

From: [Mette Batterton](#)
To: [Drumm, Kristin](#)
Subject: July 19 meeting and Stream Ordinance
Date: Tuesday, July 12, 2022 9:14:58 PM

[You don't often get email from mettebatterton@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

July 12th, 2022

To whom it may concern,

I have been a San Geronimo Valley resident since 1999 and a Woodacre homeowner since 2002. I am writing to you to OBJECT to the proposed development code amendments and rezoning, regarding the Stream Conservation Area Ordinance (SCA Ordinance) for San Geronimo Valley.

The biggest threat to the San Geronimo Valley is the climate crisis. In the past 10 years, I have witnessed an increase of high gusty winds, flooding, and extreme heat waves. This ongoing crisis has lead to increase costs, clean-ups and inconveniences and threats to property owners. Trees have fallen in wind storms, smashing fences, puncturing roofs and even tearing houses in half. Winter months bring atmospheric rivers and extreme flooding, in turn clogging creeks, flooding roads and easements and once again bringing down trees and fences. Heat domes, drought and fear of fire tearing through our community accompany Summer and Fall months. The climate crisis is directly related to decline in salmon, which I believe the new SCA proposed amendments are trying to protect.

The natural disasters that now affect the San Geronimo Valley community have caused a significant increase in the cost of living for residents. Our community should be trusted to manage the creeks, as they have always done. When creeks flood, it is the homeowners and neighbors that perform the clean-up, and pay for repairs from their own pockets. Adding more regulations and permitting by rezoning houses within 100 yards of ephemeral creeks is NOT the solution, but will only prolong maintenance after a disaster and add additional stress and unforeseen costs. This will put undue burdens on certain home owners, many of them seniors, which could eventually cause displacement among long time valley residents.

I strongly urge you to vote NO against the SCA Ordinance, put forth by SPAWN, a private organization consisting of non elected officials. SPAWN should not have a voice in how we live or build in San Geronimo Valley! Although I support local salmon restoration and preservation of their natural habitat, I believe the suggestions put forth by this organization do not guarantee restoration of salmon and if approved will financially impact a select group of San Geronimo Valley residents and lower value of their properties. If a stream ordinance is passed, the burden should be shared amongst all San Geronimo Valley residents and not just those living close to streams.

The Community Development Agency Planning Division should be focused on the safety of the community by focusing on things such as burying our power lines to protect the residents from fires and rolling black outs when the winds blow. Please consider re-directing your focus to benefit the safety of community over prioritizing the declining salmon population.

Salmon don't vote, but people do!

Sincerely,

Mette Batterton

From: [Peggy Sheneman](#)
To: [BOS](#); [Rodoni, Dennis](#); [Rice, Katie](#); [Moulton-Peters, Stephanie](#); [Arnold, Judy](#); [Connolly, Damon](#); [Lai, Thomas](#); [Drumm, Kristin](#); JLeibster@marincounty.org; [Case, Brian](#)
Subject: San Geronimo Stream Ordinance--FIX it, Or Vote NO; BOS Mtg July 19, 2022
Date: Wednesday, July 13, 2022 1:44:55 PM

From San Geronimo Valley Stewards,
a non-profit supporting 900 San Geronimo families
Peggy Sheneman, Corporate Secretary

To: Marin County Board of Supervisors
Marin County Community Development Agency

We respectfully request the Board adopt amendments to FIX the proposed San Geronimo Valley Stream Ordinance, or please VOTE NO, as currently written.

1. Do Not Invite Spawn or CBD to Sue Homeowners for "Nuisance".

The Spawn settlement defines every stream violation to be a "public nuisance" under Marin Code Chapter 1.05. That would open the gates to a flood of nuisance lawsuits by Spawn and Center for Biological Diversity against San Geronimo families. (Stream ordinance section 22.30.045.E.1. page 9. See, May 16, 2022 Term Sheet page 7 section II.K.)

County public employees should be the only enforcement agents, as stated in Chapter 1.07. The stream ordinance already incorporates Marin County Code Chapter 1.07. The County already has adequate power to commence nuisance abatement proceedings under section 1.07.050.D.11. page 3. Chapter 1.07 also gives the County power to inspect homesites, impose fines, file lawsuits, impose liens, and foreclose on property.

Center for Biological Diversity admits its strategy is "relentless litigation," with 40 attorneys on staff. See www.influencewatch.org. California law allows a private person or lawyer to sue the landowner for "public nuisance" by alleging a special injury in addition to harm of the general public. Cal.Civil Code section 3480; Cal. Dept of Fish & Game v. Superior Court, 197 Cal.App. 4th (2011).

If Chapter 1.05 applies, 900 Valley families can expect demand letters and lawsuits from "ambulance chasing" lawyers, and Spawn/CBD. Victims must pay off lawyers as the price of settlement.

Do not promote this shakedown scheme. Nuisance lawsuits are not necessary for legitimate County interests in compliance. Delete the reference to Chapter 1.05 in stream ordinance section 22.30.045.D. E. and E.1.

2. Stream Ordinance Must Expressly Authorize Homeowners to Comply with Fire Guidelines.

The homeowner can defend against a nuisance lawsuit or violation citation only if the ordinance itself authorizes compliance with fire guidelines. Cal Civil Code section 3482 states; "Nothing which is done or maintained under express authority of a statute can be deemed a nuisance." See, Varjabedian v. City of Madera, 20 Cal 3rd 285 (1977).

The proposed ordinance does not expressly require or allow me or my neighbors to maintain fire defensible space. Our home fire insurance companies, and officials of Marin Wildfire Authority and Marin Fire Dept have walked our properties and REQUIRE we eliminate the "ladder fuels" that spread fire to tree tops:

- remove lower tree limbs;
- clear underbrush saplings and shrubs;
- mow all grasses;
- create clear space between house and shrubs or trees.

However, the stream ordinance and the Standard Management Practices (SMP's) published Sept 2021 REQUIRE WE PRESERVE all shrubs, saplings, and trees and REQUIRE WE REPLANT all vegetation --even if removed for purposes of fire prevention. Examples:

- Removed vegetation must be replanted in 2:1 ratio (Ordinance page 14 definition of "No Net Loss of Habitat" and SMP 12)
- No vegetation removal below top of bank (Ordinance page 8 section 22.30.045 C.3.)
- SMP's 5 and 6: Do not remove saplings or shrubs within 100 feet of stream bank and maintain 125 -250 square feet canopy.
- SMP 9 : "Replicate the species composition" of all removed vegetation. (So, we cannot grow tomatoes, succulents or roses?)
- SMP 10: Do not remove the understory of saplings and shrubs.
- SMP 11: Do not remove more than 2 trees--ever, anywhere on your property.
- SMP 13: For each 1 tree removed, 3 native trees must be planted and watered for 5 years.

Ephemerals are "streams". The vegetation rules are made worse by the definition of "stream" and "stream conservation area" to include 100 feet on both sides of every ephemeral water flow that appears only when it rains. See Definitions pages 15 and 16.

Do County officials realize the vast acreage of conservation area this would create, based on a single rainstorm in December? Has the County considered this ephemeral vegetation dries out every summer and becomes fire fuel?

The stream ordinance must expressly state that property owners are

authorized to comply with all measures for fire prevention and defensible space, as may be required or recommended by our fire insurance companies and/or local and state fire authorities.

3. Valley Families Should NOT PAY Fees, Costs, or Fines.

The only stated reason for this onerous stream ordinance is Marin County surrendering to Spawn's settlement demands. If Spawn's lawsuits are such a burden, and if the remote possibility of increasing salmon is so important, for the entire County, then the entire County should pay for the costs.

Do not burden 900 creekside families with the fees, costs, and fines of this experiment designed by Spawn. The ordinance and SMP's reach far beyond the modest recommendations of the 2019 Final Supplemental Environmental Impact Report approved by the Board of Supervisors in 2019.

The ordinance should be amended to eliminate, or require the County fund, these costs:

--\$500 per day fines for stream violations. County Code section 1.07.080 will apply to violations of the stream rules. Was it merely coincidence Code Chapter 1.07 was adopted March 15, 2022? This was only 61 days before the Supervisors announced the Spawn settlement which requires fines and punishment of homeowners and their contractors.

Staff assures us orally "Oh, don't worry. Community Development Agency will fine people only for serious violations."

However, Chapter 1.07 places unelected, non-judicial CDA staff in complete control of citations and punishment. CDA Staff inspects the homesite, issues citation, sets the fine, has discretionary power to reduce the fine, requires deposit of the full \$500 fine before conducting a hearing, and determines any appeal. The homeowner's only recourse is to hire a lawyer and file a court lawsuit against the County.

Chapter 1.07 should not apply to this experimental stream ordinance, which is imposed on only 900 families in San Geronimo. Instead, County staff should encourage voluntary compliance with online education materials, in person workshops, "no citation" home visits to help plan projects, counter staff trained in the stream rules.

--\$ [what amount?] Development Impact Fee Paid by Homeowner into a new "Habitat Restoration Fund".

This is a bribe to SPAWN. Section 22.30.045.D. page 9. If County officials agree to payoff a private corporation that wastes taxpayer money with lawsuits and 20 years of failed projects, then the County should use tax dollars to create the Habitat Restoration Fund, and not charge 900 creekside families.

--\$2,000 Flat Fee for Site Plan Review, Plus \$3,000 for Environmental Review. For every project to repair or maintain an existing home? Or fees for a 300 square foot addition? Must every homeowner pay \$5,000 fees to replace roof shingles or install a 150 SF garden shed?

The public notices are confusing. The notice CDA mailed to our homes states these fees would be "fully offset." The notice published July 11, 2022 in Marin IJ states "Board of Supervisors reduces the following fees . . " but then lists \$2,000 and \$3,000 as "Proposed Fee".

--Every House in SG Valley (even outside the stream area) Must Pay a Qualified Hydrologist to Make a Stormwater Control Plan. This is the added cost if we "create or replace 500 square feet or more of lot coverage" -- including repair of existing roof or driveway. Ordinance sections 22.52.020.G. page 11 and 22.30.045.B.2. page 6.

The hydrologist fees and other qualified expert reports would also be required for any development within the 100 foot stream conservation area. Ordinance section 22.30.045.C pages 6-8.

Is your roof leaking in December rainstorm? You must first find the phone number of a qualified hydrologist before calling a roofing contractor.

The County should pay all fees and costs of "qualified experts" for repairs and maintenance on existing homes.

--Tree Removal Fees and Expert Reports. In addition to stream ordinance fees and costs, all SG Valley residents must pay the County-wide fees and expert reports required by Marin Code Chapters 22.27 and 22.62.

--Septic Inspections and Mandatory Replacement. The Spawn settlement requires that every home improvement in the stream area will require a full inspection by a building code enforcement officer, as part of Site Plan Review. This will also trigger a septic inspection. Consequence: To add a 200 square foot deck, you may need to replace your entire septic system at the current cost of \$80,000.

4. The Ordinance Must Clearly State Exemptions and Allowances for Existing Homes.

San Geronimo Valley Stewards agree with the comment of Marin Conservation League--the rules for homeowners must be "crystal clear." We are not trying to build new McMansions in stream beds, but we need to preserve our existing homes.

We have repeatedly asked CDA staff and the Planning Commission to expressly state in the ordinance what we can do and cannot do with our existing homes. Instead, we read intentionally vague standards and implied references to non-enumerated sections of California law and Marin County Codes.

The Ordinance must be amended to clearly answer these frequently asked questions of homeowners:

--"Existing permitted structures" should include older homes that are "legal non-conforming".

San Geronimo Valley was settled before the 1906 earthquake. We have many older homes built close to the creeks, decades before permits were required for houses, driveways, roads, or bridges. Also, many pre-1950 permit records were destroyed when the County building in San Rafael burned. These improvements should qualify as "legal non-conforming" under Code Chapter 22.112.

But the ordinance creates allowances and exemptions for only "existing permitted structures". For example, allowable uses within the stream area, under section 22.30.045.C. pages 6 - 8.

The stream ordinance must have an express reference to legal non-conforming structures under Chapter 22.112.

--Does Grandma's Wheelchair Ramp Require a Stormwater Control Plan?

Some of our beloved neighbors are disabled, or are older with mobility issues. The stream ordinance makes no accommodation for their access to existing homes and driveways. Staff tells us: "Oh, don't worry, ramps and railings will be ok."

If yes, say yes--with clear language in the ordinance that refers to other Marin Code sections. What are the limitations and requirements for disability additions and improvements? Can we build ramps and hard surfaces that exceed 300 square feet? Must we replant vegetation we remove to build the ramp? Must we have a site assessment and pay for a Site Plan Review?

--Expressly Exempt Category 1 ADU's up to 800 square feet.

Some accessory dwelling units are allowed uses within the 100 foot stream area. Section 22.06.050.F. page 1.

Staff tells us they also are exempt from site assessment and Site Plan Review --but the ordinance does not state this. Is the ADU exempt from general SCA standards under section 22.30.045 B. and C.? Does the ADU need a stormwater control plan? Must we replant all vegetation removed to make room for the ADU? Please use clear language.

--Solar Energy Systems and EV Charging stations are NOT Exempt From Stream Ordinance.

This are clearly prohibited within the 100 foot stream area, under section 22.06.050 H. and I. page 2.

But staff tells us they are allowed and exempt under California state law. If so, say so.

What sections, standards, and requirements of the stream ordinance apply to solar and EV installations? Site Assessment, Site Plan Review, stormwater control, or vegetation replanting? Does the 300 square foot limitation apply to solar panels?

5. Require Public Reports Twice Each Year.

The ordinance should require Marin County to make public reports twice each year. The ordinance now is silent on reports.

Reports should be published on the County website for all to read. The stream program is an experiment imposed on 900 families. We need data to monitor success or failure. Reports should include numbers and types of stream assessments applied for, granted, or denied; complaints, fines and enforcement measures; gain or loss of impervious area and habitat; fees and costs paid by County or homeowners. We can then evaluate the stream program in light of the yearly fish counts from MMWD.

6. The Stream Ordinance Should Sunset in 5 years.

In year 2027, the stream ordinance should expire automatically, unless extended or amended by the Board of Supervisors.

Spawn dictated the stream ordinance as the price (plus lawyers' fees) for settling its 4th lawsuit against Marin taxpayers. The ordinance goes far beyond the recommendations of the 2009 SEP report and the FSEIR approved by Supervisors in July 2019. It is an uncontrolled experiment, using 900 San Geronimo families as lab rats.

By 2027, we will have 10 biannual reports to measure success and failure. We should take a fresh look in 2027.

Thank you for your attention.

From: [Peggy Sheneman](#)
To: [BOS](#); DRodini@marincounty.org; [Kutter, Rhonda](#); [Rice, Katie](#); [Connolly, Damon](#); [Arnold, Judy](#); [Moulton-Peters, Stephanie](#); [Lai, Thomas](#); [Drumm, Kristin](#); [Case, Brian](#); [Washington, Brian](#); [Tejirian, Jeremy](#)
Subject: BOS Meeting July 19: Objection to Defective Public Notice and adoption of SMP's and Site Assessments.
Date: Friday, July 15, 2022 9:12:07 AM

From: San Geronimo Valley Stewards
Peggy Sheneman, as Corporate Secretary

To: Marin County Counsel
Marin Community Development Agency
Marin County Board of Supervisors

Re: San Geronimo Valley Stewards object to defective public notices for approval or adoption of Site Assessment Requirements and/or Standard Management Practices as an integral part of the stream ordinance to be considered at July 19, 2022 meeting of Marin Board of Supervisors.

Site Assessment Requirements and Standard Management Practices are incorporated into the stream ordinance, but have never been noticed for public comment or submitted as hearing materials for any meeting at which an official vote is taken.

The BOS will vote July 19 on a San Geronimo Valley stream conservation area ordinance. The ordinance expressly incorporates detailed rules of the Community Development Agency. The rules are issued with no prior consultation with the people whose lives and homes will be micro-managed by unelected bureaucrats.

The ordinance requires every homeowner must comply with "Site Assessment Requirements". See stream ordinance section 22.30.045.C.1, section 22.52.050.A. and B., and section 22.130.030.S. (Definition of Site Assessment).

The ordinance requires every homeowner must comply with "Standard Management Practices (SMP's)". See stream ordinance section 22.30.045.C.5., section 22.52.050.A. and B., and section 22.130.030.S. (Definition of Standard Management Practices).

Examples: The rules tell us how to measure the center of an ephemeral swale that flows only 5 days a year in heavy rain. The rules tell us to plant willow trees in a 1-inch diameter cutting. The rules tell us we must identify all riparian vegetation by common names and scientific names. The Site Assessment requires the homeowner to pay for "additional studies" of "hydraulic and/or geomorphic" downstream drainage.

If we violate these rules, Community Development Agency, in its sole

discretion, can fine us \$500 per day. Stream ordinance section 22.30.045.E.

What is missing? FIRE. Neither the Site Assessments nor SMP's require anyone to comply with California law or fire agency guidelines on fire prevention or defensible space.

The Board of Supervisors should not vote on the stream ordinance until the SMP's and Site Assessment Requirements have been properly noticed for public comment and specifically cited as hearing materials for the official meeting.

Site Assessment and SMP's are the heart of the stream ordinance scheme. They deserve public comment and detailed examination by the Board of Supervisors before the stream ordinance is approved.

Site Assessment Requirements and Standard Management Practices are not included in the materials for public record regarding the July 19 BOS meeting. They were not included in the Planning Commission public record when the Planning Commission voted June 13, 2021 (on the current version of the stream ordinance which mandates the Spawn settlement) or when the Planning Commission voted December 13, 2021 (before the Spawn settlement).

Where can the public find the SMP's and Site Assessment Requirements? You must go way back to the Nov. 8, 2021 Planning Commission Workshop. They are buried in 63 pages of materials labeled "Staff Report Attachments".

Exhibit D Site Assessment Requirements dated October 2021

Exhibit E Standard Management Practices dated October 2021

Question--Will the Supervisors on July 19 or some future date consider changes in the rules because of the Spawn settlement?
Will there be a properly noticed hearing on the rules?

[Stream Conservation Area Ordinance \(marincounty.org\)](http://marincounty.org)

www.marincounty.org/depts/divisions/planning/stream-conservation-area-ordinance

Exhibit D (Site Assessment Requirements dated October 2021)

Exhibit E (Standard Management Practices dated October 2021)

are attached as "Staff Report Attachments" to Nov 8, 2021 Planning Commission Workshop, at which Workshop no vote was taken on the stream

ordinance.

From: [Angie Jones](#)
To: [BOS](#); [Rodoni, Dennis](#); [Lai, Thomas](#); [Drumm, Kristin](#)
Subject: Re July 19 meeting and stream ordinance
Date: Tuesday, July 12, 2022 6:34:03 PM

[You don't often get email from angiejdesigns@icloud.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

July 12, 2022

To Marin County's ELECTED Officials,

I am a San Geronimo Valley resident and homeowner since 2015. I am writing to you to OBJECT to the proposed development code amendments and rezoning, regarding the Stream Conservation Area Ordinance (SCA Ordinance) for San Geronimo Valley.

The biggest threat to the San Geronimo Valley is the climate crisis. In the past 10 years, I have witnessed an increase of high gusty winds, flooding, and extreme heat waves. This ongoing crisis has lead to increase costs, clean-ups and inconveniences and threats to property owners. Trees have fallen in wind storms, smashing fences, puncturing roofs and even tearing houses in half. Winter months bring atmospheric rivers and extreme flooding, in turn clogging creeks, flooding roads and easements and once again bringing down trees and fences. Heat domes, drought and fear of fire tearing through our community accompany Summer and Fall months. The climate crisis is directly related to decline in salmon, which I believe the new SCA proposed amendments are trying to protect.

The natural disasters that now affect the San Geronimo Valley community have caused a significant increase in the cost of living for our residents. Our community should be trusted to manage the creeks, as they have always done. When creeks flood, it is the homeowners and neighbors that perform the clean-up, and pay for repairs from their own pockets. Adding more regulations by rezoning houses along or near year round and seasonal creeks is NOT the solution, but will only prolong maintenance after a disaster and add additional stress and unforeseen costs. This will put undue burdens on home owners, many of them seniors, which could eventually cause displacement among long time valley residents.

I strongly urge ALL OF YOU to vote NO against the SCA Ordinance, put forth by SPAWN, a private organization consisting of an elected officials. SPAWN should not have a voice in how we live or build in San Geronimo Valley. The Community Development Agency Planning Division should be focused on the safety of the community by focusing on things such as burying our power lines to protect the residents from fires and rolling black outs when the winds blow. Please consider re-directing your focus to benefit the safety of community over prioritizing the declining salmon population.

Salmon don't vote, but people do!

Sincerely,

Angie

From: [Kutter, Rhonda](#)
To: [Drumm, Kristin](#)
Subject: FW: Proposed stream conservation ordinance
Date: Tuesday, July 12, 2022 5:39:41 PM

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

From: Michael & Louise Stephens <michaelstephens08@comcast.net>
Sent: Tuesday, July 12, 2022 1:37 PM
To: Rodoni, Dennis <DRodoni@marincounty.org>
Subject: Proposed stream conservation ordinance

Dear Supervisor Rodoni,

I have been a San Geronimo Valley property owner for 20 years and of course I am your constituent. I am telling you not to support this ordinance. Do you value the extremist views of SPAWN over the welfare and lives of the homeowners and renters in the Valley?

I expect you to take into consideration your San Geronimo Valley constituents instead of this well connected lobbying group. Vote NO.

Thank you,

Michael J Stephens
175 East Cintura Ave
Lagunitas, CA 94938

From: [Kutter, Rhonda](#)
To: [Drumm, Kristin](#)
Subject: FW: Home Owner: July 19 BOS meeting San Geronimo Stream Ordinance
Date: Tuesday, July 12, 2022 5:38:37 PM

From: Bob Garrow <bobgarrow@gmail.com>
Sent: Tuesday, July 12, 2022 10:54 AM
To: Rodoni, Dennis <DRodoni@marincounty.org>
Subject: Home Owner: July 19 BOS meeting San Geronimo Stream Ordinance

Please vote NO on the stream ordinance.

I am the owner of one of the many homes on the creek and to be honest that creek on the property is one of the reasons I bought my home here about a decade ago. I spend a great deal of my time outdoors here. I have watched the creek and taken much effort to care for and leave native. I have been seeing more signs of fish returning. I do listen to the guidelines and appreciate trying to help the habitat.

That being said this is a group that should give guidelines and suggestions for us on the creek. This is not a group that you give the ability to bring judgment and penalty toward residents. This has become a battle in the valley due to giving this power out.

The SPAWN organization should exist and continue to help the community become better stewards but not a group that tells me whether or not I can keep up my home. These homes were summer cabins and now they are million dollar dwellings. There is no way to return this creek to anything resembling its origins without removal of the people entirely. We need to work for something that supports the creek and the community. Not a solution that will create animosity and out right fighting in the County.

I have run a construction company in this County for many many years and the addition of fees and costs has undeniably become obscene. I love where I live but at some point you need to look out for your residents and not the special interest groups. I will always do my best to protect my creek but I will not kindly be forced to do so. More importantly not be given the ability to keep my property in the best shape possible. As for permitting and past permitting being in the guideline this valley has been the wild west for 100 years you can't expect to turn back time especially through a special interest group.

Reading through the proposed guidelines for the creek was interesting considering in the past two winters we have had major water flows and flooding that destroy everything laid out in the guidelines. We need SPAWN to be a guidance group and give thoughtful information and guidance to the people on the creek not to be an unwelcome policing agent that created friction and descent.

Please think carefully of what you are trying to impose on us as homeowners. We are the people living here and appreciating the creek along with caring for our community. In your position I would appreciate you helping special interests to be heard but never be put in a place of judgment and

ability to render a penalty. This does in no way make our country a better place.

Please vote NO on the stream ordinance.

Sincerely,

--

Bob Garrow



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From: [Chuck Jones](#)
To: [Drumm, Kristin](#); [Rodoni, Dennis](#)
Cc: [PlanningCommission](#); [Kutter, Rhonda](#); [BOS](#); [Lai, Thomas](#)
Subject: SGV Stream Conservation Area Ordinance July 19 BOS Meeting
Date: Wednesday, July 13, 2022 11:18:44 AM

You don't often get email from chuckjones@yahoo.com. [Learn why this is important](#)

I urge the Board of Supervisors to vote No on the proposed SGV Stream Ordinance on July 19th. I never received a reply from Kristin Drumm (see below) regarding any science-based documentation supporting the restriction on EV charging stations and solar PV in the SGV SCA as a mitigating measure and it has become obvious from the lack of a reply that you don't have any. The lack of transparency in the origin and purpose of this restriction is disturbing from a due process perspective and more so from a public policy perspective.

We have lived in the San Geronimo Valley since 1989 and raised our family here. I cannot support this Ordinance in its current form and urge the Board of Supervisors to vote No.

Sincerely
Chuck Jones
PO Box 791

Forest Knolls, CA 94933

On Friday, June 10, 2022 at 06:23:24 PM PDT, Chuck Jones <chuckjones@yahoo.com> wrote:

I attended the November workshop and December 2021 meetings remotely. I recall that there was an action item to post documentation explaining the science behind the recommended measures. Where is the documentation that solar PV and electric vehicle charging stations will require Land Use Permits is a mitigating measure? It appears to me that impeding deployment of solar PV and EV charging stations is an exacerbating measure and clearly contrary to informed public policy.

The other mitigating measures make intuitive sense and revolve around:

- Encouraging/protecting vegetation in the riparian corridor to slow runoff, reduce sedimentation and provide shade
- Discouraging an increase in impervious surfaces to reduce creek flash flooding
- Managing any grading/soil disturbance to avoid sedimentation

Electric vehicles do not drop motor oil, transmission fluid and radiator fluid on the ground to eventually leach into the creek. That is why it appears that discouraging EV adoption is an exacerbating, not mitigating, measure for salmon habitat. Similarly rooftop solar PV installations reduce the heat island effect in summer and do not increase impervious surfaces because they sit on top of the roof (not to mention global warming). If you are concerned with ground mounted PV or with digging ditches to run conduit for an EV charging station then your proposed regulations should address those cases rather than an outright restriction of solar PV (the vast

majority are roof mounted) and EV charging stations (the vast majority are attached to an existing structure and do not require trenching). If you have documentation that is science based and explains the reasoning for the contrary to public policy regulation you are promoting please provide it so that we can understand.

Sincerely,
Charles Jones
PO Box 791
Forest Knolls, CA 94933

From: [Nancy Weirum](#)
To: [BOS](#); [Lai, Thomas](#); [Rodoni, Dennis](#); [Drumm, Kristin](#)
Subject: July 19 BOS meeting and San Geronimo Stream Ordinance
Date: Wednesday, July 13, 2022 12:36:07 PM

Some people who received this message don't often get email from nancyweirum@gmail.com.
[Learn why this is important](#)

Dear Supervisors:

I hereby emphatically request that you **vote “NO”** on the proposed San Geronimo Stream Ordinance. I have lived in Woodacre for more than 40 years and as retirement looms we are interested in heeding the State of California’s encouragement and relaxation of laws to build affordable housing on our attached parcel.

We are in a “stream conversation area” and, even though the streams only break through during the rainy season, offering extremely little or no risk to salmon habitat, the setbacks both for building and septic are prohibitive. On a property that is only slightly more than 100 feet, a 100-foot setback allows very little room for an ADU

I have consulted with the Planning Department and Health and Safety (Septic) Departments and one prohibits the other from building. I want to improve my septic system and get permits and follow all the rules but fear I will be thwarted in this effort by the new ordinance.

In other words, the Ordinance will work contrary to the efforts and wishes of the State of California to provide affordable housing using an “infill” method. This is doubly frustrating because our parcel is sitting vacant while it could be put to good use.

My primary argument is that the creek that only has streams during a brief rainy season does not provide spawning area for fish—I’ve been given the number of fish that could possibly make it up as far as my property as six. Yes, 6 fish if that is even realistic. I feel the Board of Supervisors and Council are being held hostage by SPAWN while the actual spawning of salmon is in question.

Please PLEASE vote “NO” on the stream conservation ordinance for San Geronimo. Various areas of ephemeral streams, etc., should be treated differently and not combined as each has a different effect and in my case, no effect at all on the proliferation of salmon.

In addition, my property value cannot be fairly estimated as, if rendered unbuildable, causes harm to my family for years to come.

Thank you for heeding my request.

Nancy Weirum
Woodacre Resident

As 54-year residents of the San Geronimo Valley, we are urging all 5 Supervisors to vote NO on the proposed San Geronimo Stream Ordinance. I taught environmental education for 27 years at Audubon Canyon Ranch so it is obvious that I have a great commitment to the environment. Though we do not live next to the San Geronimo Creek, we are extremely dismayed at the devastation that these rules will cause for our neighbors in this community. We all want to provide a healthy habitat for the salmon, but SPAWN's rules and limitations are a draconian over-reach. SPAWN's "business plan" of lawsuits and grant-writing fail to acknowledge that climate change is the most damaging factor in the decline in our salmon population. Unreliable rainfall patterns and the warming oceans off our coast will NOT be solved by the proposed San Geronimo Stream Ordinance.

Sincerely,
Cecelia Donahue
Pat Donahue
Woodacre, CA

From: [Jay Yinger](#)
To: [BOS](#); [Rodoni, Dennis](#); [Rice, Katie](#); [Moulton-Peters, Stephanie](#); [Arnold, Judy](#); [Connolly, Damon](#)
Cc: [Lai, Thomas](#); [Drumm, Kristin](#); JLeibster@marincounty.org; [Case, Brian](#)
Subject: Fwd: San Geronimo Stream Ordinance--FIX it, Or Vote NO; BOS Mtg July 19, 2022
Date: Wednesday, July 13, 2022 3:10:24 PM

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Dear Supervisors

Having recently purchased property in San Geronimo Valley I have been following the efforts of the Planning Commission in their creation of a new Stream Ordinance for the area.

I am quite dismayed by what appears to be Draconian measures that single out property owners in San Geronimo Valley for selective enforcement of ambiguous regulations.

No doubt you are familiar with the attached letter outlining the concerns of the SGV Stewards. I fully support ALL of notions present by the group and urge you to either adopt amendments to "fix" the proposed Ordinance, or vote NO as currently written.

Thank you for your consideration.

Jay Alan Yinger
YINGER STUDIOS
Architectural Design
Project Management
Homes & Hospitality
1325 Fourth St. N°4
San Rafael CA 94901
415 . 902 . 8147
jay@yingerstudios.com

From San Geronimo Valley Stewards,
a non-profit supporting 900 San Geronimo
families

Peggy Sheneman, Corporate Secretary

To: Marin County Board of Supervisors
Marin County Community Development
Agency

We respectfully request the Board adopt
amendments to FIX the proposed San Geronimo
Valley Stream Ordinance, or please VOTE NO, as
currently written.

**1. Do Not Invite Spawn or CBD to Sue
Homeowners for "Nuisance".**

The Spawn settlement defines every stream

From: [BILL REMPFER](#)
To: [Rodoni, Dennis](#)
Cc: [Kutter, Rhonda](#); [Drumm, Kristin](#); [Barreto, Fernando](#); [BOS](#)
Subject: Further Concerns regarding the San Geronimo Valley Stream Conservation Area Ordinance
Date: Wednesday, July 13, 2022 3:26:56 PM
Attachments: [PointReyesLight Article by James Barnes Fire has a vote.pdf](#)
[Note to Supervisor Rodoni et al June 9, 2022.doc](#)
[Peggy Sheneman SGVS to Marin County Planning Commission et al June 9, 2022.doc](#)

You don't often get email from billremper@comcast.net. [Learn why this is important](#)

Dear Supervisor Rodoni,

Let me apologize for the prematurely abruptly shortened version of this note... the dog hit "send". To continue,

Early in June I had shared my concerns about the proposed Stream Conservation Area Ordinance with you and others, attached.
I just received notice of the July 19 meeting where the latest version of the Ordinance will be considered and voted on.

I wanted to share with all concerned an article I recently ran across in the Point Reyes Light by James Barnes of Woodacre that expresses a professional concern that a portion of the proposed Stream Ordinance actually may endanger Valley property... and residents. Of course the Sunday morning political shows always feature "dueling experts" making their respective cases, but the potential effects of the Ordinance Mr. Barnes raised are worthy of consideration. The last thing we need are negative unintended and unexpected consequences of the "code" that's taken so much time and effort to craft. And that I think argues for a serious consideration of the suggestions by the San Geronimo Valley Stewards, particularly that calling for a Sunset provision - who knows what other problems will surface down the road. For your convenience, I have attached their note. Thank you for all your efforts.

Respectfully,

Bill Rempfer
San Geronimo Valley Resident since 1972

Fire has a vote

PERSPECTIVE
BY JAMES BARNES

I attended the recent Zoom call conducted by the Marin County Planning Commission on the proposed stream conservation area ordinance for the San Geronimo Valley. The area of my concern was how the proposed ordinance would affect the ability of San Geronimo Valley residents to create defensible space around their homes and businesses in accordance with directives issued by state and local fire officials.

As a lifelong resident of the valley and a career aerial firefighter for over 30 years, I limited the scope of my input to the fire threat that exists throughout Marin. I approached this issue from the standpoint that protecting the habitat of coho salmon and all the species that thrive in those environs does not have to conflict with common-sense measures to mitigate fire threat.

The stream ordinance places unrealistic restrictions on any concept of effective vegetation management prescribed by state fire officials. The ordinance covers many issues; fire was the only issue I addressed, but the doctrine is so onerous and punitive in nature I doubt it would pass the test of the Eighth Amendment.

What should be of great concern to us is how the ordinance conflicts with measures to create defensible space not only to protect homes from wildfire but to protect the forest and wildlands from house fires. As the ordinance was explained by county officials, my impression was that it addresses a world that exists in the realm of fantasy.

The only way to survive a wildfire during extreme burn periods is to have taken all necessary measures to achieve success. Those measures can be likened to planning a battle: success or failure depends on extensive preparation, contingency planning, intelligence and economy of force. It is imperative that all Marin citizens prepare for the worst-case scenario because that is what is looming in our future.

A fire that starts or burns through the San Geronimo Valley will not stay in the valley for long. During our vulnerable fall season, hot, dry desert winds reach the coastal counties and with them the potential for catastrophic fire. During these times, the valley can be considered a trigger point from which larger fires can be spawned. The fields of tall grass interspersed with homes, cars and ornamental vegetation that includes cypress, junipers and digger pines provide sources of ignition and propagation.

Next, the riparian zone runs through the valley, populated by thick stands of bays and conifers coupled with an overburdened understory of ladder fuels that ignite readily, burn intensely and spread rapidly. The orientation of the valley is

east-west, with steep slopes to the south covered with a forest of over-mature pines and large stands of volatile brush. The toxic mix of ignition, ladder and 10,000-hour fuels will burn rapidly to the top of the ridge and crown out. The embers and firebrands generated by this extreme event will ignite new spot fires everywhere up to a mile or more ahead of the main fire. Once it crests the ridge, the fire will impinge on the second largest stand of Sargent's cypress in the state, a pyrophyte that will burn with lightning speed and great intensity. Beyond that there are decadent stands of manzanita and chaparral that haven't burned in many years. Downwind of this fire is every major city and wildland-urban interface community in the populated hills of Marin. Thousands of lives and homes will be in the path of catastrophe. A quote from one of our retired fire chiefs sums it up: "Marin is a continuous, uninterrupted fuel bed from beyond our northern border to the Golden Gate Bridge."

Almost 40 years ago, when I was based at the Chico Air Attack Base, the firefighters referred to the city of Paradise as "the city that waits to die." One day it did, and took a lot of people with it. Today Marin contains at least 10 Paradise fire scenarios within its borders. Marin has done a lot of good work clearing trees and brush from proposed escape routes and trigger points, and for that it should be commended. That same effort is required from every stakeholder, especially home and business owners, to make our communities defensible. The first step is to not make it illegal to do so.

The best defense is to protect habitat by mimicking what nature would have done before human activity. One hundred years of successful fire suppression has given us a legacy of overburdened fuel loads. Natural fires would have cleared out the understory many times over the last century. Native Americans used fire to improve habitat and to bring in more wildlife to harvest as food. Fire breaks, covered fire breaks and safety zones at strategic locations can restore a balance once maintained by natural fire.

The history of fire in the San Geronimo Valley provides a preview into our future if the necessary measures are not taken. Fires have burned through the valley several times in the last century. In the '30s, a fire that started in Ignacio burned down 35 homes in Woodacre. In 1945, a fire that

started at the paper mill near where the Kent Lake dam is now located burned all the way to the base of Mount Tamalpais and stopped only after winds subsided. The mill where it started was located in the riparian zone and burned out the Big and Little Carson Creek drainage, contradicting assertions by N.G.O.s that riparian zones are less susceptible to fire because they are well hydrated.

Who attended the meeting? The usual suspects. A network of nonprofits and focus groups. Mostly people who don't live in the valley and who won't be directly affected by the outcome. This stream ordinance as it relates to vegetation management closely mirrors one that existed in South Lake Tahoe, where the Angora fire destroyed 262 homes and 67 businesses. The after-action report cited the lack of defensible space and vegetation management as a primary factor in the inability of firefighters to save the community.

I believe this meeting was merely a formality. I think we all knew what the outcome will be. But if fire has the final vote, all the efforts of well-intentioned people trying to save central coast coho will be for naught. For a species on the verge of an extinction vortex, the results of extreme fire behavior will be catastrophic. The products of combustion will sterilize the creeks and streams, leaving them devoid of all aquatic biota for an indefinite period.

I have the greatest respect for the officers and firefighters of Marin, but they are seriously constrained in what they can say about how serious the fire threat really is. All firefighters are government employees and must follow strict protocol regarding public statements. Ironically, when disaster strikes, they will be the first ones assigned blame.

In over 30 years of flying airtankers in thousands of fires, I have witnessed the complete destruction of whole communities far too many times. Knowing that people and firefighters are dying below you is almost more than a human heart can bear. To survive the next catastrophic fire, we must come together to serve the needs of preserving vital habitat and providing the best defense against the ravages of extreme wildfire. Let's not allow fire to have the final vote.

James Barnes lives in Woodacre.

----- Forwarded Message -----

Subject:Re: FW: Concerns regarding the San Geronimo Valley Stream Conservation Area Ordinance

Date:Thu, 9 Jun 2022 15:44:47 -0700

From:BILL REMPFER <billrempfer@comcast.net>

To:Kutter, Rhonda <RKutter@marincounty.org>

CC:Drumm, Kristin <KDrumm@marincounty.org>, Rodoni, Dennis <DRodoni@marincounty.org>, Barreto, Fernando <fbarretohidalgo@marincounty.org>

Dear Rhonda,
Thank you for acknowledging my email and forwarding my comments.
Best regards,
Bill

On 6/9/2022 12:34 PM, Kutter, Rhonda wrote:

Dear Bill,

Thank you for your email and for sharing your concerns; I am forwarding your comments.

The Board of Supervisors will take action on the proposed Stream Conservation Area (SCA) Ordinance at a public hearing on **Tuesday July 19, 2022**. Detailed information on how to participate at that [BOS meeting](#) (by zoom or in person) will be posted along with the agenda on the Thursday before around noon. Meeting materials will be posted on the [project website](#) (www.marincounty.org/sca) later this month – and information is already posted there for the Planning Commission meeting on **Monday June 13 at 1pm** over zoom.

You can stay up to date by subscribing to receive periodic emails on this topic. Go to the [project website](#) and click “Subscribe to this Page” in the upper right hand corner.

Best,

Rhonda

Rhonda Lynn Kutter

Aide to Supervisor Dennis Rodoni

she/her

Marin County Board of Supervisors

415-473-3246; RKutter@MarinCounty.org

From: BILL REMPFER <billrempfer@comcast.net>

Sent: Monday, June 6, 2022 3:14 PM

To: Kutter, Rhonda <RKutter@marincounty.org>

Subject: Fwd: Fwd: Concerns regarding the San Geronimo Valley Stream Conservation Area Ordinance

June 6, 2022

Dear R. Kutter,

As a San Geronimo resident since 1972, I again join the San Geronimo Valley Steward's request that all Marin County Supervisors vote NAY on the proposed Stream Conservation Area Ordinance for all of the reasons set forth by the SGV, and further unconditionally support their suggestions to revise the ordinance to achieve the intended goals without making it unnecessarily and unreasonably burdensome on the valley residents – see SGV's note below, What is Proposed?

I would also additionally note that our respective properties would be unfairly, unjustly and unreasonably encumbered in perpetuity by the terms of the proposed ordinance, which will adversely affect the value of those properties, all without consideration or sufficient and meaningful due process.

Property owners in Marin County outside the newly created SGV Stream Conservation Area Ordinance “Combining District” should be concerned that the terms of the ordinance’s unchallenged onerous provisions could create the sense of legitimacy of precedent, county-wide precedent.

The proposed ordinance is not an arms-length “good faith” effort given that SPAWN was reportedly able to unilaterally draft the document as part of the settlement of its fourth lawsuit against Marin County taxpayers including – among other unwarranted measures – SPAWN potentially sharing in “impact fees” collected against homeowners whose only recourse is to initiate legal action for relief against the County. Also please note that the SPAWN settlement reportedly encourages a network of informants who can make anonymous complaints on a 24/7 “hotline” maintained by the County! Every violation of the stream ordinance is deemed a “public nuisance”. Further, the informant could file a lawsuit and collect his attorneys’ fees from the homeowner.

Among other unclear and inconsistent issues, it should be noted that the proposed ordinance doesn’t specify whether its requirements are superior or subordinate to those of CALFIRE, the County’s Fire Department’s Defensible Space Inspection, Fire Safe Marin, the California Natural Resources Codes, the Marin Wildfire Prevention Authority and other agencies affecting the same properties, nor how to resolve such regulatory conflicts. Also, please note that the proposed ordinance appears not to apply to the stream(s) beyond the valley on federal property, making uncertain if not unlikely the enduring benefits anticipated by the ordinance.

Further note that the public is invited to electronically attend and comment on the proposed ordinance at the Planning Commission’s meeting on June 13th , and the Supervisors’ meeting on July 19th which agenda has yet to be published. Hopefully it won’t include a similarly lengthy list of issues as its June 7th meeting, which would make the forum doubtful for a reasonable assessment of the comprehensive

concerns of the residents of the San Geronimo Valley.

[Board of Supervisors Meeting, Tuesday, July 19, 2022, 9am - 1:30pm - Calendar - County of Marin](#)
[\(marincounty.org\)](#) For additional information about this event, contact Diane Patterson at bos@marincounty.org
Phone (415)473-7331; fax (415)473-3645.

SPAWN's interests are ably represented, yet it's unclear who is equally advocating on behalf of the county's tax-paying residents. Although SPAWN's drum-beat of constant concern for the valley's indigenous coho salmon and steelhead trout is well publicized, there is no sense of equally vigorous action protecting the interests of the valley's residents who are solely bearing the risks as "stewards" of the valley. If the cause is so important, perhaps a means could be found for all county residents to share equally in the effort, or at least help subsidize those "bearing the laboring oar". Absent a "sunset" provision requiring evaluation of its effectiveness, the ordinance should be crafted prudently to achieve its goals in a less burdensome, more reasonable and equitable manner so that all affected could cooperatively participate. SPAWN shouldn't be permitted to "profit" in any way from leveraging this ordinance upon the valley residents whom they demonstrably regard as adversaries. I hope, we all hope the County and the Board of Supervisors don't regard us – the residents of the valley, of the County – as adversaries. We're just work-a-day types making a living, raising our families, paying our taxes, and don't have the time, the ability, the funds or the inclination to protect ourselves against interests potentially threatening or encroaching on our collective rights... and we rely on the representatives we voted for to do just that.

For the Supervisors to allow SPAWN's effectively unilateral control of the ordinance-crafting process to continue and prevail without serious opposition is disturbing to those they represent... not unlike a judge abdicating his impartial duty at trial's end by delegating one of the parties to give instructions to the jury before they retire to arrive at a "just" verdict... and overruling all objections.

Respectfully,

Bill Rempfer

-

What is Proposed?

County administrators could levy \$500 per day fines for any violation of a County regulation related to your real property. There would be no prior court hearing and no oversight by elected officials. County administrators would have sole discretion to determine the violation and set the amount of fine. If the homeowner objects, the homeowner must hire a lawyer and file a lawsuit against the County. Meanwhile, the \$500 fine accrues each day the homeowner continues in violation.

San Geronimo Valley Stewards Request Supervisors VOTE NO on this proposal.

- \$500 per day is excessive, and there is no timely remedy for the aggrieved homeowner.
- Complaints will create feuds of neighbors against neighbors.
- Excessive discretionary fines will reduce voluntary compliance.
- Homeowners cannot be expected to know all the regulations in 1500 pages of County codes.
- People will file lawsuits to set aside the fines as violations of due process.

For San Geronimo Valley, any fines under the proposed Stream Conservation Area Ordinance should be gradually phased in over 5 years, and should not exceed \$50 per day.

Do Not Approve Excessive Fines for Common Code Violations.

County Counsel described examples of real property violations that could trigger a \$500 fine:

- your roof gutters discharge stormwater, or
- you build a fence higher than 6 feet, or
- you cut a tree without a permit.

In response to objections from San Geronimo Valley Stewards, County Counsel assured the Supervisors that fines "would be used sparingly". In other words: "Trust us. We're from the government."

\$500 Per Day Fines Target San Geronimo Valley Homeowners.

About 900 families in San Geronimo Valley live in homes near creeks, and will be burdened with the new Stream Conservation Area Ordinance. The County Planning Commission approved the SCAO in 2021, and the Board of Supervisors may hear it in late spring 2022.

The SCA Ordinance is a trap for the unwary. Even a small simple home improvement project will require an expert inspection of your home site, strict size limits and set backs, and expensive construction methods.

The SCA Ordinance and regulations total 48 pages of details controlling every home improvement and landscape project within 200 feet on both sides of any creek. It is not limited to fish-bearing streams, but also applies to land located near ephemerals, which drain water only when it rains.

County administrators would have personal discretion to order \$500 per day fines. Can you afford the risk of contesting the County administrator, knowing he can slap you with this penalty? You would have no remedy except an expensive lawsuit.

San Geronimo Stream Conservation Program is a Unique Experiment.

San Geronimo Valley homeowners are the lab rats in the County's experiment of a comprehensive stream conservation program. It is required by court orders in lawsuits filed by SPAWN (Turtle Island), a private corporation that purports to save salmon.

The County admits it does not know if the SCA program will actually increase salmon numbers or survival rate. If the experiment does not work, should we be fined \$500 each day?

The SCA Ordinance applies only to the San Geronimo Valley--not any other area of Marin County.

Stream Conservation Success Depends on Homeowners' Voluntary Compliance, Not Excessive Fines.

Homeowner voluntary compliance is essential for the stream experiment to generate meaningful results. Voluntary compliance will come only if residents believe the stream program is clear, affordable, simple and enforceable.

Without wide-spread community support, the SCA Ordinance will depend on complaints filed neighbor against neighbor. Excessive fines are really bad governance.

Any Fines Under the San Geronimo Stream Ordinance Should Be Affordable and Gradually Phased In.

\$500 is a lot of money for a family in San Geronimo. We should not be placed at risk of an administrator's discretionary enforcement, under a new, confusing, and detailed stream ordinance. For the first 2 years of the San Geronimo SCA Ordinance, the administrative fines should be waived or deferred. During the next 3 years, each fine should not exceed \$50 per day. After the 5th year, the SCA Ordinance should automatically sunset, and be of no effect, unless the Board of Supervisors votes to amend it and apply it for the entire County.

Email Disclaimer: <https://www.marincounty.org/main/disclaimers>

From: Peggy Sheneman
To: PlanningCommission; Rodoni, Dennis; Connolly, Damon; Rice, Katie; Arnold, Judy; Moulton-Peters, Stephanie; Kutter, Rhonda; Lai, Thomas; Tejirian, Jeremy; Drumm, Kristin; Case, Brian; Liebster, Jack
Subject: 6-13-22 Planning Commission Agenda#5, Comments of San Geronimo Valley Stewards
Date: Thursday, June 9, 2022 1:17:30 PM

Planning Commission meeting 6-13-22, Agenda item 5, 11 am

Comments of San Geronimo Valley Stewards
Re: Proposed Stream Conservation Area Ordinance and Settlement with SPAWN

From: San Geronimo Valley Stewards
Peggy Sheneman 415-488-4426 peggycreeks@comcast.net

To: Marin County Planning Commission and Marin County Board of Supervisors
Marin County Community Development Agency and County Counsel

1. The County gets nothing in the Spawn settlement, except dismissal of a lawsuit Spawn lost at trial.

Your Board of Supervisors approved the Final Supplemental Environmental Impact report in July 2019. Spawn and Center for Biological Diversity filed suit, attacking the FSEIR.

Spawn lost at trial. Marin County Superior Court declined to order any changes in the FSEIR and ordered the County to speed up adoption of a Stream Conservation Area (SCA) Ordinance that complies with the FSEIR.

Spawn appealed the trial court judgment, but no court has determined the FSEIR is defective in any respect.

On Dec. 13, 2021, your Planning Commission recommended a draft stream ordinance that satisfied all the recommendations of the FSEIR. The only remaining action is for the Board of Supervisors to comply with the Superior Court order and adopt the 2021 ordinance.

2. Marin County must prepare a NEW environmental impact report to study the "mitigations" proposed by Spawn's draft ordinance.

Before the 2022 Spawn settlement can be adopted as an ordinance, the County must prepare a new supplemental EIR that studies the cumulative impacts and likely effects of mitigation steps demanded by Spawn, including:

- a. Create a 35 foot, no-human-activity buffer zone, on both sides of every stream, including ephemeral surface runoff that flows only when it rains.
- b. Within the 100 foot SCArea, reduce allowed land uses from 500 square feet to 300 square feet.
- c. Outside the SCA, for any improvement over 500 square feet, require a storm water plan that exceeds standards of the California Water Resources Board.
- d. Require inspection by County Code enforcement officer for past violations, as a condition to any stream Site Plan Review approval.
- e. Require all removed vegetation to be replaced on 2:1 ratio, even in a high fire risk zone. If the homeowner adds 300 square feet to his home, must he then rip out 600 square feet of existing permitted driveway?
- f. Allow development of undeveloped vacant parcels that are located fully within the SCA, but prohibit additions or improvements to existing homes located fully within the SCA.
- g. Prohibit maintenance and repair of existing older homes that are "legal non-conforming" (that is, the home was built before permits were required).
- h. ALL OTHER "land uses and improvements not listed above are prohibited . . ." within 100 feet of every stream. Section 22.30.045.C. page 8. Does this prohibit tree and vegetation removal required by California state law on fire safety and defensible space, disabled persons ADA access, and small Accessory Dwelling Units (ADU's)?
- i. Tax each family with a "development impact fee" and create a Habitat Restoration Program with no budget or oversight.
- j. Encourage anonymous informers to secretly report violations on a 24-7 hotline.
- k. Deputize private organizations to file "public nuisance" lawsuits to enforce stream rules, similar to the Texas anti-abortion law.

All of these changes from the 2019 FSEIR will discourage voluntary compliance, fail to educate homeowners or their

contractors about best practices, add unnecessary County expense, and increase fire risk for humans and animals living in San Geronimo Valley.

AMENDMENTS TO ORDINANCE

SGValley Stewards request the following Amendments be added to the ordinance. These should make it possible for the County to settle with Spawn, while protecting the legitimate interests of homeowners.

3. Amendment: fire safety and defensible space.

"Provided, nothing in this Chapter or the Standard Management Practices shall require or authorize a property owner to violate California Natural Resources Code section 4291, or the fire safety and defensible space guidelines of FireSafeMarin.org and Marin Wildfire Prevention Authority."

Add this amendment to Sections:

22.30.045 C. 1. page 7, (General SCA standards);
22.30.045.C. 2. page 8 (all other land uses are prohibited)
22.130.030. N. page 14 (definition of no net loss of habitat) ;
22.52.030. D. page 11 (exemptions from Site Plan Review for vegetation control)

4. Amendment: Stream Site Assessment is Not Code Enforcement Inspection.

"Provided, nothing in this Chapter or in the Standard Management Practices or in the Site Assessment Exhibit shall require or authorize a County Code enforcement officer to inspect a residential property, other than for the specific project for which the property owner has requested a stream Site Assessment or applied for a Site Plan Review. Request for Site Assessment or application for a Site Plan Review shall not be good cause to inspect a residential septic system."

Add this amendment to sections:

22.30.045. C. 1. page 6 (Site Assessment)
22.52.040 page 12 (Site Plan Review process)

5. Amendment: ADA Ramps and ADU's Provide Shelter for Vulnerable Humans

"Provided, nothing in this Chapter 22 or Standard Management Practices or Site Assessment Exhibit shall prohibit, or require a Site Assessment or Site Plan Review application for, any ramp, carport, or impervious surface driveway or pedestrian path reasonably necessary in size and location to facilitate a disabled person's safe access to an existing permitted structure or legal non-conforming residence, all of which shall be allowable uses within the Stream Conservation Area. "

Add this Amendment to sections:

22.060.050 new subsection K. page 2 (exemptions from land use permits);
22.30.045. C. pages 6-7 (General Stream Conservation Area Standards);
22.30.045.C.2. page 8 (all other land uses are prohibited);
22.52.020 F. and G. page 11 (applicability of Site Plan Review);
22.52.030 new subsection E. page 12 (Site Plan Review Exemptions).

"Provided, a Category 1 Accessory Dwelling Unit that complies with Development Code section 22.32.120. A. and does not create more than 800 square feet of impervious area or lot coverage, is an allowable land use inside the Stream Conservation Area, and does not require Site Assessment or Site Plan Review, but shall comply with Low Impact Development standards and a stormwater control plan under section 22.30.045. B. 2. "

Add this Amendment to sections:

22.060.050. F. page 1 (exemptions from land use permits);
22.030.045. B. 2. and C. page 6 (low impact development and general SCA standards);
22.30.045.C.2. page 8 (all other land uses are prohibited);
22.52.020. F. and G. page 11 (applicability of site plan review);
22.52.030 new subsection e. page 12 (Site Plan review Exemptions).

6. Amendment: Reduce Fees, No Excessive Fines, Protect Due Process

"For the purpose of encouraging voluntary compliance and educating property owners and contractors about Standard Management Practices, during the first five (5) years after the effective date of this Chapter, the County will pay the costs of any Site Assessment conducted by Marin Resource

Conservation District, with no charge to the property owner; provided the property owner may contract at his own expense with a qualified professional for a Site Assessment. During the first five (5) years after the effective date of this Chapter, there shall be no inspection fee charged to the property owner for any application or approval of Site Plan Review."

Add this amendment to sections:

22.30.045. C. 1. page 6 (Site Assessment);

22.52.040. A. page 12 (Site Plan Review Process).

"To encourage voluntary compliance and education of property owners and contractors about Standard Management Practices, during the first three (3) years after the effective date of this Chapter, the impact fee for approval of a Site Plan Review shall not exceed \$100 for each property parcel. All impact fees shall be deposited into a separate Habitat Restoration Fund which shall be disbursed only to official agencies of Marin County or the State of California, and shall not be disbursed to any private person, corporation or association."

Add this amendment to section 22.30.045.D. page 9.

"Provided, however, during the first five (5) years after the effective date of this chapter, Sections 1.05 and 1.07 of Marin County Code shall be superseded and replaced by the following provisions, which shall apply to all fines and procedures for violations of the SGV combining district stream conservation ordinance:

"A. Violations reported by anonymous complaint shall not be subject to any fine.

"B. Violations which occur during the first three (3) years after the ordinance effective date shall be subject to maximum fine of \$50 per day

"C. Violations which occur during year 4 or year 5 after the effective date shall be subject to maximum fine of \$100 per day.

"D. No person other than Marin County Counsel or Marin County District Attorney shall have standing to bring any public nuisance lawsuit under section 22.30.045.C., or Chapters 1.05 or 1.07 of Marin County Code.

"E. If the person upon whom an administrative fine has been imposed contests the amount of fine or contests whether a violation has occurred and timely files a Request of Hearing, the accused is not required to make advance deposit of the fine amount. The County shall schedule a public hearing

before an impartial arbiter who is not an employee or agent of Marin County Community Development Agency, Marin County Planning Commission, Marin County Counsel, or Marin County District Attorney. The accused violator has the right to present evidence and confront any witness against him. No private person or corporation (other than the accused, his legal counsel, and representatives of Marin County) shall have standing to file papers or speak at the hearing. Each of the accused and the County shall bear its own costs and legal fees.

Administrative agencies should not judge their own enforcement cases. It violates a citizen's Constitutional rights to due process for the Community Development Agency to be the prosecutor, judge and jury. *Jarkesy vs. Securities and Exchange Commission*, 34 F. 4th 446 (5th Cir. 5-18- 2022).

We have the right to confront witnesses against us, and not suffer anonymous accusations from secret informants. U.S. Constitution Amendment VI.

Excessive bail shall not be required nor excessive fines imposed. U.S. Constitution Amendment VIII.

7. Ordinance Should Require Annual Public Reports.

Neither the draft Ordinance nor the proposed Resolution posted May 26, 2022 require County agencies to make annual public reports of the numbers and types of Site Assessments requested, Site Plan Review applications filed or granted, enforcement actions, inspections, amounts of impervious area added or reduced, and the other data requested by BOTH Spawn and San Geronimo Valley Stewards.

It is not an excuse that "staff will take care of this later."
Annual public reports should be required in the ordinance.

Conclusion

900 families whose homes are located on San Geronimo Valley creeks have been selected as lab rats for Spawn's experiment. No other residents of Marin County will be subject to these oppressive regulations.

The Spawn settlement terms are not supported by the 2019 Final Supplemental Environmental Impact Report. Neither

Spawn nor County officials have any evidence that the expense and delay imposed on our families will have any measurable impact on salmon.

County officials should ease into this program, gradually, with flexible programs to encourage voluntary compliance by homeowners and education of local contractors.

Evans, Joyce

From: Josh "Bones" Murphy <bones@liarsandthieves.tv>
Sent: Wednesday, July 13, 2022 5:30 PM
To: BOS
Cc: Rodoni, Dennis; Lai, Thomas; Drumm, Kristin
Subject: July 19 Board of Supervisors Meeting / San Geronimo Stream Ordinance

You don't often get email from bones@liarsandthieves.tv. [Learn why this is important](#)

Marin County Board of Supervisors,

As a homeowner in the San Geronimo Valley, and a dedicated fish conservationist with multiple degrees in fishers biology and who's entire property would be impacted by the short-sighted, politically motivated, private property focus of the ordinance you are being forced to consider, I urge you to VOTE NO on the proposed Stream Conservation Ordinance. We can and must do better!

If I believed this would meet the goal of recovering endangered salmonids I would be fully in favor, but by my read the settlement that lead to this proposed ordinance is simply a stunt with the aim of promoting a specific NGO rather than tackling the systemic issue leading to the decline of wild salmon in the San Geronimo watershed.

One need only to consider that the County, not the private property owners, is the largest owner of impermeable hard surfaces (roads) within 35-100 feet of the top of the stream banks. This is the obvious greater issue facing salmonids in the San Geronimo Valley with the pollutants and sedimentation they convey. But instead of proposing costly best management practices including curb and gutter for all roadways, stormwater runoff management systems, settling basins, bio swales and other mitigations that keep fine sediments and pollutants out of the creek, the ordinance imposes nonsensical limitations on private property owners. The idea that a private property owner who wants to improve a deck, or build a small ADU couldn't do so because of the impacts to the creek, when billions of gallons of untreated stormwater runoff from public roadways goes directly into the creek is ludicrous and defies all meaningful logic. Does the settlement and proposed ordinance address this issue? The answer is no. It's much easier to force the County to limit individual land owners than to limit itself.

If the argument as started in the proposed ordinance is to limit the 'Cumulative impact of impervious surfaces within the SCA' because these are contributing to the runoff and sedimentation of the creek, then THE PUBLIC must be held to the same or higher standards. Will the County be held to the same level of scrutiny per the ordinance and be forced complete an environmental review and implement a stormwater control plan that achieves retention of the 85th percentile, 24-hour storm standard for all of its roadways when it wants to fill a pot hole or repair road?

The proposed 100ft/ 50ft/ 35ft lengths from stream bank are conveniently subjective and arbitrary and do not take into account slope/drainage/current vegetative cover etc. For example, a totally flat well vegetated lot will be able to meet a stormwater retention value much better than a steep one with exposed soils and therefore perhaps needs a smaller SCA. While these site specific attributes must be considered and "can make a crucial contribution to filtering most sediment and sediment-attached pollutants, while also providing shade and natural bank stabilization" 35 - 100 feet can be a significant portion of many properties abutting the creek. Where are the incentives to encourage land owners to improve their property to help the creek and the fish?

And why would this zoning ONLY be applicable to San Geronimo Valley? Again as seen this past fall, with significant rainfall anadromous fish, including threatened ones, can and do exist in a number of Marin County waterways not simply San Geronimo Valley. Perhaps it has something to do with the NGO the County is being forced to settle with and their address in the San Geronimo Valley?

Fish don't care about PUBLIC vs PRIVATE ownership only that the mitigation be properly focused on those areas that make the most impact. The proposed ordinance looks only to the PRIVATE sector to solve this issue. This might meet the terms of a Tentative Agreement, but creating two classes of land owners with different requirements will NOT accomplish the stated goals of that agreement.

As expected, this ordinance is attracting interest and attention from a variety of conservation based organizations, but I would contend that this was by design. These organizations are eager to throw their support towards anything that meets their goals, and I share their zeal for scaleable fact-based decisions that can lead to actionable change. Unfortunately this settlement, and the proposed SCA that has been derived from it, convinces me that this is a well tooled distraction with the goal of proclaiming some tiny victory when more pressing issues go unchecked. If this was scientifically based there would be proposed goals for salmonid recovery and an ability to measure the impacts of the ordinance. Alas there are none. Thus all the possible gains can be attributed to the proposed ordinance, and when gains fail to materialize it will be the lack of teeth in the proposed ordinance and further lawsuits will ensue.

Recall that it was the oil giant British Petroleum that invented the idea of and 'individual carbon footprint' to conveniently burden the individual rather than address the systemic issues of climate change. Like the magician that intentionally controls our focus to achieve their magic, this proposal must be seen for what it is, a simple litigious distraction from the greater more intractable problem. Until we recognize this, and focus on the real issues at scale, we will be forced to celebrate the winning of a small battle while we collectively loose the greater war.

Evans, Joyce

From: Amanda <amanda.shanks@gmail.com>
Sent: Wednesday, July 13, 2022 5:59 PM
To: Rodoni, Dennis
Cc: Kutter, Rhonda; BOS; tlai@marincounty.com; kdrumm@maincounty.com
Subject: July 19 meeting on SGV Stream Ordinance

Some people who received this message don't often get email from amanda.shanks@gmail.com. [Learn why this is important](#)
Hello Mr Rodoni,

I am writing to express my opposition to the proposed San Geronimo Valley Stream Ordinance.

I have lived in Lagunitas for 40 years, my family has been in Lagunitas for over 50 years. The proposed Stream Ordinance and re-zoning would create an extreme hardship to myself and my family. The proposed requirements by Spawn are unreasonable and will affect seniors and long time residents in the community the most by creating unreasonable demands on homeowners. Not being able to perform basic maintenance on my home and property without costly and unnecessary environmental impact reports is unaffordable. These additional fees will then be given to Spawn without any oversight.

Furthermore, another concern of this proposal is not being permitted to clear vegetation, dead trees and basic brush removal as required by the county and state fire departments. Being unable to perform this simple task will increase the fire danger for myself and neighbors. This may even be cause for cancellation of my homeowners insurance.

Why is Spawn being granted extreme control and power over an entire community? Why make living in the San Geronimo Valley even more difficult and expensive? I have never once seen fish in an ephemeral stream. The proposed ordinance is taking rights away from homeowners and giving it to an unpopular organization.

Please vote **NO** on the stream ordinance and re-zoning the San Geronimo Valley on July 19, 2022.

Amanda Shanks
Resident and voter in Lagunitas

From: [Josh "Bones" Murphy](#)
To: [BOS](#)
Cc: [Rodoni, Dennis](#); [Lai, Thomas](#); [Drumm, Kristin](#)
Subject: July 19 Board of Supervisors Meeting / San Geronimo Stream Ordinance
Date: Wednesday, July 13, 2022 5:30:03 PM

You don't often get email from bones@liarsandthieves.tv. [Learn why this is important](#)

Marin County Board of Supervisors,

As a homeowner in the San Geronimo Valley, and a dedicated fish conservationist with multiple degrees in fishers biology and who's entire property would be impacted by the short-sighted, politically motivated, private property focus of the ordinance you are being forced to consider, I urge you to VOTE NO on the proposed Stream Conservation Ordinance. We can and must do better!

If I believed this would meet the goal of recovering endangered salmonids I would be fully in favor, but by my read the settlement that lead to this proposed ordinance is simply a stunt with the aim of promoting a specific NGO rather than tackling the systemic issue leading to the decline of wild salmon in the San Geronimo watershed.

One need only to consider that the County, not the private property owners, is the largest owner of impermeable hard surfaces (roads) within 35-100 feet of the top of the stream banks. This is the obvious greater issue facing salmonids in the San Geronimo Valley with the pollutants and sedimentation they convey. But instead of proposing costly best management practices including curb and gutter for all roadways, stormwater runoff management systems, settling basins, bio swales and other mitigations that keep fine sediments and pollutants out of the creek, the ordinance imposes nonsensical limitations on private property owners. The idea that a private property owner who wants to improve a deck, or build a small ADU couldn't do so because of the impacts to the creek, when billions of gallons of untreated stormwater runoff from public roadways goes directly into the the creek is ludicrous and defies all meaningful logic. Does the settlement and proposed ordinance address this issue? The answer is no. It's much easier to force the County to limit individual land owners than to limit itself.

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Recall that it was the oil giant British Petroleum that invented the idea of and 'individual carbon footprint' to conveniently burden the individual rather than address the systemic issues of climate change. Like the magician that intentionally controls our focus to achieve their magic, this proposal must be seen for what it is, a simple litigious distraction from the greater more intractable problem. Until we recognize this, and focus on the real issues at scale, we will be forced to celebrate the winning of a small battle while we collectively lose the greater war.

From: [David Russ](#)
To: [Rodoni, Dennis](#)
Cc: [Drumm, Kristin](#); [Lai, Thomas](#); [BOS](#); [Kutter, Rhonda](#); [Barreto, Fernando](#)
Subject: Vote NO on San Geronimo Stream Ordinance
Date: Wednesday, July 13, 2022 2:56:11 PM

Some people who received this message don't often get email from david.j.russ@gmail.com. [Learn why this is important](#)

Dear Supervisor Rodoni,

I own a home along Woodacre Creek in San Geronimo Valley. I love the environment and nature out in the Valley.

I have grave concerns about the Stream Ordinance proposed by the county. I have an old house that is always in need of repairs. I cannot afford the \$2000 to \$3000 permit fees and environmental reviews. You must vote NO.

How did the County allow SPAWN to make the rules? The residents of the San Geronimo Valley did not cause the deceased numbers of Coho Salmon. There are other greater forces besides my repairing a fence or fixing my shed.

And why are these new rules only apply to the San Geronimo Valley and not the entire County? Seems to be a disparity there.

Please protect the residents who vote for you, and vote NO on the San Geronimo Stream Ordinance.

Thank you,
David

From: [Lai, Thomas](#)
To: [Drumm, Kristin](#)
Subject: FW: Stream Ordinance
Date: Tuesday, July 19, 2022 5:35:54 PM

Regards,
-Tom Lai, Director
Marin County Community Development Agency
(415) 473-6292

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

From: elizabeth larkey <tlarkey@comcast.net>
Sent: Tuesday, July 19, 2022 1:21 PM
To: countyBOS@marincounty.org; Rodoni, Dennis <DRodoni@marincounty.org>; Lai, Thomas <TLai@marincounty.org>
Subject: Stream Ordinance

[You don't often get email from tlarkey@comcast.net. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear Marin County Supervisors,

I have been a valley resident for 42 years. My husband and I are asking for a no vote on the stream ordinance. We, the homeowners of the San Geronimo Valley are who you represent. Please have our interests in mind when considering your vote on the punitive overreach they are proposing.

I work as an RN and will not be able to make the meeting, I am counting on you.

Thank you,

Tom and Liz Larkey Jr

From: [BOS](#)
To: [BOS - Aides](#)
Cc: [Drumm, Kristin](#)
Subject: FW: SGV-SCO needs changes!!!
Date: Tuesday, July 19, 2022 11:15:33 AM

Aides,

Attached is a letter from Harlan Floyd received in the July 19, 2022 BOS mailbox relating to Agenda item #15. Please forward as you deem appropriate.

Thank you,



Joyce Evans
DEPUTY CLERK

County of Marin
Board of Supervisors
3501 Civic Center Drive, Suite 329
San Rafael, CA 94903
415 473 3768 T
415 473 3645 F
CRS Dial 711
jevans@marincounty.org

From: Harlan Floyd <izzy92@sbcglobal.net>
Sent: Tuesday, July 19, 2022 9:43 AM
To: BOS <BOS@marincounty.org>; Rodoni, Dennis <DRodoni@marincounty.org>; Rice, Katie <KRice@marincounty.org>; Moulton-Peters, Stephanie <smoultonpeters@marincounty.org>; Arnold, Judy <JArnold@marincounty.org>; Connolly, Damon <DConnolly@marincounty.org>
Subject: SGV-SCO needs changes!!!

You don't often get email from izzy92@sbcglobal.net. [Learn why this is important](#)

To: BoardOfSupervisors <BOS@marincounty.org>,
SupervisorDennisRodoni
<DRodoni@marincounty.org>, SupervisorKatieRice
<KRice@marincounty.org>,
SupervisorStephanieMoulton-Peters
<SMoultonPeters@marincounty.org>,
SupervisorJudyArnold <JArnold@marincounty.org>,
SupervisorDamonConnolly
<DConnolly@marincounty.org>

Dear Supervisors:

I have lived in San Geronimo Valley since 1966 and have owned a home here since 1987. I am in favor of protecting the creekside areas and wildlife in our County. However, regarding the proposed San Geronimo Valley - Stream Conservation Ordinance (SGV-SCO), I have several specific concerns about the way it is currently written. I would like you to address these concerns by sending the Ordinance back to staff for certain clarifications and changes, which won't harm the intent of the ordinance but will make it more fair for all involved.

Thank you,

Harlan Floyd

1. The Ordinance refers to Marin's Public Nuisance Abatement Ordinance for violation penalty amounts(page 9, SGV-SCO, 1.07 (Imposition of Administrative Fines for Ordinance Violations) of the Marin County Code https://www.marincounty.org/-/media/files/departments/cd/planning/sca/san-geronimo-valley/pc_attach1_06132022.pdf

From: [Jessica Hayes](#)
To: [Rodoni, Dennis](#); [Kutter, Rhonda](#); [Cordova, Lorenzo](#)
Cc: [Connolly, Damon](#); [Rice, Katie](#); SMoulton-peters@marincounty.org; [Arnold, Judy](#); [Barreto, Fernando](#); [Drumm, Kristin](#); [Lai, Thomas](#); [BOS](#); [Jeff Teicher](#)
Subject: Concern Re July 19 BOS meeting and San Geronimo Stream Ordinance
Date: Monday, July 18, 2022 7:58:36 PM

Some people who received this message don't often get email from jeshayes321@gmail.com.
[Learn why this is important](#)

July 18, 2022

Hello All,

I come from a long line of environmentalist. My family moved to the valley because of the incredible access to open space and strength in the valley community. Our 1930's home is framed with locally milled redwood and our property has been lovingly managed throughout the decades; it also resides alongside one of the creeks in Woodacre. We are only the third family to own this property.

I write today with strong opposition to the proposed Stream Conservation Area ordinance for the San Geronimo Valley. Not because I lack support for restoring the native Coho population but because the proposed process is structured in way the seeds fracturing community and places extreme financial burden on home owners. It's punitive instead of incentivizing, it pits community members & neighbors against each other instead of building community support for habitat restoration, and it makes fire mitigation un-necessarily complex.

Further, homeowners need assurance that existing structures are grandfathered, and that the process for fixing and maintaining the integrity of our properties will not trigger a cascade of financial obligation and punitive fees. Many home owners in the valley cannot afford the domino effect of obligation caused by this ordinance. To support the proposed ordinance suggests you support the slow neglect of our homes, buildings and community infrastructure and signals a blatant disregard for the taxpayer base that resides in valley.

Additionally, while this may be court mandated, I oppose the allocation of public resources to reimburse SPAWN legal fees and believe those funds should instead be allocated to a grants program to incentivize and assist landowners in implementing habitat restoration efforts and SCA compliance.

I find it disconcerting that any county supervisor supports a program that is structured in such a way as to fracture community rather than build it, especially in such trying times.

I look forward to hearing your response to my concerns and I strongly encourage you to vote no on the Stream Conservation Area ordinance and the efforts to rezone all the proprieties in the San Geronimo Valley into the new SGV combining district.

Regards,

From: [Preston Brown](#)
To: [Rodoni, Dennis](#); [BOS](#); [Kutter, Rhonda](#); [Connolly, Damon](#); [Moulton-Peters, Stephanie](#); [Rice, Katie](#); [Arnold, Judy](#); [Drumm, Kristin](#)
Subject: Pubic Comment: SCA Ordinance
Date: Monday, July 18, 2022 2:49:44 PM

Good afternoon Board of Supervisors,

I am submitting the following public comment to be put in the records:

"I have been informed from some landowners of the San Geronimo Valley that the maps the County is using to determine ephemeral streams are not precisely accurate and may not reflect real conditions on the ground in certain locations. I recommend that the County provide a free consultation to landowners who request it, to confirm and settle disputes with the County's map. It is important that the SCA regulations on ephemeral creeks be as accurate as possible. This also includes possibly adding ephemeral streams to maps where none currently are shown."

Thank you,

Preston

Preston Brown
Director of Watershed Conservation
Turtle Island Restoration Network
Salmon Protection And Watershed Network (SPAWN)
Cell: (303) 877-0880
Email: Preston@tirn.net

Fighting for a Blue-Green Planet!
Visit our NEW website SeaTurtles.Org

From: [Simone Scott](#)
To: [Rodoni, Dennis](#); [BOS](#); [Lai, Thomas](#); [Drumm, Kristin](#)
Subject: July 19 BOS meeting and San Geronimo Stream Ordinance
Date: Monday, July 18, 2022 1:29:00 PM

Some people who received this message don't often get email from simoneliasscott@gmail.com.
[Learn why this is important](#)

Dear Marin Board of Supervisors, Dennis Rodoni, Kristin Drumm, and Tom Lai,

I am writing to voice my concerns about the proposed San Geronimo Stream Ordinance. I am a valley resident/home owner who would love nothing more than to help restore our creeks and bring the salmon back to the local tributaries. I would gladly consider making changes necessary to do this and would encourage my neighbors to do the same. As you know, **most valley residents live out here because we love nature**. However, the stream ordinance, as its currently written, has some alarming problems that I strongly ask you to consider from our perspective (and vote **NO** on).

In particular, are you really asking current homeowners to pay for all these changes? Surely, you're aware that not all property owners are able to afford all of the punitive fees, environmental reviews, and home/property modifications that these new rules will require. Our household consists of educators, warehouse workers, and artists, not bankers, doctors, lawyers, or tech folks. I think this is a nice addition to the culture of the valley, but if you don't, then vote yes and run us all out. **Is that really what you want?**

Instead, why not **spend your time and effort on securing money/environmental improvement grants that support all the modifications you want**, and then **work with (not punish) property owners to make these vital changes**. Many of us would be happy to support the local stream health. You must understand that not all of us have as much as you do, apparently, since you are not balking at this looming price tag. **We are**.

Also, are you aware that some stream side lots are so small or quirky they *can't* comply to these demands? Then what? You have to be willing to work with *reality* here, not create pie-in-the-sky regulations that can't even physically be met.

Lastly, **do you really want to pit neighbors against each other** and ask them to report violations? Really? You want us all to tell on each other and create a culture of community fear and mistrust here in the valley? I am appalled at this aspect of the ordinance. It is juvenile, ugly behavior to promote. Way to build up the communities you represent and supposedly serve.

If you vote yes, then in my opinion you are severely out of touch with the cultural values and financial reality of the valley, and I will certainly not be voting for you (when applicable) in any

upcoming elections. Your vote of yes sends a clear message that you do *not* represent our best interests.

To repeat: **I would be happy to get involved in coming up with solutions that:**

- **don't** deeply divide the community
- **don't** ask homeowners to go broke solving this problem and foot the bill for the entire restoration project
- **work together** with property owners to support this transition.

Most of us all want the same thing: who wouldn't want to step outside and see the salmon thriving in our own neighborhoods again? But your proposal is too extreme. If you're out of good ideas about how to move forward, ask the community for input. We are a smart, innovate bunch who can help generate a lot of good solutions. Let us get involved.

Vote NO.

Thank you,
Simone Scott

From: [Abbe Steinberg](#)
To: [BOS](#); [Rodoni, Dennis](#); [Lai, Thomas](#); [Drumm, Kristin](#)
Subject: Vote No on 7/19/22 San Geronimo Stream Ordinance
Date: Saturday, July 16, 2022 8:01:18 AM

You don't often get email from abbesnowflake@sbcglobal.net. [Learn why this is important](#)

I am a home owner in the San Geronimo Valley since 2005. My home is a 2 story, 1,665 sq feet structure built in 2001. I am asking all 5 of the county supervisors to vote no on 7/19/22 regarding the San Geronimo Stream Ordinance.

I feel very strongly that this ordinance is a taking of private property, eminent domain, without compensation. The ordinance will either cause the homewoner an inability and/or greatly increase the cost to maintain their home. Since we will not beable to adequately maintain our homes due to these stream restrictions it will depreciate the value of my home and all other properties and in some cases make the property unsaleable.

The ordinance carves out the homes in the valley to be treated differently than anyother community. I believe we are being prayed upon because we are perhaps not as important to the County Supervisors as the residents of Fairfax, San Anselmo, Ross, Kentfield,etc. as the creek runs through all those communities and of course out to the ocean in the other direction.

The ordinance also rules against vegetation management and tree removal which will increase the wildfire risk, endanger evacuation routes, and lead to cancelled home fire insurance. It will inhibit homeowners from maintaining the state's 100 feet of defensible space Assembly Bill 3074, passed into law in 2020.

How will anyone beable to afford new septic systems? I understand many of the septic systems are so old they are leaking sewage into the creek. Is this not a concern?

The \$500/day violation fine is worrisome with the specter of SPAWN's ability to sue a homeowner for just trying to do take care of the home. Perhaps you as supervisors own your homes. How would this make you feel?

Please vote no on the stream ordinance.

Thank you.

Abbe and Dan

July 15, 2022

To: Marin County Board of Supervisors &
Marin County Community Development Agency

To It May Concern At The County of Marin,

After more than a decade of litigation by the Salmon Protection and Watershed Network (SPAWN) and the Board of Supervisors (BOS) County of Marin has finally agreed in principle to a settlement with SPAWN that challenged the County's analysis of the environmental effects of the 2007 Marin Countywide Plan on endangered fish species in the San Geronimo Valley by the development.

SPAWN has challenged the County in court over salmon protections, contended that home and land development permitted by the County in the San Geronimo Valley threatened coho salmon and steelhead.

Regrettably the home and land developments that SPAWN will be affecting by the SCO are not new residential developments but rather OLDER residential homes that were built back in 1930's, 1940's, 1950's, 1960's, and so forth, and in many cases without County permits.

My Forest Knolls home was built in 1953 and is located totally within the SCO's "NO BUILD ZONE". These modest older homes are now occupied by individuals, such as myself and my wife, that raised families and are now taking care of their parents, and are NOW SENIORS surviving on a retiree's fixed income.

The home and land developments that SPAWN is concerned about affecting the coho's habitat are the large mega story estates with swimming pools, with lush landscaping. Those properties were and are controlled by the County's Planning Department Design/Review's parameters to ensure they are not environmentally out-of-bounds. SPAWN in their bold ambition for unreasonable control over the coho's habitat has become hard-hearted in making all residential property owners in the San Geronimo Valley responsible for the coho's habitat decline.

Regrettably there's been no nexus and/or meaningful discussion between the coho's decline in the San Geronimo Creeks and the DECLINE OF WATER DUE TO GLOBAL WARMING AND REOCCURRING DROUGHTS.

Instead, SPAWN has been very successful in fashioning the coho's endangered species status by obtaining legal strangle-holds in the courts to obtain favorable rulings and obtaining federal, state and local grant funding.

However, back in 2014 a decision by the state First District Court of Appeals required the County to set aside its approval of the 2007 Countywide Plan and certification of the County's final EIR with respect to salmonid impacts in the San Geronimo watershed in order to complete an analysis of potential cumulative impacts on the salmonids. The supplemental EIR, released May 1, 2014 contains a robust analysis of existing conditions, potential impacts on coho salmon and steelhead in the watershed, and the required mitigation measures.

With the analysis complete and no major impacts on the fish predicted, the Marin County Board of Supervisors was cleared to consider certification of the County's final EIR and close the books on approval of the 2007 Countywide Plan.

"We're pleased that the cumulative impact analysis did not conclude that there will be significant, unavoidable, and unmitigable impacts on salmonids as a result of the 2007 Countywide Plan" said Tom Lai, Assistant Director of the Marin County Community Development Agency.

I SUSPECT THIS STATEMENT FROM TOM LAI BECAME THE DRIVING FORCE FOR SPAWN TO SCORCH AND INFLICT PAIN AND SUFFERING UPON THE BOS, AND THE SAN GERONIMO VALLEY PROPERTY OWNERS FOR DISMISSING SPAWN'S CLAIMS OF COHO HABITAT DESTRUCTION BY PROPERTY OWNERS.

The County's 2014 amended EIR did not satisfy them. Instead, SPAWN devised a plan to ensure their survival and achieve pay back – to litigate and keep on litigating until they obtain favorable rulings by the courts. And that's how we arrived at this moment in this political and community tragedy where SPAWN is finally "On Top and Lord of The Valley".

Finally, the County after a painful and expensive 12 years of legal challenges and over \$10,000,000 of public funds spent for attorney fees, county staff time, engagement of facilitators, consultants and legal analysis, will attempt to close the book on a painful betrayal of public trust in the San Geronimo Valley by the BOS's adoption of the Stream Conservation Ordinance on July 19, 2022.

As Supervisor Rice recently stated *"It's time to heal and move forward as it is in the interest of everyone to have the cloud of litigation lifted and have clarity and certainty around the rules for what can and cannot be done along our protected streams and waterways in San Geronimo Valley"*.

The BOS may begin "to heal" now but NOT the 900 single family residential property owners.

Instead, we affected property owners are about to realize that the SCO will cause great emotional and financial distress, like when a new roof with gutters is needed, or a new walkway is sought to help a family member use their wheelchair in navigating around the property; County permits required along with hydrologist's report adding new costs to the home improvement project(s). Failure to comply with obtaining the permit and implementing the hydrologist's recommendations will result in \$500.00 per day fines until compliance is realized.

This may be JUST THE BEGINNING of more legal challenges for the County of Marin to litigate from the 900 affected Valley property owners because heavy-handed and costly SCO requirement.

I am optimistic that once the settlement agreement between the County and SPAWN is finalized that the BOS will eventually amend the SCO as per your constituents' comments and suggestions with common-sense SCO elements that will not cause a community revolt but rather a community celebration and support.

Respectfully,

Denis J Poggio
Box 156
Forest Knolls 94933
denispoggio@gmail.com

Note
Please include this letter with the July 19, 2022
BOS Packet.

From: [BOS](#)
To: [BOS - Aides](#)
Cc: [Drumm, Kristin](#)
Subject: FW: Thank You for Adopting the Stream Conservation Area (SCA) Ordinance
Date: Monday, July 18, 2022 1:44:46 PM
Attachments: [San Geronimo Creek 1974 Environmental Assessment email.pdf](#)

Aides,

Attached is a letter from Eric Morey received in the July 18, 2022 BOS mailbox relating to Agenda Item #15. Please forward as you deem appropriate.

Thank you,



Joyce Evans
DEPUTY CLERK

County of Marin
Board of Supervisors
3501 Civic Center Drive, Suite 329
San Rafael, CA 94903
415 473 3768 T
415 473 3645 F
CRS Dial 711
jevans@marincounty.org

From: Eric Morey <erichmorey@gmail.com>
Sent: Monday, July 18, 2022 12:44 PM
To: BOS <BOS@marincounty.org>
Subject: Thank You for Adopting the Stream Conservation Area (SCA) Ordinance

You don't often get email from erichmorey@gmail.com. [Learn why this is important](#)

July 18, 2022

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

Re: Thank You for Adopting the Stream Conservation Area (SCA) Ordinance; BOS Agenda Item 15

Dear Board of Supervisors,

Thank you for your efforts to adopt a common sense and science-based ordinance to help protect the San Geronimo Creek and its tributaries from inappropriate development. It's good to see an ordinance that reaches a reasonable compromise that responds to the best interests of both the fish and the residents whose existing homes are located within the SCA.

The ordinance as crafted takes into account many recommendations that have been made since 1974. Please find attached to this email a document titled, "San Geronimo Valley Streams and Their Importance". This document was part of an environmental assessment required by a Woodacre land division request in 1974.

As was true in 1974 and is still true today, at the top of page five the report claims; "Each section of stream margin cleared, each new residence or public structure built adjacent to the stream destroys a small bit of its remaining value." And this was nearly 50 years ago. On page four, regarding wildlife along the creek, the report notes, "As long as the habitat of these species is protected and maintained they will continue to be present".

The report's recommendations are the same as those in the current SCA ordinance. They recommend "stream protection zones" of 50 feet horizontal from each creek bank with no construction or heavy equipment allowed; no cutting of trees or removal of vegetation within the zone; and reestablishing vegetation on bare soil within the zone.

It has taken a long time to get to the point where we have a Stream Conservation Area ordinance that works for everyone. While we have no control over the conditions in the ocean that affect the fish, we can make a difference in our watershed. This year's spawning salmon, in the hundreds, are proof of that. Thank you for your continuing efforts to save our creeks.

Sincerely,

Eric Morey
Woodacre