



MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY

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Outline of the Proposed Woody Riparian Vegetation Protection Ordinance for the San Geronimo Valley

Riparian habitats are vital biological systems that provide critical functions for water purification, flood control, fish and wildlife movement, and native habitat. However, large portions of existing riparian systems have been eliminated by past stream channelization, agricultural expansion, and urban development.¹

The coho salmon population in Marin County is listed as an endangered species by both the state of California under the California Endangered Species Act and by the federal government under the Federal Endangered Species Act. The Lagunitas Watershed, which includes San Geronimo Valley, has the largest and most stable population of the endangered coho salmon south of Fort Bragg.² The Lagunitas Creek watershed has been identified as one of the most important watersheds in the state for coho recovery efforts and it also supports a significant population of federally threatened steelhead trout. The watershed has been the focus of salmonid restoration efforts for over twenty years. In order to address these problems, the County supervised the preparation of the Salmon Enhancement Plan.

1. The Proposed Ordinance is the First Step in Implementation of the Countywide Plan Policies for the Protection of Riparian Vegetation

The proposed ordinance furthers the goals and policies of the Marin Countywide Plan (CWP) through the implementation of proposed regulations that strengthen and ensure the protection and, where possible, the restoration of the natural structure and function of riparian systems.³ The proposed ordinance does not fulfill or replace the CWP requirement to adopt a countywide Stream Conservation Area (SCA) ordinance, nor does it include all elements that the SCA ordinance will address. It is intended that the countywide SCA ordinance, once adopted, will supersede the Woody Riparian Vegetation Protection Ordinance.

2. The Countywide Plan Encourages the Expansion of the Native Tree Ordinance

CWP Policy Bio-1.d (Reevaluate County Native Tree Preservation and Protection Ordinance #3291) states that the County should consider expanding the existing provisions of the tree ordinance

¹ Marin Countywide Plan (CWP) (2007), p. 2-35.

² San Geronimo Valley Salmon Enhancement Plan (SEP) Executive Summary, Final Draft, December 23, 2009.

to further such objectives as “protecting and enhancing other components of forest and woodlands such as understory species and associated wildlife...”⁴ This proposed ordinance expands upon the outlined protections of the Native Tree Preservation and Protection Ordinance to protect woody riparian vegetation within 35 feet of the top of bank of watercourses in the San Geronimo Valley.

WHAT THE PROPOSED ORDINANCE WILL/WILL NOT DO:

The proposed ordinance:

1. Does NOT apply to activities that do not involve the removal of woody riparian vegetation;
2. Does NOT apply to activities undertaken by public agencies to improve fish and wildlife habitat as well as water supply and flood control projects;
3. Allows, subject to a Woody Riparian Vegetation Removal Permit, the removal of woody riparian vegetation where:
 - a. A parcel falls entirely within the Riparian Habitat Protection Area;
 - b. Uses and development entirely outside of the Riparian Habitat Protection Area would have greater impacts on water quality, wildlife habitat, sensitive biological resources, or other environmental constraints than would result if woody riparian vegetation were removed from within the Riparian Habitat Protection Area or would otherwise be infeasible [under discussion] without the removal of woody riparian vegetation within the Riparian Habitat Protection Area. Removal of woody riparian vegetation is essential to protect against property damage or prevent safety hazards; or
 - c. Strict compliance with the prohibition would deprive the property owner of all of the economically beneficial use of the property;
4. Does NOT apply to ephemeral streams in the San Geronimo Valley. Watercourses, as defined, include only perennial and intermittent streams;
5. Does NOT require the removal of permitted, legal non-conforming, or even illegal structures;
6. Does NOT require the removal of non-native vegetation such as gardens and ornamentals;
7. Will be superseded by the SCA ordinance.

³ CWP, *supra* at p. 2-28.

⁴ *Id.* at pp. 2-17-18.