



Marin Stream Ordinance

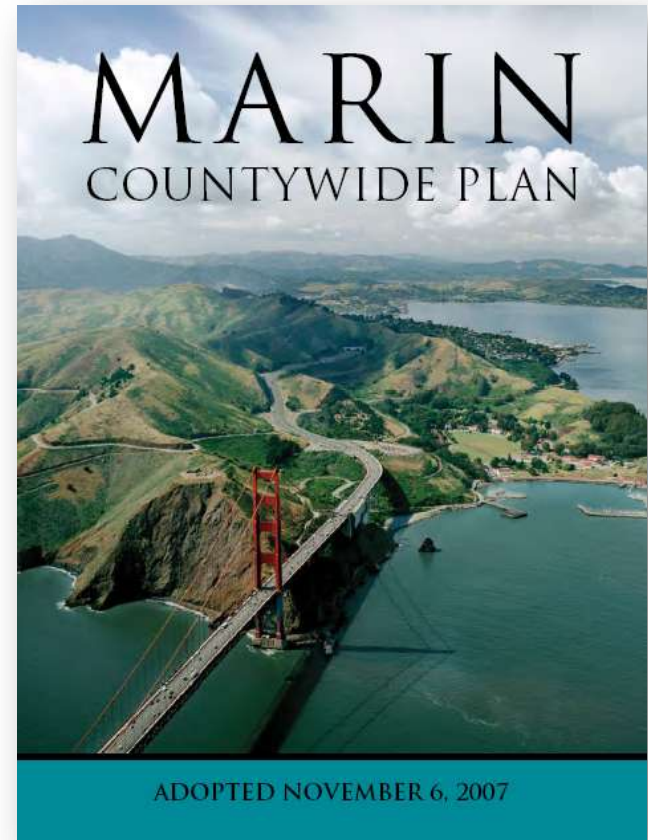
**Development Code Amendments
Planning Commission Workshop
April 1, 2013**





Scope

- Implement Countywide Plan Policy BIO-4.
- Apply to streams mapped by the County.
- Focus on avoiding impacts from run-off and vegetation removal.
- Establish a new SCA Permit procedure.





Project Schedule

- ✓ **February:** Outreach to community organizations and County agencies.
- ✓ **March 14:** SCA Open House
- April 1:** PC Workshop
- May 13:** PC Hearing
- June 18:** Board Hearing





CASE Principle

Clear

Affordable

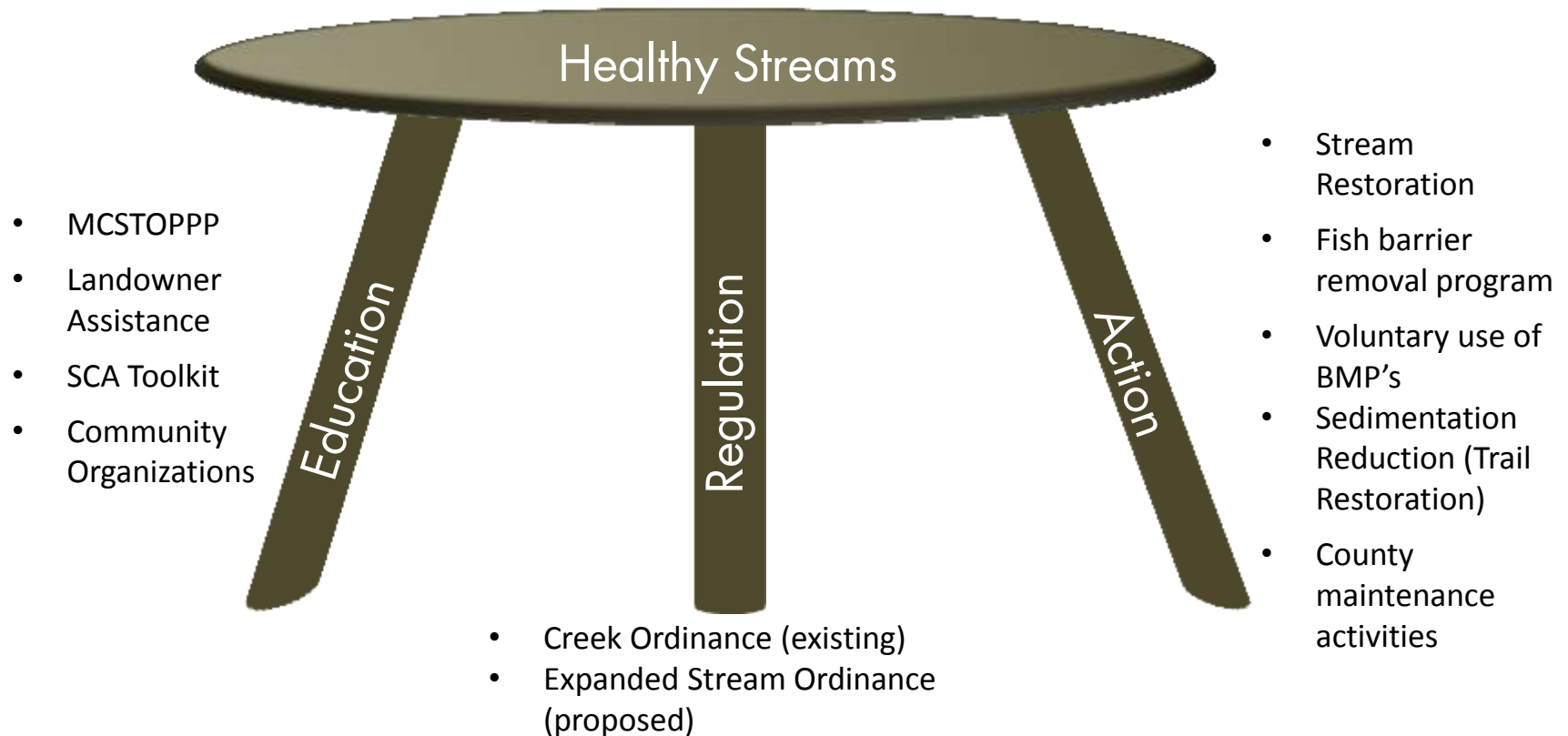
Simple

Enforceable



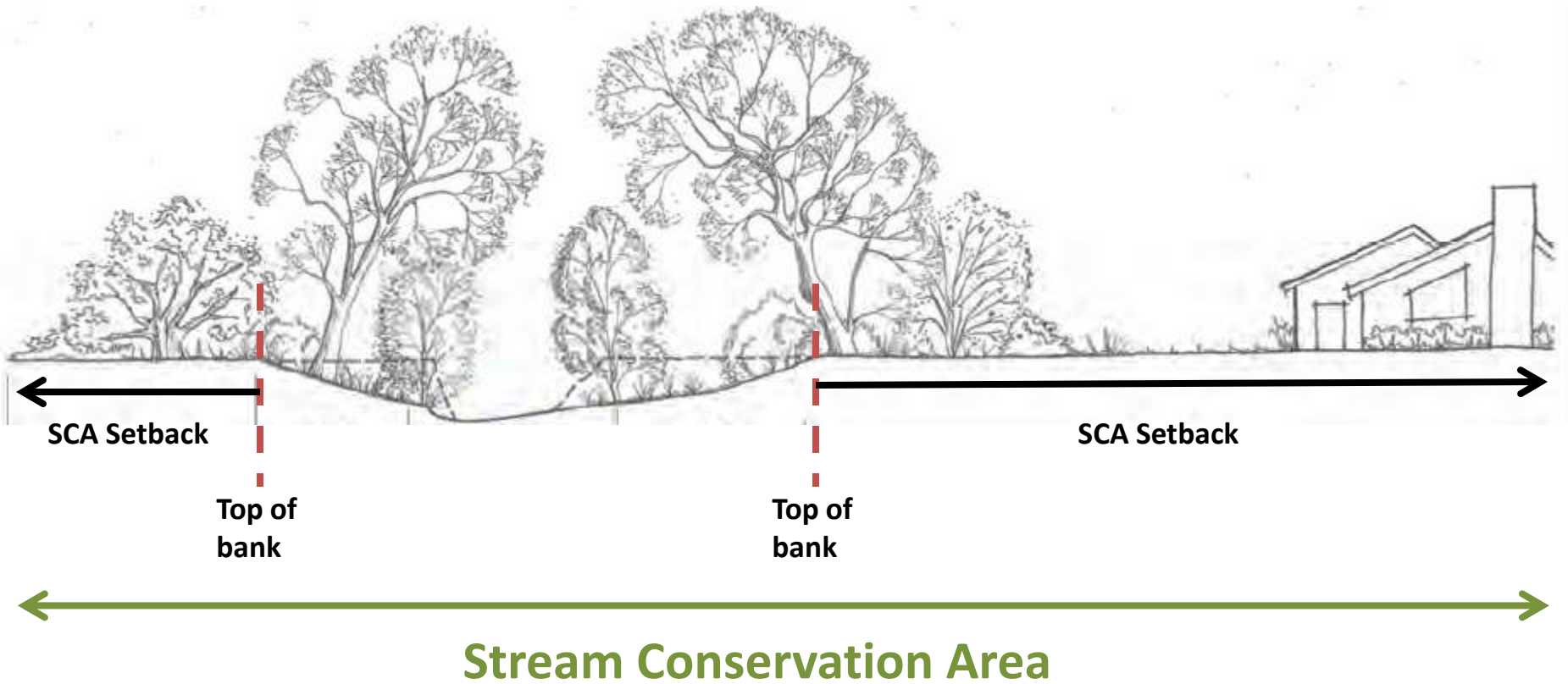


The “Three-legged Stool”





Just What is the SCA?





Ordinance Structure

SCA will function as a stand-alone ordinance:

Stream Protection (Chapter 22.33)

- Establishes the SCA
- Requirements for stream protection
- SCA Setbacks

SCA Permit (Chapter 22.63)

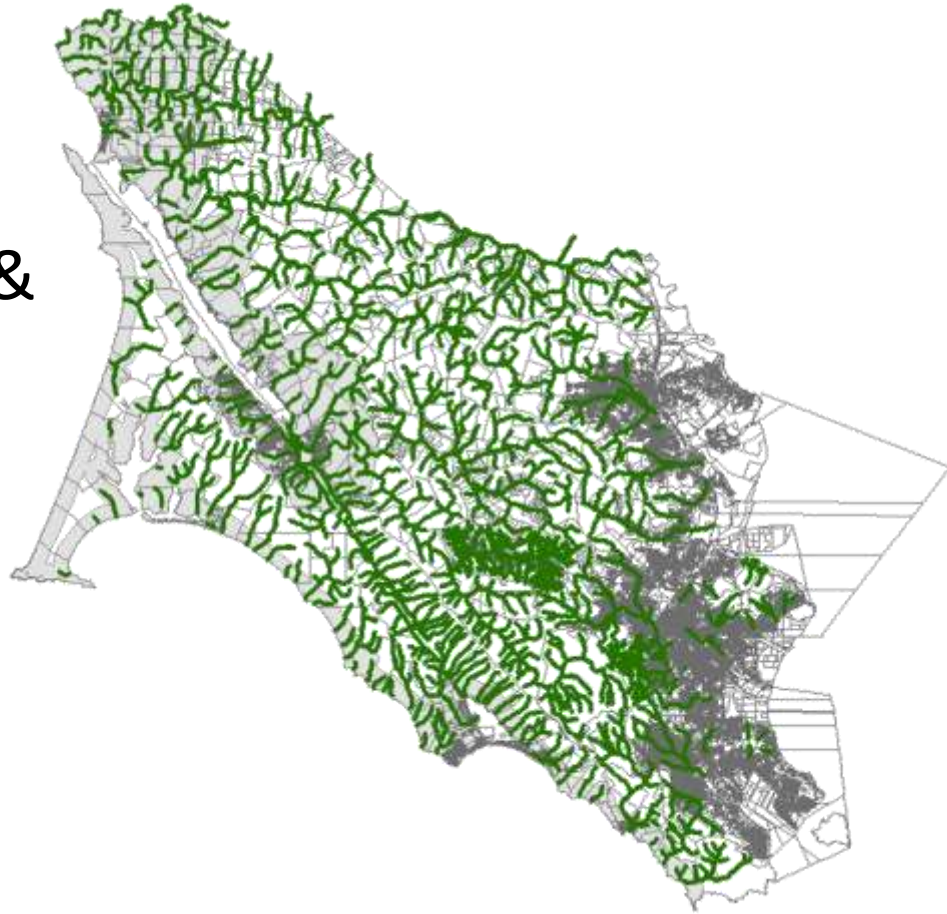
- Development subject to SCA permit
- Exemptions
- Permit requirements & procedures
- Required findings

Definitions (Chapter 22.130)



SCA Map

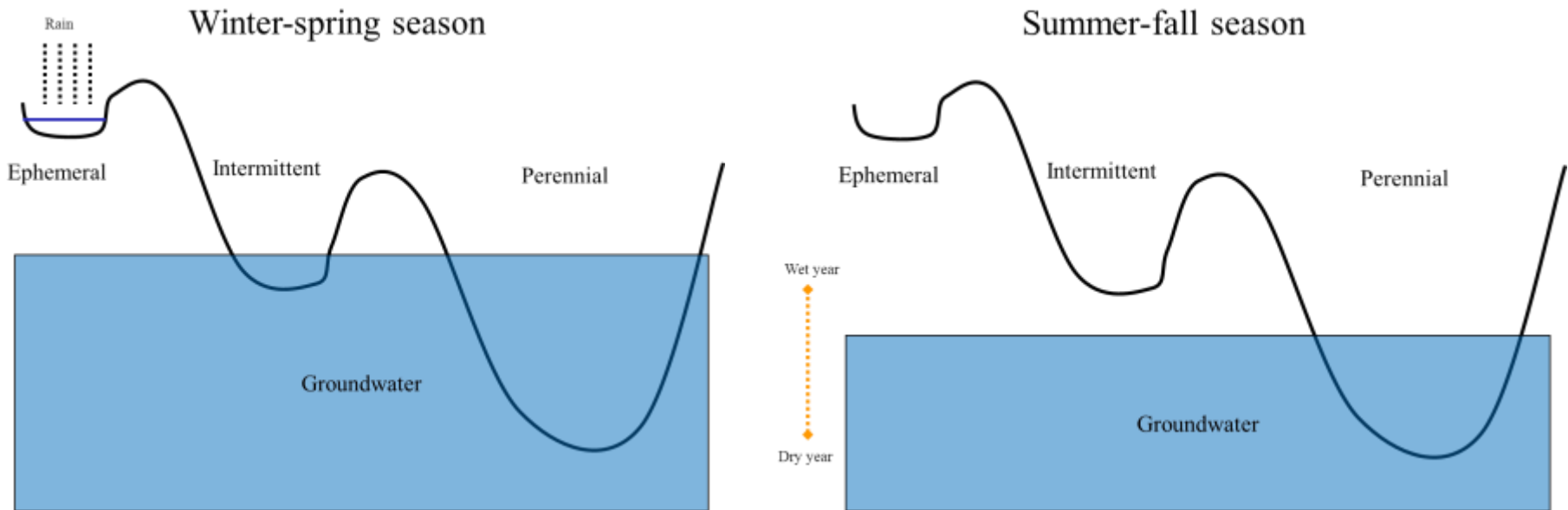
- Applicability: mapped streams
 - SCA applies to stream & riparian as it exists.
 - Site specific information.
- Future updates will occur





Stream Types

- **Perennial:** flows year-round
- **Intermittent:** flows seasonally and after rainfall
- **Ephemeral:** flows immediately after rainfall





Perennial Streams



Flow throughout the year.





Intermittent Streams



Flow during wet season and after period of precipitation. Ceases flow during dry season





Ephemeral Streams



Carries only surface runoff and flows during and immediately after periods of precipitation.





Disturbed Area

Lawns, gardens, patios, driveways, etc. that are significantly altered from natural condition and maintained/managed for human use.





Disturbed Area





Disturbed Area





Disturbed Area





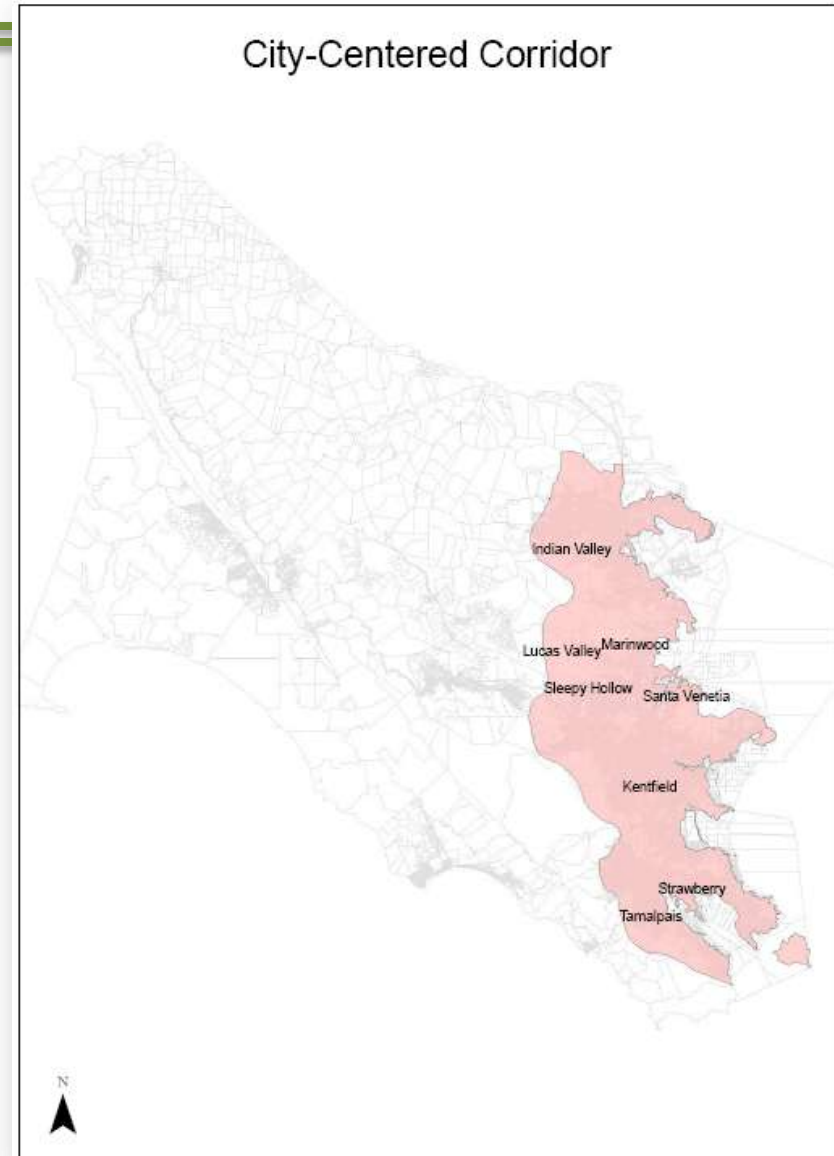
Disturbed Area





Let's Talk Setbacks

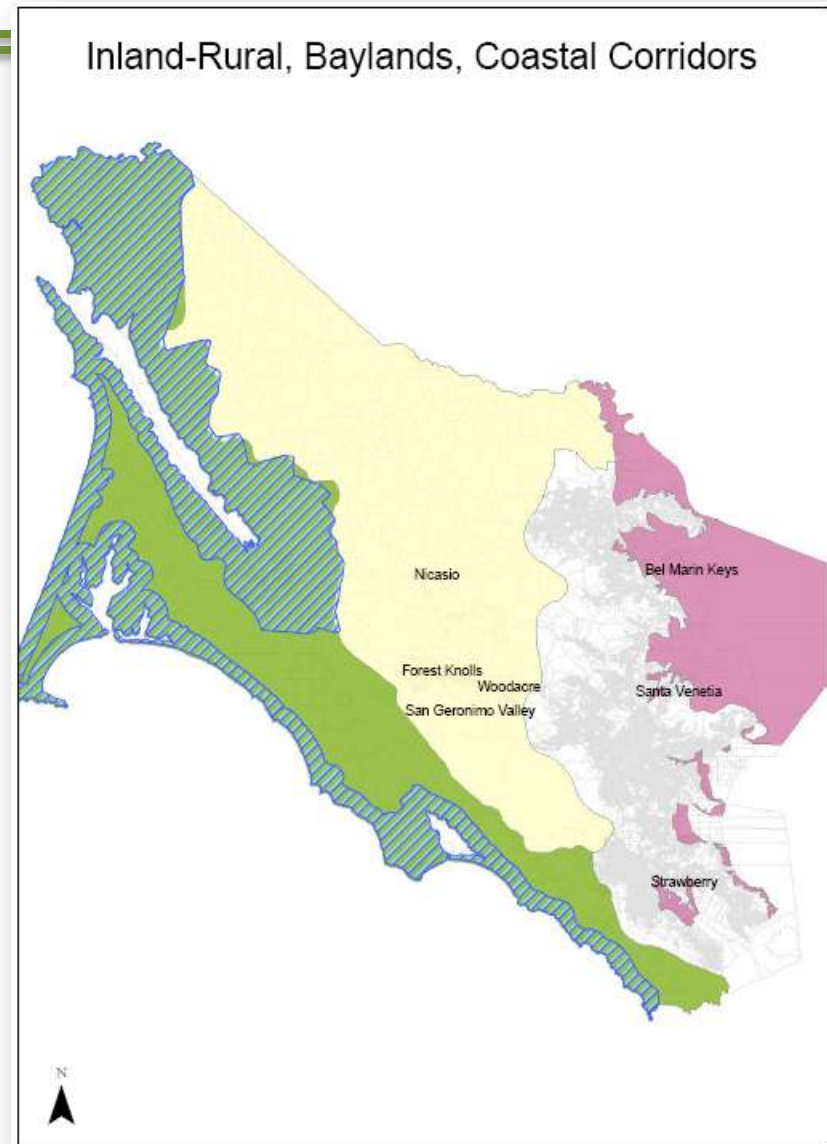
- City-Centered Corridor
 - SCA Setback tied to lot size.
 - **100'**: more than 2 acres
 - **50'**: 0.5 to 2.0 acres
 - **20'**: less than 0.5 acres





Let's Talk Setbacks

- Inland-Rural, Baylands, Coastal Corridors
 - **100'** SCA Setback regardless of lot size.
 - **+ 50'** from outer edge of woody riparian vegetation.

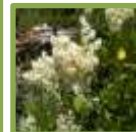




Woody Riparian Vegetation

“*Woody riparian vegetation* includes plants that have tough, fibrous stems; vines; and branches covered with bark and composed largely of cellulose and lignen.”

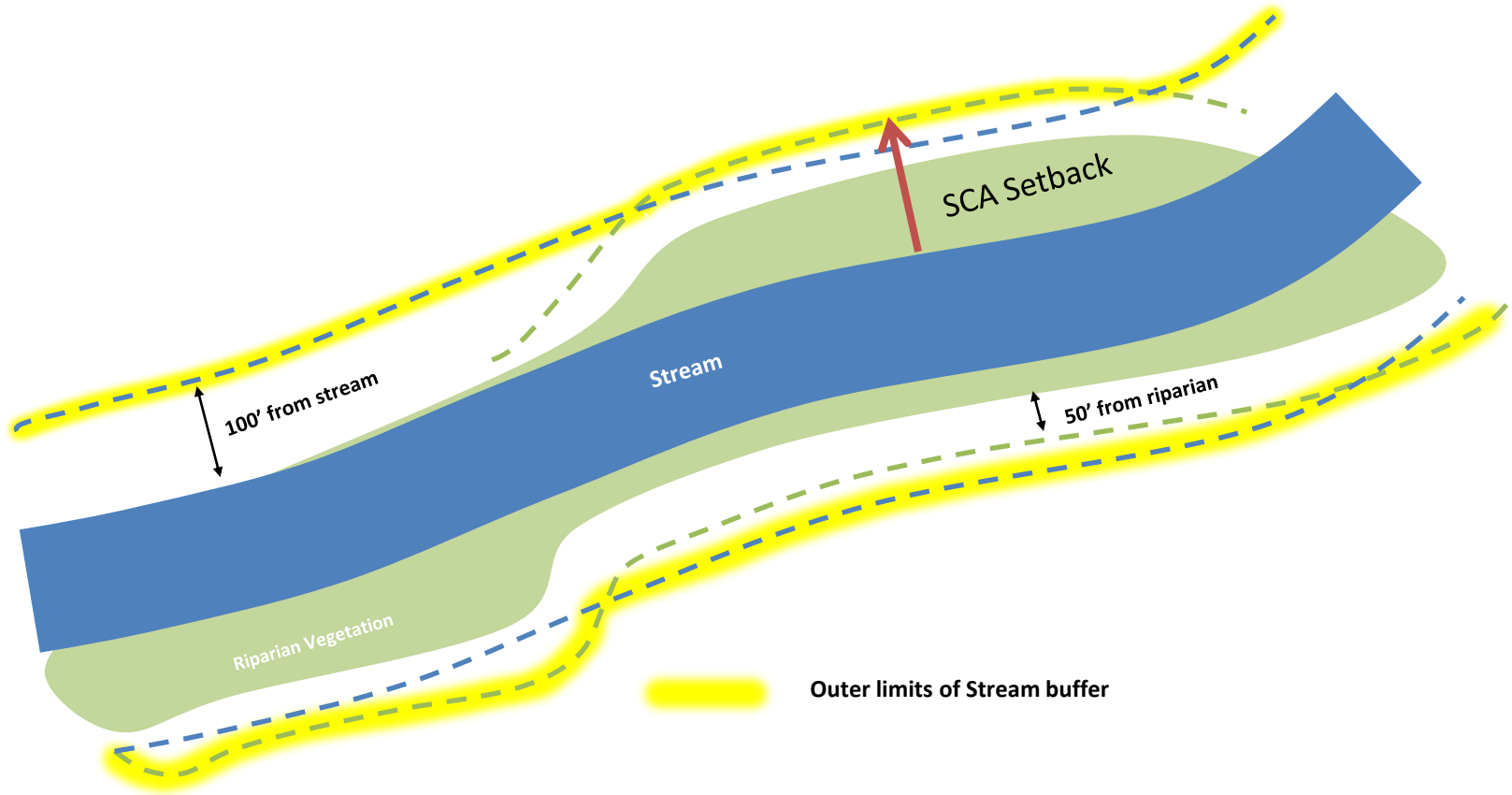
– 2007 Countywide Plan



Source: Berkeley CalPhoto

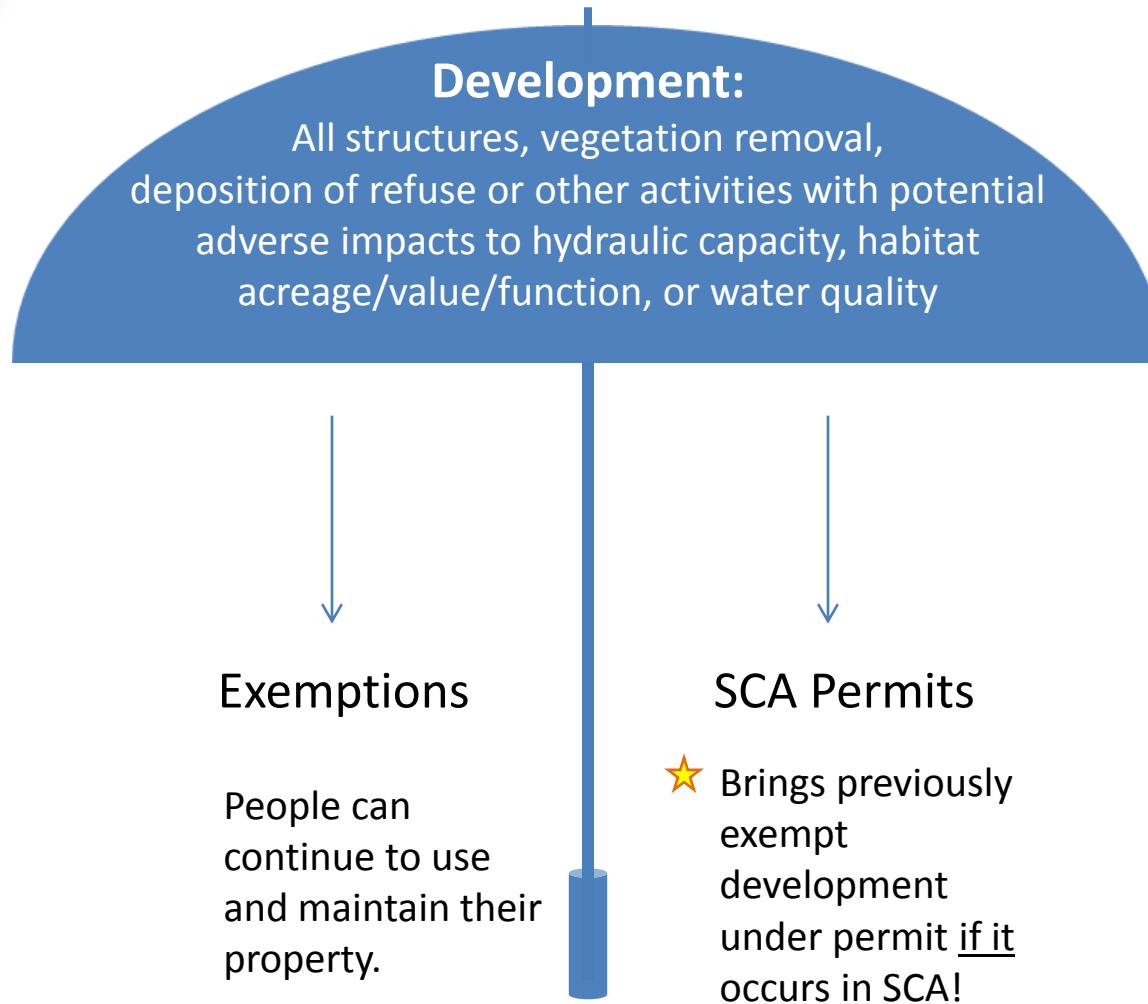


Inland-Rural, Baylands, Coastal



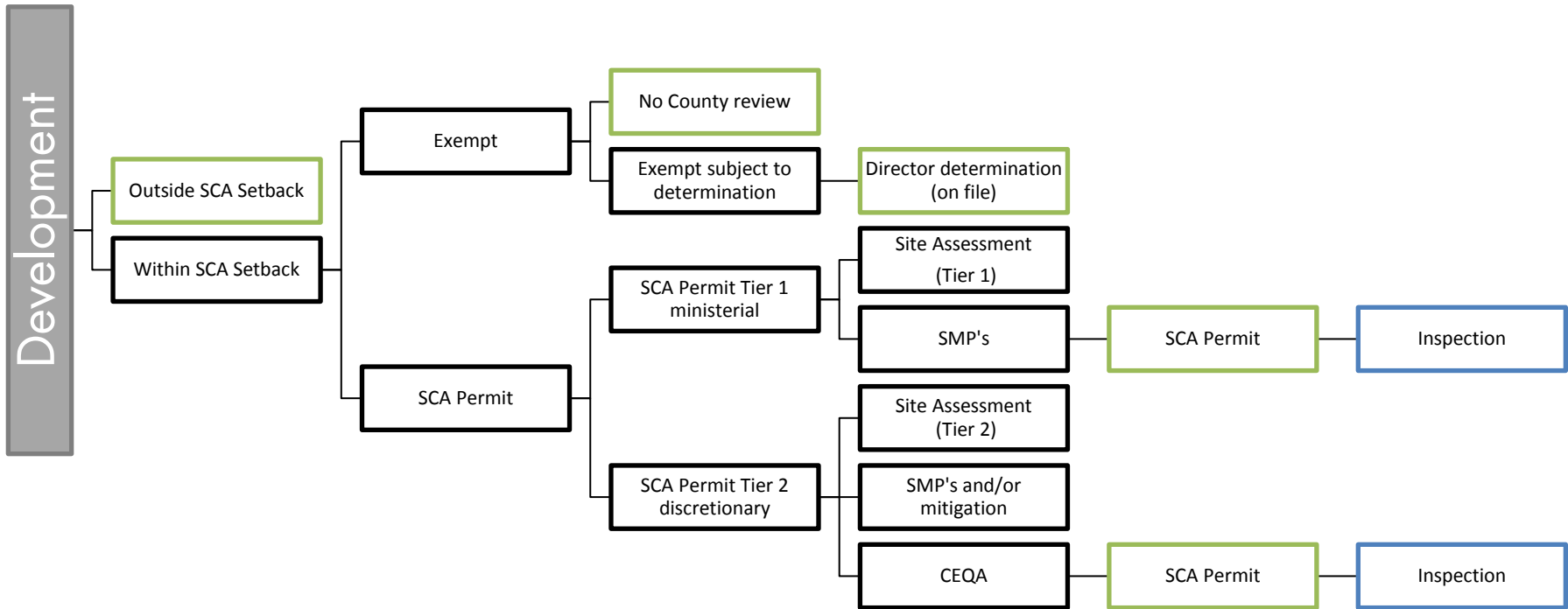


Development in SCA Context





SCA Permitting



Development shall not result in:

- Adverse alteration of hydraulic capacity; or
- A net loss in habitat acreage, value, or function; or
- Degradation of water quality.



Exemptions: Two Types

1. Exempt **without determination**

- Maintenance of existing development
- Vegetation management for fire protection and to protect life and property
- Resource management and governmental activities

2. Exempt **subject to determination**

- Repair/replacement that does not expand footprint or remove riparian vegetation
- Development in previously disturbed areas



What are SMP's?

Examples of Standard Management Practices (SMP's):

- Capture/distribute stormwater run-off
- Construction timing
- Site management during construction & post-construction



SCA Permit Types

	Tier 1 (Ministerial)	Tier 2 (Discretionary)
Decision-Maker	Staff	DZA, Planning Commission or Board of Supervisors
Public Notice	No	Yes
Public Hearing	No	Maybe
Site Assessment	Yes	Yes
Initial Study/CEQA	No	Yes
Additional Biology or Hydrology Studies	No	Maybe
Standard Management Practices (SMPs)	Yes	Yes
Mitigation	No	Yes
Permit Fee (estimate)	\$1,000-1,500	\$4,000+



4 Key Aspects of SCA

1. **Priority:** locate development *outside* of SCA where feasible.
2. **Scope:** permit is required for work *within* the SCA
3. **Process:** two-tier permit structure
4. **Primary focus:** avoiding water and habitat impacts





Recommendation

Conduct the public hearing to accept public feedback, and continue the hearing to May 13, 2013.