



Marin County Planning Commission Hearing

December 13, 2021

Stream Conservation Area
Ordinance for the San
Geronimo Valley



Agenda

- Overview of FSEIR

*Presented by Maia Singer, Ph.D.,
Stillwater Sciences*

- Overview of SCA Ordinance
- Review Issues from 11/8/21 workshop

SCA Ordinance Overview

The SCA Ordinance consists of:

- Amendments to Title 22 of the Development Code;
- Resource materials; and
- Urban Streams Coordinator Program

The Board directed the ordinance must remain consistent with the Countywide Plan and implement the legally mandated FSEIR mitigation measures.



Review Topics from 11/8/21 workshop



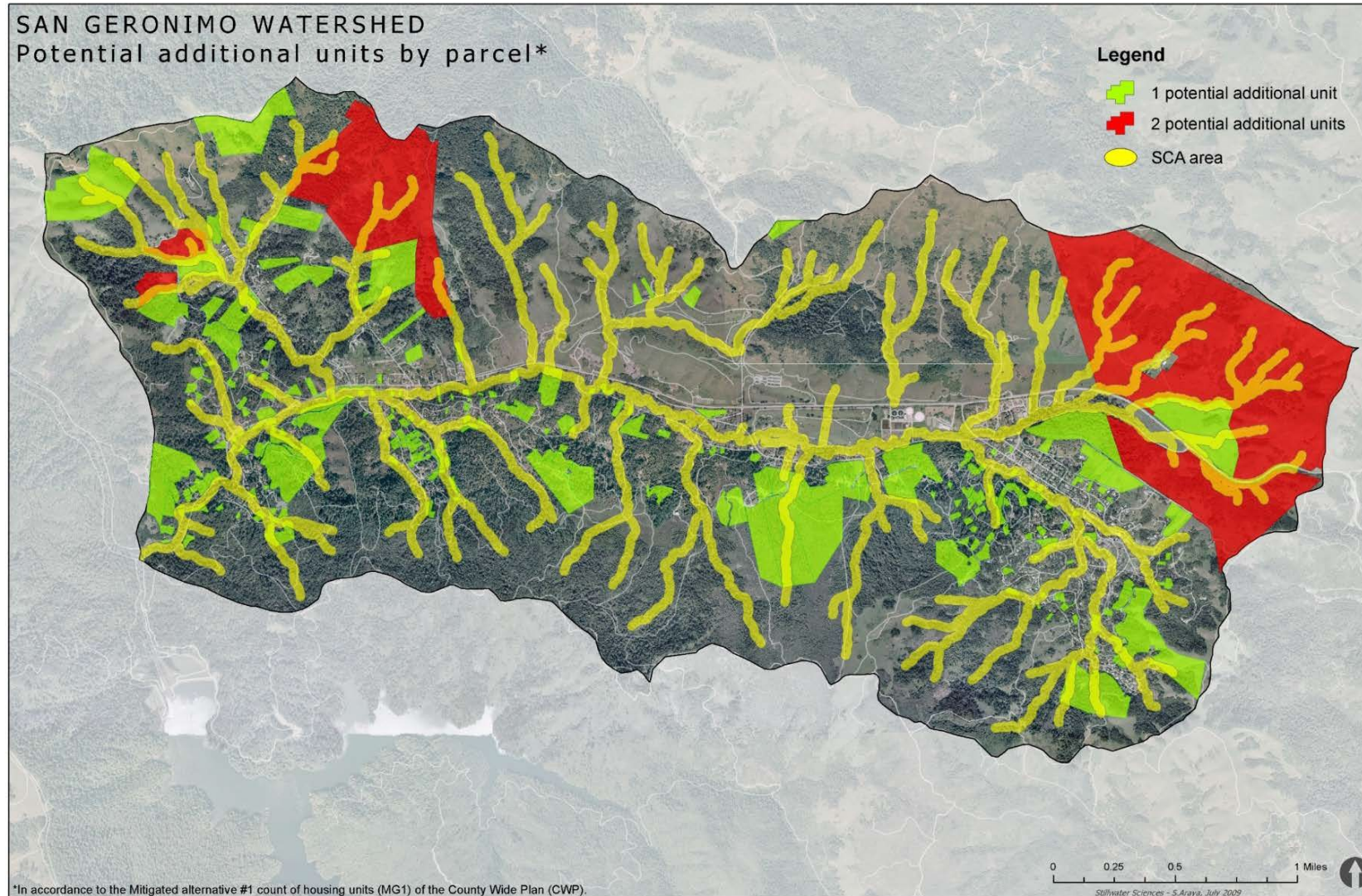
Issue 2: SCA Parcel Analysis

Number of Improved Parcels and Units at Buildout						
	CWP Existing		CWP Buildout		Potential	
	Parcels	Units	Parcels	Units	Parcels	Units
Completely w/in SCA	93	104	118	130	25 (27%)	26 (25%)
Partially w/in SCA	648	780	767	920	119 (18%)	140 (18%)
Outside SCA	674	714	847	906	173 (26%)	192 (27%)
Total	1,415	1,598	1,732	1,956	317	358

Summary:

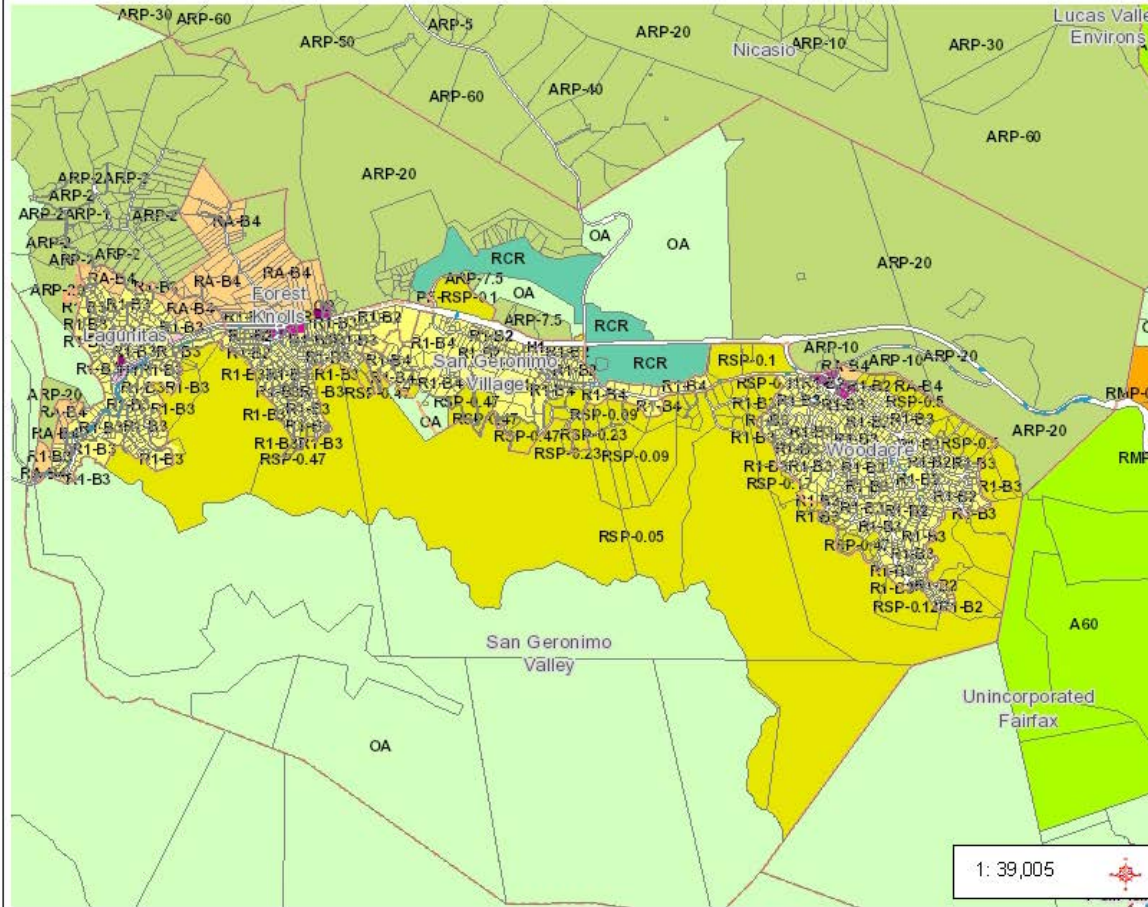
- Potential 141 additional improved parcels completely & partially w/in SCA
- Few parcels are completely within SCA
- Majority of parcels are partially within SCA

Distribution of Unimproved Parcels with Potential Development (1 – 2 units)





Map Report



Legend

- Parcel Note**
- Parcel
 - Condominium Common Area
 - Mobile Home Pad
 - City
 - Community
 - Marin County Legal Boundary
 - Other Bay Area County
- Zoning**
- A-Agriculture and Conservation
 - A1-Agriculture Limited Coastal Zone
 - A2-Agriculture Limited
 - AP-Admin and Professional
 - APR-Agriculture Residential Planned
 - APZ-Agriculture Productive Zone
 - C1-Retail Business
 - CP-Planned Commercial
 - H1-Limited Roadside Business
 - IP-Industrial Planned
 - M3-Industrial High Density
 - P-F Public Facilities
 - OA-Open Area
 - OP-Planned Office
 - R1-Residential Single Family
 - R2-Residential Two Family
 - RA-Residential Agriculture

Notes

6,500.8 0 3,250.41 6,500.8 Feet

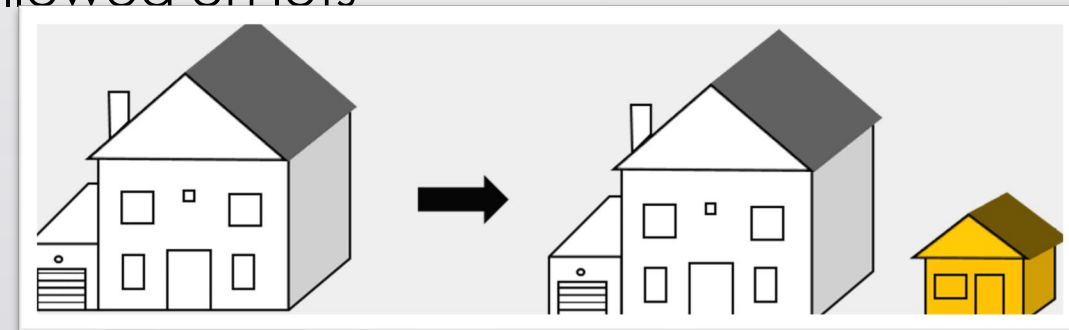
NAD_1983_HARN_StatePlane_California_III_FIPS_0403_Feet
© Latitude Geographics Group Ltd.

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

Issue 3: Accessory Dwelling Units (ADUs)

Category 1 ADU allowed in SCA with ministerial approval where:

- Does not exceed 800 square feet of floor area
- Does not exceed a height of 16 feet above grade
- Maintains 4-foot minimum rear and side yard setbacks
- No discretionary review; no site assessment
- Only one ADU allowed on a lot restricted to single family zoning
- Generally, more than one ADU may be allowed on lots with multi-family development





Issue 3: Accessory Dwelling Units

What about a Category 1 ADU on a lot with a septic system?

- Planning does not review septic systems (Improvements not exceeding 18 inches above grade are exempt from land use permits)
- Proposed SCA Ordinance exempts the repair & replacement of septic systems that incorporate erosion & sediment BMPs from discretionary review




Issue 4: Exceptions to Full SCA Compliance

Section 22.30.045.E.2:

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

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



Issue 5: Enforcement of SCA Regulations

Enforcement tools:

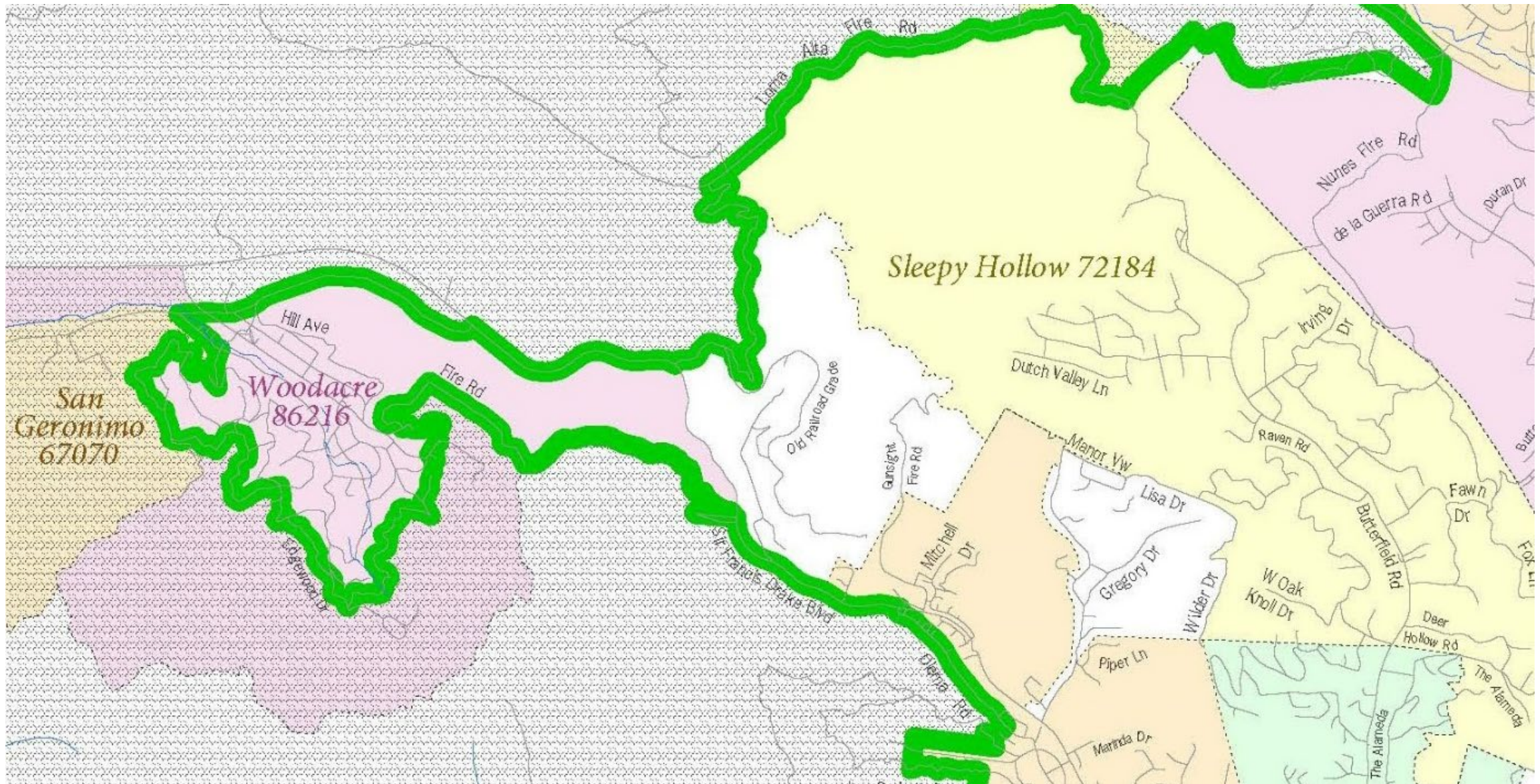
- Enforcement investigations are complaint based.
- Existing permitted and non-conforming structures would be allowed to be used, maintained, and even replaced in-kind under the proposed ordinance – no retroactive permits required.
- Point-of-sale inspection program is not under consideration
- Site Assessment subsidy incentive



Issue 6: Implications of Senate Bill 9 (SB-9)

SB-9 requires ministerial approval either or both of the following:

- a) A development of no more than two units (duplex) in a single-family zone;
- b) The subdivision of a residentially zoned parcel into two approximately equal parcels of at least 1,200 square feet.





Issue 7: Offsite Mitigation Program

- The SCA Ordinance sets the stage for creating an offsite mitigation program within the Valley.
- Until a formal program is established, mitigation would occur on-site.



Issue 8: Rezoning to the SGV Combining District

- Proposed amendments include rezoning of all lots in the San Geronimo Valley with the new SGV (San Geronimo Valley) Combining District, for example:

<u>Existing</u>	<u>Proposed</u>
R1-B4	SGV-R1-B4
RSP-1	SGV-RSP-1

- Rezoning would not affect existing standards for FAR, maximum height & setbacks
- Ensures uniform standards for all properties in the SCA
- Ensures consistent, watershed-wide compliance with stormwater, erosion & sediment control, and Low Impact Development requirements



Issue 9: Performance Measures

County must:

- Complete SCA Ordinance within 5 years.
- Provide biannual reports to the Board of Supervisors.

Potential Metrics:

- Site Plan Review applications received , approved, conditionally approved, or denied;
- Appeals;
- Enforcement actions;
- Amt of new and replaced; and pre- and post-project Impervious surface area;
- Amount of riparian vegetation created or replaced, or remains intact;
- Salmonid counts; and
- restoration projects



Issue 10: Pyrophytic Plants

Section 22.52.020 – Site Plan Review Exemptions:

- Exempt removal or trimming of pyrophytic, combustible live trees and/or vegetation consistent with Title 16 of the Fire Code, including tanoak, California bay laurel, and Douglas-fir tree species

Note: Tree Removal Permit required for removal of Protected or Heritage tree in the SCA FSEIR:

- “Pyrophytic” defined as “fire prone plants as listed on Fire Safe Marin website” (FireSafeMarin.org)
- Pyrophytic trees include Tanoak, California Bay Laurel, and Douglas-fir, as well as eucalyptus
- Flammable vegetation includes acacia, broom and pampas grass



Douglas-fir (*Pseudotsuga menziesii*)

- Considered “fire-hazardous” by Fire Safe Marin
- One of the predominant conifer species occurring in the Valley riparian corridor
- Defined as a Heritage, Protected Tree

FSEIR mitigation measure:

- Plant an appropriate distance from structures in compliance with Title 16 and Public Resources Code
- Reduce wildfire potential through appropriate trimming, thinning, and removal of branches and shoots to reduce density of woody plant material in the understory



Credit: FIRESAFEMarin.org

Tanoak (*Lithocarpus densiflorus*)

- Considered a protected, heritage tree.
- Considered “fire-hazardous” by Fire Safe Marin.
- FSEIR: While Tanoak is a native riparian and understory species to the Valley, it is highly vulnerable to SOD and can increase the amount of dead and dry plant material (fuel) and potential for wildfire.



Credit: George Hartwell



Credit: Lynn Watson, Santa Barbara



Credit: Kim Cabrera

California Bay Laurel (*Umbellularia californica*)

- One of the most common tree species occurring in the riparian corridor
- Considered “fire-hazardous” by Fire Safe Marin
- Considered a Protected, heritage tree
- FSEIR: Considered a vector for SOD and is not on the list of allowable woody riparian tree species for replanting in SCA



Credit: Keir Morse



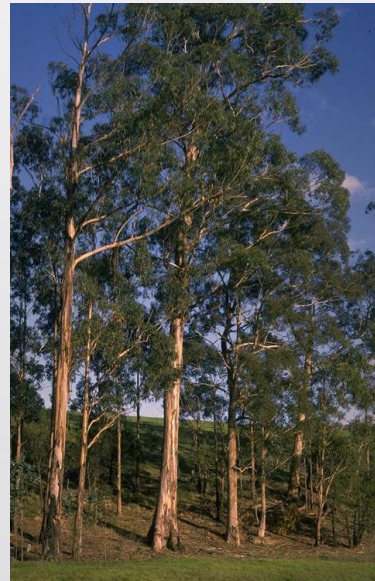
Credit: Keir Morse



Credit: Keir Morse

Other pyrophytic plants not included in the list of allowable woody riparian:

- Monterey pine (*Pinus radiata*)
- Eucalyptus (*Eucalyptus globulus*)
- Ghost pine (*Pinus sabiniana*)



Issue 11: Additions up to 500 s.f.

Proposed modification to Section 22.30.0455.D.2:

Floor area Aa additions to existing permitted structures that do not increase the footprint within the Stream Conservation Area by more than a cumulative total of 500 square feet of building area and that does not increase the existing horizontal encroachment into the Stream Conservation Area. The 500 square feet of cumulative floor area shall be calculated following the effective date of the Development Code Amendments for the SCA Ordinance this section (, 2022).

- An addition must comply with the development standards of the underlying zoning district;
- Cumulative floor area calculated per parcel, not per structure. Once used up it is no longer available.

Recommendation

- Conduct a public hearing
- Approve resolution