

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. _____

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

SECTION I: FINDINGS

1. 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 by: (1) establishing 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; amending the text of Section 22.06.050 (Exemptions from Land Use Permit Requirements) regarding exemptions for various activities, uses of land, and other improvements; establishing new development standards in Section 22.30.045 (San Geronimo Valley Community Standards) for development located in the stream conservation area within the San Geronimo Valley; amending Chapter 22.52 (Site Plan Review) to require Site Plan Review for new development located within the stream conservation area; and incorporating select technical terms and phrases from the Countywide Plan in Chapter 22.130 (Definitions). The proposed amendments are applicable to all perennial and intermittent streams, and ephemeral streams that either: a) supports riparian vegetation for a length of 100 feet or more; and/or b) supports special-status species and/or sensitive natural community type regardless of the extent of riparian vegetation associated with the stream.

2. WHEREAS, the Marin County Community Development Agency proposes to rezone all lots within the boundaries of the San Geronimo Valley for the new SGV (San Geronimo Valley) combining district, as shown on Exhibits B and C, San Geronimo Valley Existing and Proposed Zoning, to establish consistent permit and site assessment requirements in planned and conventional zoning districts within the stream conservation area in the San Geronimo Valley.

3. WHEREAS, the Development Code implements the goals, policies and programs of the Marin Countywide Plan (CWP) which are necessary to protect the public health, safety, and welfare of residents and businesses in the unincorporated areas of Marin County.

4. 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 promote natural stream channel function, control exotic vegetation, protect riparian vegetation, promote riparian protection, maintain channel stability and minimize runoff.

5. **WHEREAS**, the CWP provides that development applications shall not be permitted if a project adversely alters hydraulic capacity; causes a net loss in habitat acreage, value or function; or degrades water quality. Hydraulic capacity refers to the rate and timing of stream flows produced by rainfall and is a measure of the efficiency of draining an area that is affected by the level of imperviousness. Habitat function means the chemical, physical and biological processes that allow an ecosystem to exist and maintain its integrity (e.g., food, water, shelter, migration corridors, spawning, nesting or breeding sites; shade, and nutrients). Habitat value means the aspects of habitat valued by society but not necessary for the existence and function of the ecological unit (e.g., aesthetic, recreational, flood control, groundwater recharge). Water quality refers to the chemical, physical and biological characteristics of water within a stream which can be measured by indicators such as pH, temperature, suspended solids, dissolved solids, color, concentration of pollutants, and the prevalence of certain bacteria or insects.

6. **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).

7. **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.

8. **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.

9. **WHEREAS**, on November 8, 2021 and December 13, 2021, the Marin County Planning Commission held a duly noticed public workshop and hearing, respectively, to take public testimony and consider the proposed Development Code amendments to establish the stream conservation area for the San Geronimo Valley.

SECTION II: ACTION

NOW THEREFORE, BE IT RESOLVED that the Marin County Planning Commission recommends that the Board of Supervisors adopt amendments to the Marin County Code Title 22 (Development Code) to establish the stream conservation area for the San Geronimo Valley.

SECTION VI: VOTE

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Marin held on this 13th day of December, 2021 by the following vote:

AYES: COMMISSIONERS

NOES:

ABSENT:

CHRISTINA DESSER, CHAIR
MARIN COUNTY PLANNING COMMISSION

Attest:

ANA HILDA MOSHER
Planning Commission Recording Secretary