Overview of the Proposed Stream Conservation Area (SCA) Ordinance for the San Geronimo Valley

Marin County Planning Commission Workshop

November 8, 2021
AGENDA

Workshop Objectives:

• Review project schedule
• Provide background and history
• Provide overview of the proposed SCA Ordinance
• Answer clarifying questions
• Receive feedback and comments
# Project Schedule

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<th>Date</th>
<th>Action</th>
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<tr>
<td>July – Aug 2021</td>
<td>Focus Group Engagement</td>
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<tr>
<td>July 2021 – March 2022</td>
<td>Public Review and Comment Period</td>
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<tr>
<td>Nov 8, 2021</td>
<td>Combined Planning Commission &amp; Community Workshop</td>
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<tr>
<td>Dec 13, 2021</td>
<td>Planning Commission Hearing</td>
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<td>Dec 2021 – Feb 2022</td>
<td>Review of Public Feedback and Consideration of Revisions</td>
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<tr>
<td>Feb/March 2022 (tbd)</td>
<td>Planning Commission Recommended Draft of SCAO to Board of Supervisors</td>
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<td>March 2022</td>
<td>Board of Supervisors hearing to Consider Action on Draft SCAO</td>
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Background and History

WHY IS THIS IMPORTANT?
Stream buffer requirements have been a feature of the Marin Countywide Plan (CWP) since the early 1970’s
County Currently Regulates Streams:

- Creek Permit – ensures free flow of water
- 20-foot Minimum Drainage Setback
This is a continuation of previous work

Supplemental Final EIR (2019)
Landowner Assistance Program (2016)
Interim Stream Conservation Ordinance (2013)
Native Tree Protection Ordinance (2012)
Riparian Vegetation Ordinance (2010)
Salmon Enhancement Plan (2010)
Countywide Plan Update (2007)
Anadromous Fish Stream Ordinance (2002)
Coordinated, Collaborative Program
SCA Ordinance for the San Geronimo Valley
The proposed SCA Ordinance would implement Marin Countywide Plan (CWP) policies and fulfill the legal mandate to comply with the FSEIR.
SCA Ordinance Boundary for the San Geronimo Valley
Why the focus on the San Geronimo Valley?

- Lagunitas Creek supports the largest population of federally listed endangered coho salmon south of Fort Bragg
- FSEIR legal mandate
The proposed SCA Ordinance must:

1. Remain consistent with CWP policies; and
2. Implement the legally mandated FSEIR mitigation measures.
The SCA Ordinance is not a standalone document.

Rather, it is part of an overall program to protect streams that includes a series of amendments to the Development Code, supported by efforts of the Urban Streams Coordinator, and supplemented with various resource materials.
Riparian Protection Program

SCA Ordinance: Amendments to Development Code

Chapter 22.14 – Special Purpose and Combining Districts
Chapter 22.30 – Standards for Specific Communities
Chapter 22.52 – Site Plan Review
Chapter 22.130: Definitions
Section 22.06.050 – Exemptions from Permit Requirements

Urban Streams Coordinator

Landowner Assistance
Site Assessment Preparation
Education and outreach

Resource Materials

San Geronimo Valley Fact Sheet
Site Assessment Preparation Guide
Frequently Asked Questions
Standard Management Practices
Planning Application Submittal Checklist
Landowner Resource Guide

SCA web page

WWW.MARINCOUNTY.ORG/SCA
Why is it Important to Regulate Streamside Development?

- Shade and cover
- Food for aquatic insects
- Slows flood waters
- Bank stability
- Pools and hiding places
- Areas for fish to shelter

Source: 2010 Salmon Enhancement Plan

WWW.MARINCOUNTY.ORG/SCA
What is the Stream Conservation Area (SCA)?

[Diagram showing the Stream Conservation Area (SCA) with buffer zones and top of bank areas.]
Perennial: flows year-round

Intermittent: flows seasonally during winter and after rainfall

Ephemeral: carries only surface runoff and flows immediately after rainfall

Stream Map: Marinmap.org
SCA Land Use Permit Process

Marin County Development Code

Development:
An activity, use of land, or other improvement that would entail grading, expose soil, increase lot coverage, increase surface runoff, remove vegetation, or alter a bed or bank of a stream

Exemptions
People can continue to use and maintain their property.

Site Plan Review
New development and some previously exempt would require permit if it occurs in SCA!
Key Aspects of the SCA Review Process

1. **Priority**: locate development outside the SCA
2. **Scope**: Discretionary review required for activities that remove vegetation, increase surface runoff or lot coverage, expose soil, or alter the bed, bank, or channel of any stream
3. **Process**: Require Site Plan Review, site assessment, and standard management practices
4. **Focus**: avoid water quality and habitat impacts
Example: Exempt Activities

1. Interior remodeling
2. Repair and maintenance
3. Removal of dead, exotic, and pyrophytic (fire-prone) vegetation, including leaf litter
4. Planting of non-pyrophytic native vegetation
5. Add an Accessory Dwelling Unit (ADU)
Example: Exempt Activities

1. Creek restoration projects authorized under the Marin RCD Permit Coordination Program

2. Repair and maintenance, including replacement, of existing septic systems that must incorporate stormwater BMPs
Example: New 400 s.f. Addition

Example:

- New 400 s.f. addition
- Up to a cumulative 500 s.f. allowed
- New structure must not be closer to the stream than the existing residence
- Replace paved patio w/ permeable surface
How Much Will A Permit Cost?

Site Plan Review Application Costs:

- Initial Deposit: $2,086
- Technology Fee: $15
- DPW Deposit: $942
- EHS Deposit: $842*

Total $3,885

*EHS Deposit fee is collected only if property is served by private well or septic disposal system

☑️ To incentivize compliance, staff is considering options to offset fees associated with both application and environmental review

☑️ County also proposes to cover the cost of the site assessment

❖ Other permit fees may apply
How Long Does the Planning Process Take?

- Initial Submittal: 30 days
- Application deemed Incomplete: 30 days
- Resubmittal: 30 days
- Application deemed complete: 60 days
- Decision issued

Completion stages:
- Completeness review
- Applicant revises plans
- Completeness review
- Merits Review

Timeline:
- 3 months
- 5 months
The Site Assessment

**What:** Site assessment is required for all projects

**Why:** Determine presence of sensitive biological resources; map biological constraints; and evaluate potential adverse impacts

**How:** Incorporate SMPs or mitigation measures identified through environmental review

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## Standard Management Practices (SMPs)

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<tr>
<th>Function</th>
<th>Management Practice (Summary)</th>
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<tr>
<td>Riparian/bank stability/stream</td>
<td>✓ Retain large woody debris within stream channel  &lt;br&gt; ✓ Do not remove (native) riparian vegetation within 15 ft of stream and minimize disturbance within and adjacent to SCA.  &lt;br&gt; ✓ Replace riparian vegetation that is removed.</td>
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<tr>
<td>Water conveyance &amp; flood control</td>
<td>✓ Apply MCSTOPPP Minimum Control Measures for Small Construction Projects  &lt;br&gt; ✓ Avoid construction activity during wet weather  &lt;br&gt; ✓ Incorporate permeable surfaces in project design  &lt;br&gt; ✓ Disperse runoff across a pervious, vegetated surface or to rain gardens or planter boxes</td>
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<td>Riparian Habitat/Food Web Integrity</td>
<td>✓ Avoid tree removal in avian breeding survey.  &lt;br&gt; ✓ Avoid heavy equipment for initial site clearing.  &lt;br&gt; ✓ Plant native species</td>
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Give Me An Example:

- Tree trimmed & limbed 10’ from roof
- Native vegetation & Fire safe plants
- Infiltration planter w/herbaceous plants
- Pervious path, driveway & patio
- Retain Woody debris
- Existing riparian Vegetation maintained
- Wildlife Friendly fencing
- Existing riparian Vegetation maintained
- North
Resource Materials

- Planning Application Submittal Guide
- Site Assessment Requirements
- Standard Management Practices
- San Geronimo Valley Fact Sheet
- Landowner Resource Guide for Properties Near Streams
- CWP riparian protection policies
- Frequently Asked Questions
- SCA webpage

Materials and additional information on [www.marincounty.org/SCA](http://www.marincounty.org/SCA)
Other Considerations:

- Creek Permit
- Compliance with other regulatory agencies
- LID & stormwater compliance required throughout entire watershed
Anadromous Fish Streams

Coho
Steelhead
Chinook
Next Steps

Q and A

Receive Feedback & Comments

Planning Commission Hearing Dec. 13, 2021
Project page: www.marincounty.org/sca

Subscribe to this page

Contact:
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(415) 473-6290
Stream Conservation Area Ordinance: Application Review Process

Is the development located in the SCA?

No

Yes

Building and land use that create or replace 500 s.f. or more of impervious area must comply with BAASMA Post Construction Manual for LID practices and designs.

Does the project qualify for an exemption from Site Plan Review? (See 22.52.030)

Yes

Reject

No

Building Permit or other permits may be required.

Does the project:  
- Remove vegetation  
- Increase runoff  
- Increase lot coverage  
- Expose soil  
- Alter stream bed, band, or channel

Yes

Resume standard application review process.

No

Resume standard application review process. No additional SGV requirements.

Project requires Site Plan Review:
- Application for Site Plan Review
- Prepare site assessment that incorporates standard management practices (see Site Assessment fact sheet)

If site assessment identifies additional mitigation, then environmental review may be required.

Approve, Conditionally Approve, or Deny

Is project site located in the SGV Combining District? (See Section 22.14.050 or CWP Land Use Map 7-10)

Yes

No

Yes

Resume standard application review process.

No

Does the project site located in the SGV Combining District? (See Section 22.14.050 or CWP Land Use Map 7-10)