

December 9th, 2021



Protecting Marin Since 1934

Marin County Planning Commission
3501 Civic Center Drive
San Rafael, CA 94903
Email: planningcommission@marincounty.org.

Re: Stream Conservation Ordinance

Dear Commissioners:

Marin Conservation League supports adoption of the Expanded Stream Conservation Ordinance for the San Geronimo Valley, including provisions for a combining district with the stated specific development standards, site plan review and assessments, including allowable exceptions to the SCA requirements.

The November revision has incorporated a number of changes that we believe are improvements over earlier drafts. However, we ask consideration or clarification on several points:

- The staff memorandum has a more detailed explanation of how the 500 sf allowable allowance could be calculated than the ordinance has, including what it includes and excludes, though this is awkwardly stated. The ordinance itself would benefit from a more amplified description of exactly what the 500 foot exception means.
- The list of allowable land uses, subject to the combining district and within the SCA, in draft section 22.30.045.D.4 should include “bridge” or “waterway” before “crossings” to enhance clarity.” E.g. line should read “Driveway, road, bridge, and utility crossings, if no other location is feasible.”
- The explanation in the memorandum on possible implications of SB 9 on development potential in the San Geronimo Valley is helpful. Please clarify if the estimated increase in the number of improved parcels within the SCA includes any possible increase enabled by SB 9.
- In site plan review exemptions (22.52.030) MCL recommends that native trees with considerable habitat value, such as California bay laurel, and pyrophytic vegetation are included on the list as exempt from site plan review. Site assessment should document presence and assess value of all trees for habitat, climate moderation, and other environmental functions, and make every effort to retain valuable vegetation.
- Rigorous enforcement of the ordinance will be important to maintaining public support for its provisions. In that respect, MCL supports a tiered inspection program, as suggested in the

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Marin Conservation League was founded in 1934 to preserve, protect and enhance the natural assets of Marin County.

ordinance, to avoid the risk that non-compliant modification/construction might proceed to completion before being observed.

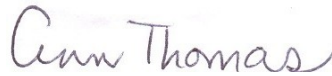
- The standard for protection as an ephemeral stream should extend to all streams with 100 feet or more of riparian vegetation whether the vegetation is in one continual stretch or is discontinuous. Given the tendency of these flashy channels to occasionally meander in storm events, setbacks are important not only for habitat protection, but in some instances for property protection
- Utilize the US Fish & Wildlife Service classification for wetlands, rather than the more restrictive USACE one. The USFWS classification, based on the Cowardin definition, would provide that unvegetated or sparsely vegetated areas, such as our seasonal wetlands, be defined as wetlands. This provision is notably applicable to Marin County where there is a long dry season in which vegetation appears to have disappeared. This defines wetlands as having one or more of three attributes, rather than all three, as required by the USACE.

We understand that successful application of SCA requirements will rely on the thoroughness and integrity of the site assessments. Staffing for this activity should be permanently secured and have sufficient resources and expertise to provide reliable planning guidance. The goal should be both improved protection of resources and secure property value.

Sincerely,



Robert Miller
President



Ann Thomas
Land Use, Transportation & Water Committee

cc: Marin County Board of Supervisors (via email – BOS@marincounty.org)