

**Summary of Current Laws Protecting Salmonid and Riparian Habitat in Marin County and Implementing the Stream Conservation Area Policies of the Countywide Plan**

Authority	What is Covered	Provisions
<b>11.08.00 Purpose of Chapter</b>	Removal of Weeds, trees, debris, rubbish or other nonindigenous material....	The free and unobstructed flow of each and every creek in Marin County . . . Any weeds, trees, debris, rubbish, or other nonindigenous material of whatsoever kind which, at any time, interferes with the free and unobstructed flow of water in any creek constitutes a public nuisance . . .
<b>11.08.010 Interfering with water flow</b>	Dumping or placement of debris, garbage, rubbish, trash, brush, timber, dirt, fill, rocks, waste piles, or any other commodity unlawful	Unlawful to dump or place, or to permit to be dumped or placed, deposited, maintained or accumulated in any natural watercourse on public or private property any debris, garbage, rubbish, trash, brush, timber, dirt, fill, rocks, waste piles, or any other commodity whatsoever which obstructs, prevents, diverts, or tends to obstruct, prevent or divert the normal, natural or ordinary flow of water in such watercourse. ... nothing contained herein shall be deemed to prohibit the improvement or realignment on private property of any natural watercourse so as not to obstruct, prevent or divert the natural flow of water in such watercourse at its point of entry onto or exit from such private property
<b>11.08.020 Duty of owner</b>	Keep creeks clear	. . . keep all creeks or portions thereof which flow upon, over, or across, the property of the owner free and clear of debris, rubbish, or any other unnatural obstruction which measurably reduces the hydraulic capacity of the creek. The failure to do so shall constitute a public nuisance which may be abated . . .
<b>11.08.040 Free flow of water required-- Issuance of building permits.</b>	buildings or structures requiring a building permit	. . . building inspector shall determine whether or not such structure or building would interfere with free flow of any water in any creek in the county . . . if so, building <u>permit</u> shall not be issued until the applicant or owner of the premises involved has made ample provisions for the free flow of water in the channel of the creek.
<b>11.08.050 Permit required for construction.</b>	Retaining wall, crib wall, bulkhead, artificial slope protection, conduit, bridge, building, or other structure or any facility whatsoever	It shall be unlawful to build, construct or maintain any retaining wall, crib wall, bulkhead, artificial slope protection, conduit, bridge, building or other structure or any facility whatsoever in, upon, over or under <u>any creek, channel or watercourse without first securing a permit</u> therefor from the director of public works of the county of Marin.

<b>18.07.105 Waiver/Variance</b>	Individual Sewage Disposal Systems	A variance not to exceed ten percent of any horizontal and vertical setback requirement contained in the Marin County Regulations for Design, Construction and Repair of Individual Sewage Disposal Systems. [ <u>Perennial watercourse</u> : Setback to tank: 50ft; Setback to edge of drainfields: 100ft <u>Ephemeral watercourse</u> : Setback to tank: 50ft; Setback to edge of drainfields: 50ft <u>Intermittent Watercourse (2) or Seasonal Wetland</u> ; Setback to tank: 50 ft; Setback to edge of drainfields: 75 ft <sup>1]</sup>
<b>22.08.040 Agricultural District Development Standards.</b>	Non-agricultural development in A districts (A3 to A60) and in ARP districts	C. Clustering Requirements. In A districts (A3 to A60) and in ARP districts, non-agricultural development shall be clustered to retain the maximum amount of land in agricultural production or available for future agricultural use. . . . Proposed development shall also be sited to minimize impacts on scenic resources, wildlife habitat and streams, and adjacent agricultural operations. E. Agricultural Processing. . . New processing facilities shall <b>comply with the stream conservation area standards established in the Countywide Plan.</b>
<b>22.42.010 Purpose of Chapter.</b>	Discretionary Development	. . . procedures for Design Review for proposed discretionary development throughout the unincorporated areas of the County. Design Review consists of a review of plans and proposals for land use and design of physical improvements in order to <u>implement the goals of the Countywide Plan and to ensure that:</u> B. Site Planning, building design, and construction practices promote resource conservation . . . C. The natural beauty of the County, and the public's ability to use and enjoy it, are preserved and encouraged; G. Conflicts between land uses are eliminated, <u>environmental values of the site are preserved</u> , and adverse physical or visual effects which might otherwise result from unplanned or inappropriate development, design, or placement are minimized or eliminated.
<b>22.42.025 Exemptions from Design Review.</b>	Development and physical improvements  A-O → normally exempt development and physical improvements that are NOT exempt from design review when located along anadromous fish streams and tributaries or within SCA ( <b>SEE CHARTS BELOW</b> )	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>

<sup>1</sup> Regulations for Design, Construction and Repair of Individual Sewage Disposal Systems Adopted May 6, 2008 Pursuant to Marin County Code 18.06 available at <http://www.co.marin.ca.us/depts/CD/main/pdf/EHS/septic/StandardSepticSystemsRegulationsAdoptedMay2008.pdf>

<b>22.42.030 Design Review for substandard and hillside building sites.</b>	substandard and hillside building sites in conventional zoning districts	Provide Design Review regulations for substandard and hillside building sites in conventional zoning districts to prevent inappropriate physical improvements. In these instances, any exemption from Design Review provided by Section 22.42.025 (Exemptions from Design Review) shall be void and setback requirements shall be waived but applied where appropriate. The subsequent development and physical improvements of these properties shall continue to be subject to Design Review.
<b>22.42.040 Design Review for Proposed Development Along Paper Streets and for specific driveways</b>	<u>proposed new development</u> along recorded undeveloped streets in County and driveways exceeding 250 feet in certain zoning districts	B. Applicability. . . . to development proposed on parcels abutting a paper street, and to the construction of access to a parcel along a paper street except for parcels served by a driveway extending from a previously improved and paved access which does not exceed a length of two hundred fifty feet or a slope of twenty percent, and does not traverse a paper street right-of-way. This Section also applies to new or extended driveways that meet the criterion in subsection C below. C. Design Review required for all development and improvements proposed on parcels accessed by paper streets, without regard to the size of the parcels or the applicable zoning district. <u>A driveway which exceeds a length of two hundred fifty feet in A2, C1, H1, RA, RR, RE, R1, R2, and VCR zoning districts shall be subject to the requirements of Design Review, regardless of whether the driveway extends from or through a paper street.</u> (Ord. 3491 Exh. A (part), 2008; Ord. 3380 Exh. B (part), 2003)
<b>22.42.045 Design Review for development along anadromous fish streams and tributaries.</b>	Any <u>proposed development</u> on vacant legal lot within SCA that adjoins a mapped anadromous fish stream and tributary if lot is zoned A, A-2, RA, H1, O-A, RR, RE, R1, R2, C-1, A-P, or VCR including combined district <u>Development</u> includes all physical improvements, including, but not limited to, buildings, structures, parking and loading areas, driveways, retaining walls, fences, and trash enclosures.	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)

<p><b>23.08.25 Grading Permit Required</b></p>	<p>Movement of earth</p>	<p>For the purposes of this chapter, the following activities, in addition to those enumerated in Section 23.08.026, shall require a <u>permit</u>:</p> <p>(5) Movement of earth within, or along the banks of, any watercourse or within <i>fifty feet from the top of any watercourse at locations within the "city-centered corridor" or one hundred feet from the top of bank of any watercourse at locations within the "inland rural corridor"</i> as identified within the Marin countywide plan;</p>
<p><b>23.04.100 Logging practice standards and requirements</b></p>	<p>Timber harvesting operations</p>	<p>The following standards and requirements are applicable to all timber harvesting operations in the county:</p> <p>... (7) The county planning commission may require special conditions to the <u>permit</u>, where any harvesting area is within watershed of a surface water pickup or diversion facility which supplies water for <u>domestic use</u>. ... Where possible all roads shall be located so that fill material will not be deposited closer than <u>50ft</u> from the high water mark of any stream or natural watercourse except where truck roads cross streams.</p> <p>(11) <b>STREAM CROSSINGS.</b> All road and skid road crossings of streams will be provided with temporary or permanent drainage structures</p> <p>(12) <b>NATURAL WATERCOURSE CROSS-INGS.</b> Unless permanent drainage structures are provided, all fill material deposited for truck road or tractor road crossings shall be removed from natural watercourse prior to Nov 1st of the current year;</p> <p>(14) ... Landings shall not be located where their construction causes disturbance or depositing of soil <u>within fifty feet of any stream or natural watercourse.</u> (Distance measured along the surface of the ground.);</p>
<p><b>23.18.093 Best Management Practices for new developments and redevelopments</b></p>	<p><b>New developments and redevelopments</b></p>	<p>Any construction contractor performing work in the county shall implement appropriate BMPs to prevent the discharge of construction wastes or contaminants from construction materials, tools and equipment from entering a county storm drain. In addition:</p> <p>A. All construction plans submitted to the county pursuant to any <u>permit</u> application shall <u>consider the potential for erosion and sedimentation</u> at the construction site . . .</p> <p>B. Prior to and/or during construction, the director of public works may <u>establish controls on the volume and rate of stormwater runoff</u> from new developments and redevelopment as may be appropriate to minimize peak flows or total runoff volume.</p> <p>C. The director of public works may require, as a condition of project approval, permanent controls designed for the removal of sediment and other pollutants.</p>

<b>23.18.094 Watercourse Protection</b>	Premises through which a watercourse passes, structures within or adjacent to a watercourse; healthy native bank vegetation	<p>Every person owning, occupying, leasing, renting, or in control of the premises through which a watercourse passes shall: (A) keep and maintain that part of the watercourse within the property reasonably free of trash, debris, excessive vegetation, and other obstacles which would and/or could pollute or contaminate the flow of water through the watercourse; (B) maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, <u>function or physical integrity</u> of the watercourse; and (C) not remove healthy native bank vegetation beyond that actually necessary for said maintenance, nor remove any vegetation in such a manner as to increase the vulnerability of the watercourse to erosion.</p> <p>No person shall commit or cause to be committed any of the following acts, unless a <u>written permit</u> has first been obtained from the director of public works:</p> <ol style="list-style-type: none"> <li>1. Discharge into a watercourse;</li> <li>2. Modify the natural flow of water in a watercourse;</li> <li>3. Deposit in or remove any material from a watercourse including its banks, except as required for necessary maintenance;</li> <li>4. Construct, alter, enlarge, connect to, change or remove any structure in a watercourse; or</li> <li>5. Place any loose or unconsolidated material within a watercourse or so close to the side so as to cause a probability of such material being carried away by stormwaters.</li> </ol>
<b>24.04.560 Drainage setbacks.</b>	Structures	<p>All structures shall be set back from creeks, channels or other major waterways at least twenty feet from the top of bank or <b>twenty feet plus</b> twice the channel depth measured from the toe of the near embankment, whichever is greater. (Ord. 3181 § 5 (part), 1994)</p>
<b>24.04.625 Erosion and Sediment Control</b>	Erosion and sediment control plans for construction	<p>(b) When required by the agency, a project shall have an erosion and sediment control plan which addresses both interim (during construction) and final (post construction) control measures. The specific control measures to be utilized shall be subject to the review and approval of the agency</p>
<b>24.04.627 Surface Runoff Pollution Control Plan</b>	"Proposed project"	<p>(a) Where required by the nature and extent of a proposed project and where deemed appropriate by the agency, <u>a project shall have a stormwater pollution prevention plan (SWPPP) which addresses both temporary (during construction) and permanent (post construction) measures to control erosion and sedimentation and to prevent pollutants from entering storm drains, drainage systems and watercourses.</u> These measures are hereinafter referred to as best management practices (BMPs).</p>

<b>24.04.875 Vehicular bridges.</b>	Vehicular bridges over streams	(a) Vehicular bridges to serve a single residence shall be designed for a minimum loading . . . (b) Additionally, vehicular bridges over streams protected under Marin Countywide Plan <b>Stream</b> Conservation policies shall be designed wherever possible to cantilever over the watercourse to minimize disturbance of the stream. . . .
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**22.42.025 Exemptions from Design Review Con't**

**STANDARDS FOR EXEMPTION FROM DESIGN REVIEW FOR ONE-STORY ADDITIONS TO SINGLE-FAMILY RESIDENCES AND FOR DETACHED ACCESSORY STRUCTURES IN PLANNED DISTRICTS**

**TABLE INSET:**

Standards	One-Story Single-family Addition and Detached Accessory Structure	
Max. increase in building area	500 sq. ft. or 20% of the existing building area, whichever is less	
Max. total building area	4,000 sq. ft. or the applicable floor area ratio (FAR) limit under the zoning district or in a Community Plan, whichever is more restrictive	
Max. height	Single-family Addition	18 ft. or the coastal zoning height standards, whichever is more restrictive
	Detached Accessory Structure	15 ft.
Min. lot area	Not applicable	
Min. setbacks	10 ft., to all property lines on lots less than or equal to 1 acre 15 ft., to all property lines on lots greater than 1 acre (Or the required setbacks in a Community Plan, whichever is more restrictive)	
Environmental Protection (Countywide Plan Consistency)	<b>Outside of a Stream Conservation Area and Wetland Conservation Area</b>	
Green Building	Complies with the green building standards per Table 4-3	
SFR Design Guidelines	Complies with Guideline C-1.11 (Exterior Lighting)	

**TABLE 4-4**  
**STANDARDS FOR EXEMPTION FROM DESIGN REVIEW FOR MULTI-STORY ADDITIONS TO SINGLE-FAMILY RESIDENCES IN**  
**PLANNED DISTRICTS**  
**TABLE INSET:**

Standards	Multi-Story Single-family Addition
Max. increase in building area	500 sq. ft. or 20% of the existing building area, whichever is less
Max. total building area	4,000 sq. ft. or the applicable floor area ratio (FAR) limit under the zoning district or in a Community Plan, whichever is more restrictive
Max. height (Multi-story Additions)	30 ft. in non-coastal zone 25 ft. in coastal zone or the coastal zoning height standards, whichever is more restrictive 20 ft. in stepback zone (See SFR Design Guideline B-1.1)
Min. lot area	10,000 sq. ft.
Min. setbacks	15 ft, to all property lines on lots less than or equal to 1 acre 20 ft, to all property lines on lots greater than 1 acre (Or the required setbacks in a Community Plan, whichever is more restrictive)
Environmental Protection (Countywide Plan Consistency)	Outside of a Stream Conservation Area and Wetland Conservation Area
Green Building	Complies with the green building standards per Table 4-3
SFR Design Guidelines	Complies with Guideline B-1.1 (Building Setbacks and Stepbacks) and Guideline C-1.11 (Exterior Lighting)

- A. Single-family Additions and Residential Accessory Structures in Planned Districts ...
- B. Agricultural accessory structures that comply with the Stream Conservation Area and Wetland Conservation Area setbacks established in the Countywide Plan . . . .

- C. In the A-2, C1, H1, RA, RR, RE, R1, R2, and VCR zones, open fencing, such as wood post and welded wire mesh, on lots greater than 20,000 sf.
- D. In Planned Districts, fences that comply with the fence standards...
- E. In the A, A-2, C1, H1, RA, RR, RE, R1, R2, and VCR zones and combining coastal zoning districts, bridges . . .
- F. In Planned Districts, attached front and rear yard porches not exceeding a max height of 15ft, not exceeding a max floor area of 200 ft, and located at least 10ft from all property lines.
- G. In Planned Districts, attached or detached decks not exceeding a max height of 30 ins above grade... and located at least 10ft from all property lines.
- H. In Planned Districts, replacing existing authorized driveways and widening driveways to meet min Title 24 or fire code standards....
- I. In Planned Districts, construction of new retaining walls that comply with the standards in Section 22.20.090(C)(6) (Setback requirements and exceptions), and in all zoning districts, replacement of existing retaining walls up to eight feet in height above grade.
- J. Pools and spas that do not exceed a height of thirty inches above grade and that are located at least ten feet from all property lines.
- K. In Planned Districts, new and replacement skylights, doors, and windows (including bay windows), and similar attached architectural features, provided they are no closer than five feet from all property lines.
- L. Changes to any approved exterior color or material . . .
- M. Signs subject to the regulations of Chapter 22.28 (Signs).
- N. Other work that the Director determines to be minor and incidental in nature, and which is in compliance with the purpose of this Chapter; and
- O. Repair or reconstruction work resulting from an emergency or natural disaster