

**MARIN COUNTY BOARD OF SUPERVISORS**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE ADOPTING AMENDMENTS TO MARIN COUNTY CODE TITLE 22  
(DEVELOPMENT CODE) FOR THE STREAM CONSERVATION AREA FOR SAN  
GERONIMO VALLEY**

\*\*\*\*\*

**WHEREAS**, the Marin County Planning Commission recommended that the Marin County Board of Supervisors adopt the amendments to the Marin County Development Code Title 22 (Development Code) herein, to establish zoning and subdivision regulations that govern the development and use of private and public land, buildings, and structures located within the unincorporated areas of Marin County. The amendments will modify the Development Code to: (1) establish a new SGV (San Geronimo Valley) combining district in Section 22.14.050, Table 2-11, B-Combining District Development Standards, to apply uniform standards for all zoning districts; (2) amend exemptions for various activities, uses of land, and other improvements in Section 22.06.050 (Exemptions from Land Use Permit Requirements); (3) establish new development standards in Section 22.30.045 (San Geronimo Valley Community Standards) for development located within the Stream Conservation Area and throughout San Geronimo Valley; (4) amend Chapter 22.52 (Site Plan Review) to require Site Plan Review for new development subject to the SGV combining district; and (6) incorporate and amend select technical terms and phrases from the Countywide Plan in Chapter 22.130 (Definitions). These amendments apply Stream Conservation Area protections to all perennial, intermittent, and ephemeral streams within San Geronimo Valley; and

**WHEREAS**, the 2007 Marin Countywide Plan (“CWP”) establishes goals, policies and implementing programs for riparian protection. Pursuant to Goal BIO-4 Riparian Conservation, the CWP designates Stream Conservation Areas along perennial, intermittent, and ephemeral streams. Development setbacks are established from all streams based upon the location of the top of stream bank or presence of riparian vegetation. The policies of the CWP aim to protect natural stream channel function and water quality, control exotic vegetation, retain riparian vegetation, promote riparian protection, maintain channel stability and minimize runoff; and

**WHEREAS**, the Development Code amendments in this Ordinance will implement Program BIO-4.a (Adopt Expanded SCA Ordinance) of the Countywide Plan and will further the implementation of Programs BIO-4.d (Establish Functional Criteria for Land Uses in SCAs), BIO-4.e (Identify Proposals Within SCAs), BIO-4.f (Identify Potential Impacts to Riparian Systems), BIO-4.g (Require Site Assessment), BIO-4.h (Comply with SCA Criteria and Standards ), BIO-4.i (Replace Vegetation in SCAs) and BIO-4.q (Develop Standards Promoting Use of Permeable Materials); and

**WHEREAS**, the Development Code amendments in this Ordinance establish the purpose, applicability, standards, permit procedures and findings necessary to implement the policies of the CWP relating to riparian protection; and

**WHEREAS**, the Development Code amendments in this Ordinance are exempt from the requirements of CEQA, pursuant to Sections 15307 and 15308, Classes 7 and 8 of the State CEQA Guidelines, because the amendments set the regulatory framework for permitting in accordance with the CWP and are intended to strengthen and ensure consistent application of standards for the maintenance, restoration, enhancement, and protection of natural resources and the environment; and

**WHEREAS**, the Marin County Community Development Agency conducted a series of facilitated focus group meetings to informally engage known and interested stakeholder groups in a small group setting to discuss interests, concerns and suggestions relative to the preliminary draft of the Development Code amendments in this Ordinance on July 28, August 3, August 4, August 10, August 11, and August 12, 2021. Participants included representatives from the Environmental Action Committee of West Marin, Marin Audubon Society, Marin Conservation League, Salmon Protection and Watershed Network (SPAWN), San Geronimo Valley Stewards, San Geronimo Valley Planning Group, Sierra Club, and Watershed Alliance of Marin; and

**WHEREAS**, on November 8, 2021, and December 13, 2021, the Marin County Planning Commission held a duly noticed public workshop and hearing, respectively, to take public testimony and consider the Development Code amendments in this Ordinance; and

**WHEREAS**, on June 13, 2022, the Marin County Planning Commission held a duly noticed public hearing to take public testimony and adopted a Resolution recommending that the Board of Supervisors adopt an ordinance to amend Marin County Code Title 22 for the Stream Conservation Area for San Geronimo Valley; and

**WHEREAS**, the Development Code amendments discussed herein serve significant public purposes that will benefit all of Marin County, including preservation of important and sensitive habitat for anadromous fish species in the San Geronimo Valley. To further encourage compliance with the terms of these Development Code amendments, which will further the public purposes identified herein, the Board of Supervisors finds that it is in the public interest to reduce the amount of certain fees in the Planning Division Fee Schedule for a period of five years ending August 18, 2027, as they relate to the requirements of the Development Code amendments in this Ordinance, as provided herein, and further finds that it is in the public interest for the County to fund any difference between the reasonable cost of the service provided and any such reduced fees imposed for such service, and further finds that nothing in this Ordinance will result in any person paying a fee or charge that exceeds the estimated reasonable cost of providing the service for which the fee or charge is charged.

**NOW, THEREFORE, THE MARIN COUNTY BOARD OF SUPERVISORS DOES SO ORDAIN as follows:**

1. The following Sections of Marin County Code Title 22 (Development Code) are amended as indicated in Exhibit A.

**ARTICLE II: ZONING DISTRICT AND ALLOWABLE LAND USES**

Section 22.06.050 – Exemptions from Permit Requirements

Section 22.14.050 – Minimum Lot Size “-B” Combining District

**ARTICLE III: SITE PLANNING AND GENERAL DEVELOPMENT REGULATIONS**

Section 22.30.045 – San Geronimo Valley Community Standards

**ARTICLE IV: LAND USE DEVELOPMENT PERMITS**

Section 22.52.020 – Applicability

Section 22.52.030 – Site Plan Review Exemptions

Section 22.52.040 – Application, Filing, Processing, and Review

Section 22.52.050 – Decision and Findings

**ARTICLE VIII: DEFINITIONS**

Anadromous Fish

Bankfull  
Habitat  
No Net Loss of Habitat  
Recreation, Passive  
Riparian  
Riparian Habitat  
Riparian Vegetation  
Site Assessment  
Stream  
Standard Management Practices  
Stream, Ephemeral  
Stream, Intermittent  
Stream, Perennial  
Stream Conservation Area  
Top of Bank  
Wetland, Jurisdictional

2. The Board of Supervisors reduces the following fees in the Planning Division Fee Schedule, solely as they relate to the requirements of Development Code amendments in the San Geronimo Valley listed herein, to the following amounts:

CATEGORY	PROPOSED FEE
Site Plan Review	\$2,000 (Flat Fee)
Environmental Review (Initial Study)	\$3,000 (Deposit)

#### EFFECTIVE DATE AND PUBLICATION

This Ordinance shall be and is hereby declared to be in full force and effect as of thirty days from and after the date of its passage and shall be published once before the expiration of fifteen days after its passage, with the names of the Supervisors voting for and against the same, in the *Marin Independent Journal*, a newspaper of general circulation published in the County of Marin.

#### VOTE

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin, State of California, on this 19<sup>th</sup> day of July, 2022 by the following vote:

AYES: SUPERVISORS

NOES:

ABSENT:

---

SUPERVISOR RICE, PRESIDENT  
MARIN COUNTY BOARD OF SUPERVISORS

Attest:

---

Matthew H. Hymel  
Clerk of the Board of Supervisors

**22.06.050 – Exemptions from Land Use Permit Requirements**

The following activities, uses of land, and other improvements, are permitted in all zoning districts and do not require a land use permit; however, other permits may be required in compliance with Subsection G., below.

- A. Sitework.** The installation of irrigation lines, decks, platforms, on-site paths, driveways, and other improvements that do not increase lot coverage, and are not over 18 inches above grade. Improvements located within a Stream Conservation Area in the San Geronimo Valley combining district are not exempt. Improvements that are necessary to meet accessibility requirements, regardless of whether they are subject to building or grading permits, are also exempt in all zoning districts.
- B. Governmental activities.** Official activities and development of the County, the Marin Emergency Radio Authority, the State or an agency of the State, or the Federal Government on land owned or leased by a governmental agency are exempt from discretionary permits except Coastal Permits.
- C. Interior remodeling.** Interior alterations that do not:
  - 1. Result in an increase in the gross floor area within the structure;
  - 2. Change the permitted use; and
  - 3. Change the exterior appearance of the structure.
- D. Repairs and maintenance.** Ordinary repairs and maintenance of an existing improvement, provided that the repairs and maintenance work do not:
  - 1. Result in any change of the approved land use of the site or improvement; and
  - 2. Expand or enlarge the improvement.
- E. Play structures.** Typical play structures and play equipment that are not required to have building or grading permits by Title 19 or Title 23 of the County Code and do not exceed 15 feet in height. Play structures located within a Stream Conservation Area in the San Geronimo Valley combining district are not exempt.
- F. Accessory Dwelling Units.** Accessory Dwelling Units that comply with Development Code Section 22.32.120.A –(Residential Accessory Dwelling Units) and the tables in this article entitled Allowed Uses and Permit Requirements.
- G. Utilities.** Public utility facilities shall be exempt from land use permit requirements of this Development Code only to the extent provided by Government Code -Section 53091, and the California Public Utilities Code.
- H. Solar Energy Systems.** Solar energy systems that do not exceed the height limit of the governing zoning district for structures or the roof height of a building by more than two feet, whichever is less restrictive. Solar energy systems within a Stream Conservation Area within the San Geronimo Valley combining district are not exempt unless the exemption is required by State law.

- I. Electronic Vehicle Charging Stations.** Electronic Vehicle Charging Stations are exempt from the land use permit requirements of this Development Code. Electronic Vehicle Charging Stations within the San Geronimo combining district are not exempt unless the exemption is required by State law.
- J. Other permits may still be required.** A permitted land use that is exempt from a land use permit or has been granted a land use permit may still be required to obtain Building Permits or other permits before the use is constructed or otherwise established and put into operation. Nothing in this Article shall eliminate the need to obtain any other permits or approvals required by:
1. Other provisions of this Development Code, including any subdivision approval required by Article VI (Subdivisions);
  2. Other provisions of the County Code, including but not limited to Building Permits, Grading Permits, or other construction permits if they are required by Title 19, or a business license if required by Title 5; or
  3. Any other permit required by a regional, State or Federal agency.
  4. All necessary permits shall be obtained before starting work or establishing new uses.

## **22.06.060 – Zoning District Regulations**

- A. Purpose.** Chapters 22.08 through 22.16 determine which land uses are allowable in each zoning district, what land use permit is required to establish each use, and the basic development standards that apply to allowed land uses in each of the zoning districts established by Section 22.06.020 (Zoning Districts Established).
- B. Conflicts between provisions.** In the event of any conflict between the zoning district regulations of this Article and the provisions of Article III (Site Planning and General Development Standards), the provisions of Article III shall control, except as expressly provided in Chapter 22.16 (Planned District Development Standards).
- C. Single parcel in two zoning districts.** In the event two or more parcels are consolidated through the approval of a lot line adjustment, merger, parcel or Tentative Map, or reversion to acreage in compliance with Article VI (Subdivisions), where a single parcel is covered by two or more zoning districts, the consolidated parcel should be reviewed by the Director to determine whether the parcel should be rezoned to a single zoning district.
- D. Measurements, calculations.** Explanations of how height limits, site coverage requirements, and floor area ratios (FAR) apply to sites and projects are in Chapter 22.20 (General Property Development and Use Standards).

**TABLE 2-11  
B COMBINING DISTRICT DEVELOPMENT STANDARDS**

Zoning District	Minimum Lot Area (1)	Minimum Setback Requirements (2)			Height Limit (3)		Maximum FAR (4, 5)
		Front	Sides	Rear	Primary	Accessory	
B1	6,000 sq.ft.	25 ft.	5 ft., 10 ft. on street side	20% of lot depth to 25 ft. max.	30 ft.	16 ft.	0.30
B2	10,000 sq.ft.		10 ft.				
B3	20,000 sq.ft.	30 ft.	15 ft.				
B4	1 acre		20 ft.				
B5	2 acres		20 ft., 30 ft. on street side	30 ft.			
B6	3 acres						
BD	See Section 22.30.050 (Sleepy Hollow Community Standards)						
BLV	See Section 22.30.040 (Lucas Valley Community Standards)						
SGV	See Section 22.30.045 (San Geronimo Valley Community Standards)						

**Notes:**

- (1) Minimum lot area shown applies except where Section 22.82.050 (Hillside Subdivision Design) establishes a different standard.
- (2) See Section 22.20.090 (Setback Requirements and Exceptions) for setback measurement, allowed projections into setbacks, and exceptions to required setbacks.
- (3) See Section 22.20.060 (Height Measurement and Height Limit Exceptions) for height measurement and exceptions. Single-family dwellings over 30 feet in height require Design Review approval in compliance with Chapter 22.42 (Design Review), and single-family dwellings over 35 feet in height require Design Review and Variance approval in compliance with Chapters 22.42 (Design Review) and 22.54 (Variances).
- (4) Single-family dwellings that contain over 3,500 square feet of floor area require Design Review approval in compliance with Chapter 22.42 (Design Review).
- (5) The maximum non-residential and non-agricultural floor area for that portion or portions of properties with sensitive habitat or within the Ridge and Upland Greenbelt or the Baylands Corridor, and properties that lack public water or sewer systems, shall be calculated at the lowest end of the floor area ratio range as established by the governing Countywide Plan Land Use Designation. The floor area ratio restrictions do not apply to additions to non-residential and non-agricultural structures not exceeding 500 square feet. This restriction does not apply to lots governed by the Countywide Plan's PD-AERA (Planned Designation – Agricultural and Environmental Reserve Area) land use designation and to lots in the Baylands Corridor that are two acres or less in size that were legally created prior to January 1, 2007. Densities higher than the lowest end of the applicable density range may be considered on a case-by-case basis for new housing units affordable to very low and low income households that are capable of providing adequate water and sanitary services.

**See Article VIII (Development Code Definitions) for development standard definitions.**

**F. Exemptions from Design Review.** The following developments and physical improvements are exempt from Design Review:

1. Skylights, flush-mounted solar panels that do not exceed two feet above the roof line, chimneys, satellite dishes, ground-mounted air conditioning units located within the interior side and rear yards behind a solid fence, wall-mounted air conditioning units on a building elevation that faces an interior side or rear yard, and pool equipment;
2. Replacement and repair of exterior siding, roofing, windows and doors;
3. Exterior painting;
4. Interior remodels;
5. Atrium enclosures which do not exceed the height of the existing roofline;
6. Wood fences which do not exceed six feet in height and located within the side and rear yards or on the property line defining such yards;
7. Decks and patios not exceeding 18 inches in height above grade;
8. Landscape improvements;
9. Ground-mounted solar panels that do not exceed four feet in height above grade and are located within the side and rear yards behind a solid fence; and
10. Other work that the Director determines to be minor and incidental in nature and which is in compliance with the purpose of the Chapter 22.42 (Design Review).

**22.30.045 – San Geronimo Community Standards**

**A. Applicability.** The standards of this Section apply to development and land use within the area identified as San Geronimo Valley in the Countywide Plan (San Geronimo Valley Land Use Policy Map 7.10.0) and the governing SGV (San Geronimo Valley) combining district.

**B. General Development Standards.** The standards of this Subsection apply to development and land use outside the Countywide Plan Stream Conservation Area in the governing SGV (San Geronimo Valley) combining district.

**1. Roads and Driveways.** Non-county maintained roads and privately owned and maintained roads, including new roads and driveways, either paved or unpaved, shall be constructed to the standards specified below:

**a. Surface drainage.**

- 1) Road surfaces and ditches are hydrologically "disconnected" from streams and stream crossing culverts, with a maximum allowable hydrologic connectivity of 25% of the total new road surface and compacted shoulder area (paved and unpaved). To be considered disconnected, road surface runoff is dispersed, rather than collected and concentrated, and does not return to a connected ditch farther downstream.

- 2) Fine sediment contributions from roads, cutbanks and ditches are minimized by utilizing seasonal closures and installing a variety of surface drainage techniques including berm removal, road surface shaping (i.e., outsloping, insloping, crowning), rolling dips, ditch relief culverts, waterbars and other measures to disperse road surface runoff and reduce or eliminate sediment delivery to the stream.

**b. Road fills.**

- 1) Unstable and potentially unstable road fills that could deliver sediment to a stream are excavated (removed) or structurally stabilized.
- 2) Excavated spoil is placed in locations where eroded material will not enter a stream.
- 3) Excavated spoil is placed where it will not cause a slope failure or landslide.

- c. Off-site retrofits.** If on-site avoidance or minimization of surface runoff and sediment erosion is not feasible using the above criteria, off-site retrofit of existing impaired sites (e.g., stream crossings currently diverted or with diversion potential, culverts likely to plug or undersized culverts), would occur at a 2:1 ratio for total runoff area in a functionally equivalent riparian area of San Geronimo Creek or its major tributaries (North Fork San Geronimo Creek, Woodacre Creek, Montezuma Creek, Arroyo/Barranca/El Cerrito Complex, Larsen Creek) within reaches accessible to anadromous salmonids. If functionally equivalent off-site mitigation opportunities cannot be identified within these locations, then opportunities can be selected elsewhere in San Geronimo Valley and/or in the downstream Lagunitas Creek watershed using existing site-specific sediment source assessments.

- 2. Low Impact Development.** Development outside the Stream Conservation Area that would create or replace 500 square feet or more of lot coverage shall incorporate low impact development practices and designs that are demonstrated to prevent offsite discharge from events up to the 85<sup>th</sup> percentile 24-hour rainfall event. This requirement applies to retention of the entire volume of each day's rainfall that does not achieve this total volume, and the first increment of rain up to this volume for those 24-hour periods whose rainfall exceeds this volume. Specifically:

- a. Complete a stormwater control plan that achieves retention of the 85th percentile, 24 - hour design storm for the newly created or replaced impervious surface, or for an equivalent area of previously unretained impervious surface on the same site. It is acceptable for the stormwater control plan to use the existing runoff reduction measures as described in Appendix C of the Bay Area Stormwater Management Agencies Association (BASMAA) Post-Construction Manual to retain the 85th percentile, 24-hour design storm standard. It is also acceptable to use the bioretention sizing factor (0.04) described in Appendix D of the BASMAA Post-Construction Manual to retain the 85th percentile, 24-hour design storm standard.
- b. Complete a stormwater control plan that achieves retention of the 85th percentile, 24-hour design storm for the newly created or replaced impervious surface, or for an equivalent area of previously unretained impervious surface on the same site. It is acceptable for the stormwater control plan to use the bioretention sizing factor (0.04)

described in Appendix D of the BASMAA Post-Construction Manual to retain the 85th percentile, 24-hour design storm standard.

**C. General Stream Conservation Area Standards.** The standards of this Subsection apply to development and land uses within Stream Conservation Areas in the governing SGV (San Geronimo Valley) combining district.

1. **Site Assessment.** A site assessment is required as part of a Site Plan Review permit application when development is proposed in the Stream Conservation Area, where adverse impacts to riparian resources may occur, or when full compliance with Subsection 2, below, would not be met. The site assessment shall identify site specific standard management practices in accordance with Subsection 5, below, and shall confirm that the proposed development would result in no net loss of habitat acreage, value, or function.
2. **Limitations on Uses.** Allowable land uses subject to the SGV combining district and located within the Stream Conservation Area shall be limited to the following:
  - a. Allowable uses within 35-feet from top of bank, or from centerline of swale for ephemeral streams where there is no defined top of bank, within the Stream Conservation Area:
    - 1) Maintenance and repair of existing permitted structures within the existing footprint;
    - 2) Driveway, road, and utility crossings, if not other location that avoids encroaching in the buffer is feasible and the crossing is sited to minimize environmental impacts;
    - 3) Water-monitoring installations;
    - 4) Passive recreation that does not disturb native species;
    - 5) Necessary water supply and flood control projects that minimize impacts to stream function and to fish and wildlife habitat; and
  - b. Allowable uses within 35-feet from top of bank, or from centerline of swale for ephemeral streams where there is no defined top of bank, within the Stream Conservation Area:
    - 1) Maintenance and repair of existing permitted structures;
    - 2) Additions to existing permitted structures that do not:
      - a. Increase the lot coverage within the Stream Conservation Area by more than a cumulative total of 300 square feet; or
      - b. Increase the horizontal encroachment into the Stream Conservation Area.

Vertical additions to existing permitted structures that do not expand the existing footprint are not counted towards the 300 square foot cumulative lot coverage allowance.

The 300 square feet of cumulative lot coverage is calculated on a per parcel basis following the effective date of this Section (August 18, 2022). No additional lot coverage may be added once the allowance is exhausted, consistent with state law. Notwithstanding the foregoing, state law may require the allowance of certain other uses and/or development that is not otherwise contemplated by this Section.

- 3) Driveway, road, and utility crossings, if not other location that avoids encroaching in the buffer is feasible and the crossing is sited to minimize environmental impacts;
- 4) Projects to improve fish and wildlife habitat;
- 5) Water-monitoring installations;
- 6) Passive recreation that does not disturb native species;
- 7) Necessary water supply and flood control projects that minimize impacts to stream function and to fish and wildlife habitat;
- 8) 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 stream Conservation Area that prevents wildlife access to the riparian habitat within the Stream Conservation Area;
  - c. Animal confinement within the Stream Conservation Area; and
  - d. A substantial increase in sedimentation.

The above listed uses shall comply with all other applicable requirements of this Development Code.

Land uses and improvements not listed above are prohibited, unless such improvements and land use meet the criteria for an exception in Subsection F, below.

3. **Vegetation Removal Below Top of Bank.** The removal of native vegetation below top of bank shall be prohibited.
4. **Exceptions.** Exceptions to full compliance with all Stream Conservation Area criteria and standards in Subsection 2b. above, may be allowed only if the parcel is undeveloped as of the effective date of this Section and following is true:
  - a. A lot falls entirely within the Stream Conservation Area; or
  - b. Development on the parcel entirely outside the Stream Conservation Area:
    - 1) Cannot be accomplished even if the proposed development is limited up to 1,000 square feet of lot coverage on the parcel as a whole with the least possible encroachment in the Stream Conservation Area, or relocated to another suitable portion of the parcel that avoids encroachment in the Stream Conservation Area.

- 2) Would have greater impacts on water quality, wildlife habitat, other sensitive biological resources, or other environmental constraints than development within the Stream Conservation Area.

Exceptions under this Subsection would require an application supported by a showing of good cause and public noticing and shall be subject to the provisions in Chapter 22.114 (Appeals).

5. **Standard Management Practices.** Development in the Stream Conservation Area subject to the SGV combining district shall incorporate appropriate Standard Management Practices identified in the Site Assessment, unless site specific measures identified through environmental review would result in equal or greater environmental benefit.

- D. **Habitat Restoration Program.** Approval of Site Plan Review permits within the SGV combining district shall be subject to compliance with any development impact fees, applicable at the time an application for Site Plan Review is approved, established to offset development impacts to the Stream Conservation Area through restoration and enhancement of riparian habitat within the San Geronimo Valley.

- E. **Violations.** Any violation of the provisions in this Section shall be enforced through any legal remedies available to correct and/or abate a nuisance or violation of the Development Code, including but not limited to the administrative citation penalty schedule as provided in Chapters 1.05 (Nuisance Abatement) and 1.07 (Imposition of Administrative Fines for Ordinance Violations) of the Marin County Code.

1. Any violation of the limitations on uses established in Section 22.30.045.C.2 constitutes a public nuisance subject to the provisions in Chapters 1.05 (Nuisance Abatement) and 1.07 (Imposition of Administrative Fines for Ordinance Violations) of the Marin County Code.

## 22.30.050 – Sleepy Hollow Community Standards

The following standards shall apply in the area identified by the Countywide Plan as Sleepy Hollow that is zoned R1:BD or A2:BD.

- A. **Limitation on use, R1:BD district.** Allowable land uses shall be limited to the following on properties in the R1:BD zoning district, instead of those normally allowed in the R1 zoning district by Section 22.10.030 (Residential District Land Uses and Permit Requirements):
  1. Single-family dwellings;
  2. Golf courses, country clubs, tennis courts, and similar non-commercial recreational uses;
  3. Public parks and playgrounds;
  4. Residential accessory uses and structures, in compliance with Section 22.32.130 (Residential Accessory Uses and Structures); and
  5. Home occupations, in compliance with Section 22.32.100 (Home Occupations).

## **CHAPTER 22.52 – SITE PLAN REVIEW**

---

### **Sections:**

- 22.52.010 – Purpose of Chapter
- 22.52.020 – Applicability
- 22.52.030 – Site Plan Review Exemptions
- 22.52.040 – Application Filing, Processing, and Review
- 22.52.050 – Decision and Findings

### **22.52.010 – Purpose of Chapter**

This Chapter provides procedures for Site Plan Review consisting of a review of site plans for the arrangement and design of physical improvements in order to implement the goals of the Countywide Plan and is intended to ensure that:

- A. Sound and creative design principles are used by applicants in designing proposed projects, which will result in high quality site planning;
- B. The natural heritage and beauty of the County will be preserved and adverse physical effects which might otherwise result from unplanned or inappropriate development, design, or placement are minimized or eliminated.

### **22.52.020 – Applicability**

The provisions of this Chapter apply under any of the following circumstances:

- A. Proposed development would increase the lot coverage above 75 percent on a single family residential lot.
- B. Site Plan Review was required by a Master Plan, Design Review Waiver, or as a mitigation measure for a previous planning permit approval.
- C. The construction of any new driveway that exceeds a length of 250 feet in the A2, C1, H1, RA, RR, RE, R1, R2, and VCR zoning districts.
- D. All development and improvements on lots accessed by paper streets, without regard to the size of the lots or the applicable zoning district.
- E. In those instances where a vacant legal lot of record in the Countywide Plan's City-Centered, Baylands, or Inland Rural Corridor is proposed for development, except for those activities, uses of land, and other improvements subject to the SGV combining district in Subsection F, below, any proposed development within the Countywide Plan's Stream Conservation Area that adjoins a mapped anadromous fish stream and tributary shall be subject to Site Plan Review as provided by this chapter if the lot is zoned A, A-2, RA, H1, O-A, RR, RE, R1, R2, C-1, A-P, or VCR, including all combining zoning districts. Development includes all physical improvements, including buildings, structures, parking and loading areas, driveways, retaining walls, fences, and trash enclosures. The determination of the applicability of this requirement shall be based on the streams and tributaries shown on the map entitled "Marin County

Anadromous Fish Streams and Tributaries," which is maintained and periodically updated by the Community Development Agency.

F. In those instances where an activity, use of land, or other improvement would:

1. Entail grading or otherwise expose soil;
2. Increase lot coverage or surface runoff;
3. Remove vegetation or woody riparian vegetation;
4. Alter the bed, bank, or channel of any stream.

G. In those instances where development subject to the SGV combining district located outside the Stream Conservation Area would:

1. Create new roads or driveways; or
2. Create or replace 500 square feet or more of lot coverage.

**H** Any development seaward of the mean higher high tide, any increase of lot coverage within a tidelands area, and all docks and piers.

## **22.52.030 – Site Plan Review Exemptions**

The following types of development are exempt from Site Plan Review:

- A.** Development outside of the SGV combining district that is subject to Design Review or Variance requirements.
- B.** Floating homes.
- C.** Accessory Dwelling Units that meet the applicable standards set forth in Section 22.32.120. A (category 1), B (category 2), and C (category 3).
- D.** Signs.

E. The following types of development subject to the SGV combining district:

1. Removal of dead, invasive, or exotic vegetation, including leaf litter, except for woody debris located below the stream top of bank. Consultation with the County, California Department of Fish and Wildlife, and/or Marin Municipal Water District is required prior to removal of any woody debris below the stream top of bank.
2. Removal or trimming of pyrophytic combustible live trees and/or vegetation consistent with Chapter 22.62 (Tree Removal Permits) and Title 16 – Provision 16.16.040, including tanoak, California bay laurel, and Douglas fir tree species.

Removal of any live tree or vegetation that is greater than six inches in diameter at breast height and below the top of bank is not exempt, unless the tree or vegetation presents an immediate hazard to public safety.

3. Planting of non-pyrophytic native vegetation.
4. Voluntary creek restoration projects consistent with and authorized under the Marin Resource Conservation District's Permit Coordination Program.
5. Repair and maintenance, including the replacement, of existing degraded septic systems that incorporate Marin County Stormwater Pollution Prevention Program (MCSTOPPP) minimum erosion and sediment controls and best management practices.
6. Subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use.
7. Development that is permitted pursuant to Chapter 11.08 (Watercourse Division or Obstruction).

#### 22.52.040 – Application Filing, Processing, and Review

- A. Filing.** An application for a Site Plan Review shall be submitted, filed, and processed in compliance with and in the manner described in Chapter 22.40 (Application Filing and Processing, Fees).

Site Plan Review application forms are available online and at the Agency's public service counter.

- B. Site Plan Review Procedures.** The Director shall approve, conditionally approve, or deny all Site Plan Review applications in compliance with Section 22.42.060 (Decision and Findings), except as otherwise provide in Subsections D and E, below.
- C. Zoning Administrator review.** When the Site Plan Review application is associated with a permit application that requires a public hearing, the Site Plan Review action may be taken by the Zoning Administrator.
- D. Referral to Commission.** When the Director finds that significant policy issues are raised by the proposed project, the Director may refer the Design-Site Plan Review application to the Planning Commission for a final action.
- E. Notice of action and/or hearing date.** Administrative decisions and public hearings on a proposed Site Plan Review application shall be noticed in compliance with Chapter 22.118 (Notices, Public Hearings, and Administrative Actions).

#### 22.52.050 – Decision and Findings

The Review Authority may only approve or conditionally approve an application if all of the following findings are made:

- A.** The development would be consistent with all the site development criteria established in the Discretionary Development Standards.

- B. The development would be consistent with any applicable site development criteria for specific land uses provided in Section 22.30.045, Chapter 22.32 and special purpose combining districts provided in Chapter 22.14 of this Development Code.
- C. The development would employ best management practices for drainage and storm water management.
- D. The development would hold ground disturbance to a minimum and every reasonable effort would be made to retain the natural features of the area, such as skyline and ridge tops, rolling land forms, knolls, significant native vegetation, trees, rock outcroppings, shorelines, streambeds and watercourses.
- E. If substantial ground disturbance is entailed in the development, the site would be adequately landscaped with existing or proposed vegetation at project completion.
- F. Development within the Stream Conservation Area in the SGV combining district would not:
  - 1. Adversely alter hydraulic capacity;
  - 2. Result in a net loss in habitat acreage, value, or function; and/or
  - 3. Degrade water quality.

**Agricultural District or Zone.** Any of the agricultural zoning districts established by Chapter 22.08 (Agricultural and Resource-Related Districts), or Coastal Zoning Districts established by Article V (Coastal Zones – Permit Requirements and Development Standards), including A (Agriculture and Conservation), A2 (Limited Agriculture), ARP (Agricultural, Residential Planned), C-APZ (Coastal, Agricultural Production Zone), and C-ARP (Coastal, Agricultural, Residential Planned).

**Agricultural Processing (land use).** This land use consists of the processing of harvested crops and other agricultural products, including the following:

- production of butter, cheese, and other dairy products
- food oil production, including olive oil
- processing of milk
- shellfish processing
- wine production

Also includes structures used in connection with the above activities.

**Agricultural Worker.** An employee who is engaged in services associated with an agricultural use, including: cultivation and tillage of soil; dairying; the production, cultivation, growing, and harvesting of any agricultural or horticultural commodity; and the preparation, delivery, or storage of any agricultural or horticultural commodity for market.

**Agricultural Worker Housing.** Any attached and detached dwelling unit used to house agricultural workers and their family members, including temporary mobile homes. For the purpose of calculating density, no more than one food preparation area shall be provided for each agricultural worker housing unit.

**Airpark (land use).** This land use consists of airfields, landing strips, and/or heliports, in compliance with the regulations of the Federal Aviation Administration (FAA), and California Division of Aeronautics.

**Alley.** A public or private roadway, not intended for general vehicle traffic circulation, that provides secondary vehicle access to the rear or side of lots having other public street frontage.

**Alteration.** Any construction or physical change in the internal arrangement of rooms or the supporting members of a structure, or a change in the external appearance of any structure, not including painting.

**Anadromous Fish.** Species of fish that mature in the ocean and migrate into streams to spawn.

**Animal Sales Lot.** See "Livestock Operations, Sales Lots, Feedlots, Stockyards."

**Antennas.** See "Telecommunications Facilities."

**Antiquated Subdivision.** A subdivision recorded before January 1, 1930.

**Apartment.** See "Multi-Family Housing."

**Appealable Area.** The areas described by Public Resources Code Sections 30519.b and 30603.a.1 and .a.2, within which a County decision to approve a development may be appealed to the California Coastal Commission.

**Appeals Area Maps.** The official maps on file with the Community Development Agency which identify areas within the Coastal Zone where County decisions on Coastal Permit applications may be appealed to the Coastal Commission.

**Applicant.** Any person, firm, partnership, association, joint venture, corporation, or any entity or combination of entities, which seeks County permits and approvals.

**Approval.** An official sanction that includes both approval and approval with conditions.

**H. Definitions, "H."**

**Habitat.** The physical location or type of environment in which an organism or biological population lives or occurs.

**Habitat Island.** A habitat island refers to an isolated area of land generally surrounded by water that provides valuable foraging and roosting habitat for resident and migratory birds and wildlife, particularly during winter and early spring months.

**Handcraft Industries, Small-Scale Manufacturing (land use).** This land use consists of the manufacture of products not classified in another major manufacturing group, including: jewelry; musical instruments; toys; sporting and athletic goods; pens, pencils, and other office and artists' materials; buttons, costume novelties, miscellaneous notions; brooms and brushes; and other miscellaneous manufacturing industries.

**Harbors (land use).** This land use consists of facilities providing a full range of services related to: commercial and recreational fishing; fisheries and hatcheries; seafood processing; ship and boat building and repair; marine hardware sales and service; petroleum storage and handling; boat storage and miscellaneous storage activities. Facilities primarily oriented toward recreational activities are included under the definition of "Marinas."

**Hazardous Waste Facility.** A State-licensed facility for the temporary storage and/or processing of hazardous waste.

**Health/Fitness Facilities (land use).** This land use consists of fitness centers, gymnasiums, health and athletic clubs including sauna, spa or hot tub facilities; tennis, handball, racquetball, archery and shooting ranges and other sports activities.

**Health Officer.** The Marin County Health Officer.

**Height, Structure.** The vertical distance from grade to the highest point of a structure. The maximum height of buildings located in areas subject to tidal action shall be measured from Mean Sea Level. Section 22.20.060 (Height Measurement and Height Limit Exceptions) explains how this Development Code requires structure height to be measured.

**Heritage Tree.** See "Protected Tree and Heritage Tree."

**Highway.** State Route 1, State Route 101, Panoramic Highway, and State Route 131.

**Historic Area.** Areas mapped and described as historic areas in the Local Coastal Program, including those within Bolinas, Inverness, Marshall, Olema, Point Reyes Station, Stinson Beach, and Tomales.

**Historic Lot.** A unit of real property that was formerly a legal lot of record.

**Historic Structure.** As determined by the Local Coastal Plan, any building constructed prior to 1930, including any accessory structures on a site.

**Holiday Product Sales.** See "Outdoor Retail Sales, Temporary."

**Home Occupation (land use).** This land use consists of the conduct of a business within a dwelling, or within an accessory building located on the same site as the dwelling, employing the occupant of the dwelling, with the business activity being subordinate to the residential use of the property. See Section 22.32.100 (Home Occupations).

**Homeless Shelter.** Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. In order for a facility to be a homeless shelter, no person may be denied emergency shelter because of an inability to pay, per Health and Safety Code Section 50801(e).

**N. Definitions, "N."**

**Native Tree.** Any tree in the list "Trees Native to Marin County," maintained and provided by the Department.

**Native Tree Removal.** Generally means the destruction of any protected tree or the alteration of any protected tree which may adversely affect the health and survival of the tree. Includes "removal of a tree." Routine trimming and pruning is not considered tree removal for the purpose of this Chapter.

**Natural Disaster.** Any situation in which the force or forces which destroyed a structure were beyond the control of the owner, including fire, flood, storm, explosion, landslide, earthquake, or other similar conditions.

**Nature Preserves (land use).** This land use consists of sites with environmental resources intended to be preserved in their natural state.

**NAVD (North American Vertical Datum).** A vertical elevation control datum used in height measurements.

**Negative Declaration.** A written statement describing the reasons that a proposed project that is not otherwise exempt from the California Environmental Quality Act (CEQA) will not have a significant adverse effect on the environment and, therefore, does not require the preparation of an Environmental Impact Report (EIR). Please refer to CEQA Guidelines Section 15369.5 for a complete definition of a Negative Declaration.

**Net Lot Area.** The baseline area of a lot used for calculating maximum subdivision potential, and calculated by taking the area of the whole lot and subtracting the following:

1. Any areas seaward of mean high tide.
2. Any areas within a Stream Conservation Area or Wetland Conservation Area.

The resulting area is the net lot area.

**No Net Loss of Habitat.** Complete replacement of habitat of equivalent acreage, value, and function on the same parcel on which habitat will be displaced by the project, except that offsite mitigation of habitat loss may be allowed under a County approved mitigation program. Complete replacement means replacement with native vegetation at a 2:1 ratio, which is monitored for a period of no less than five years to ensure effective replacement.

**Nonconforming Lot.** A lot of record that was legally created, but does not conform with this Development Code because the lot is of a size, shape, or configuration no longer allowed in the zoning district that applies to the site, as a result of the adoption of, or amendments to this Development Code.

**Nonconforming Structure.** A structure that was legally constructed, but does not conform with this Development Code because amendments to this Development Code or the previous Marin County Zoning Ordinance made the structure nonconforming in its size, location on its site, separation from other structures, number of parking spaces provided, or other features.

**Nonconforming Use.** A use of land, and/or within a structure, that was legally established, but does not conform with this Development Code because the use is no longer allowed in the zoning district that applies to the site, as a result of amendments to this Development Code or the previous Marin County Zoning Ordinance.

**R. Definitions, "R."**

**Recreation, Passive.** A type of recreation that does not require the use of organized play areas.

**Recreational Vehicle (RV).** A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, originally designed for human habitation for recreational, emergency, or other occupancy, which meets all of the following criteria:

1. It contains less than 320 square feet of internal living room area, excluding built-in equipment, including wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms;
2. It contains 400 square feet or less of gross area measured at maximum horizontal projections;
3. It is built on a single chassis; and
4. It is either self-propelled, truck-mounted, or permanently towable on the highways without a towing permit.

**Recreational Vehicle Park (land use).** This land use consists of a privately owned site used, or intended to be used, by those inhabiting a recreational vehicle. Recreational vehicle parks may include public restrooms, water, sewer, and electric hookups to each lot and are intended as a higher density, more intensively developed use than campgrounds. May include accessory retail uses where they are clearly incidental and intended to serve RV park patrons only.

**Recycling Facilities (land use).** This land use type includes a variety of facilities involved with the collection, sorting and processing of recyclable materials.

1. **Mobile Recycling Unit.** An automobile, truck, trailer, or van used for the collection of recyclable materials, and carrying bins, boxes, or other containers for such materials.
2. **Processing Facility.** A structure or enclosed space used for the collection and processing of recyclable materials for shipment, or to an end-user's specifications, by such means as baling, briquetting, cleaning, compacting, crushing, flattening, grinding, mechanical sorting, remanufacturing and shredding. Processing facilities include the following types, both of which are included under the definition of "Scrap and Dismantling Yards."
  - a. Light processing facility occupies an area of under 45,000 square feet of collection, processing and storage area, and averages two outbound truck shipments each day. Light processing facilities are limited to baling, briquetting, compacting, crushing, grinding, shredding and sorting of source separated recyclable materials sufficient to qualify as a certified processing facility. A light processing facility shall not shred, compact, or bale ferrous metals other than food and beverage containers; and
  - b. A heavy processing facility is any processing facility other than a light processing facility.
3. **Recycling Facility.** A center for the collection and/or processing of recyclable materials. A "certified" recycling or processing facility is certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986. A recycling facility does not include storage containers located on a residentially, commercially or industrially designated site used solely for the recycling of material generated on the site. See "Collection Facility" above.
4. **Recycling or Recyclable Material.** Reusable domestic containers and other materials which can be reconstituted, remanufactured, or reused in an altered form, including glass, metals, paper and plastic. Recyclable material does not include refuse or hazardous materials.

designed to accommodate 40 or fewer patrons, more than 40 patrons, and restaurants that serve alcohol and/or provide live entertainment.

**Restaurant, Fast Food (land use).** This land use consists of restaurants where customers are served prepared food from a walk-up ordering counter, or drive-through window, for either on- or off-site consumption.

**Resubdivision.** Changing the street alignment, lot configuration, or drainage of an existing subdivision, except through the Lot Line Adjustment process described in Chapter 22.90 (Lot Line Adjustments).

**Retail Stores, General Merchandise (land use).** This land use consists the retail sale of many lines of merchandise. Examples of the types of merchandise, and stores included within this land use are:

- |   |  |
|---|--|
| - artists' supplies   | - hardware                                   |
| - auto parts (not repair or machine shops)                          | - hobby materials                            |
| - bakeries (retail only)  | - jewelry                                    |
| - bicycles  | - luggage and leather goods                  |
| - books   | - musical instruments, parts and accessories |
| - cameras and photographic supplies                                 | - newsstands                                 |
| - clothing and accessories  | - orthopedic supplies                        |
| - department stores   | - pet stores                                 |
| - drug and discount stores  | - religious goods                            |
| - dry goods   | - shoe stores                                |
| - fabrics and sewing supplies                                       | - small wares                                |
| - florists and houseplant stores                                    | - specialty shops                            |
| - garden supply stores and sale of houseplants and nursery products | - sporting goods and equipment               |
| - general stores  | - stationery                                 |
| - grocery stores  | - toys and games                             |
|   | - variety stores                             |

**Retail Stores, Visitor/Collector (land use).** This land use consists of the retail sale of products oriented primarily toward visitors to Marin County and/or collectors other than local resident populations. Examples of the stores and products included under this land uses are antiques, art galleries, gift, souvenir, and curio shops, and handcraft sales (stores may include crafting subordinate to sales).

**Retreat Rate.** The rate at which wave action and other erosion processes will cause a coastal bluff to erode.

**Review Authority.** The Board of Supervisors, Health Officer, Planning Commission, Zoning Administrator, or Community Development Director, where designated by this Development Code as having the responsibility and authority to review, approve, or deny land use and development applications in compliance with this Development Code.

**Ridge and Upland Greenbelts.** The uppermost portions of hills, and the wooded hillsides identified in the Environmental Quality Element of the Marin Countywide Plan.

**Right-to-Farm Ordinance.** An ordinance that was adopted in compliance with the Marin Countywide Plan for the purpose of protecting existing or future agricultural uses.

**Riparian.** Associated with or dependent upon a river, stream, or other water body.

**Riparian Habitat.** Areas of riparian vegetation that are characterized by plant species that occur along and adjacent to fresh water courses, including perennial and intermittent streams, lakes, springs, and other water bodies of fresh water. Riparian habitats include transitional zones between land and water and are distinguished by characteristic woody trees and shrubs, a variety of important ecological functions, and generally high wildlife habitat values.

**Riparian Vegetation.** Vegetation associated with a watercourse and relying on the higher level of water provided by the watercourse. Riparian vegetation can include trees, shrubs, and/or herbaceous plants. *Woody riparian vegetation* includes plants that have tough, fibrous stems and branches covered with bark and composed largely of cellulose and lignin. *Herbaceous riparian vegetation* includes grasses, sedges, rushes and forbs – broad-leaved plants that lack a woody skeleton.

**Room Rental (land use).** This land use consists of the rental of individual bedrooms within a dwelling or accessory structure. This use is subordinate to the primary residential use of the property.

**Rotor Blade.** The part of a wind turbine that interacts with wind to produce energy. It consists of the turbine's blades and the hub to which the blades attach.

**Rural Recreation (land use).** This land use consists of facilities for outdoor recreational activities including: outdoor archery, pistol, rifle, and skeet shooting ranges and clubs; rodeo facilities; guest ranches; and health resorts including outdoor hot springs or hot tub facilities. Hunting and fishing clubs are separately defined.

more of floor area or display area to, or derives 75% or more of gross sales receipts from, the sale or exchange of tobacco products and/or tobacco paraphernalia.

**Single-Family Dwellings (land use).** This land use consists of a building designed for and/or occupied exclusively by one family. Also includes factory-built, modular housing units, constructed in compliance with the California Building Code (UBC), and mobile homes/manufactured housing on permanent foundations and agricultural worker housing.

**Single-Family Residential Zoning District.** A zoning district listed in Articles II (Zoning Districts and Allowable Land Uses) and V (Coastal Zones – Permit Requirements and Allowable Land Uses) which allows single-family dwellings, but not two-family or multi-family dwellings. These zoning districts include:

RA (Residential, Agricultural)	C-RA (Coastal, Residential, Agricultural)
RR (Residential, Restricted)	C-R1 (Coastal, Residential, Single Family)
RE (Residential, Estate)	C-RSP (Coastal, Residential, Single-Family Planned)
R1 (Residential, Single-Family)	C-RSPS (Coastal, Residential, Single-Family Planned, Seadrift Subdivision)
RSP (Residential, Single-Family Planned)	A2B (Agriculture, Limited)
RX (Residential, Mobile Home Park)	
RF (Residential, Floating Home Marina)	

Districts zoned A for agricultural uses, other than those listed above, are not included in this definition.

**Single Room Occupancy (SRO).** A multiple-tenant residential building, in which four or more studio apartments that do not have kitchens are rented as affordable housing on at least a monthly basis. One common kitchen may be provided for an SRO.

**Site.** A lot or parcel, or adjoining lots or parcels under single ownership or single control, which is considered a unit for the purposes of development or other use.

**Site Assessment.** An analysis of the environmental setting of developed or undeveloped land, including but not limited to sensitive wildlife habitats and sensitive resources, such as baylands, wetlands, stream and riparian systems, and special-status species of concern. A site assessment may also include findings regarding potential environmental effects resulting from a development application, and recommendations for measures that may avoid or minimize such effects.

**Site Coverage.** See "Lot Coverage."

**Skilled Nursing Facility.** A medical care facility providing care for people with physical or mental disabilities, where care is less than that provided by a hospital or other acute care facility. See "Medical Services – Extended Care."

**Slaughter Facilities, Mobile.** A self-contained facility engaged in slaughter that can travel from site to site.

**Slope.** The average slope of a lot expressed as a percent, which is calculated as follows:

$$S = (L \times I \times 100) / A$$

Where:

S = The average slope of natural ground expressed as a percent

I = The topographic contour interval in feet (i.e., 2-foot contour intervals, 5-foot contour intervals, etc.)

**Stop Work Order.** A notice issued by the Building Official, or other designated official, that directs the property owner to cease work that was undertaken without proper permits.

**Storage, Accessory (land use).** This land use consists of the storage of various materials in support of a residential, commercial, or industrial land use on the same site, where the primary use of the site is not a storage facility.

**Storage, Personal Storage Facility (land use).** This land use consists of a structure or group of structures containing generally small, individual, compartmentalized stalls or lockers rented as individual storage spaces and characterized by low parking demand.

**Story.** That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

**Story (floating home).** That portion of the superstructure located between the upper surface of any deck and the upper surface of the deck or ceiling next above.

**Standard Management Practices.** Method or techniques maintained by the Community Development Agency for the protection of hydrological processes, stream and riparian habitat, and water quality to avoid or minimize impacts to salmonids with the Stream Conservation Area with San Geronimo Valley.

**Stream.** A natural or once natural flowing open drainage channel with an established bed and bank. These consist of perennial, intermittent, and ephemeral streams, including open waterways that have been restored, modified, or channelized, but do not include ditches, culverts, or other above- or below ground conduits constructed specifically for storm drainage function. Perennial and intermittent streams, shown as solid or dashed blue lines (or purple lines) on the most recent appropriate USGS data, and ephemeral streams as defined below, are subject to Stream Conservation Area protection policies. See “Stream Conservation Area (SCA).”

**Stream, Ephemeral.** A watercourse that carries only surface runoff and flows during and immediately after periods of precipitation.

**Stream, Intermittent.** A watercourse that is temporarily intermittent or seasonal and that flows during the wet season, continues to flow after the period of precipitation, and ceases flow during at least part of the dry season. Intermittent streams are typically shown as a dashed blue line on USGS data.

**Stream, Perennial.** A watercourse that flows throughout the year (except for infrequent or extended periods of drought), although surface water flow may be temporarily discontinuous in some reaches of the channel, such as between pools. (Perennial streams can be spatially intermittent but flow throughout the year.)

**Stream Conservation Area.** An area designated by the Marin Countywide Plan along all natural watercourses shown as a solid or dashed blue line on the most recent appropriate USGS topographic quadrangle map, or along all watercourses supporting riparian vegetation for a length of 100 feet or more, and/or supports special-status species and/or a sensitive natural community type, such as native grasslands, regardless of the extent of riparian vegetation associated with the stream. See Marin Countywide Plan policy BIO-4.1.

The Stream Conservation Area is a buffer established to protect the active channel, water quality and flood control functions, and associated fish and wildlife habitat values along streams.

The Stream Conservation Area encompasses any jurisdictional wetland or unvegetated other waters within the stream channel, together with the adjacent wetlands, and supersedes buffer standards defined for Wetland Conservation Areas.

The Stream Conservation Area consists of the watercourse itself between the stream tops of banks and a strip of land extending laterally outward on each side from the top of bank that is the width greater of either:

1. 50 feet landward from the outer edge of woody riparian vegetation associated with the stream; and/or
2. 100 feet landward from the top of bank. Within the SGV combining district, the Stream Conservation Area is measured from the centerline of the swale for ephemeral streams with no clear top of bank as shown in Figure 8-9.

An additional buffer may be required based on the results of a site assessment to protect riparian habitat.

The Stream Conservation Area applies to ephemeral streams that:

1. Support riparian vegetation for a length of 100 feet or more; and/or
2. Supports special-status species and/or sensitive natural community type, such as native grasslands, regardless of the extent of riparian vegetation associated with the stream.

Except for ephemeral streams within the SGV combining district, a minimum 20-foot buffer should be required for those ephemeral streams that do not meet these criteria. In the SGV combining district, the Stream Conservation Area applies to all ephemeral streams as mapped on the most recent appropriate USGS National Hydrography Dataset.

FIGURE 8-8  
TYPICAL CROSS SECTION OF A STREAM CONSERVATION AREA

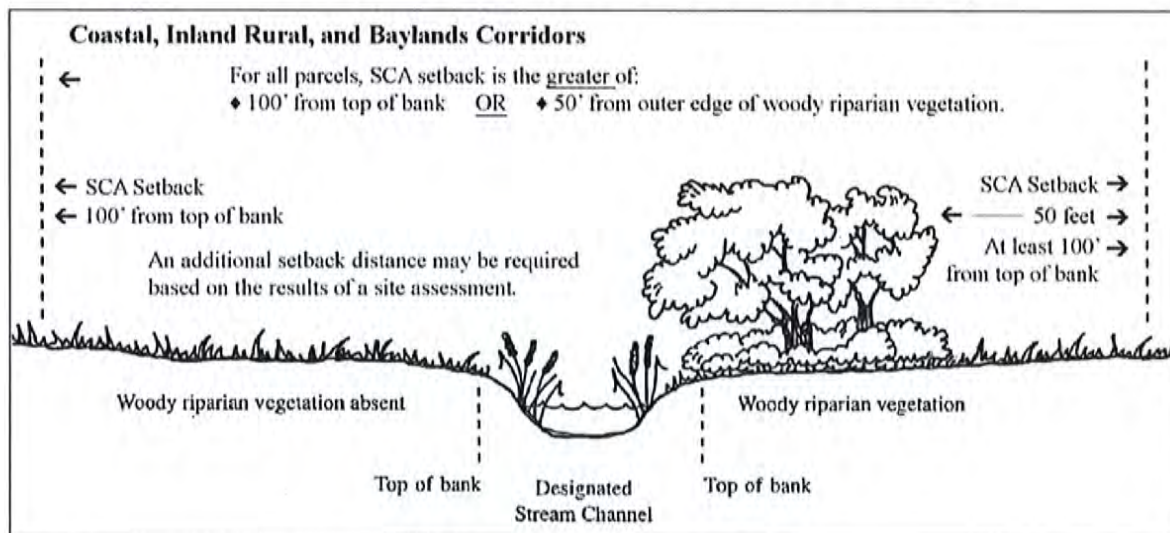


FIGURE 8-9  
BUFFER MEASUREMENT FOR EPHEMERAL STREAMS IN SAN GERONIMO VALLEY

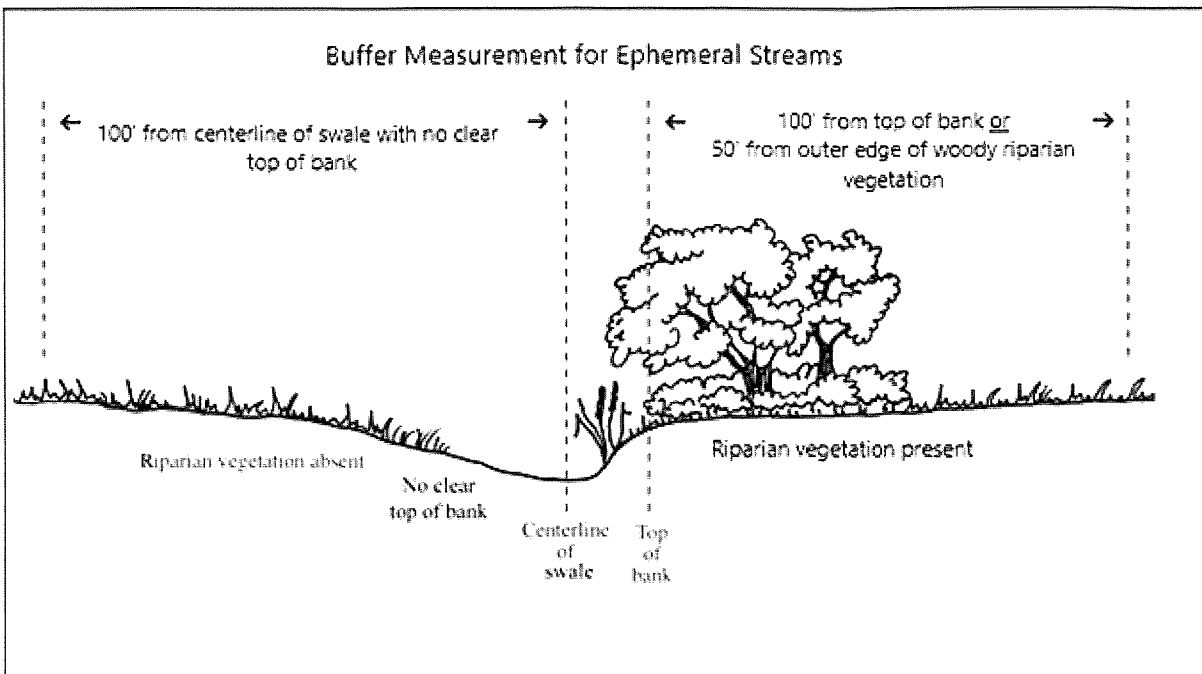


FIGURE 8-10  
SETBACK MEASUREMENT FOR EPHEMERAL STREAMS NOT WITHIN THE SAN GERONIMO VALLEY

