

MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY
ALEX HINDS, DIRECTOR

April 2, 2007

Marin County Planning Commission
3501 Civic Center Drive
San Rafael, California 94903

SUBJECT: Public Hearing on Draft Marin Countywide Plan Update

Dear Planning Commission Members:

RECOMMENDATIONS:

1. Conduct public hearing.
2. Conduct straw votes (non-binding motions of intent) on selected issues.
3. Continue the public hearing to Monday, April 9, 2007 at 9:30 a.m.

Today's meeting is the seventh public hearing on the Draft Marin Countywide Plan (CWP) Update. Today's hearing was continued from the March 26, 2007 hearing on the *Natural Systems and Agriculture* Element of the CWP.

Following today's public hearing, it will be necessary to continue the public hearing to a specific date and time. In order to keep to the schedule to the extent possible, staff is recommending that each topic area be reviewed as follows:

1. Staff presentation and introduction of topics for discussion
2. Public testimony on revised policy language (no more than three minutes per individual or 6 minutes per organization)
3. Close public testimony and conduct Commission deliberations
4. Conduct straw votes. Straw votes are non binding motions of intent that will be taken on selected issues.

The purpose of this process is to obtain a tentative decision from the Commission as each topic is addressed in order to finalize the Commission's recommendation on the CWP and FEIR by July 23, 2007.

DISCUSSION

At each hearing staff has presented a summary of tentative decisions for identified issues in the Natural Systems and Agriculture Element for Commission review and confirmation. The following represents tentative decisions on major issues continued from prior hearings on the *Natural Systems and Agriculture* Element. The Tentative Decisions for Commission review are as follows:

Issues from March 12, 2007 Tentative Decisions Table¹:

ISSUE 7: Should Trails Be Allowed On Agricultural Lands?

On March 12th, 2007 the Planning Commission tentatively accepted proposed trail maps, policies and programs as modified. Please refer to the March 12, 2007 staff report and attachments for proposed modifications. At the March 26, 2007 hearing the Commission voted to bring the following sub-issue back for further discussion:

Sub issue:

Should maps in the Marin Countywide Plan show proposed trails to be located on agricultural lands or just describe them generally in the text? Currently proposed trails are shown on the Countywide Plan maps with dashed lines and a note on the map states:

“This map is a planning document. Only those trails shown on the map as existing trails are available for public use. In regard to proposed trails, the public has no right to enter private property without the owner’s permission. If and when the public acquires or is granted an easement for trail purposes in any area where a trail is proposed, the exact location of such proposed trail will be determined at that time.”

General plans and their contents are regulated under Government Code 65300 et seq. Government Code 65302 states “the plan shall consist of a statement of development policies and shall include a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals.” With respect to the California Coastal Trail, Public Resources Code 5076 requires that every city and county shall consider demands for trail-oriented recreational use and shall consider such demands in developing specific open-space programs. Further, every city, county, and district shall consider the feasibility of integrating its trail routes with appropriate segments of the state system.

Recommendation:

Continue to show the generalized location of all proposed trails with dashed lines along with explanatory text.

Issues from March 19 and 26th, 2007 Tentative Decisions Table:

ISSUE 1: Original Issue: Should Undergrounded Or Culverted Creeks Be Subject To SCA Regulations?

¹ Note that the correction to Issue 18 from the March 12th Tentative Decisions Table has been made as follows to the Table:
TRL-1.g Evaluate Proposed Development for Trail Impacts. Review development proposals for consistency with the Marin Countywide Trails Plan and/or local community plan(s). Encourage project sponsors to grant trail easements and/or improve trails on lands traversed by proposed trail connections shown on the adopted Marin Countywide Trails Plan maps. Evaluate development applications for the appropriateness of requiring dedication of trails as a condition of development approval.

New Sub-Issue: New Definition of Streams to Ensure Protection of Natural Drainage

Stream. A natural or once natural flowing open drainage channel with an established bed and bank. These ~~include~~ consist of perennial, intermittent, and ephemeral streams. ~~Perennial including open waterways that have been restored, modified, or channelized, but does 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 quadrangle sheets, and ephemeral streams as defined below, are subject to Stream Conservation Area protection policies. See “Stream Conservation Area (SCA).”

Watercourse. Natural or once natural flowing (perennially or intermittently) water including rivers, streams, and creeks. Includes natural waterways that have been channelized but does not include ~~channels, ditches and underground drainage culverts or other above or below ground conduits constructed for storm drainage function~~ and sewage systems.

Recommendation

Accept proposed change.

Issue 6 (Issue 14 from 2/26/07 hearing): Addressing the environmental impacts of increased peak flow rates, floodplain erosion and downstream sedimentation.

At the March 19, 2007 hearing the Commission directed staff to bring back **Policy BIO-4.(new)** **Maintain Channel Stability** with additional language to minimize runoff with a goal of zero increase (no net increase) where appropriate.

Recommendation

Consider the following language (see also language from 3-19-07 Staff Report Errata Sheet):

Mitigation Measure BIO-4.(new)¹ **Maintain Channel Stability.** Applicants for new development/redevelopment projects may be required to prepare a hydraulic and/or geomorphic assessment of on-site and downstream drainageways that are affected by project area runoff. This assessment shall be required where evidence that significant current or impending channel instability is present, such as documented channel bed incision, lateral erosion of banks (e.g. sloughing or landsliding), tree collapse due to streambank undermining and/or soil loss, or severe in-channel sedimentation, as determined by the Department of Public Works.

Characteristics pertinent to channel stability would include hillslope erosion, bank erosion, excessive bed scour or sediment deposition, bed slope adjustments, lateral

¹ Please note where revisions to policy and program language are proposed, some additional editions for clarity, precision, consistency, and the ability to effectively administer may be appropriate prior to the Commission's final recommendation. This is particularly applicable to several DEIR mitigations.

channel migration or bifurcation, channel capacity and the condition of riparian vegetation. The hydraulic and / or geomorphic assessment shall include on-site channel or drainageway segments over which the applicant has control and access. In the event that project development would result in or further exacerbate existing channel instabilities, the applicant could either propose their own channel stabilization program, or defer to the mitigations generated during the required environmental review for the project, which could include maintenance of peak flows at pre-project levels. Proposed stabilization measures shall anticipate project-related changes to the drainageway flow regime.

All project improvements should be designed to minimize flood hydrograph peak flow or flood volume increases into drainage courses. To this end, design features such as porous pavement, pavers, maximizing overall permeability, drainage infiltration, disconnected impervious surfaces, swales, bioretention, green roofs, etc., should be integrated into projects as appropriate.

For projects subject to discretionary review the applicant may be required, as appropriate, to submit a pre-and post-project hydrology and hydraulic report detailing the amount of new impervious surface area and accompanying surface runoff from all improvement areas including driveways - with a goal of zero increase in runoff (no net increase in peak off-site run-off.) The applicant may be required to participate in a peak stormwater runoff management program developed pursuant to new Program BIO-4.(new).

New Program BIO-4.(new): Minimize Runoff: In order to increase stormwater runoff, the Department of Public Works will evaluate the feasibility of developing a peak stormwater management program to provide mitigation opportunities such as removal of impervious surface or increased storm water detention in the watershed.

ISSUE 7: Revised Language Related to “Buffers” for SCAs and WCAs

At the March 26, 2007 hearing the Planning Commission requested staff to revise the draft CWP text, policies and programs to more clearly recognize the integrated habitat value of associated upland habitat.

Recommendation

Staff will further review the changes as outlined in the memo from Commissioner Randy Greenberg to Alex Hinds and Terry Watt dated 3-26-07 (Attachment 2) and bring back technical changes to the *Natural Systems and Agriculture* Element.

ISSUE 12 (Prior Issue 2; Baylands): What should be included in the Baylands Corridor?

On March 19th the Planning Commission requested staff to bring back policy language on the Baylands Corridor consistent with the following direction:

The Baylands Corridor shall consist of both small parcels (2 acres or less in size) and large parcels (over 2 acres in size) that contain areas under tidal influence generally consisting of the historic bay marshlands based on maps prepared by the San Francisco Estuary Institute and additional adjoining lands consistent with the selected Baylands Corridor option. Undertake detailed resource mapping to determine the relationship of the uplands to the baylands on large properties ~~north of Gross Field~~. Based on the mapping, re-evaluate whether additional large properties should be included in the Baylands Corridor. Include all parcels in the existing BFC zone.

Add language to include low end of density range to apply to parcels over 2 acres in size; implementation would occur as of date of adoption of CWP; existing uses grandfathered in for parcels of all sizes; even if you subdivide parcels over 2 acres, the low end of density range will still apply.

- Include clarified language that this does not include additional regulations over what already exists in Bayfront Conservation Zone.
- Include language to clarify that implementation would occur as of date of adoption of CWP.

Recommendation

Consider the following policy language for delineating the boundary of the Baylands Corridor:

The Baylands Corridor generally consists of properties containing historic bay marshlands based on maps prepared by the San Francisco Estuary Institute, and where applicable based on site specific characteristics, an additional area including 300 feet or more of associated habitat, and areas previously included within the Bayfront Conservation Zone. This option also includes lands and associated habitat to Highway 101 in the Las Gallinas Planning Area in the Corridor. The inclusion of an additional 300-foot distance of associated habitat for large, primarily undeveloped parcels adjacent to baylands is consistent with the minimum setback recommendations from tidelands contained in the 1999 *Baylands Ecosystem Habitat Goals*. This portion of the Baylands Corridor serves to both recognize the biological importance of associated uplands adjacent to remaining tidelands and the opportunity to improve habitat values as part of future restoration of historic tidelands. The mapped Baylands Corridor does not extend west of Highway 101, or over primarily developed lands on privately-owned parcels not currently within the Bayfront Conservation Zone.

Detailed resource mapping and biological analysis should be undertaken to determine the appropriateness of including additional associated habitats located on large, primarily undeveloped lands within the Baylands Corridor. In addition, small parcels not subject to tidal influence should be evaluated to determine whether they should be added or omitted from the Baylands Corridor.

Additionally, Policy **CD-1.3**, *Reduce Potential Impacts*, requires that potential residential density and commercial Floor Area Ratio be calculated at the low end of the applicable range on sites within the Baylands Corridor. This requirement does not apply to small parcels (2 acres or less in size) within the Baylands Corridor that were in existence prior to January 1,

2007, and Section 22.14.060 of the Development Code should be updated to reflect the above stated policy language.

Existing lawful uses are grandfathered in for parcels of all sizes, and approval of the Baylands Corridor does not include an additional layer of governmental review. No further regulations are included in the Baylands Corridor for small parcels (2 acres or less in size) than contained within the existing Bayfront Conservation Zone. Furthermore, approval of the Baylands Corridor will not subject currently allowed repair and maintenance of bank erosion protection (riprap, plantings, etc.) and docks, and dredging of existing dredged channels to additional County regulation.

ISSUE 19: Clarify and Refine the Commission’s Direction on Limitation of Home Sizes on Agricultural Properties.

On March 26th the Commission requested staff to bring back data on existing home sizes on agriculturally zoned properties in the County along with case studies as available. This information was requested to inform a continued discussion of whether to add language regarding a waiver of the requirement for an Agricultural Production and Stewardship Plans for applicants with a long history of agricultural production, and under what circumstances to modify the agricultural home size program to allow up to 2,500 additional square feet (where justified) for agricultural family members with agricultural residences totaling 4,000 square feet or more were constructed on the site prior to January 1, 1007. In addition, Commissioner Holland requested staff bring back language clarifying that:

- The 2,500 additional square feet cannot be used to enlarge an existing structure; and
- The structure built with the 2,500 square foot allowance shall not exceed a maximum of 2,500 square feet.

Commissioners also requested clarification that the total cap would be 8,500 square feet. Finally, Commissioners expressed interest in whether APSPs could be required to be in place for a specified length of time.

The Commission also requested staff provide information on how many agriculturally zoned properties contained residential living areas over 4,000 square feet in size. Based on information obtained from the County’s Geographic Information System, staff determined that there are 29 agriculturally zoned parcels with a combined residential living area over 4,000 square feet. Limiting this analysis to agriculturally zoned parcels over 40 acres in size, there are only 8 parcels with a combined residential living area over 4,000 square feet. Adding garages to the equation yields 63 and 12 parcels, respectively. In addition, the median home size on agriculturally zoned parcels over 40 acres in size is 2, 662 square feet with approximately 652 square feet of garage space.

Recommendation

Accept the following revision to AG-1.a Limit Residential Building Size, Option 1:

Option 1 (revised):

- i. The total floor area of all dwelling units and non-agricultural accessory structures on a parcel shall not exceed an aggregate of 6,000 square feet, except that an aggregate of 8,500 square feet may be allowed in order to protect the long-term productivity of the agricultural land and enable the inter-generational transfer of agricultural lands within existing farm families. Specifically, up to 8,500 aggregate square feet may be considered for agricultural family members where agricultural residences totaling at least 4,000 square feet were constructed on the site prior to January 1, 2007. In such cases, the additional 2,500 additional square feet allowance cannot be applied to an existing residence where the addition would result in a structure over 4000 square feet in size; or result in a new structure exceeding 2,500 square feet.
- ii. The total floor area for any single dwelling unit on a parcel shall not exceed 3,000 square feet except as provided herein;
- iii. Agricultural worker housing, up to 540 square feet of garage space for each dwelling unit, agricultural accessory structures and up to a total of 500 square feet of office space used as a home occupation in connection with the agricultural operation on the property shall be excluded from the above residential floor area limits;
- iv. Residential development shall not be allowed to diminish current or future agricultural use of the property or convert it to primarily residential use.
- v. Single dwelling units in excess of 3,000 square feet of floor area, but not more than 6,000 square feet of floor area, may be allowed if there is evidence of a bona fide commercial agricultural production operation on the property. In making this determination, the County shall consider the following components within an Agricultural Production and Stewardship Plan: (1) The applicants history of production agriculture in Marin or the North Bay region, (2) How the long term agricultural use of the property will be preserved, (3) Whether agricultural infrastructure, such as fencing, processing facilities, marketing mechanisms, agricultural worker housing or agricultural land leasing opportunities have been established or will enhance the proposed agricultural uses, (4) Have sound land stewardship practices, such as Marin Organic Certification, riparian habitat restoration, water recharge projects, fish friendly farming practices, or erosion control measures been implemented or will be enacted, and (5) Will the dedication or sale of perpetual agricultural conservation easements be voluntarily offered to ensure continued agricultural production.

The square footage limitations noted in the above criteria represent potential maximum dwelling unit sizes and do not establish a mandatory entitlement or guaranteed right to development.

Staff further recommends revisions to **AG-1.b Require Production and Stewardship Plans** as follows:

Preparation of an Agricultural Production and Stewardship Plan (APSP) is not intended for applicants with a long history of production agriculture. Projects subject to the potential requirement of preparing an Agricultural and Stewardship Plan should be referred to the Agricultural Review Board for analysis and a recommendation. The Agricultural Review Board should also be requested to periodically review and evaluate the effectiveness of the Agricultural Production and Stewardship Plan program.

Issue 21B: Should the impacts of agricultural uses on baylands and streams be further delineated?

On March 26th the Commission requested that Policy BIO-4.1 be modified as follows:
(Note: only the portion of Policy BIO-4.1 on allowable uses is shown below.)

Allowable uses consist of the following provided they conform to zoning and all relevant criteria and standards for SCAs:

- Currently existing permitted or legal non-conforming structures or improvements, their repair and retrofit within the existing footprint;
- Projects to improve fish and wildlife habitat;
- Road and utility crossings, if no other location is feasible;
- Water-monitoring installations;
- Passive recreation that does not significantly disturb native species;
- Necessary water supply and flood control projects that minimize impacts to stream function and to fish and wildlife habitat;
- Agricultural uses that:
 - Do not require removal of woody riparian vegetation;
 - Do not result in installation of fencing within the SCA which prevents wildlife access to the riparian habitat within the SCA; and
 - Do not involve animal confinement within the SCA.

Recommendation

Accept revised Policy BIO-4.1 pertaining to allowable uses.

Issue 24: Are more effective controls on installation of impermeable surfaces in SCAs and WCAs needed?

On March 26th the Planning Commission requested staff review the proposed new and modified policies and programs directed at controlling impervious surfaces in SCAs and WCAs and to bring back additional language concerning the development of standards to promote the use of permeable materials in SCAs and WCAs. The following policies and programs, below, considered on March 19th and 26th were the basis for proposing additional language:

Policy BIO-4.17 (new): Promote Permeable Surfaces. Promote the use of permeable surfaces when hardscapes are unavoidable in the SCA and WCA. Permeable surfaces rather than impermeable surfaces shall be required wherever feasible in the SCA and WCA.

Revised Program BIO-4.n (new) (formerly Errata BIO-4.m): *Develop Standards Promoting the Use of Permeable Materials.* Develop standards for promoting the use of permeable materials in the SCA and WCA. A checklist of Best Management Practices should be made available to applicants of ministerial projects. These standards shall also provide guidance for staff during the discretionary review process.

Program BIO-4.o (new) (formerly Errata BIO-4.n) *Continue Collaboration and Training of County Staff to Address Impermeable Surfaces:* Continue collaboration between the Department of Public Works and Community Development Agency staff to address impermeable surfaces in the SCA and WCA. Encourage routine training to ensure appropriate oversight of permeable materials in the SCA and WCA.

Recommendation

Consider revising **Program BIO-4.n (new)** *Develop Standards Promoting Use of Permeable Materials* as follows:

Revised Program BIO-4.n (new) *Develop Standards Promoting Use of Permeable Materials:* Review existing permit requirements for development in SCAs and WCAs and recommend additional standards for project review and corrective measures as needed to protect SCAs and WCAs from inappropriate ministerial and discretionary development. Develop additional standards for requiring the use of best management practices including measures such as permeable materials in the SCA and WCA. A checklist of Best Management Practices should be made available to applicants.

NEW SUB-ISSUE 24A: Are setbacks needed for septic systems in SCAs and WCAs?

On March 26th the Planning Commission directed Staff to bring back a new program to address potential impacts of septic systems in SCAs and WCAs.

Recommendation

Consider the following new **Program BIO-4.o (new)** *Review Septic Setbacks in SCA and WCA:*

New Program: **BIO 4.o (new)** *Review Septic Setbacks in SCA and WCA:* Review existing septic requirements within SCAs and WCAs and revise requirements as necessary to protect SCAs and WCAs from impacts associated with septic systems. Consider adopting larger setback standards applied to new development for septic systems and their associated leachfields.

New Issues from the March 26, 2007 Hearing:

NEW ISSUE 44: Carry forward Policy EQ 2.41 from the Existing 1994 Countywide Plan.

On March 24th, the Planning Commission directed Staff to bring back Policy EQ-2.41 from the existing 1994 Countywide Plan for consideration:

Policy EQ-2.41 Conservation of Coastal Resources. The conservation of coastal resources shall be maintained following detailed policies in the Local Coastal Plans I and II adopted by the County and the Coastal Commission.

Recommendation

Do not accept the requested policy based on concerns of Counsel. As you know the Local Coastal Plan update has been initiated and will resume after adoption of the Countywide Plan.

NEW ISSUE 45: Issues in Letter from Katherine Cuneo

Commissioner Greenberg directed staff to provide information on the status of several changes proposed in a letter submitted by Katherine Cuneo dated February 15, 2007 (Attachment 3). The following policies and programs are proposed:

Modify existing Program WR-1.a., *Support Watershed Education and Outreach*. Continue to support and fund the Marin County Stormwater Pollution Prevention Program and local county stormwater program efforts to encourage residents to adopt practices that increase groundwater infiltration, and to educate them about how they can make a significant difference. This program is applicable to eastern Marin watersheds. A separate study with agricultural impacts and agricultural practices and the change in these practices required for healthy watersheds in West Marin should also be considered.

New Program WR-1.(new), *Consider Agricultural Standards for Infiltration*. Consider establishing agricultural standards for infiltration, retention of sediment and organic nutrients. These standards may include regulating the amount of disturbance, protection of vegetation, and water removal from streams and aquifers, as feasible.

New Policy WR-3.(new): Monitor Water Withdrawals. Monitor water withdrawal from Stream Conservation Areas to ensure adequate streamflow.

New Program WR-3.(new): *Establish Stream Monitoring*. Assess the feasibility of establishing a stream monitoring program to determine the amount of water withdrawal occurring from Stream Conservation Areas, and if local aquifers can sustain the amount of withdrawal.

Recommendation

Do not accept the above referenced modifications as this time as fiscal and staff resources required to implement these recommendations appear to be significant and have not been sufficiently evaluated.

NEW ISSUE 46: Potential Impacts Associated With Row Cropping On Steep Slopes Near Drainages and In SCAs and WCAs.

On March 26th the Commission requested staff to bring back new programs to address the potential impacts of row cropping practices in SCAs and WCAs and on steep slopes draining into waterways. The following existing programs address regulations on steep slopes near drainages and landowner education:

- WR-1.b** *Establish Development Standards for Infiltration.* Establish qualitative standards to maximize groundwater infiltration and minimize surface water runoff based on criteria developed by the Bay Area Stormwater Management Agency Associates. Standards should: regulate the amount of impervious surfaces; vary by project type, land use, building-site placement, soils and area characteristics; and provide for water impoundments, protecting and planting vegetation, cisterns, and other measures such as restricting wet weather grading to increase groundwater recharge and reduce sedimentation.
- WR-1.d** *Coordinate Watershed Efforts.* Work with land and water management agencies, community-based watershed restoration groups, and private property owners to explore methods and programs for maintaining and improving watershed health, including carrying out the actions recommended in the *Marin County and Tomales Bay Watershed Plans*.
- WR-1.e** *Require Restoration of Degraded Areas.* Require replanting of vegetation and remediation of associated erosion in conjunction with requested land use approvals, especially those including roads and over-grazing on steep slopes.
- WR-2.3** *Avoid Erosion and Sedimentation.* Minimize soil erosion and discharge of sediments into surface runoff, drainage systems, and water bodies. Continue to require grading plans that address avoidance of soil erosion and on-site sediment retention. Require developments to include on-site facilities for the retention of sediments, and, if necessary, upon project completion, require continued monitoring and maintenance of these facilities.
- BIO-1.c** *Maintain a Natural Resource Information Program.* Maintain a Natural Resource Education and Native Species Protection Program to provide interested public, other cities/towns in the county, and land owners with up-to-date information on sensitive ecological resources and regulations enacted to protect these resources, to accurately assess the potential impacts of proposed development on species and habitat diversity, determine when additional detailed site environmental assessment is necessary, provide information on invasive exotic species control, and monitor development trends and habitat management activities. The Natural Resource Program should contain:

(Note: items 1 - 6 from the program are not included)

- 7) Summarized information for use by landowners addressing habitat protection and management of sensitive resources. This may include a list of references to existing and ongoing information sources pertaining to natural resource management, and production of brochures summarizing setback standards, appropriate and inappropriate lands use practices, and desired management programs. (Highlight added).

Recommendation

Accept the following:

Revise BIO 4.(new) Continue Collaboration with the Marin Resource Conservation District and Agricultural Commissioner. Continue to collaborate with, support, and participate in programs provided by the Marin Resource Conservation District, the Natural Resource Conservation Service, and the Agricultural Commissioner's Office to encourage agricultural operators who conduct farm or ranch activities within a Streamside Conservation Area to minimize pesticide use and sedimentation and erosion to enhance habitat values. (Note: new language is highlighted)

New Program BIO-4.(new) Row Cropping in SCAs and WCAs. Encourage row cropping activities in SCAs and WCAs to be certified by the Agricultural Commissioner as Marin Organic, or to follow fish friendly or other ecologically sound practices.

New Program AG-1.(new) Pursue Preparation of a Hillside Agricultural Grading Program. Continue to evaluate the feasibility of preparing and enacting a hillside agricultural grading program to include both regulations and landowner education to address the sensitivity of streams to agricultural grading on adjacent steep slopes. Pertinent information could be provided through the Resource Conservation District, Agricultural Commissioner's Office, the UC Cooperative Extension, or as part of the Natural Resource Information Program called for in Program BIO-1.c

Respectfully Submitted,

Alex Hinds
Agency Director

Kristin Drumm
Planner

Attachments:

1. Selected Marin Countywide Plan Policies and Programs from the Natural Systems and Agriculture Element
2. Memorandum from Commissioner Randy Greenberg to the Marin County Planning Commissioners, originally dated February 25, 2007 and repaginated March 23, 2007
3. Letter from Katherine Cuneo, dated February 15, 2007

Attachment 1

Selected Marin Countywide Plan Policies and Programs from the Natural Systems and Agriculture Element

- BIO-1.c** *Maintain a Natural Resource Information Program.* Maintain a Natural Resource Education and Native Species Protection Program to provide interested public, other cities/towns in the county, and land owners with up-to-date information on sensitive ecological resources and regulations enacted to protect these resources, to accurately assess the potential impacts of proposed development on species and habitat diversity, determine when additional detailed site environmental assessment is necessary, provide information on invasive exotic species control, and monitor development trends and habitat management activities. The Natural Resource Program should contain:
- 1) Up-to-date information on verified sightings of special-status species and sensitive natural communities compiled by the California Natural Diversity Data Base, California Department of Fish and Game, Non-Game Heritage Division;
 - 2) Reports and agency recovery programs for special-status species and sensitive natural communities, and related information summarizing regulations;
 - 3) Up-to-date information from the U.S. Fish and Wildlife Service, National Oceanic and Atmospheric Administration Fisheries, and California Department of Fish and Game, including lists of special-status species and their current status and lists of terrestrial natural communities and sensitive natural communities;
 - 4) Available recovery plans for listed special-status species, mapping of critical habitat areas, and sightings and inventories of migratory species; Reports, sightings and recovery programs from credible, local sources such as the Point Reyes Bird Observatory, California Native Plant Society, and Marin Audubon Society;
 - 5) Biological reports completed as part of environmental review of proposed development projects and other studies, including information shared with cities and districts within Marin County;
 - 6) Lists of appropriate and inappropriate plant species for use in developing landscape plans; and
 - 7) Summarized information for use by landowners addressing habitat protection and management of sensitive resources. This may include a list of references to existing and ongoing information sources pertaining to natural resource management, and production of brochures summarizing setback standards, appropriate and inappropriate lands use practices, and desired management programs.

- BIO-4.1** **Restrict Land Use in Stream Conservation Areas.** Limit land uses in a designated Stream Conservation Area to those that create minimal disturbance or alteration to water, soils, vegetation, and wildlife and that maintain or improve stream function or habitat values.

A *Stream Conservation Area* (SCA) is established to protect the active channel, water quality and flood control functions, and associated fish and wildlife habitat values along streams. Development shall also be set back to protect the stream and provide an upland

buffer. Best management practices² shall be adhered to in all designated SCAs. Best management practices are also strongly encouraged in ephemeral streams not defined as SCAs.

SCAs are designated along perennial, intermittent, and ephemeral streams as defined in the Countywide Plan Glossary. An ephemeral stream is subject to the SCA policies if it: a) supports riparian vegetation for a length of 100 feet or more, and/or b) 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.

SCAs consist of the watercourse itself between the tops of the banks and a strip of land extending laterally outward from the top of both banks to the widths defined below (See Figure 2-2). The SCA encompasses any jurisdictional wetland or unvegetated other waters within the stream channel, together with the adjacent uplands, and supercedes setback standards defined for WCAs. Human-made flood control channels under tidal influence are subject to the Bayland Conservation policies. The following criteria shall be used to evaluate proposed development projects that may impact riparian areas:

City-Centered Corridor:

- ◆ For parcels more than 2 acres in size, provide a minimum 100 foot development setback on each side of the top of bank.
- ◆ For parcels between 2 and 0.5 acres in size, provide a minimum 50 foot development setback on each side of the top of bank.
- ◆ For parcels less than 0.5 acres in size, provide an adequate setback from the top of bank based on a site assessment by a qualified professional, avoidance of woody riparian vegetation, presence of other sensitive biological resources, and options for alternative mitigation. The developed portion(s) of parcels (less than 0.5 acres in size) located behind an existing authorized flood control levee or dike are not subject to a development setback.
- ◆ This policy only applies to parcels within the City-Centered Corridor.

Coastal, Inland Rural, and Baylands Corridors:

- ◆ For all parcels, provide a minimum 100 foot development setback on each side of the top of bank. This shall be extended to include a buffer of 50 feet landward from the edge of riparian vegetation associated with the stream. SCAs shall be measured as shown in Figure 2-2.
- ◆ This policy only applies to parcels within the Coastal, Inland Rural, and Baylands Corridor.

Allowable uses consist of the following provided they conform to zoning and all relevant criteria and standards for SCAs:

- ◆ Currently existing permitted or legal non-conforming structures or improvements, their repair and retrofit within the existing footprint;

- ◆ Projects to improve fish and wildlife habitat;
- ◆ Road and utility crossings, if no other location is feasible;
- ◆ Water-monitoring installations;
- ◆ Passive recreation that does not significantly disturb native species;
- ◆ Necessary water supply and flood control projects that minimize impacts to stream function and to fish and wildlife habitat;
- ◆ Agricultural uses that do not require removal of woody riparian vegetation, result in installation of fencing within the SCA which prevents wildlife access to the riparian habitat within the SCA and do not involve animal confinement within the SCA.

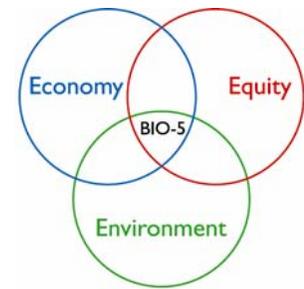
Exceptions to full compliance with all SCA criteria and standards may only be allowed if:

- 1) A parcel falls entirely within the SCA; or
- 2) Development on any portion of the parcel outside the SCA is either infeasible or would have greater impacts on water quality, wildlife habitat, other sensitive biological resources, or other environmental constraints.

Goal BIO-5

Baylands Conservation. Preserve and enhance the diversity of the baylands ecosystem, including tidal marshes and adjacent uplands, seasonal marshes and wetlands, rocky shorelines, lagoons, agricultural lands, and low-lying grasslands overlying historical marshlands.

The **Baylands Corridor** extends along the shoreline of San Francisco Bay and San Pablo Bay (as depicted on Map 2-5*, Options 1, 2, and 3, and the Land Use Policy Map Set 3-37). Portions of small parcels not subject to tidal action are not included in the Baylands Corridor unless the parcel is in public ownership and designated for open space purposes.



For purposes of finalizing the map, the following options are provided:

BAYLANDS OPTION 1 (SFEI including setback)

Portions of large undeveloped parcels (over 2 acres in size, unless determined otherwise based on specific characteristics of the site), generally consisting of the area from 300 feet landward of the historic bay marshlands based on maps prepared by the San Francisco Estuary Institute. The inclusion of an additional 300-foot distance for large undeveloped parcels adjacent to baylands is consistent with the minimum setback recommendations from tidelands contained in the 1999 *Baylands Ecosystem Habitat Goals*. This portion of the Baylands Corridor serves to both recognize the heightened sensitivity of uplands adjacent to remaining tidelands and the opportunity to improve habitat values as part of future restoration of historic tidelands. The mapped Baylands Corridor does not extend west of Highway 101, or over developed lands on privately-owned parcels.

BAYLANDS OPTION 2 (to Highway 101 in Las Gallinas Planning Area)

* For illustrative purposes only; for actual location, see land use maps.

Portions of large undeveloped parcels (over 2 acres in size, unless determined otherwise based on specific characteristics of the site), generally consisting of the area from 300 feet landward of the historic bay marshlands based on maps prepared by the San Francisco Estuary Institute, although in the Las Gallinas Planning Area the Corridor includes lands to Highway 101. The inclusion of an additional 300-foot distance for large undeveloped parcels adjacent to baylands is consistent with the minimum setback recommendations from tidelands contained in the 1999 *Baylands Ecosystem Habitat Goals*. This portion of the Baylands Corridor serves to both recognize the heightened sensitivity of uplands adjacent to remaining tidelands and the opportunity to improve habitat values as part of future restoration of historic tidelands. The mapped Baylands Corridor does not extend west of Highway 101, or over developed lands on privately-owned parcels.

BAYLANDS OPTION 3 (to the railroad in Las Gallinas Planning Area; Gness Field excluded)

Portions of large undeveloped parcels (over 2 acres in size, unless determined otherwise based on specific characteristics of the site), generally consisting of the area from 300 feet landward of the historic bay marshlands based on maps prepared by the San Francisco Estuary Institute, although in the Las Gallinas Planning Area the boundary follows the Northwestern Pacific Railroad. Gness Field and the lands between the airport and the railroad are excluded. The inclusion of an additional 300-foot distance for large undeveloped parcels adjacent to baylands is consistent with the minimum setback recommendations from tidelands contained in the 1999 *Baylands Ecosystem Habitat Goals*. This portion of the Baylands Corridor serves to both recognize the heightened sensitivity of uplands adjacent to remaining tidelands and the opportunity to improve habitat values as part of future restoration of historic tidelands. The mapped Baylands Corridor does not extend west of Highway 101, or over developed lands on privately-owned parcels.

The boundary line of the Baylands Corridor was also drawn utilizing the following principles:

1. Large parcels (over 2 acres in size, whether developed or undeveloped) which are publicly owned open space lands and partially or wholly in baylands are included in the Baylands Corridor. These include: Days Island, Deer Island Preserve, Rush Creek Open Space, China Camp State Park, Bothin Marsh, and Richardson Bay.
2. On the San Quentin State Prison and the San Rafael Rock Quarry sites, the Baylands Corridor generally extends 100 feet landward from the mean high tide consistent with the Bay Conservation and Development Commission jurisdiction boundary. On the quarry property, the Baylands Corridor follows the San Francisco Estuary Institute boundary where existing wetlands remain.
3. On small parcels (under 2 acres in size, whether developed or undeveloped) the Baylands Corridor includes only the area that is submerged or subject to inundation by tidal action.

BIO-5.1 **Protect the Baylands Corridor.** Ensure that baylands and large, adjacent essential uplands are protected and encourage enhancement efforts of baylands, including those in the Baylands Corridor. The following criteria shall be used to evaluate proposed development projects that may impact the Baylands Corridor:

- ◆ For large parcels (over 2 acres in size) adhere to development setback standards for areas qualifying for protection under the WCA and SCA, but increase setback

distances as necessary to ensure that hydrologically isolated features such as seasonal wetlands and freshwater marsh are adequately linked to permanently protected habitat. These additional development setbacks shall serve to prevent fragmentation and preserve essential upland buffers in the Baylands Corridor.

- ◆ The Baylands Corridor and specified setbacks do not extend over non-tidal portions of smaller parcels (2 acres or less in size) which border or partially extend over tidelands. Where suitable habitat exists, up to ten feet landward of mean high tide should be preserved as a species refuge area for high water events. Site constraints, opportunities for avoidance of sensitive biological resources, and options for alternative mitigation will be considered in lieu of fixed setbacks on these properties.
- ◆ Minor redevelopment involving less than 25 percent of a structure on a residential or industrial parcel that is already filled and at least 50 percent developed may be exempted from the requirements for a site assessment provided no additional filling or modification to wetlands occurs. (See BIO-5.2.)

WR-1.a

Support Watershed Education and Outreach. Continue to support and fund the Marin County Stormwater Pollution Prevention Program and local county stormwater program efforts to encourage residents to adopt practices that increase groundwater infiltration, and to educate them about how they can make a significant difference.

AG-1.a

Limit Residential Building Size. Limit residential development on agriculturally zoned property to reflect dwelling sizes typically accessory to agricultural production uses, while considering the need for landowner family housing. Limitations for residential development on a parcel shall be based upon the following criteria:

Option 1

- i. The total floor area of all dwelling units and non-agricultural accessory structures on a parcel shall not exceed an aggregate of 6,000 square feet; and
- ii. The total floor area for any single dwelling unit on a parcel shall not exceed 3,000 square feet;
- iii. Agricultural worker housing, up to 540 square feet of garage space for each dwelling unit, agricultural accessory structures, and up to a total of 500 square feet of office space used as a home occupation in connection with the agricultural operation on the property shall be excluded from the above residential floor area limits.
- iv. Residential development shall not be allowed to diminish current or future agricultural use of the property or convert it to primarily residential use.
- vi. Single dwelling units in excess of 3,000 square feet of floor area, but not more than 6,000 square feet of floor area, may be allowed if there is evidence of a bona fide commercial agricultural production operation on the property. In making this determination, the County may require an Agricultural Production and Stewardship Plan demonstrating that: (1) the long term agricultural use of the property will be preserved; (2) agricultural infrastructure, such as fencing, processing facilities, marketing mechanisms, agricultural worker housing or agricultural land leasing opportunities have been established or will be enhanced; agricultural uses proposed in connection with the residence are appropriate to the site and; (3) sound land

stewardship, such as Marin Organic Certification, riparian habitat restoration, water recharge projects, and erosion control measures, have been implemented or will be enacted. Dedication or sale of perpetual agricultural conservation easements may be voluntarily offered to ensure continued agricultural production.

The square footage limitations noted in the above criteria represent *potential* maximum dwelling unit sizes and do not establish a mandatory entitlement or guaranteed right to development.

AG-1.b

Require Production and Stewardship Plans. Agricultural Production and Stewardship Plans shall be prepared and submitted for residential and other non-agricultural development as required by the Development Code. The purpose of these Plans is to ensure long-term agricultural productivity will occur and that they will substantially contribute to Marin's agricultural industry. Such plans shall clearly identify and describe existing and planned agricultural uses for the property, explain in detail their implementation, identify on-site resources and agricultural infrastructure, identify product markets and processing facilities (if appropriate), and demonstrate how the planned agricultural uses substantially contribute to Marin's agricultural industry. Agricultural Production and Stewardship Plans shall provide evidence that at least 90 percent of the useable land will remain in agricultural production and identify stewardship activities to be undertaken to protect agricultural and natural resources. Agricultural Production and Stewardship Plans shall be prepared by qualified professionals with appropriate expertise in range management and land stewardship. The approval of development proposals including Agricultural Production and Stewardship Plans shall include conditions ensuring the proper, long-term implementation of the plan.

The requirement for an Agricultural Production and Stewardship Plan may be waived for dwelling units and residential accessory buildings or structures occupied or used by the property owner(s) or lessee who are directly engaged in the production of agricultural commodities for commercial purposes on the property and agricultural worker housing. It may also be waived for non-agricultural land uses that are determined by the County to be ancillary to and compatible with agricultural production as the primary use of the land. Waivers may be granted when the Review Authority finds that the proposal will not diminish current or future agricultural use of the property or convert it to primarily residential use, as evidenced by bona fide commercial agricultural production on the property, and agricultural infrastructure, such as fencing, processing facilities, marketing mechanisms, agricultural worker housing or agricultural land leasing opportunities have been established or will be enhanced.

On parcels where Agricultural Production and Stewardship Plans are required, criteria and standards will be developed to define commercial agricultural production and differentiate between commercial agricultural production and agricultural uses accessory to residential or other non-agricultural uses.