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EXPANDED STREAM CONSERVATION AREA ORDINANCE FOR THE SAN GERONIMO VALLEY

September 17, 2021

The following Development Code amendments are proposed to implement the Expanded Stream Conservation Area (SCA) Ordinance for the San Geronimo Valley in compliance with the [2007 Marin Countywide Plan](#) (CWP) and [2007 Marin Countywide Plan Final Supplemental EIR with a Focus on Potential Cumulative Impacts to Salmonids in the San Geronimo Valley](#) (FSEIR). As directed by the Marin County Board of Supervisors, the scope of the SCA Ordinance must:

1. Remain consistent with existing CWP policy language to ensure timely completion and streamline environmental review; and
2. Implement the legally mandated FSEIR mitigation measures.

The proposed SCA Ordinance consists of various amendments to the Marin County Development Code (Development Code), in addition to various resource materials as follows:

Development Code Amendments (**Exhibit A**):

- A. Section 22.06.050 – Exemptions from Land Use Permit Requirements
- B. Chapter 22.14 – Special Purpose and Combining Districts;
- C. Chapter 22.30 – Standards for Specific Communities;
- D. Chapter 22.52 – Site Plan Review; and
- E. Chapter 22.130 – Definitions.

Resource Materials:

- Marin Countywide Plan San Geronimo Valley Land Use Policy Map 7.10.0 (**Exhibit B**);
- Draft Site Assessment Requirements for Development Located in the Stream Conservation Area in the San Geronimo Valley (**Exhibit C**);
- Draft Standard Management Practices for Development Located in the Stream Conservation Area in the San Geronimo Valley (**Exhibit D**);
- Draft San Geronimo Valley Fact Sheet (**Exhibit E**);
- 2007 Marin Countywide Plan Riparian Protection Policies and Programs (**Exhibit F**); and
- Mitigation Measures from the 2007 Marin Countywide Plan Final Supplemental EIR with a Focus on Potential Cumulative Impacts on Salmonids in San Geronimo Valley (**Exhibit G**).

Details of the proposed Development Code amendments are shown in **Exhibit A** in ~~strike-through~~ and underline format with *[annotations]*, where appropriate.

A brief overview and rationale for the proposed amendments are provided in items A – D, below:

A. Section 22.06.050 – Exemptions from Land Use Permit Requirements

Section 22.06.050 – Exemptions from Land use Permit Requirements provides exemptions for various activities, uses of land, and other improvements from permit requirements. FSEIR Mitigation Measure 5.1-1, Provision 1, requires discretionary review for activities that require vegetation clearing, increase impermeable area, increase surface runoff, result in exposed soil, or alter the bed, bank, or channel of any stream in the San Geronimo Valley. The proposed changes ensure compliance with this provision, which means land uses currently exempt from permit requirements, such as sitework, play structures, certain Accessory Dwelling Units, solar energy systems, and electronic vehicle charging stations, would now be subject to discretionary review. This provision is intended to expand protections for stream and riparian habitat and hydrologic processes throughout the watershed.

Summary of Guiding Framework:

- Mitigation Measure 5.1-1, Provision 1

B. Chapter 22.14: Special Purpose and Combining Districts

FSEIR Mitigation Measure 5.1-1, Provision 2 dictates consistent permit and site assessment requirements in all zoning districts within the San Geronimo Valley in recognition that land use impacts across all zoning districts impact salmonid health. Refer to **Exhibit G** for the FSEIR mitigation measures. The San Geronimo Valley consists of both conventional and planned zoning districts. Under existing regulations, unless Design Review or another discretionary permit is triggered, development activities on conventionally zoned properties within the SCA that conform to development standards pertaining to minimum lot area, height limits, floor area limits, and minimum setback requirements would be exempt from discretionary review and compliance with the SCA provisions. The amendments rezone properties within the San Geronimo Valley by creating a new SGV (San Geronimo Valley) combining district in Section 22.14.050, Table 2-11, B-Combining District Development Standards, which is intended to ensure all lots within the Valley comply with the SCA regardless of zoning. This rezoning complies with the Provision 2 mitigation requirements.

Summary of Guiding Framework:

- Mitigation Measure 5.1-1, Provision 1
- Mitigation Measure 5.1-1, Provision 2.

C. Chapter 22:30: Standards For Specific Communities

Section 22.30.045 – San Geronimo Valley Community Standards

Chapter 22.30 addresses site planning and general development regulations, as well as development standards for specific unincorporated communities. The proposed amendment to Chapter 22.30 would add Section 22.30.045 – San Geronimo Community Standards. The addition Section 22.30.045 would establish development standards specific to the San Geronimo Valley that implement the new SGV (San Geronimo Valley) combining district established in Table 2-11. These new standards would apply to all development and land uses within the San Geronimo Valley as defined by the Marin Countywide Plan San Geronimo Valley Land Use Policy Map 7.10.0 provided in **Exhibit B**. These standards describe the Stream Conservation Area, how it is measured, limitations on uses, site assessment requirements, and exceptions to full

compliance with the SCA criteria, consistent with CWP Policy BIO-4.1. Refer to **Exhibit C** for draft Site Assessment requirements for development located in the SCA and **Exhibit F** for CWP riparian protection policies and programs.

Exceptions to full compliance with the SCA criteria may be allowed only if the following is true:

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

Marin County Code Section 22.130.030 defines “feasible” as “that which is capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.”

In addition, the proposed San Geronimo Community Standards Further require development to incorporate appropriate Standard Management Practices (SMPs) in compliance with Mitigation Measure 5.1-1, Provision 4. **Exhibit D** provides a suite of SMPs for the protection of hydrologic processes, stream and riparian habitat, and water quality. Site specific SMPs would be identified through the site assessment process, unless measures identified through environmental review would result in equal or greater environmental benefit.

Applicants are typically required to bear the cost of hiring a consulting biologist to prepare the required site assessment. To minimize this burden, the County proposes to utilize the Urban Streams Coordinator to provide landowner permit assistance and prepare the site assessment for those development projects within the SCA in the San Geronimo Valley.

Summary of Guiding Framework:

- Mitigation Measure 5.1-1, Provision 4
- CWP Policy BIO-4.1
- CWP San Geronimo Valley Land Use Policy Map 7.10.0

D. Chapter 22.52 – Site Plan Review

CWP Policy BIO-4.2 and Mitigation Measure 5.1-1, Provision 1, require discretionary review for any incursion in the SCA. Development Code Article IV provides procedures and requirements for the preparation, submission, filing, and initial processing of development applications, land use permits, and other entitlements. Chapter 22.52 - Site Plan Review is a discretionary process that addresses the siting and design of proposed projects to preserve the natural heritage and beauty of the County, while minimizing or eliminating potential adverse physical effects resulting from development. Site Plan Review is currently required for development proposed on vacant lots within the SCA that adjoin a mapped anadromous fish stream and tributary. Design Review is required for development located in the SCA in planned zoning districts or for projects on conventionally zoned sites that do not comply with development standards or otherwise require Design Review. Design Review focuses on site planning, building and architectural design, and use of materials, construction methods, and techniques.

The proposed changes to Chapter 22.52 would expand the types of improvements that require Site Plan Review to include any activity, use of land, or other improvement that proposes: a) grading or would otherwise expose soil; b) increase lot coverage or surface runoff; c) removal of vegetation or woody riparian vegetation; or d) an alteration to the bed, bank, or channel of any stream located within the SCA in the San Geronimo Valley. These modifications comply with Mitigation Measure 5.1-1, Provision 1. Site Plan Review would continue to be required for vacant lots within the SCA that adjoin a mapped anadromous fish stream and tributary located in the remainder of unincorporated areas outside the San Geronimo Valley.

The proposed changes would allow limited exemptions from Site Plan Review requirements in compliance with Mitigation Measure 5.1-1, Provision 1. These exemptions waive discretionary review for: a) removal of exotic vegetation; b) removal or trimming of pyrophytic trees or vegetation; c) planting of non-pyrophytic native vegetation; d) repair or maintenance, including the replacement, of existing degraded septic systems; and e) creek restoration projects authorized under the Marin Resource Conservation District’s Permit Coordination Program.

Finally, in compliance with CWP Policy BIO-4.2, the proposed changes would mandate approval (or conditional approval) of an application only if the development would not adversely alter hydraulic capacity; result in a net loss in habitat acreage, value or function; and/or degrade water quality.

Summary of Guiding Framework:

- Mitigation Measure 5.1-1, Provision 1
- CWP Policy BIO-4.2

E. Chapter 22.130 – Definitions

The CWP contains a glossary of various policy-based definitions. The proposed changes to Chapter 22.130 would bring forward select technical terms and phrases from the CWP Glossary that are referenced in the SCA Ordinance and are currently excluded from Chapter 22.130. These definitions include the following

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| • Anadromous Fish | • Stream |
| • Bankfull | • Stream, Ephemeral |
| • Riparian | • Stream, Intermittent |
| • Riparian Habitat | • Stream, Perennial |
| • Riparian Vegetation | • Top of Bank |
| • Site Assessment | • Wetland, Jurisdictional |

No changes are proposed to these definitions. However, the existing Stream Conservation Area definition is updated for consistency with CWP Policy BIO-4.1 regarding criteria defining whether an ephemeral stream is subject to the SCA policies.

EXHIBITS:

- A. Draft Marin County Development Code Amendments
- B. Marin Countywide Plan San Geronimo Valley Land Use Policy Map 7.10.0
- C. Draft Site Assessment Requirements for Development Located in the Stream Conservation Area in the San Geronimo Valley
- D. Draft Standard Management Practices for Development Located in the Stream Conservation Area in the San Geronimo Valley
- E. Draft San Geronimo Valley Community Standards Fact Sheet
- F. 2007 Marin Countywide Plan Riparian Protection Policies and Programs
- G. Mitigation Measures from the 2007 Marin Countywide Plan Final Supplemental EIR with a Focus on Potential Cumulative Impacts on Salmonids in San Geronimo Valley