

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. PC22-009

A RESOLUTION RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT AN ORDINANCE AMENDING MARIN COUNTY CODE TITLE 22 (DEVELOPMENT CODE) FOR THE STREAM CONSERVATION AREA FOR SAN GERONIMO VALLEY

WHEREAS, the Marin County Community Development Agency proposes a set of amendments to the Marin County Development Code Title 22 (Development Code), which establishes 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 proposed amendments (Exhibit A) would modify Title 22 (Development Code) for the stream conservation area for the San Geronimo Valley and: (1) establish a new SGV combining district in Section 22.14.050, Table 2-11, B-Combining District Development Standards, to apply uniform standards for all zoning districts within the San Geronimo Valley; (2) amend text of Section 22.06.050 (Exemptions from Land Use Permit Requirements) regarding exemptions for various activities, uses of land, and other improvements; (3) establish new development standards in Section 22.30.045 (San Geronimo Valley Community Standards) for development located both within and outside the stream conservation area within the San Geronimo Valley; (4) amend Chapter 22.52 (Site Plan Review) to require Site Plan Review for new development subject to the SGV (San Geronimo Valley) combining district located within the stream conservation area (5) amend Chapter 22.52 (Site Plan Review) to require Site Plan Review for certain development subject to the SGV (San Geronimo Valley) combining district located outside the stream conservation area; and (6) incorporate and amend select technical terms and phrases from the Countywide Plan in Chapter 22.130 (Definitions). The proposed stream conservation area is applicable 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 proposed amendments to the Development Code 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 proposed amendments to the Development Code establish the purpose, applicability, standards, permit procedures and findings necessary to implement the policies of the CWP relating to riparian protection; and

WHEREAS, the proposed amendments to the Development Code are exempt from the requirements of CEQA, pursuant to Sections 15307 and 15308, Classes 7 and 8 of the State CEQA Guidelines because the proposed 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 for the stream conservation area 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 this Resolution; and

WHEREAS, on May 16, 2022, the County and the Salmon Protection and Watershed Network agreed to a preliminary settlement framework to resolve legal actions and claims against the County. The terms of this preliminary settlement framework introduce new content not previously considered; and

WHEREAS, on June 13, 2022, the Marin County Planning Commission held a duly noticed public hearing to take public testimony and consider this Resolution.

NOW, THEREFORE, THE MARIN COUNTY PLANNING COMMISSION RESOLVES as follows:

The Marin County Planning Commission recommends that the Marin County Board of Supervisors adopt an Ordinance to amend the Development Code for the stream conservation area in San Geronimo Valley that contains the following terms:

1. This Ordinance amends the following Sections of Marin County Code Title 22 (Development Code) 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

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Marin held on this 13th day of June, 2022 by the following vote:

AYES: MARGOT BIEHLE, MARGARET CURRAN; CHRISTINA L. DESSER; DON DICKENSON; X PETER THERAN.

ABSENT: REBECCA LIND


Don Dickenson
Planning Commission Chair

Attest:


ANA HILDA MOSHER
Planning Commission Recording Secretary

EXHIBIT A

San Geronimo Valley Proposed Zoning - SGV Combining District

