

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. _____

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

WHEREAS, the Marin County Community Development Agency proposes a set of amendments to the Marin County Development Code Title 22 (Development Code), which establishes zoning and subdivision regulations that govern the development and use of private and public land, buildings, and structures located within the unincorporated areas of Marin County. The proposed amendments (Exhibit A) would modify Title 22 (Development Code) for the stream conservation area for the San Geronimo Valley and: (1) establish a new SGV combining district in Section 22.14.050, Table 2-11, B-Combining District Development Standards, to apply uniform standards for all zoning districts within the San Geronimo Valley; (2) amend text of Section 22.06.050 (Exemptions from Land Use Permit Requirements) regarding exemptions for various activities, uses of land, and other improvements; (3) establish new development standards in Section 22.30.045 (San Geronimo Valley Community Standards) for development located both within and outside the stream conservation area within the San Geronimo Valley; (4) amend Chapter 22.52 (Site Plan Review) to require Site Plan Review for new development subject to the SGV (San Geronimo Valley) combining district located within the stream conservation area (5) amend Chapter 22.52 (Site Plan Review) to require Site Plan Review for certain development subject to the SGV (San Geronimo Valley) combining district located outside the stream conservation area; and (6) incorporate and amend select technical terms and phrases from the Countywide Plan in Chapter 22.130 (Definitions). The proposed stream conservation area is applicable to all perennial, intermittent, and ephemeral streams within San Geronimo Valley; and

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

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

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

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

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

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

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

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

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

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

1. This Ordinance amends the following Sections of Marin County Code Title 22 (Development Code) as indicated in Exhibit A.

ARTICLE II: ZONING DISTRICT AND ALLOWABLE LAND USES

- Section 22.06.050 – Exemptions from Permit Requirements
- Section 22.14.050 – Minimum Lot Size “-B” Combining District

ARTICLE III: SITE PLANNING AND GENERAL DEVELOPMENT REGULATIONS

- Section 22.30.045 – San Geronimo Valley Community Standards

ARTICLE IV: LAND USE DEVELOPMENT PERMITS

- Section 22.52.020 – Applicability
- Section 22.52.030 – Site Plan Review Exemptions
- Section 22.52.040 – Application, Filing, Processing, and Review
- Section 22.52.050 – Decision and Findings

ARTICLE VIII: DEFINITIONS

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

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

AYES: COMMISSIONERS

NOES:

ABSENT:

DON DICKENSON, CHAIR
MARIN COUNTY PLANNING COMMISSION

Attest:

Ana Hilda Mosher
Planning Commission Recording Secretary

Revised Development Code Amendments for the Stream Conservation Area Ordinance (SCA Ordinance) for San Geronimo Valley

May 20, 2022

Notes:

- Items in ~~red strikethrough~~ or underline show modifications in response to terms provided in the Settlement Agreement, Attachment A, dated May 16, 2022.
- Items **highlighted in yellow** show staff proposed recommended changes.

22.06.050 – Exemptions from Land Use Permit Requirements

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

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

- G. Utilities.** Public utility facilities shall be exempt from land use permit requirements of this Development Code only to the extent provided by Government Code Section 53091, and the California Public Utilities Code.
- H. Solar Energy Systems.** Solar energy systems that do not exceed the height limit of the governing zoning district for structures or the roof height of a building by more than two feet, whichever is less restrictive. Solar energy systems within a Stream Conservation Area within the San Geronimo Valley are not exempt, unless the exemption is required by State law.
- I. Electronic Vehicle Charging Stations.** Electronic Vehicle Charging Stations are exempt from the land use permit requirements of this Development Code. Electronic Vehicle Charging Stations within a Stream Conservation Area within the San Geronimo Valley are not exempt, unless the exemption is required by State law.
- J. Other permits may still be required.** A permitted land use that is exempt from a land use permit or has been granted a land use permit may still be required to obtain Building Permits or other permits before the use is constructed or otherwise established and put into operation. Nothing in this Article shall eliminate the need to obtain any other permits or approvals required by:
1. Other provisions of this Development Code, including any subdivision approval required by Article VI (Subdivisions);
 2. Other provisions of the County Code, including but not limited to Building Permits, Grading Permits, or other construction permits if they are required by Title 19, or a business license if required by Title 5; or
 3. Any other permit required by a regional, State or Federal agency.
 4. All necessary permits shall be obtained before starting work or establishing new uses.

22.14.050 – Minimum Lot Size “-B” Combining District

- A. Purpose.** The Minimum Lot Size “-B” combining district is intended to establish lot area, setback, height, and floor area ratio (FAR) requirements for new development that are different from those normally applied by the primary zoning district applicable to a site; and to configure new development on existing lots, where desirable because of specific characteristics of the area.
- B. Development standards.** Where the B combining district is applied, the minimum lot area, setback, height, and floor area ratio standards in Table 2-11 (B Combining District Development Standards) shall be required, instead of those that are normally required by the primary zoning district. The maximum residential density for proposed subdivisions for that portion or portions of properties with sensitive habitat or within the Ridge and Upland Greenbelt or the Baylands Corridor, and properties that lack public water or sewer systems, shall be calculated at the lowest end of the density range as established by the governing Countywide Plan Land Use Designation. This restriction does not apply to lots governed by the Countywide Plan’s PD_AERA (Planned Designation – Agricultural and Environmental Reserve Area) land use designation and to lots in the Baylands Corridor that are two acres or less in size that were legally created prior to January 1, 2007. Densities higher than the lowest end of the applicable density range may be considered on a case-by-case basis for new housing units affordable to very low and low income households that are capable of providing adequate water and sanitary services, as long as the development complies with the California Environmental Quality Act and all other applicable policies in the Countywide Plan including, but not limited to, those governing environmental protection.

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

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

Notes:

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

Chapter 22.30 – Standards for Specific Communities

Sections:

- 22.30.010 – Purpose of Chapter
- 22.30.020 – Applicability
- 22.30.030 – Communities within the Coastal Zone
- 22.30.040 – Lucas Valley Community Standards
- 22.30.045 – San Geronimo Valley Community Standards
- 22.30.050 – Sleepy Hollow Community Standards
- 22.30.060 – Tamalpais Planning Area Community Standards

22.30.045 – San Geronimo Valley Community Standards

- A. **Applicability.** The standards of this Section apply to development and land uses within the area identified as San Geronimo Valley in the Countywide Plan (San Geronimo Valley Land Use Policy Map 7.10.0) and the governing SGV (San Geronimo Valley) combining district.
- B. **General Development Standards.** The standards of this Subsection apply to development and land uses outside the Countywide Plan Stream Conservation Areas in the governing SGV (San Geronimo Valley) combining district.
 - 1. **Roads and Driveways.** Non-county maintained roads and privately owned and maintained roads, including new roads and driveways, either paved or unpaved, shall be constructed to the standards specified below:
 - a. **Surface drainage.**
 - 1) **Road surfaces and ditches are hydrologically "disconnected" from streams and stream crossing culverts, with a maximum allowable hydrologic connectivity of 25% of the total new road surface and compacted shoulder area (paved and unpaved). To be considered disconnected, road surface runoff is dispersed, rather than collected and concentrated, and does not return to a connected ditch farther downstream.**
 - 2) **Fine sediment contributions from roads, cutbanks and ditches are minimized by utilizing seasonal closures and installing a variety of surface drainage techniques including berm removal, road surface shaping (i.e., outsloping, insloping, crowning), rolling dips, ditch relief culverts, waterbars and other measures to disperse road surface runoff and reduce or eliminate sediment delivery to the stream.**
 - b. **Road fills.**
 - 1) **Unstable and potentially unstable road fills that could deliver sediment to a stream are excavated (removed) or structurally stabilized**
 - 2) **Excavated spoil is placed in locations where eroded material will not enter a stream**

3) Excavated spoil is placed where it will not cause a slope failure or landslide

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

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

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

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

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

1. **Site Assessment.** A Site Assessment is required as part of a Site Plan Review permit application when development is proposed in the Stream Conservation Area, where adverse impacts to riparian resources may occur, or when full compliance with Subsection 2, below, would not be met. The site assessment shall identify site specific standard management practices in accordance with Subsection 5, below,

and shall confirm that the proposed development would result in no net loss of habitat acreage, value, or function.

2. **Limitations on Uses.** Allowable land uses subject to the SGV combining district and located within the Stream Conservation Area shall be limited to the following:

a. Allowable uses within 35 feet from top of bank, or from centerline of swale for ephemeral streams where there is no defined top of bank, within the Stream Conservation Area:

- 1) Maintenance and repair of existing permitted structures within the existing footprint;
- 2) Projects to improve fish and wildlife habitat;
- 3) Driveway, road, and utility crossings, if no other location that avoids encroaching in the buffer is feasible and the crossing is sited to minimize environmental impacts;
- 4) Water-monitoring installations;
- 5) Passive recreation that does not significantly disturb native species.
- 6) Necessary water supply and flood control projects that minimize impacts to stream function and to fish and wildlife habitat;

Agricultural uses that do not result in any of the following:

- ~~i. The removal of woody riparian vegetation;~~
- ~~ii. The installation of fencing within the Stream Conservation Area that prevents wildlife access to the riparian habitat within the Stream Conservation Area;~~
- ~~iii. Animal confinement within the Stream Conservation Area; and~~
- ~~iv. A substantial increase in sedimentation.~~

b. Allowable uses outside 35 feet from top of bank, or from centerline of swale for ephemeral streams where there is no defined top of bank, within the Stream Conservation Area:

- 1) Maintenance and repair of existing permitted structures;
- 2) Floor area Additions to existing permitted structures that do not:
 - a) Increase the lot coverage within the Stream Conservation Area by more than a cumulative total of 300 square feet; or
 - b) Increase the horizontal encroachment into the Stream Conservation Area.

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

The 500 300 square feet of cumulative floor area lot coverage is calculated on a per parcel basis following the effective date of this Section (_____, 2022). No additional lot coverage may be added once the allowance is exhausted.

consistent with state law. Notwithstanding the foregoing, state law may require the allowance of certain other uses and/or development that is not otherwise contemplated by this Section.

- 3) Projects to improve fish and wildlife habitat;
- 4) Driveway, road and utility crossings, if no other location is feasible;
- 5) Water-monitoring installations;
- 6) Passive recreation that does not ~~significantly~~ disturb native species.
- 7) Necessary water supply and flood control projects that minimize impacts to stream function and to fish and wildlife habitat;
- 8) Agricultural uses that do not result in any of the following:
 - a) The removal of woody riparian vegetation;
 - b) The installation of fencing within the Stream Conservation Area that prevents wildlife access to the riparian habitat within the Stream Conservation Area;
 - c) Animal confinement within the Stream Conservation Area; and
 - d) A substantial increase in sedimentation.

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

Land uses and improvements not listed above are prohibited, unless such improvements and land use meet the criteria for an exception in Subsection 4, below.

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

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

5. **Standard Management Practices.** Development in the Stream Conservation Area subject to the SGV combining district shall incorporate appropriate Standard Management

Practices identified in the Site Assessment, unless site specific measures identified through environmental review would result in equal or greater environmental benefit.

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

- E. **Violations.** Any violation of the provisions in this Section shall be enforced through any legal remedies available to correct and/or abate a nuisance or violation of the Development Code, including but not limited to the administrative citation penalty schedule as provided in Chapters 1.05 (Nuisance Abatement) and 1.07 (Imposition of Administrative Fines for Ordinance Violations) of the Marin County Code.
 - 1. Any violation of the limitations on use established in Section 22.30.045.C.2 constitutes a public nuisance subject to the provisions in Chapters 1.05 (Nuisance Abatement) and 1.07 (Imposition of Administrative Fines for Ordinance Violations) of the Marin County Code.

Chapter 22.52 – Site Plan Review

Sections:

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

22.52.010 – Purpose of Chapter

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

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

22.52.020 – Applicability

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

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

and loading areas, driveways, retaining walls, fences, and trash enclosures. The determination of the applicability of this requirement shall be based on the streams and tributaries shown on the map entitled "Marin County Anadromous Fish Streams and Tributaries," which is maintained and periodically updated by the Community Development Agency.

F. In those instances where an activity, use of land, or other improvement subject to the SGV combining district located within the Stream Conservation Area would:

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

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

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

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

22.52.030 – Site Plan Review Exemptions

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

- A. Development outside of the SGV combining district that is subject to Design Review or Variance requirements.
- B. Floating homes.
- C. Accessory Dwelling Units that meet the applicable standards set forth in Section 22.32.120.A (category 1), B (category 2), and C (category 3).
- C. Signs.
- D. The following types of development subject to the SGV combining district:
 1. Removal of dead, invasive, or exotic vegetation, including leaf litter, except for woody debris located below the stream top of bank. [Consultation with the County, California Department of Fish and Wildlife, and/or Marin Municipal Water District is required prior to removal of any woody debris below the stream top of bank.](#)
 2. Removal or trimming of pyrophytic combustible live trees and/or vegetation consistent with Chapter 22.62 (Tree Removal Permits) and Title 16 – Provision 16.16.040, including tanoak, California bay laurel, and Douglas fir tree species.

Removal of any live tree or vegetation that is greater than six inches in diameter at breast height and below the top of bank is not exempt, unless the tree or vegetation presents an immediate hazard to public safety. No development project shall be approved if it would require removal of native vegetation below the top of the bank

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

22.52.040 – Application Filing, Processing, and Review

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

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

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

22.52.050 – Decision and Findings

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

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

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

Chapter 22.130 – Definitions

Sections:

- 22.130.010 – Purpose of Chapter
- 22.130.020 – Applicability
- 22.130.030 – Definitions of Specialized Terms and Phrases

22.130.010 – Purpose of Chapter

This Chapter provides definitions of terms and phrases used in this Development Code that are technical or specialized, or that may not reflect common usage.

22.130.020 – Applicability

If any of the definitions in this Chapter conflict with definitions in other chapters of the Marin County Code, these definitions shall prevail for the purposes of this Development Code. If a word used in this Development Code is not defined in this Chapter, or other Titles of the County Code, the most common dictionary definition is presumed to be correct.

22.130.030 – Definitions of Specialized Terms and Phrases

A. Definitions, "A."

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

B. Definitions, "B."

Bankfull. Indicates the height (or stage) of a stream that just fills the stream channel.

H. Definitions, "H."

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

N. Definitions, "N."

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

R. Definitions, "R."

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

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

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

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

S. Definitions, "S."

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

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

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

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

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

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

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

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

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

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

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

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

The Stream Conservation Area applies to ephemeral streams that:

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

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

T. Definitions, "T."

Top of Bank. The elevation at which flow spills out of a stream channel and onto the floodplain.

W. Definitions, "W."

Wetland, Jurisdictional. An area that meets the criteria established by the U.S. Army Corps of Engineers (Corps or COE) for Wetlands (as set forth in their Wetlands Delineation Manual). Such areas come under the jurisdiction of the Corps of Engineers for permitting certain actions such as dredge and fill permitting.

FIGURE 8-8

TYPICAL CROSS SECTION OF A STREAM CONSERVATION AREA

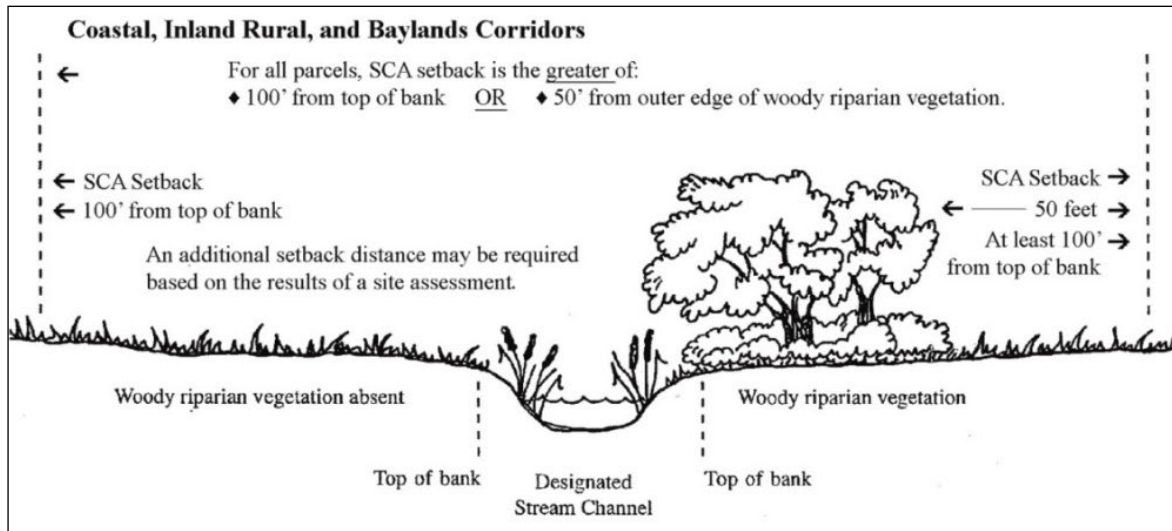


FIGURE 8-9

BUFFER MEASUREMENT FOR EPHEMERAL STREAMS SUBJECT TO THE STREAM CONSERVATION AREA IN SAN GERONIMO VALLEY

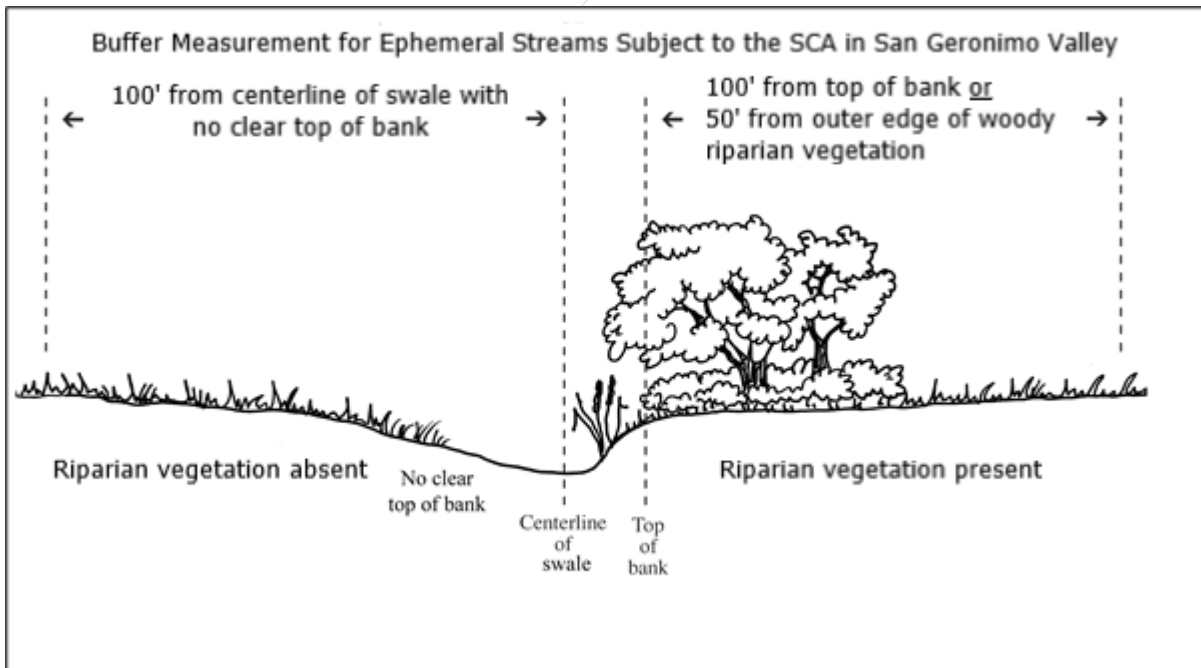


FIGURE 8-10

SETBACK MEASUREMENT FOR EPHEMERAL STREAMS NOT OTHERWISE SUBJECT TO SCA SETBACKS

