



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

*Via Email*

April 1, 2013

**Re: Stream Conservation Area Ordinance**

Dear Commissioners,

The Marin Conservation League is pleased that the County is moving forward with the Stream Conservation Area (SCA) ordinance to implement the 2007 Countywide Plan. We applaud staff for its diligent and extensive public outreach with the draft ordinance and its even-handed approach to balancing the numerous, potentially competing interests involved in protecting and enhancing Marin's streams and creeks.

Community Marin 2013, the statement of principles and policies adopted by many of Marin's environmental organizations, states

"The greatest weakness in protecting riparian resources lies in the failure by agencies to enforce existing ordinances and restrictions."

While considering this ordinance, the County must recognize the need for additional financial resources for on-going public education about the ecological, aesthetic, and economic value of healthy creeks and streams. Such outreach should encourage the cooperation of property owners, in protecting streams, thus reducing the need for punitive enforcement of the ordinance. We recommend that the County explore establishing a permanent funding source to support public education, enforcement, and inter-agency coordination, particularly with fire departments.

We question the reliance on complaints for enforcement, placing the burden on reluctant neighbors. Areas hidden from public view would not be observed.

We have the following questions and suggestions for clarification of the draft ordinance:

1. The Statement of Purpose should include a description of the important ecosystem services of SCAs.

2. Figure 3-16 graphic is very helpful. Nevertheless, to assist the public in identifying the SCA, the ordinance needs additional graphics describing areas where there is no typical top of bank (for example, very steep canyons) and/or where riparian vegetation has previously been removed.
3. Update the on-line maps of all categories of streams and creeks and make them easily available in one location.
4. Clarify section 22.63.030 A. which permits 500 sf of addition to buildings. Would the addition be constrained by existing height, FAR limits, and property line setbacks? What is the 500 sf number based on?
5. Clarify what triggers a fee? Excessive fees discourage compliance with the ordinance.
6. Definitions. Clarify the definitions of the following terms in language easily understood by the public:
  - a. Woody riparian vegetation. Is it “associated with” or “dependent upon” a stream or waterway?
  - b. Ephemeral streams.
  - c. “Previously disturbed areas” should not include lawns and landscaped areas that could be restored to natural riparian areas.
5. Consider including language to cover equine facilities.

In conjunction with adopting an SCA ordinance, consider establishing a countywide streams and creeks conservation program that would incorporate public education and outreach and encourage and provide incentives to property owners to preserve and enhance their creeks. Such a program might include free consultations and assistance to property owners who volunteer to improve their creeks, and the acquisition of conservation easements in exchange for a tax exemption.

Thank you for your consideration,  
Priscilla Bull  
Co-Chair, Water and Watersheds Committee

Marin Conservation League  
175 N. Redwood Dr., Ste. 135  
San Rafael, CA 94903  
415-485-6257