

Marin County Policies and Ordinances for Riparian Habitat Protection

Marin County has many policies and ordinances on the book that function to protect fish habitat from development impacts. Summarized below are:

- **Policies contained in the 2007 Countywide Plan:** These policies represent the County's adopted position and guide actions by decision-making bodies. The policies listed in the table below are found in the Natural Systems & Agriculture Element under Biological Resources (BIO) and Water Resources (WR).
- **County Ordinances:** These ordinances are adopted and enforceable.
- **Links** to online information about the San Geronimo Valley Community Plan and the County's Local Coastal Program.

2007 Marin Countywide Plan Policies – Natural Systems & Agriculture Element

Policy #	Policy Summary
GOAL BIO-1: Enhanced Native Habitat and Biodiversity	
BIO-1.1	Protect wetlands, habitat for special status species, sensitive natural communities and important wildlife nursery areas and movement corridors
BIO-1.2	Acquire habitat areas containing sensitive resources
BIO-1.3	Protect woodlands, forests and tree resources
BIO-1.5	Promote use of native plant species
BIO-1.6	Control spread of invasive exotic plants
BIO-1.7	Remove invasive exotic plants
BIO-1.8	Restrict use of herbicides, insecticides and similar materials
GOAL BIO-2: Protection of Sensitive Biological Resources	
BIO-2.1	Include resource preservation in environmental review
BIO-2.2	Limit development impacts in areas that contain essential habitat for special-status species
BIO-2.4	Protect wildlife nursery areas and movement corridors
BIO-2.6	Identify opportunities for safe wildlife movement
GOAL BIO-4: Riparian Conservation	
BIO-4.1	Restrict Land Use in the Stream Conservation Areas (SCA)
BIO-4.2	Comply with SCA regulations
BIO-4.3	Manage SCAs effectively
BIO-4.4	Promote natural stream channel function
BIO-4.5	Restore and stabilize stream channels
BIO-4.6	Control exotic vegetation
BIO-4.7	Protect riparian vegetation
BIO-4.8	Reclaim damaged portions of SCAs
BIO-4.9	Restore culverted streams
BIO-4.10	Promote interagency cooperation
BIO-4.11	Promote riparian protection
BIO-4.12	Support and provide riparian education efforts
BIO-4.13	Provide appropriate access in SCAs on publicly owned land
BIO-4.14	Reduce road impacts in SCAs
BIO-4.15	Reduce wet weather impacts from development work
BIO-4.16	Regulate channel and flow alteration
BIO-4.18	Promote the use of permeable surfaces when hardscapes are unavoidable
BIO-4.19	Maintain channel stability
BIO-4.20	Minimize runoff

Marin Countywide Plan Policies – Natural Systems & Agriculture Element

Policy #	Policy Summary
GOAL WR-1: Healthy Watersheds	
WR-1.2	Restore and enhance watersheds
WR-1.3	Improve infiltration
WR-1.4	Protect upland vegetation
GOAL WR-2: Clean Water	
WR-2.1	Reduce toxic runoff
WR-2.2	Reduce pathogen, sediment and nutrient levels
WR-2.3	Avoid erosion and sedimentation
WR-2.4	Design County facilities to minimize pollutant input
WR-2.5	Take part in water quality education
GOAL WR-3: Adequate water for wildlife and humans	
WR-3.1	Conserve water and develop new sustainable sources
WR-3.2	Mitigate water demand in new development

Marin County Ordinances

Below is a summary of ordinances that apply to the protection of fish habitat. The full text of these ordinances is available online at:

<http://www.municode.com/resources/gateway.asp?pid=16476&sid=5>

Marin County Ordinance	Overview
DAM PERMIT (amendment) Chapter 11.04	Dams may not be built, enlarged, repaired, altered or removed without a permit and plan for erosion control measure.
WATERCOURSE DIVERSION OR OBSTRUCTION (Creek Permit) Chapter 11.08	Regulates the obstruction of natural creeks or channels including depositing material and building retaining walls. Requires a creek permit with a plan for the structure and may require assessment by a civil engineer. The permit must be issued if the construction will not impede the passage of water in the creek. Retaining walls built without a permit are a public nuisance and may be abated.
GRADING Chapter 19.06	All grading shall be in accordance with Chapter 70 of the Uniform Building Code, except as amended by winter grading provisions included in Chapter 24.04.620
SUBDIVISION Chapter 20	Requires subdivision tentative and final maps to show proof of water availability.
ZONING Chapter 21	Establishes floodway and floodplains zoning.
NATIVE TREE PRESERVATION AND PROTECTION Title 22, Article III, Chapter 22.27	Prohibits removal of native trees with DBH at least 6 to 10 inches (depending on species) without a tree removal permit unless the tree is a nuisance or hazard. Trees may be removed with a permit if necessary for the reasonable use and enjoyment of the land. Removals must be mitigated by re-plantings or cash payments.
DEVELOPMENT AND PHYSICAL IMPROVEMENTS Chapter 22.42.025	Development and physical improvements listed below in Subsections A to O are exempt from Design Review, except as provided by Sections . . . 22.42.045 (<u>Design Review for development along anadromous fish streams and tributaries</u>) . . . <u>Development and physical improvements that are exempt from Design Review shall be located outside of the Stream Conservation Area and Wetland Conservation Area setbacks established in the Countywide Plan and Article V (Coastal Zones - Permit Requirements and Development Standards).</u>

Marin County Ordinance	Overview
DEVELOPMENT OF VACANT LOTS ALONG ANADROMOUS STREAMS AND TRIBUTARIES Chapter 22.42.045	In those instances where a vacant legal lot of record in the Countywide Plan's City-Centered, Baylands, or Inland Rural Corridor is proposed for development, any proposed development within the Countywide Plan's Stream Conservation Area that adjoins a mapped anadromous fish stream and tributary shall be subject to Design Review as provided by this chapter if the lot is zoned A, A-2, RA, H1, O-A, RR, RE, R1, R2, C-1, A-P, or VCR, including all combined zoning districts. (Ord. 3491 Exh. A (part), 2008; Ord. 3380 Exh. B (part), 2003)
MINING AND QUARRYING 23.06 (amendment)	Applications for mining permits must include erosion control plans in accordance with Chapter 24.04 Section VIII GRADING, and reclamation plans showing how affected streams will be restored and revegetation accomplished.
EXCAVATING, GRADING & FILLING Chapter 23.08	Requires a grading permit for projects of a certain size, except in the case of emergency, when work is done under another permit, or done by a county agency. In addition to the plans, application, and fee, a cash deposit may be required that can be used by the DPW to restore the site if the permit is not followed. The DPW permits only if no siltation of watercourses will occur. Additional bonds may be required if the permit expires.
FLOODPLAIN MANAGEMENT Chapter 23.09	Prohibits new structures in areas of special flood hazard. Prohibits encroachments, including fill, new construction, substantial improvements, and other development in floodways unless no increase in flood levels.
URBAN RUNOFF AND POLLUTION PREVENTION ORDINANCE Chapter 23.18	Prohibits discharges of material other than storm water into county storm drains unless in compliance with the NPDES permit. Requires use of adopted BMPs. Prohibits depositing any loose material in watercourse. Authorizes DPW to require permanent runoff controls on construction sites. Prohibits removal of healthy creek bank vegetation.
INTEGRATED PEST MANAGEMENT Chapter 23.19	Requires use of IPM techniques to reduce pesticide use in the county. Creates IPM commission, requires public notification of use by county agencies, etc.
IMPROVEMENTS Chapter 24.04	Specifications for building roads, driveways, parking and loading, sidewalks, paths, drainage facilities, subsidence, grading, trees and landscaping, transit facilities, railroad crossings, utilities and miscellaneous
DRAINAGE Chapter 24.04.520	Standards for culvert sizing and placement.
DRAINAGE SETBACKS Chapter 24.04.560	Drainage setbacks: All structures shall be set back from creeks, channels or other major waterways at least twenty feet from the top of bank or twenty feet plus twice the channel depth measured from the toe of the near embankment, whichever is greater.
GRADING Chapter 24.04.620	All sites shall have an Erosion and Sediment Control Plan in place by 10/15. Winter grading must follow a phasing plan and may require a cash bond. A Surface Runoff Pollution Control Plan may be required with specific construction and post construction BMPs, and posting of a bond to ensure compliance.
MISCELLANEOUS (bridges) Chapter 24.02.875	Vehicular bridges over streams in SCA zones shall minimize disturbance of the stream. Fill and culvert crossings shall only be allowed where they are consistent with these policies and /or are the only reasonable or economically feasible type of access.

San Geronimo Valley Community Plan:

The purpose of the San Geronimo Valley Community Plan, completed in 1997, is to define land use and conservation guidelines for planning decisions. The San Geronimo Valley Community Plan presents goals, objectives, policies, and programs designed to preserve the unique natural attributes of the Valley and its communities as well as the historical character of the built environment. The guidelines are used by the Community Development Agency staff, the County Planning Commission and the Board of Supervisors to review specific development proposals within the Valley. The Plan provides direction to property owners, community groups and interested individuals in formulating and reviewing new developments.

For more information and to view the plan, go to:

http://www.co.marin.ca.us/depts/CD/main/pdf/planning/San_Geronimo_Community_Plan_1997.pdf

Local Coastal Program:

State law mandates that coastal counties manage the conservation and development of coastal resources through a comprehensive planning and regulatory program called the Local Coastal Program (LCP). The LCP is a planning document that identifies the location, type, densities, and other ground rules for future development in the coastal zone. Each LCP includes a land use plan and its implementing measures. These programs govern decisions that determine the short and long term conservation and use of coastal resources. Marin County is currently in the process of updating its LCP. For more information or to sign up for email notifications on the LCP update, go to:

<http://www.co.marin.ca.us/depts/CD/main/comdev/ADVANCE/coastal.cfm>