environments protected and improved, and to rewrite them at this point sets a dangerous precedent for other major policies. Your decisions should be consistent with these fundamental objectives and policies.
2. Work toward creative solutions that retain and enhance healthy streamside habitat, and protect endangered (salmon) and threatened (steelhead trout) species.
3. Base your decisions for protection *and necessary enhancement* of the creek side environment on science and well-documented research. The County's substantial investment in the Salmon Enhancement Plan provides a strong foundation, reinforced by numerous other research efforts and reports. Vital decisions can only benefit from solid information that provides a basis for action and measuring results.
4. Consider how the Ordinance is implemented to be almost as important as the Ordinance itself. Implementation programs such as the Landowner's Assistance Program, funding an Outreach Coordinator at DPW, a "Streamside Compliant" designation to reward landowners' stewardship, and other volunteer programs like those already practiced in the San Geronimo Valley and elsewhere – *supported by the standards of a strong Ordinance* – will offer the best chance of protecting an invaluable County resource, now and into the future.
5. As a practical consideration, bear in mind that the more effective the Ordinance is, the more likely it is to attract funding from other sources to supplement the County's own funds.
6. Before 'grandfathering' all non-legal development, ensure that an attempt is made to assess the extent of illegal properties – e.g., dangerous or harmful building conditions – that could be 'legalized' to the detriment of all. Be wary of setting a precedent that rewards illegal activity and indirectly harms those who have followed the rules. In particular, the County should recognize those residents who have developed their properties according to County regulations, or foregone development altogether.
7. Base acceptable standards for setbacks on the needs of streamside environments that, fortunately, *still support viable populations of endangered and threatened species or have great potential for restoring them*, not on setbacks in geographic environments that have already lost these species. "Benchmarking" should set a desirable standard, not one that has resulted in no improvement or degradation.
8. Respect the time, money, and effort that have been expended by stakeholders over many years – including using the force of legal remedies – in keeping our creek side environments in a state where they still *can* be protected and improved. These efforts deserve acknowledgment for their furthering the objectives of the Countywide Plan and they deserve, in turn, to be supported by an implementing Ordinance.

9. Finally, this is your opportunity to perpetuate Marin County's long-standing legacy of leadership by establishing sound environmental policy. Beyond that, you have an obligation to protect and enhance a resource of critical state and federal importance – the coho salmon and steelhead trout. The courage and leadership that you bring are qualities needed to move the County forward to meet the goals of the SCA Ordinance.

Signed, in collaboration, by the following Marin environmental organizations:

- Environmental Action Committee of West Marin - Amy Trainer, Executive Director
- Marin Conservation League - David Schnapf , President
- Mill Valley StreamKeepers, Joyce Britt, Contact person
- San Geronimo Valley Planning Group - Jean Berensmeier, Chair
- Sierra Club Marin Group - Michele Barni, chair
- SPAWN (Salmon Preservation and Watershed Network) - Todd Steiner, Executive Director
- Watershed Alliance of Marin, Contact Laura Chariton - Director

cc: Marin County Board of Supervisors

Brian Crawford, Director - Community Development Agency

Tom Lai, Deputy Director - Community Development Agency

Suzanne Thorsen, Planner - Community Development Agency

Bob Beaumont, Director - Dept. of Public Works

Liz Lewis, Principal Planner - Dept. of Public Works

From: [Andrea Taber](#)
To: [Rice, Katie](#); [Sears, Kathrin](#); [Arnold, Judy](#); [Kinsey, Steven](#); [Adams, Susan](#); [Lai, Thomas](#); [Thorsen, Suzanne](#)
Cc: [Beth DeScala](#)
Subject: Marin Stream Conservation and Restoration Trust (MAST) Executive Summary
Date: Friday, July 12, 2013 8:32:06 AM
Attachments: [MAST-Executive Summary.docx](#)
[ATT00001.htm](#)

Dear Supervisors Rice, Sears, Arnold, Kinsey, Adams, Tom, and Suzanne,

We are working hard on the development of MAST and excited about the opportunities it presents for the Marin County environmental community, as well as property owners. Attached please find our initial Executive Summary. It is a work in progress and we value your feedback and suggestions.

Wishing you a pleasant weekend.

Kind regards,

Andrea Taber
Beth DeScala

MAST

Marin Stream
Conservation & Restoration Trust



Executive Summary

The “Marin Stream Conservation and Restoration Trust” (MAST) is a citizens’ group¹ which has formed in response to Marin County’s widespread and passionate interest in protecting and restoring its fresh water streams and the wildlife that they shelter. The mission of MAST is the following:

To promote responsible stream conservation and restoration initiatives in Marin County, utilizing conservation easements, education, incentives, and creek stewardship measures, through the collaboration of environmental organizations, property owners, and public and private agencies.

In order to promote creek stewardship and maximize financial incentives for property owners located within stream corridors in unincorporated Marin County, MAST initiatives will be designed and implemented in coordination with the adoption by the Board of Supervisors in the future of an ordinance governing development within the County’s riparian corridors. However, MAST envisions not only protection of the streams but also restoration of streams already impacted by development, particularly in the urban areas in eastern Marin. MAST’s goals include restoring much of the ancient spawning habitat in the urban areas of Marin, enabling Marin residents to live in close proximity to several healthy populations of anadromous fish. Thus, MAST’s mission will go far beyond what the ordinance can be expected to accomplish.

The Stream Conservation Area policies and programs identified in the 2007 Marin Countywide Plan are intended “to protect the active water channel, water quality and flood control functions, and associated fish and wildlife habitat values along streams in unincorporated Marin County”. MAST will develop a phased implementation strategy for the Inland Rural Corridor and City-Centered Corridor as identified in the Countywide Plan. These corridors are defined by natural boundaries formed by north and south running ridges and include a significant number of private properties within the Stream Conservation Area. Additional corridors will be considered at a later date.

Comprehensive planning studies and environmental reports by Marin County and private consultants which document existing conditions of declining anadromous fish populations and overall stream corridor health have been completed. Recommendations and policies to protect the salmon, restore the riparian corridor, increase wildlife habitat, improve water quality, and restore stream corridor ecological health and balance have been identified and documented. These include the following: 1) Protect and restore existing riparian habitat; 2) Protect areas that provide habitat for wildlife; 3) Stabilize stream banks; 4) Prevent sediments from degrading stream corridors; 5) Decrease total impervious surface area; 6) Develop a riparian management plan with fire officials; 7) Reduce invasive plant populations

¹ MAST is being formed as a California 501(c)3 Nonprofit Public Benefit Corporation.

MAST

Marin Stream Conservation & Restoration Trust



and encourage planting of native species; and 8) Design and implement an overall stream bank rehabilitation program.

It is the intent of MAST to utilize these recommendations and policies to identify and structure funding mechanisms which will enable stream side property owners and residents to implement, on a voluntary basis, environmentally beneficial improvements. Voluntary landowner incentive programs may include planning assistance, site assessments by technical experts, vegetation consultation, funding, and construction. A comprehensive community outreach and educational program will be established and implemented.

In addition to identifying funding sources and securing and managing grant funding to assist homeowners in implementing enhancement projects, MAST will create and utilize a conservation easement program as a tool for compensating landowners for properties identified for natural resource protection and conservation. Parcels which have a healthy riparian habitat and are adjacent to high functioning or critical stream corridors will be given near-term priority. The conservation easement program will be identified and implemented in Phase 1 of MAST program development, so that it can be closely timed with the implementation of the Stream Conservation Area Ordinance. Additional funding opportunities for landowner assistance will be available on an ongoing basis.

Many Marin residents choose to live in the County because they greatly appreciate the extraordinary natural environment and the value that is placed upon its preservation and conservation. MAST is an organization that supports a balanced approach between environmental protection and the rights of property owners and the inherent belief and conviction that it can be accomplished through collaboration between environmental groups, organizations, agencies, and property owners.

THE MAST TEAM

ANDREA TABER is an accomplished environmental professional & entrepreneur. She has been part of the leadership team of four successful startup companies, including three companies which pioneered important innovations in sustainable energy. As an environmental planner for the National Park Service, she led the creation of the Santa Monica Mountains National Recreation Area for the NPS. She has managed large construction projects, including portions of the 1200 MW Helms Hydroelectric Facility in California. She has served as a board Member of the Women's Environmental Network and as the founder of the Bay Area chapter of Women of Wind Energy. She studied landscape architecture and environmental planning at the University of Michigan and at U.C. Berkeley.

BETH DESCALA, a native Californian, is a graduate of San Francisco State with a BS in Biology and a master's in education. After 7 years of teaching school in California, Texas, and Germany she returned to Marin County and worked for the next several years in a family business. From 1998 - 2008 she ran a retail business in San Anselmo. Since 2008, she has been volunteering, traveling, and working in local environmental causes.

MAST

Marin Stream Conservation & Restoration Trust



For further information please contact:

- Andrea Taber | +1 415 269 1848 | ataber@marinstreams.org
- Beth DeScala | +1 415 608 9391 | bdescala@marinstreams.org

<http://marinstreams.org/>

From: peggycreeks@comcast.net
To: [Kinsey, Steven](#); [Sears, Kathrin](#); [Crawford, Brian](#); [Lai, Thomas](#); [Thorsen, Suzanne](#)
Cc: [Niz Brown](#)
Subject: Response to SGVStewards June 25 letter "Seats at the Table"?
Date: Monday, July 22, 2013 3:09:58 PM

From: Peggy Sheneman and Niz Brown
San Geronimo Valley Stewards

We read in the Sunday Marin IJ that Supervisors Kinsey and Sears "are meeting privately with partisans" and staff to determine policies for the stream ordinance and Countywide Plan amendments.

We have had no response from any County official to our June 25 letter (below). Please tell us this is not a repeat of the failed process used repeatedly over the past 6 years.

Private meetings, followed by announcement of a "plan", and then 3 minutes of public comment?

From: peggycreeks@comcast.net
To: "Supvsr. Kinsey" <skinsey@marincounty.org>, "Supervsr. Sears" <KSears@marincounty.org>, "Liza Crosse" <LCrosse@marincounty.org>, "Director Crawford" <BCrawford@co.marin.ca.us>, "Thomas Lai" <TLai@co.marin.ca.us>, "Suzanne Thorsen" <SThorsen@marincounty.org>
Cc: "Niz Brown" <niz@niz.com>
Sent: Tuesday, June 25, 2013 2:26:07 PM
Subject: Homeowners Must Have Seats at the Table, for Re-drafting CWPlan and New Stream Ordinance

To: Supervisor Steve Kinsey, Supervisor Kathrin Sears,
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From: San Geronimo Valley Stewards
Niz Brown 308-3900
Peggy Sheneman 488-4426

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You have an opportunity to break this pattern, which so far has resulted in failure. We still have no stream protection program, no stream ordinance, and no resolution of the Spawn litigation.

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We encourage the County to ask other neighborhood and environmental groups for their suggested topics and agendas.

Each topic should be considered by the entire Working Session. We ask you not divide us into "little circles" to discuss discrete issues and "report back" to the whole group. We have attended six years of such County meetings, and this method accomplishes nothing, because it dilutes major concerns and dampers the discovery of commonality among attendees. We also do not care to wander the room posting sticky tabs on little easels. Please, let's make the most of our time.

San Geronimo Valley Stewards has participated for three years in regular meetings of the Lagunitas Creek Technical Advisory Committee (TAC). This group holds constructive discussions among 12 government agencies, plus various homeowner groups and NGO's so we know it can be done.

As the meetings progress, some groups may drop out. Other homeowner groups are just now getting organized and later may ask to join. Please remain flexible.

Meetings should be open for any member of the public to observe. Public comments or questions should be channeled through the representative groups, so we don't bog down in hours of 3 minute speeches.

Funding for Neighborhood Groups.

Homeowners and community groups depend on hours of volunteer services. We do not have paid staff.

We rely on individual donations, and do not receive taxpayer dollars as grants or contracts, which are sources for many (but not all) environmental groups who have commented on the stream issues.

The County should budget or assist in obtaining grants for homeowner groups to consult with outside experts in biology, hydrology, environmental law and land use planning. Seed money from the County would facilitate homeowner groups pooling resources and would encourage volunteers and donors to contribute to the effort.

Conclusion.

San Geronimo Valley Stewards look forward to meeting with all groups of good will, and trust that this fresh approach may encourage reasonable accommodations. Thank you for your consideration.



July 24, 2013

Marin County Board of Supervisors
3501 Civic Center Drive, Room 329
San Rafael, CA 94903

Dear Board of Supervisors:

We are writing to inform The Board of Supervisors and the Marin County Planning Commission of the Kent Woodlands Property Owners Association Board's position that (1) circumstances unique to its community should exempt Kent Woodlands from any Stream Conservation Area (SCA) Ordinance and (2) any entity exploring a future SCA plan should formally include a representative of KWPOA.

Kent Woodlands is a unique unincorporated area in that we are a highly regulated geographic area with very strict CC&R's that are upheld by a stringent review process through our Architectural Committee and our Board of Directors. In our CC&R's, we have clearly delineated setbacks from any creeks and streams to ensure our water-based habitat and water quality are not negatively impacted by our human footprint. As such, Kent Woodlands stringently governs stream quality in a manner similar to *incorporated* parts of the county and hence does not merit special governance by any county administered SCA Ordinance directed at protecting water quality in unincorporated areas. Moreover, Kent Woodlands contains only "seasonal" streams that DO NOT CONTAIN ANY FISH. Therefore, governance under an SCA ordinance is not appropriate for our geographic area. Based on the above, we strongly believe that we should be exempted from the SCA Ordinance, which is a "one size fits all" set of regulations.

We appreciate and applaud the Marin County Board of Supervisors' decision to return to the drawing board to draft an ordinance with a more balanced approach, incorporating the property rights of individual home owners. While our primary assertion is that Kent Woodlands' circumstances do not merit inclusion in any future SCA Ordinance, we further note that any such ordinance is detrimental to the right of property owners to utilize their properties in a reasonable and realistic manner. The contemplated inclusion of vaguely mapped and ill-defined "ephemeral" streams, as well as arbitrary language regarding enforcement make this Stream Ordinance all the more onerous to property owners.

In the event that efforts to revise and redraft an SCA move forward, KWPOA believes it is imperative that we have formal inclusion in discussions regarding this Ordinance so that we can ensure that the interests of our over five hundred households can be directly represented by our Board of Directors.

(Cont.)

Marin County Board of Supervisors
July 24, 2013
Page 2

We appreciate the importance of your work to preserve Marin's water quality and hope that you in turn understand that additional regulation of KWPOA properties is both unnecessary and irrelevant to the success of that endeavor.

Sincerely,

Kathy Goldsmith, President
Kent Woodlands Property Owners Association Board of Directors



Friends of Corte Madera Creek Watershed

P.O. Box 415 • Larkspur • California 94977

info@friendsofcortemaderacreek.org (415) 456-5052 www.friendsofcortemaderacreek.org

July 26, 2013

Marin County Board of Supervisors
Supervisor Judy Arnold, President
3501 Civic Center Drive,
San Rafael CA 94903

RE: Stream Conservation Area Ordinance

Dear Supervisor Arnold:

Friends of Corte Madera Creek Watershed opposes weakening the 2007 Countywide Plan to appease a few vocal critics of efforts to maintain stream protection measures. Although protective measures would ideally be based on a scientific rationale such as flow regime and the specific resources being protected, rather than arbitrary setbacks, that would result in a more complex set of standards and, in many situations, larger setbacks. The 2007 Countywide Plan programs and policies strike a balance and we urge you to move forward to approve the substance of the originally proposed ordinance, which reflects the 2007 CWP policies. Mitigation criteria (22.63.040.C) should provide that compensation planting is done on site or, if that is not possible, within the same watershed. Additionally, to alert future owners of the property about the need to maintain the mitigation project, it should be recorded either in documentation at the CDA or in the Recorder's files.

Although protecting coho habitat has been a major focus for SCA discussions, steelhead are still found in several of Marin's watersheds, and a number of Marin creeks historically supported fish populations and have the potential to do so again if barriers are removed and habitat restored. Prior to the Army Corps' levee construction in Tam Valley steelhead spawned upstream in Coyote Creek. Steelhead are regularly seen in Corte Madera Creek and its tributaries and, in 2004, a Chinook was identified at the Lagunitas Road Bridge in Ross. The proposed ordinance would provide essential protections for Corte Madera and other Marin Creeks that are or could be habitat for steelhead and other native fish populations.

Public education for the ordinance should note the need for healthy creeks and their tributaries throughout the county if reintroduction of species is ever to be possible.

Thank you for this opportunity to comment. We look forward to continuing to work with County staff to improve the water quality and habitat value of our creeks.

Sincerely,

Sandra Guldman
President, Friends of Corte Madera Creek Watershed

c: Supervisor Katie Rice (email)
Suzanne Thorsen (email)

From: [Stratton, Debra](#)
To: [Lai, Thomas](#); [Thorsen, Suzanne](#)
Subject: FW: CORRECTION for "SCA Issues and Policy" letter of July 26
Date: Monday, July 29, 2013 10:12:10 AM

From: Adrienne Terrass [mailto:aterrass@gmail.com]
Sent: Friday, July 26, 2013 5:49 PM
To: Adams, Susan; Rice, Katie; Sears, Kathrin; Kinsey, Steven; Arnold, Judy
Cc: Stratton, Debra; Crawford, Brian; Jackson, Lorene
Subject: CORRECTION for 'SCA Issues and Policy' letter of July 26

Please replace my letter of July 26, 2013 'SCA Issues and Policy' with this one, which reflects corrected figures for the percentage of SCA properties in Planned District zoning.

I apologize for the inconvenience,

Adrienne Terrass

July 25, 2013

Marin County Board of Supervisors
Marin County Civic Center
3501 Civic Center Drive, Rm. 329
San Rafael, CA 94901

Dear Marin County Supervisors,

My previous letter addressed the fact that our proposal for reconstruction, which we were negotiating with the County when the current building moratorium in San Geronimo Valley took effect, does not entail any of the contentious effects under discussion for regulation by an expanded SCA ordinance, and so should not be subject to the delay of a continuing moratorium. However, the issue as a whole is far larger than any one project, and more needs to be said on the policy front even if some of it should be addressed as much to your constituents as to the Board itself. That said, I am sending this to you so it will be part of the public record, and perhaps have a chance to be informative to some.

Few people concerned with the issues surrounding the adoption of an expanded SCA ordinance in Marin seem to be aware of what is perhaps the County's most compelling reason for 'leveling the playing field' for properties in SCAs. I trust the Board is aware of the liability of the existing inequity facing property owners in Planned District zoning, even if the public is not. I'm referring to the 24% of SCA property owners countywide singled out to be held to a much more restrictive and costly standard than the remaining 76%, who are in the dramatically less-encumbered Conventional zoning. Both of these zonings exist directly along and/or bisected by creeks, and are independent of property size. They are a remnant of the historical progression of zoning regulations and have nothing to do with environmental conditions or disparities. This not only prejudicially subjects a subset of citizens to a potentially unlawful inequity, but the resulting unequal application of environmental protections along creeks is counter-productive given the contiguous nature of habitat. This disparity means that currently a proposed project with a significantly detrimental impact can be subject to far less scrutiny and regulation than one with a fully mitigated or even beneficial impact, even though both are within an SCA. The expanded ordinance is intended to correct this indefensible inequity by placing the emphasis on overall ecological function rather than the irrelevant historical artifact of inequitable zoning.

I believe the County is now taking this inequity seriously and is working to correct the situation because it remains legally vulnerable until having done so, yet it doesn't point out this inequity to explain to concerned residents why the expanded ordinance is not *new* policy but a necessary *revision* of it, perhaps not wishing its vulnerability publicized. For their part, SCA property owners under Conventional zoning, when aware of the disparity, naturally would prefer to maintain the advantage it gives them to do what they want with far less restriction, substantially lower planning fees, and significant savings on expenses incurred to negotiate the planning process, and so many vociferously oppose the proposed Streamside

Conservation Ordinance. Also among those who oppose it are some who fail to realize that their property is already in the more highly restricted category of Planned District zoning and thereby subject to existing regulations as stringent as or more-so than those under consideration.

The failure of opponents to recognize this legal imperative to unify regulation and hold all SCA properties to the same standards is precisely why we need County officials to exercise the courage to stand up to misconceptions. As the governmental body responsible for enacting regulation, your judgement should be influenced only by criticism truly germane to the issues. When someone demonstrates a lack of understanding of regulatory terms or process (such as “the 100’ SCA setback would render my entire property unbuildable” or “discretionary review means county staff can demand whatever they want” or “this ordinance would be an uncompensated ‘taking’ of my property”) that comment should be discounted and corrected then and there, because it represents a mistaken concept of the actuality of the discretionary process. Please stand up to these inaccuracies when they occur, so misinformation doesn’t persist and proliferate as it has until now. Please don’t yield to those whose judgement is clouded by emotion or narrow self-interest, or a persistent inability to grasp the necessary give and take of the regulatory process. Recognize that the chronic lack of understanding of some is a poor reason to hold the entire SCA community in interminable uncertainty and disagreement, let alone to a moratorium which suspends the rights to make improvements to existing homes or properties. Worse still in the long-run, this failure to understand the terms and nature of the regulatory process causes otherwise well-meaning people to demand *lower standards* for protection of the natural environment.

As several Supervisors noted on June 18th, the environmental preservation ideals of Marin County are indeed well established and laudable, but they have not resulted in regulations that function well to attain the goals embraced by those ideals. Residents are plagued by the sheer complexity and uncertainty of the process, the expense of which puts making substantial improvements out of reach of many, if not most. Illegal construction or dereliction of properties within the SCA are hardly desirable alternatives, and the County’s effort to make regulation Clear, Affordable, Simple, and Enforceable responds to that. The current draft proposal would be a serviceable interim ordinance, granting that to become permanent regulation, the issue of ephemeral streams needs further clarification. Refinement is likely also needed to prevent the exploitation of loopholes at the ministerial permit level, and definitely is still needed to improve simplicity and affordability at the discretionary level.

Environmental preservation benefits everyone in the county, including businesses and County tax revenues, and to expect a limited sector of the population to accomplish that goal is unrealistic at best. Not only does too much expense fall on too few, but too little protection and/or restoration will take place not to be overshadowed by poor environmental practices on adjacent properties held to a lower standard. Rather than acquiesce to public demands for less protection, County government needs to reevaluate how seriously it embraces long held values to preserve and protect the natural environment, ascertain whether it can access funds to support those values, and decide how much responsibility can reasonably be required of citizens to attain that goal. Likewise citizens, who claim to share those ideals, need to get more realistic about what it will take, identify every opportunity to mitigate impacts to offset any proposed development, and support restoration proposals and regulation that is equitable to all, including wildlife and its habitat.

A net benefit to or improvement of ecological conditions should be the overarching requirement for obtaining permission for development, and would prompt property owners to get a lot more creative about what they themselves could contribute. The County could significantly incentivize this process by identifying and making available expertise and funding resources, such as has been done by the pilot Landowner Assistance Program. Resident’s willingness to undertake ecological improvements could then replace the existing rampant distrust of environmental regulation.

Please adopt an interim ordinance to end the moratorium as soon as possible. Then, in determining permanent regulation, focus on optimum ecological impact, affordability, and the attainability of widespread compliance, to ensure it will be enacted, adhered to, and effective.

Sincerely,

Adrienne Terrass and Aldo Tarigo
21 Barranca Rd., Lagunitas, CA

From: [Stratton, Debra](#)
To: [Lai, Thomas](#); [Thorsen, Suzanne](#)
Subject: FW: CORRECTION for "Interim SCA Ordinance/relief from moratorium" letter of July 25
Date: Monday, July 29, 2013 10:12:19 AM

From: Adrienne Terrass [mailto:aterrass@gmail.com]
Sent: Friday, July 26, 2013 5:49 PM
To: Adams, Susan; Rice, Katie; Sears, Kathrin; Kinsey, Steven; Arnold, Judy
Cc: Stratton, Debra; Crawford, Brian; Jackson, Lorene
Subject: CORRECTION for 'Interim SCA Ordinance/relief from moratorium' letter of July 25

Please replace my letter of July 25, 2013 'Interim SCA Ordinance/relief from moratorium' with this one, which reflects corrected figures for the percentage of SCA properties in Planned District zoning.

I apologize for the inconvenience,

Adrienne Terrass

July 23, 2013

Marin County Board of Supervisors
Marin County Civic Center
3501 Civic Center Drive, Rm. 329
San Rafael, CA 94901

Dear Marin County Supervisors,

My family lives in Lagunitas on an acre and a half which is bisected by Barranca Creek and is effectively entirely within an SCA. Our land, formerly part of adjacent properties, was settled and domesticated for farming between 1906 and 1911, and has changed little since that time. In our 20 years here, we have eliminated ramshackle structures, years of accumulated non-natural debris, and cleared non-native plants such as Himalayan blackberry, vinca, broom, and thistle, growing natives in their stead. We share the majority of the property with deer and other wildlife, which freely range on it. We were nearly a year and \$25,000 into the existing Marin County planning process under Planned District zoning when the current building moratorium in San Geronimo Valley was imposed ten months ago. Having been in limbo since then, we're extremely disappointed that the Board of Supervisors postponed taking action on June 18th. Considerable progress had been made by the Planning Commission and staff, and it's dismaying that the adoption of the current draft proposal was not considered even *as an interim* despite that accomplishment.

The current draft ordinance was well supported by those who realize that only a middle ground between environmental protection and property rights is likely to be complied with and thereby effective. County planning staff has painstakingly adjusted SCA policy to balance the prevailing rights of property owners with the environmental imperative to move toward ecologically sensitive functionality. Their mandate to work within the confines of the Countywide Plan, a document which itself was crafted with great expenditure of time and resources, means policy must evolve in an incremental manner. Adopting the current draft proposal as an interim measure would end the moratorium in SGV, and by eliminating that polarizing influence, would facilitate a constructive process for reaching accord on acceptable regulation. It would also immediately correct the significant current inequity that the 24% of county SCA properties under Planned District zoning are subject to a dramatically higher standard than the remaining 76% under Conventional zoning.

Already overdue, it is essential that an interim measure be enacted as soon as possible now that it appears the binding nature of the Countywide Plan will delay the task of finalizing the expanded ordinance. Revisiting the CWP to accomplish that has the potential to tremendously lengthen the moratorium, prolonging the uncertainty that has prevented affected property-owners from making necessary and reasonable property improvements. A repair permit, as allowed under the injunction, is

an inadequate alternative when faced with the comprehensive replacement of a seriously failing house over 100 years old.

Our proposal does not entail any of the contentious effects under discussion to be limited by expanded regulation. The project does not disturb raw land, native plants, or trees, and requires no grading. There would be no disturbance of riparian habitat and a net lessening of 1300 square feet of impervious area to be restored with native plants and proper drainage. The issues in contention are not germane to our situation. Further delay is counter-productive in that the net environmental benefit to be achieved by these improvements (which include an up-to-date engineered septic system to replace a functioning but outdated one close to the creek) would be delayed as well. The only truly sensitive aspect of our project is in fact its location in an SCA. To limit the work to what would be allowed under a repair permit would create comparable impacts from construction but preclude much of the environmental improvement being proposed.

Because it is difficult to have confidence that the adoption of an interim ordinance is imminent, we respectfully ask that the Board of Supervisors concurrently petition the Marin Superior Court for relief from the injunction for those San Geronimo Valley projects which are currently under Planned District zoning, *or at least* those that were in the permit process at the time the moratorium took effect (two such projects to my knowledge under PDZ, of three in total). For a comprehensive project this designation is functionally equivalent to the proposed Tier Two, and thereby subject to regulations at least as stringent as any being considered for inclusion in an expanded SCA ordinance. Either County Counsel failed to convey to the Court the stringency of policy to which those projects in Planned District zoning were subject at the time of the lawsuit, or Judge Lynn Duryee failed to realize the unfairness of not exempting them from the terms of the injunction and consequent moratorium when already subject to regulations as stringent as those required to lift that very injunction. Despite its judgement denying SPAWN's petition, the Court thereby penalized, without cause, those SCA property owners complying with the County's existing process, rather than provide an exception to the injunction to allow those few projects to proceed on their merits. This error needs to be rectified without further delay. Please *insist* on relief from the burden of the moratorium for those already held to a standard which equals, and may very well exceed, that to be adopted in an expanded ordinance.

We request the favor of a reply from the Board to know where things stand and whether you will try to help us move forward in the face of the Court's short-sighted ruling coupled with intractable politics.

Sincerely,

Adrienne Terrass and Aldo Tarigo
21 Barranca Rd., Lagunitas, CA

August 1, 2013

Marin County Board of Supervisors
3501 Civic Center Drive
San Rafael, CA 94903

RE: SCA issues

Dear President Arnold and Board Members:

We are a group of individuals who for decades have participated in the county's efforts to protect the environment. As a result of recent Board actions, we recommend:

1. *Do NOT amend CWP SCA policies; and*
2. *Adopt the SCA ordinance recommended by your Planning Commission and Staff.*

Beginning with its first Countywide Plan in 1973, Marin has had policies addressing SCAs, but has never had an ordinance to implement those policies. Our current 2007 CWP includes Program BIO-4.a: "Adopt Expanded SCA Ordinance", which you gave high priority and was to be accomplished within 1-4 years. In 2010 an SCA-lite type of ordinance written for the San Geronimo Valley (SGV) reached the Board. Residents of the SGV insisted that they should not be singled out, but that such an ordinance should apply to the whole County. The Board agreed, and directed staff to write a Countywide SCA ordinance. In June, 2013 a draft countywide ordinance was produced and, after considerable staff time and effort, Planning Commission public hearings and meticulous review, this draft reached your Board with a recommendation to adopt. The Board chose instead to appoint a subcommittee to examine a different, more targeted watershed SCA approach that incorporates greater "flexibility".

We believe that the considerable time and money this new exercise will require would be better spent on improved stream mapping, implementation of CWP Program BIO-4.b: "Re-evaluate SCA boundaries", and other efforts to protect and restore our environment.

We are also concerned about the undefined "flexibility" a CWP amendment may include. Flexibility is a double-edged sword. It sounds customized, likely to provide a better fit. But, compared to our current setback policy, it is likely to be more expensive, take more time to explain and administer, invite uneven application, increase uncertainty for property owners as to what they can actually do, and invite argument and lawsuits.

The CWP's current explicit setbacks do provide certainty, clarity and consistency. They have the advantage of being fully vetted and can be applied now. Moreover, both the CWP and the proposed ordinance allow reasonable exceptions and flexibility, as shown in Attachment B below.

If the Board directs staff to make a third attempt to craft an ordinance, SCA's on conventionally zoned lots will continue to lack protection during this potentially lengthy process, allowing stream degradation to persist. Note that lots in planned districts are governed by CWP policy. This split in policy application is unfair to residents and, without an adopted countywide ordinance, is going to remain in place indefinitely.

No policy, no ordinance, is perfect. There is no guarantee that a new effort will produce a better result than current CWP policy or the June, 2013 draft ordinance. Certainly, it will not be less controversial.

The County appears to be engaged in a ceaseless and circular effort that is going nowhere. First a targeted SCA-type approach, then a countywide approach and, now again, a targeted approach. Amending the CWP represents significant effort, time, money and continued uncertainty for property owners. It is time to call the question.

Sincerely,

Priscilla Bull

Barbara Salzman

Randy Greenberg

Susan Stompe

Marge Macris

Ann Thomas

Cc: Brian Crawford, Director
Tom Lai, Assistant Director
Suzanne Thorsen, Planner

ATTACHMENTS:

- A. Outline of SCA history and associated issues
- B. Excerpts from 2007 CWP and draft 6/18/13 countywide SCA ordinance that allow *exemptions/flexibility*
- C. Excerpts from 2007 Countywide Plan re SCA's

ATTACHMENT A

Outline of SCA History & Associated Issues

History:

1. 1973 CWP sets stream buffer zones at 300' from side of each bank, allows only limited development under strict controls in this area, with required findings.
2. 1982 CWP recognizes importance of SCA's, which apply to all perennial and intermittent streams, as well as ephemerals that support riparian vegetation for a length of 100' or more. Provides 100' setbacks from the side of each bank for Coastal Recreation and Inland Rural Corridor plus 50' landward of riparian vegetation as necessary, and 50' setbacks for City-Centered Corridor, except for large parcels which should have 100' setbacks. States that riparian systems, streams and their riparian and woodland habitat are irreplaceable.
3. 1994 CWP restates 1982 SCA policies and suggests creating an ordinance to carry out SCA policies.
4. 2007 CWP fine tunes Countywide SCA policies, includes program to adopt ordinance.
 - a. Public fully engaged in process
 - b. Current CWP approach supported by staff
 - c. Specifics of current approach represent a fair compromise of dissenting sides
 - d. Current approach science based
 - e. Includes implementing program BIO-4.a: Adopt Expanded SCA Ordinance. High Priority – complete in 1-4 years.
 - f. CWP includes implementing program BIO-4.b “Reevaluate SCA Boundaries”
5. 2010 BoS initiated SCA-lite ordinance for San Geronimo Valley based on Salmon Enhancement Plan completed.
 - a. Community/PC/BoS meetings
 - b. Recommended for approval by PC, rejected by Board. Board expressed need for SCA Ordinance that applies countywide. Directed staff to work on issues with a subcommittee (Kinsey/McGlashan. BoS Minutes, 8/10/10).
 - c. SGV states they shouldn't be singled out, should be a countywide ordinance
 - d. Ordinance withdrawn, followed by SPAWN lawsuit for not implementing CWP policy
 - e. Lengthy building moratorium in SGV
6. BoS asks for a countywide ordinance
 - a. Multiple hearings/community outreach
 - b. 2013 draft ordinance recommended by PC - to apply in all unincorporated areas outside the Coastal Zone and waters under tidal influence
 - c. 6/13 BoS sets aside draft countywide SCA ordinance
 - d. BoS subcommittee (Kinsey/Sears) appointed to make recommendations to explore SCA watershed approach, greater flexibility in SCA setbacks, and a “pathway to legalization for illegal structures in the SCA.
 - e. Approach seems to require CWP Amendment and interim ordinance for SGV
 - f. No end in sight.

Current CWP SCA benefits:

1. Adopted policies clear and readily applicable.
2. Multiple public hearings to hear and resolve issues accomplished.
3. Setbacks science based (Habitat Goals Report, Vegetation Management Plan, Restoration Plan, Regional Board input, etc.)
4. Compromises in setbacks represented in current policy
5. 2007 CWP provides certainty with some flexibility/exemptions
 - a. Good for property owners (specificity lets people *know*, not wonder/argue)
 - b. Current language in 2007 CWP and 6/13 Draft SCA ordinance provide for exemptions that allow for reasonable flexibility while protecting stream health/habitat

Issues Associated with CWP Amendment approach:

1. Process takes a considerable time – years.
2. Staff time/\$\$\$ better spent improving mapping, expediting CWP Program BIO-4.b
3. Deficient protections if no implementation of countywide ordinance while awaiting completion of amendment process & watershed approach.
4. No ordinance = no SCA protections for conventionally zoned properties. How long does this continue?
5. May result in less clarity, greater implementation problems than current policies
6. Replay of contentious hearings
7. Proposed “greater flexibility” *not* a benefit. [*See Attch. B for CWP & 6/13 Draft SCA exemption/flexibility language*]
 - a. Mandates uncertainty – property owner isn’t sure what is possible
 - b. Every decision open to interpretation - invites argument/dissension/lawsuits
 - c. Potentially unfair
 - d. Requires greater staff effort
 - e. Takes more time
 - f. Costs more for applicant/county

ATTACHMENT B

Excerpts from 6/18/13 BoS staff report, 6/13 draft countywide SCA ordinance and 2007 CWP that allow exemptions/flexibility

1. BoS 6/18/13 staff report, p. 2. “Unlike a building setback, the SCA setback functions as a special permit area in which development activity is evaluated for potential stream impacts. ***It does not necessarily eliminate or restrict the use of land within the SCA***, so long as adverse impacts to habitat, hydraulic capacity, and water quality are avoided...”
2. BoS 6/18/13 staff report, p. 3. “The ***proposed ordinance is focused on new development activity in the SCA and would not affect existing authorized structures and ongoing uses. Many common residential activities would be exempt from an SCA permit***, including second story additions and minor improvements such as accessory structures under 120 square feet in size located in previously disturbed areas, vegetation management to protect life and property, and maintenance, repair, and replacement of structures...”
3. 6/18 Draft SCA ordinance. “22.63.020 Applicability to Development B. Exemptions
 1. ***Exempt without further determination (some lettered items omitted)***.
 - b. ***Emergency measures*** requiring prompt actions, where such measures are immediately necessary to avoid or prevent loss of, or damage to, the health, property of essential public services resulting from a sudden, unexpected occurrence.
 - c. ***Tree and vegetation removal or trimming on a developed lot for the purpose of protecting life or property*** from a fire hazard, public nuisance or any other threat to public health and safety. Vegetation that is dead, invasive or exotic may also be removed under this exemption.
 - g. ***Maintenance, accessibility retrofit, and repair of permitted or legal non-conforming structures, water supply and septic facilities that existed prior to February 25, 2013.***
 - h. ***Maintenance or replacement of landscaping.***
 - i. ***New fences that do not restrict wildlife access to streams and adjacent riparian vegetation.*** Exempt fences include any fence within or on the perimeter of a previously disturbed area.
 2. ***Exempt subject to determination.*** [This item lists a number of activities which *may* be exempt, including, but not limited to, replacement of permitted and legal non-conforming structures and development in previously disturbed areas.
4. 6/18 Draft SCA ordinance, Attch. A, p. 22. “22.63.040 – Stream Conservation Area Permit (Tier 2)
 - B.4. Site Assessment
 - c. If the lot is not entirely within the SCA, the Site Assessment (Tier 2) shall also evaluate whether development on the lot entirely outside the SCA is infeasible and whether potential impacts on water quality, wildlife habitat, native vegetation, or other sensitive biological resources would be greater as a result of development outside the SCA than development within the SCA.”

From 2007 CWP:

5. p. 2-28 BIO 4-1 Restrict Land Use in SCA's

Exceptions to full compliance with all SCA criteria and standards may be allowed only if the following is true:

1. A parcel falls entirely within the SCA; or
2. Development on the parcel entirely outside the SCA either is infeasible or would have greater impacts on water quality, wildlife habitat, other sensitive biological resources, or **other environmental constraints** than development within the SCA.

- **NOTE:** "other environmental constraints" is language that covers a wide range of site conditions. This language could be construed to provide some of the flexibility in regard to building within an SCA the subcommittee may be looking for.

6. p. 2-28 SCAs are designated along perennial, intermittent, and ephemeral streams as defined in the CWP Glossary. Regardless of parcel size, a **site assessment is required** where incursion into an SCA is proposed or where full compliance with all SCA criteria would not be met...For those ephemeral streams that do not meet these criteria, a minimum 20-foot development setback **should** be required.

- **NOTE:** Site assessment issue is expense and time. Our proposal is for County to develop a site assessment check list that would apply to most parcels (only a small number should need something more elaborate (indicators for more information required to be part of checklist)), with clear standards to expedite process. Further, a dedicated staff/consultant should handle these assessments for efficiency, consistency and cost effectiveness.
- **NOTE:** Current "should" language does *not require* 20' development setback for ephemeral streams. Again, flexibility appears built in.

7. p. 2-29 & repeated on 2-30 for City-Centered, Coastal, Inland Rural & Baylands Corridors: "A site assessment **may** be required to confirm the avoidance of woody riparian vegetation and to consider site constraints, presence of other sensitive biological resources, options for alternative mitigation and **determination of the precise setback**."

- **NOTE:** Site assessment is discretionary, not an absolute requirement, as indicated by "may".
- **NOTE:** The "determination of the precise setback" here allows some flexibility, and specifically allows consideration of incursion into an SCA (see p. 2-31, 5th bullet).

8. p. 2-31 First 3 bullets at page bottom. **Sets minimum setback distances** from top of banks

- **NOTE:** Although these are specific minimum setbacks, exceptions are allowed, providing reasonable flexibility (see p. 2-28, BIO- 4.1).

ATTACHMENT C

2007 CWP Excerpts re SCAs

p. 2-10-11 (p.43-44 online) Streams convey, filter, and store sediment and nutrients. Their floodplains are important for recharge of groundwater aquifers and flood prevention. They also provide critical wildlife movement corridors between important habitats for both aquatic and terrestrial species. *Ephemeral channels are important for maintaining healthy watersheds.* Perennial and intermittent streams provide more permanent aquatic habitat and serve as fish migration, spawning, and rearing habitat. Riparian habitat is essential to provide proper functioning of stream systems and is a critical component of high-quality fish habitat. Woody vegetation provides shade that keeps water temperatures within tolerable ranges for fish and other aquatic organisms, stabilizes streambanks and floodplains, provides protective cover for wildlife, and contributes debris to stream channels for fish habitat structure. Herbaceous vegetation helps stabilize streambanks, and filters and traps sediments and pollutants.

The continued *health and restoration of streams and riparian resources has become an increasingly important policy objective with the designation of the coho salmon and steelhead trout as special-status species* by the State and federal governments. Stream Conservation Area policies were strengthened with the adoption of zoning regulations that expand and refine the applicability of stream setback requirements for development projects that have the potential for harming riparian vegetation and water quality. Additional development review procedures and standards are established or recommended in policies for stream conservation as an ongoing effort to create a well-balanced regulatory approach to protecting these important resources. Policies for riparian protections also serve to prioritize land for restoration and open space acquisition.

p. 2-5 (p. 38 online) Watershed function will improve with enhancements to water infiltration, *preservation of stream-flow capacity and riparian vegetation, and restoration of stream corridors*, marshlands, and other natural wetlands.

p. 2.5 (p. 38 online) Water Resources: ...Preserving and improving water and watershed quality depends on maintaining equilibrium between inflow and consumption, and *avoiding human alterations that can diminish natural functions.*

p. 2-12 (p. 45 online) Intensive development and *inadequate buffers threaten streams*, shorelines, wetlands, and protected open space lands.

p. 2-20 (p. 53 online) *Why is this important?* The loss of critical, sensitive biological resources is well documented. *To minimize further loss, it is necessary to identify remaining sensitive resources and their habitats to protect them from the impacts of development.*

p. 2-30 (p. 63 online) Allowable uses in SCAs in any corridor consist of the following, provided they conform to zoning and all relevant criteria and standards for SCAs:

- Existing permitted or legal nonconforming structures or improvements, their repair, and their retrofit within the existing footprint;
- Projects to improve fish and wildlife habitat;
- Driveway, road and utility crossings, if no other location is feasible;

- Water-monitoring installations;
- Passive recreation that does not significantly disturb native species;
- Necessary water supply and flood control projects that minimize impacts to stream function and to fish and wildlife habitat;
- Agricultural uses that do *not* result in any of the following:
 - a. The removal of woody riparian vegetation;
 - b. The installation of fencing within the SCA that prevents wildlife access to the riparian habitat within the SCA;
 - c. Animal confinement within the SCA; and
 - d. A substantial increase in sedimentation.

p. 2-30 (p. 63 online) BIO 4-2. In determining whether allowable uses are compatible with SCA regulations, development applications shall not be permitted if the project does any of the following:

- Adversely alters hydraulic capacity;
- Causes a net loss in habitat acreage, value, or function;
- Degrades water quality.

p. 2-36 “ **Bio-4.b *Reevaluate SCA Boundaries.*** Beginning with the City-Centered Corridor and smaller parcels, ***conduct a comprehensive study to reevaluate standards used to protect SCAs and regulate development adjacent to streams.*** The study shall consider available data on stream protection and management standards, their effectiveness, and the effectiveness of the current standards used in Marin County, including the 50- and 100-foot setback distances (plus additional setbacks from the edge of riparian vegetation where applicable). The study shall consider stream functions on a watershed-level basis, and include input from professionals such as a fluvial geomorphologist, hydrologist, wildlife biologist, and vegetation ecologist, together with resource agencies and interested members of the public. Each SCA should encompass all woody riparian vegetation and be of sufficient width to filter sediments and other pollutants before they enter the stream channel. Careful study may be needed to distinguish woody riparian vegetation from other types of woodland or forest vegetation in some areas.

WATERSHED ALLIANCE OF MARIN

August 15, 2013

Marin County Board of Supervisors

Sup. Kathryn Sears

Sup. Katie Rice

Sup. Susan Adams

Sup. Judy Arnold

Sup. Steve Kinsey

RE: Public Hearing August 20, 2013, Revision of the Countywide Plan

Dear Supervisors:

In considering whether to revise the CWP, we would ask you to evaluate such in light of the following issues.

1. The CWP 2007 is a result of years' long research, participated in by a wide range of local citizens and groups, volunteers from each community, credentialed experts, county staff, and elected officials. Take a look at the opening pages for the list of participants, before you decide to alter the plan they worked together to provide for us.
2. Some of you have stated that you want to open the door just a bit and tweak a few things. That is impossible, given the intent and purpose of the Natural Systems Element. According to Sup. Kinsey, both in local news reports as well as face to face meetings with several non-profit organizations, he seeks to change protections, all of which have to do with regulating land use in the San Geronimo Valley watershed (a sub-watershed of Lagunitas Watershed). He objects to (a) the setback rules, (b) the rules governing ephemeral streams, (c) site assessment, and (d) wants to amnesty existing non-permitted structures and use, as well as those which constitute non-conforming use. Indeed, in the public hearing as well as in other sessions, he has referred to (d) as a "get out of jail free card".

The CWP, Natural Systems Element Introduction states its purpose: "Reinforcing the critical role of watershed planning is an overarching concern". Under 2.2 Key Trends, the first specific reference is to Lagunitas Creek, which "supports the most important remnant population of federally endangered wild coho salmon", citing threats.

The CWP continues with Biological Resources, see 2.4 Resource Protection, "endangered or threatened species receive the highest protection.....the county development review process typically requires a site assessment by qualified professionals to confirm whether any sensitive resource could be affected and to identify measures to protect....." The intent to provide the strictest review in the permitting process continues and could not be clearer. (pages 2-8,9)

Bio 2, at 2.1 Resource Preservation requires CEQA review of sensitive habitat alterations, 2.2 Limit Development Impacts.....pages 2-19 through 2-21 should be read carefully to understand that land use in areas of endangered species is a very big deal in state and federal law.

Most of the conversation about a Stream Conservation Area ordinance has centered on part Bio 4, which sets forth the setback rules and contains the graphics on them. Those are clear enough and it must be understood that these measures are **part of implementing the purpose and intent of all the ‘highest priority’ and ‘no net loss’ provisions of the CWP.**

CWP Water Resources 2.5, and Environmental Hazards 2.6 (see flooding) continue with the same themes, fact-based, science-based measures to insure the safety of both humans and wildlife.

3. The above citations to the CWP serve to remind us of what is required under California and Federal law. Local law necessarily must follow and our general plan, whether explicitly stated, or not, includes these laws. The Endangered Species Act, the Clean Water Act, CEQA.....these are all part of our local law, like it or not.
4. In 2007, the participants referred to above, tried to follow the law in the Natural Systems Element. It is safe to say that without this expressed intent, there would not only have been no state support, no state or federal grants, no FEMA insurance, but there would have been a great deal of litigation from national environmental groups.
5. What is unfortunate is that these expressed good intentions have not received the required carry-through. While millions of dollars in federal and state money has been spent in the Lagunitas Watershed, along with local tax money, precious little has had effect. The CWP update was 2007, stating within that a SCA ordinance would effect the protections provided. That did not occur within any reasonable time period and litigation around that failure started in 2011.
6. **What we have seen in the intervening years is that climate change is accelerating, that the salmon and steelhead in the area are on a downward spiral, with attendant federal focus, see for example, the Federal Salmon Recovery Plan for Central Coast Coho Salmon.....almost one hundred pages of scientific research address the Lagunitas Watershed.** This plan for the coast, envisions a cost in the multibillions of dollars.
7. This county does not own these fish; they spend part of their lives here, but they belong to no one county, nor one state. It is beyond belief that a few hundred people who mistakenly believe that their land values will decline if these fish are protected from extinction, can hold the rest of us, indeed not only the citizens of

- this county in all of the 5 districts, but those of the state and the United States, hostage to their erroneous claims.
8. Sup. Kinsey when asked how many in SGValley would potentially be adversely affected by proposed changes, stated that if all changes were considered, maybe 800.
 9. Those 800 will also have enhanced land values, as every study shows, from living in an area where protections apply, to save their fish, their creeks, their ecology. The rest of us may not have enhanced land values, but we claim the community assets enhancement for ourselves and our county.
 10. We all have to live with zoning ordinances and land use regulations. It is so ironic that the San Geromino Valley has had to live with precious few, and without fees that most of us have to pay for reclamation and restoration work. They owe the fish for the largesse of grant funds. Community outreach and education have been going on for decades, with no accompanying enforcement of the policies of the CWP and state and federal law. We should reject the notion that one part of one district doesn't have to play by the rules, for lack of enforcement for the meager rules that are there. The most dreadful part of the San Geronimo Valley debacle is that without enforceable and enforced rules, the community has become divided. It is indeed pitiful that its supervisor has to make excuses for all of this, by degrading the community he serves with the description of permit failure amnesty, to call it, "get out of jail free cards."
 11. **This county has an outdated code for natural resources which does not reflect the CWP. In fact the proposed ordinance sent to you by the Planning Commission does not come anywhere close to a no-net-loss policy or a watershed approach. For this reason, a new ordinance must be considered. And, a new culture of enforcement. How does that happen? It begins not only with community, but from the voice of leadership.**
 12. In this regard, please consider Santa Cruz's County Code, in particular its Riparian Corridor and Sensitive Habitat chapters. This code with some changes would provide Marin County with a real riparian ordinance and an overlay for sensitive habitats. All of the provisions in this code are within the guidelines set by our CWP. There have been no cries of its being 'draconian' or unenforceable.

Conclusion.

It is up to you to decide if your constituents deserve the protection of their community assets, in which our coast, our wetlands, our fish, and yes, our watersheds are included. Your own district may not be West Marin, but that is ours too. The necessity of protection is a reality, the science is there. Urban development is the greatest threat to protected species. That is something not difficult to prove and in fact, research and treatises on the subject make it probably not even a justiciable issue. The CWP accepts it as fact and goes from there to its goals and policies. To

march backwards, to reject the CWP, to reject zoning laws which serve all of us is, indeed, backward, devoid of common sense as well as the application of state and federal law.

One last thing. As elected officials, you are bound by your oaths. Consider that the course suggested to you is to “tweak” the CWP, because of what one or some of you may think is political expediency. Think about the precedent this will set. This will be one more nail in the coffin in what many see as the demise of our institutions.

Respectfully,

Joyce Britt
Laura Chariton
Mill Valley StreamKeepers
Watershed Alliance of Marin

August 17, 2013

Marin County Board of Supervisors
3501 Civic Center Drive
San Rafael, CA 94903

RE: SCA issues

Dear President Arnold and Board Members:

In an effort to become educated about areas of concern related to the draft SCA ordinance, we have met with each of you, and believe that several issues rise to the top:

A. A Countywide Plan (“CWP”) amendment is *not* necessary to achieve goals.

Making SCA amendments to the CWP could take years, result in prolonging the period without SCA protections, use staff time better spent on other efforts, be expensive and contentious, and not guarantee a problem-free outcome or one that will be legally bullet-proof.

We urge the Board to make every effort to fine-tune SCA policies in an ordinance, rather than through CWP amendments. To enable the public to give feedback to inform your decision-making, we request that you provide specifics on areas of concern before committing to an amendment process. The “Framework” provided in the 8/20/13 staff report does not explain why 2007 CWP language does not cover the items listed. We are concerned that a conclusion to amend may not be justified. For instance, among the issues Board members raised:

1. *The “setback” distances are too specific and restrictive. A “one size fits all” approach is unfair.* The exceptions language in the CWP and draft SCA ordinance allow flexibility and encourage consideration of individual circumstances. Incursion into the SCA can be considered unless the proposal adversely alters hydraulic capacity, causes a net loss in habitat acreage, value, or function or degrades water quality. This language provides the most basic stream protection while allowing for customization and flexibility in the designated “setback” or “permit” area.

We believe the exceptions approach is superior to modification of the current SCA setback sizes, which is likely to play to the lowest common denominator in terms of area sizing, and not provide the best stream protections.

2. *Use of the term “setback” in relation to SCAs is a problem.* “Setback” is defined in the CWP Glossary as “*The distance by which a structure must be separated from a lot line. Setbacks from private streets and driveways are measured from the edge of the easement.*” However, the term is used in the CWP in relation to SCAs, where this definition does not apply. The question arises if the CWP needs to be amended in this regard, or if the ordinance can explain setback in relation to SCAs as “permit areas”, as defined in the June 18, 2013 staff report.

3. The CWP is silent on a *pathway to legalization for illegal structures in the SCA*, particularly in San Geronimo Valley. However, BIO-4.b: “Reevaluate SCA Boundaries”, says: “beginning with the *city-centered corridor and smaller parcels*, conduct a comprehensive study to reevaluate standards used to protect SCAs and *regulate development* adjacent to streams.” The language does *not* say smaller parcels *in* the city-centered corridor; it says city-centered corridor *and* smaller parcels. The use of “and” in this program indicates priority in reevaluation of standards to “regulate development” should go to parcels in the city-centered corridor *and also* smaller parcels throughout the unincorporated area. This would certainly cover parcels like those in San Geronimo Valley and

most parcels where illegal structures in the SCA are an issue. Program BIO-4.b, when implemented, can provide the desired “pathway to legalization”, based on hard data.

4. Concern was expressed about the *requirement for a site assessment (BIO-4.g) and related cost and time issues.* We recommend refinement of an initial checklist to provide an objective and consistent approach to deciding if a site assessment is necessary and, if so, what information it needs to include. This checklist should be administered “by a qualified professional” who is a county staff member. No CWP amendment should be necessary to implement this approach.

B. Adoption of an interim ordinance as Board preferred approach. *In this case, we urge you to support a **countywide** ordinance that could be changed in the future, not just one applying to San Geronimo Valley.*

A countywide approach provides protections for all watercourses and adjacent habitat in the unincorporated area, instead of protection for just the San Geronimo Valley. There is no justification for an ordinance for a limited area to get out from under a court judgment and leaving the rest of the county unprotected for years.

1. It has been suggested that residents are not ready to accept an SCA ordinance. The draft ordinance has been personally introduced by staff to more than 16 community groups plus concerned individuals. The County has a comprehensive, informative website which includes “frequently asked questions”. Staff responds promptly to individual’s inquiries. Without an adopted ordinance, some residents will always continue to push back and argue, rather than work to understand the reasons for the ordinance and its practical application. We also support creation of a new budget item to fund an SCA ordinance education program and implementation assistance.

2. Adoption of an ordinance that applies countywide now will provide valuable feedback in crafting any future changes. Adoption of an ordinance for just SGV will only provide information on how the ordinance actually works for this very distinctive neighborhood.

3. Implement Program BIO-4.b. This program requires studies of stream functions on a watershed-level basis to assess regulation of development in SCAs. With over 20 watersheds in Marin County, even if not all are studied, this program will take considerable time to complete. There is no justification for contemplating change to current policy or the proposed draft ordinance without the hard data this Program will generate. No one knows what the results of the required studies will be.

4. Prioritize stream mapping and focus especially on “ephemerals” and “intermittent” streams. The expectation is that there will be very few ephemerals that meet the requirement to have 100’ of continuous riparian vegetation.

Sincerely,

Priscilla Bull, Randy Greenberg, Barbara Salzman, Susan Stompe, Ann Thomas

Cc: Brian Crawford, Director
Tom Lai, Assistant Director
Suzanne Thorsen, Planner

From: [BOS](#)
To: [Escobar, David](#); [Alden, Leslie](#); [Crosse, Liza](#); [Parton, Maureen](#); [Fraitas, Rick](#); [Laird, Sandy](#); [Clark, Susannah](#); [Albert, Tanya](#); [Vernon, Nancy](#); [Weber, Leslie](#)
Cc: [Lai, Thomas](#); [Thorsen, Suzanne](#)
Subject: FW: Your vote on the San Geronimo Valley issues
Date: Monday, August 19, 2013 7:50:19 AM

The attached correspondence was received in the general BOS email box. It will also be attached to this afternoon's change memo.

Patrice

From: gregwaldnersgv@yahoo.com [mailto:gregwaldnersgv@yahoo.com]
Sent: Sunday, August 18, 2013 10:28 PM
To: BOS
Subject: Your vote on the San Geronimo Valley issues

Greg Waldner would like information about:
Dear Marin County Supervisors:

This letter will be different than some "form" letters you receive.

I'm hoping that as you consider the next vote on San Geronimo Valley issues, you consider a few things submitted by this long-time Valley resident and homeowner who considers himself a person who has worked hard, over thirty-seven years, to make both the San Geronimo Valley and his own small piece of land precious. I have a few recommendations that might be not necessarily in opposition to some Valley residents, but of slightly different focus.

1. Water quality, flood control, and fish/wildlife habitat are important. Certainly, focus on discouraging new development is important. The Countywide Plan is important. HOWEVER, extending the reach of the Countywide Plan, depending upon how that extended reach is implemented in 2, 10, 20 years, introduces the possibility of hurting us who have devoted their lives as (precious) landowners to maintain the value of their land as something to pass on to our own children. The Countywide Plan is a magnificent document created by people with long-range vision. Creating new strictures hurts those of us who support it, who are not wealthy, and for whom their property is all they have to pass on.

2. I hope that over the years you work toward creative solutions that retain and enhance healthy streamside habitat, protect endangered (salmon), REMEMBERING THAT MYRIAD FACTORS ARE AT WORK ON THE PROLIFERATION OF THAT SPECIES, INCLUDING HISTORICAL HABITAT, OCEAN CONDITIONS, OCEAN TEMPERATURE, ETC.—THOSE FACTORS INCLUDING steelhead trout species.

3. I hope that you base your decisions for protection and necessary enhancement of the creekside environment on science and well-documented research, INCLUDING NOT ONLY SCIENCE REVOLVING AROUND CREEKSIDE HABITAT (PLEASE BE SURE TO SEE SPECIMEN PHOTOS OF SAN GERONIMO VALLEY CREEKSIDES IN THE EARLY TWENTIETH CENTURY) AND SALMON STUDIES THAT INCLUDE OCEAN CURRENTS, OCEAN TEMPERATURES, GLOBAL WARMING ISSUES, NATIONAL FISHERIES POLICIES REGARDING ANNUAL LIMITS, AND SALMON CYCLES

BEYOND MATHEMATICS CENTERED ON SIMPLE CREEKSIDE SALMON CYCLES. The County's substantial investment in the Salmon Enhancement Plan provides a strong foundation, BUT SUBSEQUENT BREACHED AGREEMENTS ON THE PART OF VARIOUS GROUPS HAS ERODED GOOD-FAITH EFFORTS ON THE COUNTY'S PART. Vital decisions can only benefit from solid, WIDE-RANGING information that provides a basis for action and measuring results. AND abiding by previous agreements.

4. Consider how important the Ordinance is to people living in the San Geronimo Valley. The Landowner's Assistance Program is important, for sure. SOME designation to reward landowners' stewardship is important. Incentives toward a designation of a "Model Streamside Parcel" are desirable.

5. The more WIDELY SUPPORTED AND CITIZEN-COMPLIANT an ordinance is, the more likely it is for its Valley-wide energy toward its goal is to grow, and the more likely to attract other funding sources.

6. Regarding grandfathering "non-legal" development, please think for a moment about the term "non-legal." Many homes, rented cottages next to main homes, and outbuildings in the San Geronimo Valley were built in the Thirties, Forties, and Fifties; many of those considered "non-legal" by TODAY'S terms were built and lived in before either the application of codes or code enforcement. FEW dangerous building conditions exist in the Valley—those are long gone. And the "non-permitted" buildings that exist often have existed for decades and do NOT harm the environment. Those MANY, MANY homeowners who have not "legalized" cottages or outbuildings have not done so in fear of hugely expensive septic considerations, often \$60,000-\$100,000 per parcel, a cost that most Valley homeowners, still members of the lower-middle class or middle class, simply cannot afford. New, more flexible septic regulations for those homeowners with outbuildings—whether their properties are beside a creek or far from a creek—can only benefit both the creekside habitat, the sense of a homeowner's "buy-in," and the fish life in the creek. (We can take important lessons from other jurisdictions, which have implemented AND WIDELY PROMULGATED not only graywater systems, but also alternative toilet systems. (N.B.: the existence of a graywater system DRAMATICALLY decreases septic flow, and can result in radically decreased septic "flow tables" per bedroom per day, thus making obsolete current septic calculations.)

"Grandfathering" existing buildings, fee-free, increases "buy-in" toward the great goal of environmental improvement.

7. Regarding setbacks, the science behind increasing them is questionable at best. Common sense dictates that what you've already proposed is logical.

8. Please do respect the time, money, and effort that have been expended by stakeholders over many years – INCLUDING VALLEY HOMEOWNERS WHO HAVE SUPPORTED SALMON RESTORATION EFFORTS BUT WHOSE CARE AND EFFORTS HAVE BEEN IGNORED BY THOSE ADVOCATING INCREASED STRICTURES. Many of us in the Valley were bamboozled by particular groups whose stated purpose was the restoration of salmon, only to learn later that those same people deceived the County, deceived us, and have worked doggedly to take tacit ownership of the land we've worked lifelong to support, to augment, to put into harmony. It is THESE efforts of common working people like ourselves that deserve acknowledgment by HELPING us have confidence that we are responsible

landowners, landowners who ought not to live in fear of our “illegality,” even though we’ve worked day in and day out to make the Valley and our own land lovely and sensitive to nature’s needs. WE deserve to be supported by a reasonable ordinance.

9. YES, this is your opportunity to perpetuate Marin County’s long-standing legacy of leadership by establishing sound environmental policy. BUT, ESPECIALLY CONSIDERING SUPERVISORS WHOSE TERRITORY DOES NOT INVOLVE THE SAN GERONIMO VALLEY, PLEASE KNOW THAT ORDINANCES IMPLEMENTED IN THE SAN GERONIMO VALLEY ARE SURELY, BY HISTORY OF LITIGATION, BOUND TO COME YOUR WAY IN TIME. THAT MUCH IS CERTAIN. You DO have an obligation to protect and enhance a resource of critical state and federal importance—the coho salmon and steelhead trout—AND ALSO HAVE THE RESPONSIBILITY TO MAKE SURE THAT CITIZENS WHO CARE DEEPLY ABOUT THE LAND, WHO HAVE PURCHASED PROPERTIES CONTAINING “NON-COMPLIANT” BUILDINGS DO NOT FEEL AS IF THEY ARE CRIMINALS, AND DO NOT FEEL AS IF WHAT THEY’VE WORKED FOR ALL THEIR LIVES CAN GO UP IN SMOKE AT ANY MOMENT. The courage and leadership that you bring are qualities needed to move the County forward to A REASONABLE ORDINANCE—ONE THAT HELPS US ALL AND DOES NOT REFLECT A FEAR OF FUTURE LAWSUITS.

Thank you so much,

Greg Waldner
San Geronimo Valley Resident

cc: Marin County Board of Supervisors
Brian Crawford, Director - Community Development Agency
Tom Lai, Deputy Director - Community Development Agency
Suzanne Thorsen, Planner - Community Development Agency
Bob Beaumont, Director - Dept. of Public Works
Liz Lewis, Principal Planner - Dept. of Public Works

From: [BOS](#)
To: [Escobar, David](#); [Alden, Leslie](#); [Crosse, Liza](#); [Parton, Maureen](#); [Fraitas, Rick](#); [Laird, Sandy](#); [Clark, Susannah](#); [Albert, Tanya](#); [Vernon, Nancy](#); [Weber, Leslie](#)
Cc: [Lai, Thomas](#); [Thorsen, Suzanne](#)
Subject: FW: Improve draft Stream Conservation Area Ordinance
Date: Monday, August 19, 2013 7:52:08 AM

The attached correspondence was received in the general BOS email box. It will also be attached to this afternoon's change memo.

Patrice

-----Original Message-----

From: Lawrence Thompson [<mailto:thompson14ster@gmail.com>]
Sent: Saturday, August 17, 2013 12:44 PM
To: BOS
Subject: Improve draft Stream Conservation Area Ordinance

Dear Marin County Board of Supervisors,

Please strengthen protections for the endangered coho salmon and steelhead trout that reside in the County's streams, and to increase their chances for recovery to sustainable population levels. Please: (a) Adopt science-based Stream Conservation Area ordinance with protections necessary to the survival of the coho; ensure complete protection for salmon-bearing streams, including 100-foot setbacks to restrict development in coho critical habitat; DO NOT revise the existing Marin Countywide Plan to allow more creekside development; protect the valuable habitat provided by ephemeral streams. These undeveloped areas are needed to relieve flooding, improve water quality, and provide refuge for salmon during high-flows.

I ask that you demonstrate bold environmental leadership to protect the health of creeks that are critical to all the wildlife of Marin.

Sincerely,

Lawrence Thompson

1069 Felicia Court
Livermore, CA 94550

From: [BOS](#)
To: [Escobar, David](#); [Alden, Leslie](#); [Crosse, Liza](#); [Parton, Maureen](#); [Fraitas, Rick](#); [Laird, Sandy](#); [Clark, Susannah](#); [Albert, Tanya](#); [Vernon, Nancy](#); [Weber, Leslie](#)
Cc: [Lai, Thomas](#); [Thorsen, Suzanne](#)
Subject: FW: Strengthen & Improve Stream Conservation Area Ordinance
Date: Monday, August 19, 2013 7:52:43 AM

The attached correspondence was received in the general BOS email box. It will also be attached to this afternoon's change memo.

Patrice

-----Original Message-----

From: Elise Acosta [<mailto:elise.acosta@gmail.com>]
Sent: Friday, August 16, 2013 9:50 PM
To: BOS
Subject: Strengthen & Improve Stream Conservation Area Ordinance

Dear Marin County Board of Supervisors,

I urge you to strengthen protections for the endangered coho salmon and steelhead trout that reside in the County's streams, and to expand their chances for recovery to sustainable population levels.

I ask that the your current efforts include at least the following basic provisions:

- Do not revise the existing Marin Countywide Plan to allow more creekside development. Revising the accepted Plan would set a dangerous precedent, potentially weakening hard-won environmental protections critical to the future of Marin's wildlife, including endangered species.
- Adopt science-based Stream Conservation Area ordinance with protections necessary to the survival of the coho.
- Ensure complete protection for salmon-bearing streams, including 100-foot setbacks to restrict development in coho critical habitat.
- Protect the valuable habitat provided by ephemeral streams. These areas must remain undeveloped to relieve flooding, improve water quality, and provide refuge for salmon during high-flows.

Your predecessors on the Board took bold action to protect our ridgelines years ago. I ask that you now demonstrate the same kind of environmental leadership to protect the health of creeks that are critical to all the wildlife of Marin.

Sincerely,

Elise Acosta

243 San Carlos Avenue
Sausalito, CA 94965



Protecting Marin Since 1934

August 19, 2013

Judy Arnold, President
Marin County Board of Supervisors
3501 Civic Center Drive
San Rafael CA 94903

Subject: Stream Conservation Ordinance

Dear President Arnold and Supervisors:

The Marin Conservation League continues to support the adoption of the Stream Conservation Area ordinance recently recommended by your Planning Commission after a thorough and extensive public outreach process. We believe that the ordinance is a reasonable and balanced approach to implementing the natural riparian resource protection measures called for in the 2007 Marin Countywide Plan. In addition, we continue to support an ordinance that would apply countywide.

Adoption of a Stream Conservation Ordinance is long overdue. Indeed, your board has endorsed adoption of stream protection measures for more than 30 years, since the 1982 Countywide Plan. Each time the Plan was updated, the policies were publicly reviewed and reaffirmed. We find it inexplicable that the Board now finds the Plan policies must be amended prior to adopting and implementing a stream protection ordinance. The inescapable conclusion is that the policies will be weakened.

We continue to urge the Board to adopt a strong implementation strategy including updated mapping of all categories of streams, a fee structure that does not discourage compliance, and a program for assisting property owners to preserve and enhance their creeks for wildlife habitat and water quality.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Jana Haehl".

Jana Haehl
1st Vice President, Marin Conservation League

PHONE: 415.485.6257
FAX: 415.485.6259

EMAIL: mcl@marinconservationleague.org
WEB: marinconservationleague.org

ADDRESS: 175 N. Redwood Dr., Ste. 135
San Rafael, CA 94903-1977



From: [Lai, Thomas](#)
To: [Stancato, Patrice](#)
Cc: [Sears, Kathrin](#); [Thorsen, Suzanne](#); [Patterson, Diane](#)
Subject: RE: Stream ordinance - Marin County Supervisors
Date: Monday, August 19, 2013 1:22:53 PM

Hi Patrice,

Is it too late to add this email to the agenda change memo that is going out from your office this afternoon?

-Tom

-----Original Message-----

From: Sears, Kathrin
Sent: Monday, August 19, 2013 1:17 PM
To: Lai, Thomas; Patterson, Diane
Subject: FW: Stream ordinance - Marin County Supervisors

Fyi, would you make sure this gets to the BOS in advance of tomorrow's meeting. thanks

-----Original Message-----

From: Amy Meyer [<mailto:a7w2m@earthlink.net>]
Sent: Monday, August 19, 2013 10:24 AM
To: Sears, Kathrin; Sears, Kathrin
Subject: Stream ordinance - Marin County Supervisors

Dear Kate,

I have learned that a "temporary stream ordinance" is under consideration by the Marin Board of Supervisors.

Some of the headwaters of the affected streams, notably the Rodeo Creek watershed, and the Tennessee Creek watershed in your district, are east of national park boundaries and their Coho salmon populations would be affected by development too close to their edges.

In Supervisor Kinsey's district, Pine Gulch Creek which flows through several sections of federal parkland and supports steelhead as well as coho would be affected. At Muir Beach, where the NPS is making major, expensive changes to protect the creek, the community, and the fish and wildlife of Redwood Creek— whose salmon can be seen in Muir Woods— incursions of development too close to the tributaries of the creek that flow through private land would be harmful to this important fish population.

I am impressed that scientists, the county planning department and commission, and a judge have all urged effective protection of the stream side habitat.

I urge you to support the continuation of that protection.

Please share this communication with other members of the Board.

Sincerely,

Amy



August 19, 2013

Marin County Board of Supervisors

Via email: bos@marincounty.org

Dear Supervisors:

The Environmental Action Committee of West Marin (EAC) offers the following comments on your Board's Stream Conservation Area (SCA) Subcommittee recommendations.

As stated in our June 16th letter to you, we view your determination to amend the Countywide Plan, and to renounce a decades-old regulatory framework for protecting the Federally-listed endangered salmon, as a dangerous precedent. We urge you in the strongest possible terms to abandon this ill-advised course.

Nothing in the Subcommittee's "Guiding Principles and Framework" is new or particularly helpful in the effort to protect and enhance riparian habitat, or to aid in the recovery of the salmon population. The Principles and Framework merely address the concerns of a few property owners, while putting off to some distant future any possible action to protect the salmon.

Further, in order to facilitate three permit applications, the Subcommittee recommends that you adopt an interim SCA ordinance for the San Geronimo watershed, based on the draft ordinance approved by the Planning Commission. This is the very ordinance your Board unanimously rejected only two month ago. **This interim SCA ordinance is inconsistent with the 2007 Countywide Plan because it does not meet the "no net loss of habitat acreage, value, or function" standard of Policy Bio-4.2.** Adopting such an ordinance would be legally questionable, and we urge you instead to adopt a meaningful countywide ordinance that will provide actual, needed protections for the endangered Coho salmon.

We view your Board's whole approach toward a Stream Conservation Ordinance as ill-considered, including that:

- You consider adopting an ordinance you just rejected, not to protect endangered species, but to allow additional streamside development.
- You made specific Countywide Plan policies the center of your Appeals Court filings, yet you are rushing to repeal those policies.
- You tout programs such as Fishnet4C, culvert replacement, and the Landowner Assistance Programs, but these programs are no longer funded.

Environmental Action Committee of West Marin
PO Box 609 Point Reyes, California 94956
www.eacmarin.org 415.663.9312

- You publicly affirm your commitment to watershed health and the protection of the endangered Coho while you turn your backs on stream protection policies that have been a central element of successive Countywide Plans for over 40 years.

It is not too late to change course. ***We again urge you to preserve the integrity of the Countywide Plan and adopt a Stream Conservation Ordinance that is consistent with its policies and programs, rather than move forward with a scheme that will ensure the demise of the endangered Coho.***

Thank you for your consideration of our concerns.

Respectfully submitted,

A handwritten signature in black ink that reads "Amy Trainer". The signature is written in a cursive, flowing style with a long horizontal line extending to the right.

Amy Trainer, Executive Director



August 19, 2013

Judy Arnold, President
3501 Civic Center Dr.,
San Rafael, CA 94903-4157
Re: BOS packet for Aug. 20 SCA issue

The San Geronimo Valley Planning Group has reviewed the Guiding Principles: the Proposed Framework for Countywide Plan Amendments; the proposed Resolution and the Staff Recommendation that became available last Thursday. We may have additional comments after the Aug. 20 hearing. In the meantime, here are our comments/suggestions:

GUIDING PRINCIPLES –Suggested changes are in **red**:

- Existing: Future actions should contribute to the overall improvement of the watershed.
- Existing: Expand available tools for watershed stewardship, including incentives.

Change to: Expand available tools for watershed stewardship, including incentives **and education**.

- Existing: Recognize the distinction between historic neighborhoods with smaller developed lots and those areas of the county with larger lots or vacant parcels.
- Existing: Achieve consistency and avoid redundancy with existing regulations.
- Existing: Support public and private investments that protect habitat and improve watershed health.

Change to: Support **and contribute to** public and private investments that protect **and restore habitat and enhances** watershed health.

- Existing: The Countywide Plan establishes policy objectives while regulatory details are best suited to County Code.
- Existing: Avoid ambiguity and eliminate inconsistencies.

PROPOSED FRAMEWORK FOR COUNTYWIDE PLAN AMENDMENTS:

First, the Planning Group continues to oppose any proposal to amend the Countywide Plan. It is unnecessary and inappropriate.

Second, the Planning Group ran out of time to review this proposed framework in its entirety but, most emphatically, we recommend that 1 d. be removed. Providing a path for “possible legalization of nonconforming structures” is inappropriate to include in a section titled “Focus on Stream Protection Zone.” Further, legalizing nonconforming structures while pursuing efforts to restore and enhance stream banks and riparian habitat is a serious conflict and could make it very difficult to get grants.

STAFF RECOMMENDATION:

On behalf of the Board subcommittee on the Stream Conservation Area, staff recommends that your Board take the following actions:

1. Review and approve the “Framework for Countywide Plan Amendments” including guiding principles relating to stream protection and watershed enhancement;
2. Direct staff to prepare a work program, budget and schedule for amendments to the Countywide Plan and County Code pursuant to the Guiding Principles and Framework;

Planning Group recommendation: Delete #2 and substitute:

2. Direct staff to prepare a work program, budget and schedule for achieving NOAA goals for a viable salmon population in the Lagunitas watershed pursuant to the changes recommended by the Planning Group to the Guiding Principles, Proposed Framework and Staff Recommendation.

3. Direct staff to schedule a hearing for review of an interim expanded Stream Conservation Area ordinance for the San Geronimo watershed based on the approach recommended by the Planning Commission; and
4. Direct staff to prepare amendments to the Planning Division fee schedule for new/adjusted fees applicable to permitting in the Stream Conservation Area, within the San Geronimo watershed.

RESOLUTION:

No comments at this time.

Sincerely,
Jean Berensmeier
Chair
San Geronimo Valley Planning Group

From: [Hadar Weitzman](#)
To: [Adams, Susan](#); [Arnold, Judy](#); [Kinsey, Steven](#); [Sears, Kathrin](#); [Crawford, Brian](#); [Rice, Katie](#); [Thorsen, Suzanne](#); [Lai, Thomas](#); [Patterson, Diane](#); [Crosse, Liza](#); [BOSAgenda](#)
Subject: My Comments to The Board of Supervisors on the Proposed SCA Ordinance
Date: Tuesday, August 20, 2013 4:10:29 AM

August 19, 2013

To: Supervisors Kinsey, Adams, Arnold, Rice and Sears
Community Development Agency
And to Staff members

From: Hadar Weitzman, (Homeowner in Kent Woodlands, Kentfield).

Re: **Some Comments re the Proposed Stream Conservation Area Ordinance
For the Board of Supervisors Meeting Scheduled for Tuesday August 20, 2013, at 1:30**

Dear Board members, and Dear Staff members,

I respectfully request you to consider this short list of items, as comments to the above proposed Ordinance, before you take any decision on the subject:

1. Even though the Ordinance is planned to be an interim one, it should be carefully designed not to deprive the rights of home owners MORE THAN NECESSARY. Any adverse change in homeowner's rights in using their land is a "Taking" and justifies compensation by the county to landowners.
2. Interim ordinances usually continue beyond the time frame initially planned for them. There is a saying in another language which says: "There's nothing more permanent than interim". (which means the temporary is actually what counts; eventually the temporary is extended once it started; and after all the temporary is effective for the long term. Therefore, my humble suggestion is to first amend the proposed Ordinance, and make it more balanced and fair to homeowners, before any approval of it. Please do not count on the fact that it is an "interim" ordinance.
3. An ill "interim" ordinance might already create an ill standard and it will be difficult to change it to a better and balanced one in the future.
4. Vague Definitions: The definitions of key terms are too broad and too vague. (among others: "Top of Bank", "Woody Riparian Vegetation", "Ephemeral").
5. Applying Discretion: The provision that allows the staff discretion regarding when to allow developments within the setbacks is too strict. The current wording actually means that there will not be any discretion nor any exceptions. (This is contrary to the presentation made by staff in the June 10 meeting, which indicated there will be exceptions). There should be room for discretion, and it should be put in the wording.
6. Ephemeral and seasonal:
 - a. **Ephemeral and Seasonal streams should be excluded from the ordinance.**

Their impact on the fish is smaller than other streams, and as a result they should be treated differently.

- b. In case they will be included, **there should be a smaller setback for ephemeral and seasonal streams**. One size does not fit all. The treatment should be not only by different sizes of lots, and by different geography or watersheds but also by the type of the stream. Therefore, Ephemeral should be treated differently because they are different.
- c. In any event, even in case they are included and do have the same setbacks, **ephemeral and seasonal should have different treatment of possible "riparian" vegetation**.

7. "Woody Riparian Vegetation":

- a) Both with regards to regular streams and ephemeral or seasonal streams, it is not reasonable to impose a separate and ADDITIONAL setback for the vegetation, beyond the main setback. The riparian vegetation has room to grow within the main setback. This is what the main setback is for. Therefore, it's not reasonable to add extra setback for the vegetation. In short: **The Riparian Vegetation setback should be included in the regular setback and not on top of it**.

In fact, in case the riparian vegetation is growing beyond the setbacks, it is not "riparian" anymore. (at least should not be entitled as such). And if you impose setback beyond the main setback, then the length of setback might be endless in some cases. (in the City - Corridor definitions of setbacks, it might happen that the setback will be endless).

- b) The definition of the "Woody Riparian Vegetation" should be narrower and clearer. So far the definition is too broad and vague. The current definition might be wrongly construed as including any plant near the stream. (After all, all plants are "composed largely of cellulose and lignin").

- c) There is a list of vegetation the staff submitted to you which is called: "Native Plants Common to Riparian Areas in Marin County". (Page 3 of 3 of DRAFT Standard Management Practices).

This list mistakenly includes almost any tree and plant. It even includes Redwood, Oak, and California Bay-Laurel. However, Redwood, Oak and California Bay-Laurel are not "riparian" vegetation. They grow anywhere in our county and are not associated with the streams. They just might happen to grow near the stream or elsewhere. Thus these trees should not be considered "riparian vegetation". The list and the definition should be clearer and narrower.

The definition should include only trees that are riparian by their nature.

The board should clarify the above list is not part of the definition and that it is not a binding list.

8. "Top of bank": the set back should be from the middle of the stream and not from top of bank. The reason is that it is not clear what the top of bank is. Especially in ephemeral, there is no clear top of bank. The middle of stream is clear and not vague.
9. Please do not be influenced by petitions which were signed by people who are NOT from our county!! They do not live here; they do not own properties here; they will not be affected and will not pay the unfair price our homeowners have to pay.
10. My humble suggestion is that ONLY PEOPLE WHO ARE ACTUALLY PAYING THE PRICE by the Ordinance should vote on it. Otherwise, it is just not fair that other people, who's property is not adversely affected, will influence you to do "take" other

people's rights.

The above are some and not all the comments I have.
I truly appreciate your consideration

Thank you
Hadar Weitzman
Kentfield, CA
415-306-3150

From: [BOS](#)
To: [Lai, Thomas](#); [Thorsen, Suzanne](#)
Subject: FW: Tighten legislation on creekside development
Date: Tuesday, August 20, 2013 7:17:37 AM

This email and any others received by 1:00 p.m. today will be distributed to the Board of Supervisors by Supplemental Memo before the 1:30 p.m. SCA update.

Patrice

From: silliman.j@gmail.com [mailto:silliman.j@gmail.com]
Sent: Monday, August 19, 2013 10:28 PM
To: BOS
Subject: Tighten legislation on creekside development

James Silliman would like information about:

I am concerned about recent proposals that could potentially harm protected salmon and sea-run trout habitat and water quality. Efforts should be in limiting habitat destruction for these and other wildlife species. As a fisheries biologist, having access to Marin waterways, including ephemeral streams, during my college years was informative, impressionable, and extremely important. Please don't weaken the protections.

From: [BOS](#)
To: [Lai, Thomas](#); [Thorsen, Suzanne](#)
Subject: FW: Response to San Geronimo Stewards paper.
Date: Tuesday, August 20, 2013 7:20:06 AM

This email and any others received by 1:00 p.m. today will be distributed to the Board of Supervisors by Supplemental Memo before the 1:30 p.m. SCA update.

Patrice

From: Laura Chariton [mailto:laurachariton@comcast.net]
Sent: Monday, August 19, 2013 6:48 PM
To: peggycreeks@comcast.net
Cc: Laura Chariton; Joyce Britt; Kinsey, Steven; Sears, Kathrin; Rice, Katie; Arnold, Judy; Adams, Susan; BOS
Subject: Response to San Geronimo Stewards paper.

Hello Peggy,

Thank you for contacting me. I appreciate you reaching out to us. Some of the ideas you have are encouraging.

I have been working on SCA (Riparian Corridor) restoration and policies for the past 6 years. Unfortunately, based on every scientific and government agency paper I have read, 20 feet on ephemeral, intermittent and perennial is inadequate to protect hydrology, storm water run off, water quality and critical habitat.

At some time in the not to distant future, hopefully, I can give a presentation to your group regarding these issues. And, of course, I would be happy to discuss this with you. Please look at EPA model riparian buffer ordinances <http://water.epa.gov/polwaste/nps/mol1.cfm> and hyporeic flow (<http://www.holon.se/folke/projects/vatpark/hyporeic.shtml>) to understand the dynamics and function of ephemerals and all streams in ground and surface water supplies. Also, county approved alternative (less expensive) septic systems are being installed throughout our community with great success. www.orengo.com (will come out and give presentations)

It is challenging to live in a time when the errors and misdeeds of the past and our resulting ignorance has come down upon our shoulders. I think we should all try much harder to get it right. We are all going to have to make greater sacrifices for future generations to be left with anything. It could be fun or ? It all begins with how we treat water.

Thanks again for listening and sharing. In the spirit of cooperation we are sending this to the Board of Supervisors.
See you tomorrow.

Sincerely,

Laura Chariton, Director, Watershed Alliance of Marin
M.A. Riparian Policy and Restoration

Sonoma State, Hutchins Institute, Action for a Viable Future

Begin forwarded message:

From: peggycreeks@comcast.net

Date: August 19, 2013 4:42:27 PM PDT

To: info@millvalleystreamkeepers.org, laurachariton@comcast.net

Subject: Fwd: San Geronimo Valley Stewards Support Guiding Principles and Proposed Framework

To: Mill Valley Stream Keepers, Joyce Britt
Watershed Alliance of Marin, Laura Chariton

For the Tuesday at 1:30 pm Board of Supervisors meeting.

I met each of you at the Planning Commission meetings on the stream ordinance. We look forward to constructive conversations with you about an effective stream program.

To: Supervisors Kinsey, Adams, Arnold, Rice and Sears
Community Development Agency

From: San Geronimo Valley Stewards
Peggy Sheneman 488-4426 peggycreeks@comcast.net

For the Board of Supervisors Meeting Tuesday August 20, 2013, at 1:30 agenda item, we respectfully request you consider the text below, "The Path Forward: Protecting Our Streams With Community-Based Actions. "

San Geronimo Valley Stewards support the August 20, 2013 Guiding Principles and Proposed Framework as a good beginning to heal the divisions within our community and build consensus on an effective Countywide stream program.

However, we do not see any indication of inviting the homeowner groups and conservation groups to the table, where there can be respectful discussions that may build consensus for an effective Countywide stream program. Will there be workshops? An advisory committee that includes homeowners and environmental groups?

Please do not return us to the failed process of the past 5 years, where the staff meets with each group in private, then announces a "plan" and everyone gets 3 minutes to comment.

All the conservationists, homeowners, and citizens who participated in the Planning Commission hearings and the Board's July 16 meeting have years of experience, knowledge and many good ideas. We deserve a process that encourages thoughtful deliberation.

Our streams need bridges--between and among people. Bring us together, don't drive us apart.

THE PATH FORWARD: PROTECTING OUR STREAMS WITH COMMUNITY-BASED ACTIONS

1. Install Community Waste Water Systems for existing homes in the four villages of the San Geronimo Valley.

Without opening the door to undesirable new development, we can restore stream habitat by removing old septic tanks from existing homes.

Create cost effective ways to fund the system and harvest recycled water.

2. Fund grants and loans to educate homeowners, restore creek banks, stop erosion, and control floods on private land.

County should prioritize taxpayer dollars on fish-bearing main creeks.

County should request state and federal agencies to fund completion of high priority landowner assistance projects.

3. County should coordinate "one stop shopping" for stream permits required by other state and federal agencies.

Provide expertise to complete permits for landowner assistance projects.

4. Create a property tax credit for any homeowner who adopts recommended practices within a stream conservation zone.

This would be similar to the Williamson Act that grants tax benefits for agriculture, but would apply to residential parcels which contribute to creek restoration.

5. Protect ephemeral channels (surface run off of rain) with setback of 20 feet, if the channel drains directly into a fish-bearing main creek.

Other surface rain flows can be protected with a variety of land use tools that enhance the drainage and filtration functions of ephemerals. Consider swales, porous materials, and disconnected surfaces.

6. To promote flood control, new structures should be set back 20 feet from top of bank on perennial and seasonal streams.

In established home neighborhoods, create a 20 foot to 100 foot "creek preservation zone". Consider usable lot size, topography, structure location, and characteristics of each stream in determining the creek preservation zone.

Within this creek preservation zone, allow home improvements, using a range of building practices and materials, and approving net mitigation steps, so home projects contribute to a healthy watershed.

Conditions for project approval must be roughly proportionate to the project's impact on stream habitat, as required by the U.S. Supreme Court.

7. For small home projects (adding less than 500 square feet impervious area, or 120 square feet disturbed ground):

(a) Limit site assessment and permit fees to \$250 for each project.

(b) Support County staff in educating the homeowner on standard management practices (SMP's) for construction and landscaping.

(c) Grant ministerial permit in 3 to 5 days, based on categorical finding these small projects using SMP's do not have substantial adverse impact on stream habitat.

8. Do not require the homeowner to get a stream permit for use and enjoyment of his existing home in its current condition, or for normal maintenance, repair, and disability access.

Allow exemptions for emergency danger to life or property, tree and vegetation removal or trimming for fire hazard or health and safety, maintenance and replacement of existing landscaping, existing fences, and new fences that provide feasible access for wildlife.

9. Create a County program to legalize buildings and structures that are not now fully permitted or legal non-conforming, including those near streams.

Adopt a temporary "legalization holiday", when the County reaches out to homeowners, offers on site consultations, outlines application steps, and reduces permit fees to encourage owners to apply for legal status.

Marin County Board of Supervisors
e- mail

Hi Peggy and BOS,

I wish that what Peggy of San Geronimo Valley Stewards says "we want to take care of the creek for our lifetime" were true in my neighborhood, but it just is not so in many places. In fact I have, rarely, in my area of Mill Valley, seen property owners doing right by the creeks, including myself, until I understood the importance of the entire ecosystem.

Listed below are examples of these kinds of unaware actions or rebellion against an upcoming ordinance where fish and waters that belong to all of us, will be impacted. Maybe you do better in San Geronimo Valley but having a creek on one's land does not guarantee that it is being well cared for. I can provide examples that are in the vast majority indicating otherwise. I hope that you can understand that my concerns stem from eye-witness accounts of the last 21 years of living in my community. People who have creeks do not necessarily treat them well nor do they understand their function. All of the examples below are on county unincorporated lands in Mill Valley.

1. There is a headwaters ephemeral and intermittent creek that flows into Mill Valley where steelhead (once coho until 1991) are struggling to survive. The previous owners from 1920 dumped their garbage; including batteries, appliances, paint, etc. into a couple hundred feet of it for over half a century. When I mentioned the restoration of the creek to one of them who grew up there, they said "What Creek? There is no creek there. It was a dump to them.

2. In my neighborhood of Muir Woods Park, people have clear-cut on very steep land right up to creeks and one that is on a Coho creek. It is the same creek that 20 million tax dollars and tens of thousands of volunteer hours are being spent to restore coho and red-legged frog habitat in Muir Beach, Big Lagoon on federal lands.

3. Recently, a property owner whose land contains and is adjacent to about 1,000 feet of the Coho creek headwaters of Redwood creek, above the Big Lagoon restoration, put in a sediment carrying dirt road on steep slope, within and next to the 100 foot SCA, down to the creek and previously diverted a tributary of the creek. There was a previous slide in the area. The owners have known about the importance of this creek since they moved in a few years ago and were provided with literature to that effect. They also put a bridge in the creek.

Perhaps this action is a result of the "disturbed clause" in the ordinance proposal. Sediment kills fish.

4. Two different neighbors had large amounts of tree work done and the debris was put into the creeks causing destabilization of the creek banks, bank and tree

collapse, and headcutting.

5. Another neighbor clear cut a steep slope above an intermittent creek. That creek filled with sediment in many spots and for several hundred feet below incised, carrying smothering sediment into steelhead waters.

6. Another neighbor above a coho/steelhead creek in an attempt to shore up a slide, armored the banks of a creek without permits. They also covered much of their property with impervious surfaces.

7. Another citizen cut down shade producing native bay trees (critical habitat) on a creek bank in a FEMA flood zone on a steelhead creek where they were documented steelhead spawning grounds.

8. Another citizen just upstream put in a hidden metal barrier into the lower portion of Reed Creek preventing spawning and steelhead use in the entire system.

9. A neighborhood with land adjacent to a coho creek, paved a private street, increased imperviousness and did work above a coho stream that, most likely, caused a change in hydrology that caused a very large slide in the State Park towards coho/steelhead Redwood Creek, taking out a tourist road and an historic trail.

This is the tip of the problem. I could go on for volumes and everything is made more complex by development patterns and personalities. Other communities have risen to the challenges by working together.

Still, we must try to fix these problems through education. I am not certain we can get some people to protect the creeks and fish if they do not care. This is why we need an ordinance that does this. I am offering to give a presentation to your group in hopes that we can do better as a community. I have given numerous presentations in other parts of Marin including; Mill Valley Community Center, Tam Valley Community Center and San Rafael Council Chambers.

I hope you will join me.

Sincerely,

Laura Chariton, Director, Watershed Alliance of Marin
M.A. Riparian Policy and Restoration
Sonoma State, Hutchins Institute, Action for a Viable Future



Salmon Protection And Watershed Network

PO Box 370 • Forest Knolls, CA 94933

9255 Sir Francis Drake Blvd. • Olema, CA 94950

Ph. 415.663.8590 • Fax 415.663.9534

www.SpawnUSA.org

20 August 2013

Marin County Board of Supervisors – delivered in person

Dear Supervisors:

The Salmon Protection And Watershed Network (SPAWN) offers the following comments on your Board's Stream Conservation Area (SCA) Subcommittee recommendations.

1. We oppose changes to the Countywide Plan that will “free” the County to pass a weaker SCA ordinance, specifically to reduce setbacks for perennial, intermittent and ephemeral streams, than the one the Board rejected just a few months ago.

This is the exact same Countywide Plan that the Board supported and voted unanimously to pass, after countless hours of study and public participation. We concur with the Environmental Action Committee of West Marin and virtually every other environmental organization in Marin that making these changes to the Countywide plan would set a dangerous precedent. To do so would be to reject a regulatory framework for protecting the Federally-listed endangered salmon, and more than 20 years of County policy.

Furthermore, to do so is inconsistent with the representations the County has made in its Appeals Court filings, which claims the protective language in the Countywide Plan is so strong that an ordinance is not even necessary. Nearly simultaneous with those filings, you are considering weakening those very protective measures.

Over the same time period that some current Supervisors have served on this Board, coho salmon populations have declined so severely that their status under the Endangered Species Act has changed from threatened (a species which is likely to become an endangered species within the foreseeable future) to endangered (a species which is in danger of extinction).

We urge you to reject this divisive, long, and expensive path that will delay and exacerbate the plight of endangered salmon.

2. We oppose that passage of an interim SCA ordinance for the San Geronimo watershed based on the draft ordinance approved by the Planning Commission for the reasons we outlined in previous testimony, that in summary will permit significant increases in development in the 100-foot streamside buffers. This interim SCA ordinance is inconsistent with the 2007 Countywide Plan because it does not meet the “no net loss of habitat acreage, value, or function” standard of Policy Bio-4.2.

This is also the very ordinance your Board unanimously rejected only two months ago. Now, you are considering adopting an ordinance you just rejected, not to protect endangered species, but to allow additional streamside development currently prevented under Court order.

The task before the Board is to regulate development along streams, yet instead, you tout voluntary programs of landowner education and assistance that the County has dabbled in with limited success while the salmon population has continued to decline.

We support the County funding and expanding such programs, and while they can be complimentary and helpful, these programs are no substitution for adequate regulations.

In summary, we urge you to reject the recommendations of the Subcommittee and take meaningful actions to protect endangered salmon by protecting the streamside critical habitat these species need to survive. To do otherwise is to dishonor the environmental legacy of Marin so many have fought to protect.

Thank you for your consideration of our concerns.

Respectfully submitted,

A handwritten signature in black ink that reads "Todd Steiner". The signature is written in a cursive, slightly slanted style.

Todd Steiner
Executive Director