

**MARIN COUNTY BOARD OF SUPERVISORS
RESOLUTION NO. 2023-12**

**A RESOLUTION OF THE MARIN COUNTY BOARD OF SUPERVISORS CERTIFYING
THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE HOUSING AND SAFETY
ELEMENTS UPDATE TO THE MARIN COUNTYWIDE PLAN; AND ADOPTING
FINDINGS AND A STATEMENT OF OVERRIDING CONSIDERATIONS, MITIGATION
MEASURES, AND A MITIGATION MONITORING AND REPORTING PROGRAM**

WHEREAS, the Project consists of updates to the Housing Element and the Safety Element of the 2007 Marin Countywide Plan ("CWP"), which is the general plan for the County of Marin (County), as well as associated amendments to other elements of the CWP as necessary to ensure consistency and amendments to the Marin County Code to provide for effective implementation of the Project;

WHEREAS, the Housing Element is a required element of general plans pursuant to Government Code Section 65302(c);

WHEREAS, Article 10.6 (Housing Elements) of the Government Code requires the County to adopt a sixth revision to the Housing Element for the eight-year planning period 2023 through 2031 to accommodate the County's regional housing needs allocation ("RHNA") of 3,569 housing units;

WHEREAS, the County has prepared an update to the Housing Element that would facilitate development of up to 5,197 new housing units, which meets the County's RHNA as well as additional units for applicants requesting a density bonus and a buffer to ensure that the County maintains adequate sites at all income levels throughout the Housing Element planning period. The Project also includes rezoning of sites at the identified locations as necessary to accommodate and enable development of these new housing units;

WHEREAS, the Safety Element is a required element of general plans pursuant to Government Code Section 65302(g);

WHEREAS, the CWP does not contain a standalone Safety Element, but contains policies and programs that address safety from environmental hazards in the Built Environment Element, the Socioeconomic Element, and in Section 2.6 (Environmental Hazards) in The Natural Systems and Agriculture Element of the CWP, which currently addresses geologic, flooding, and wildfire hazards. The County has prepared an update of Section 2.6 to update existing policies on geologic, flooding, and wildfire hazards, and to comply with new state requirements regarding climate change and resiliency planning, sea level rise, flooding, and wildfire hazards, which will become the Safety Element of the CWP;

WHEREAS, in 2021, the County began the process of updating the Housing Element and Safety Element of the CWP;

WHEREAS, on May 18, 2021, the County independently selected and contracted with the consulting firm MIG to prepare an environmental impact report ("EIR") for the Project;

WHEREAS, on December 8, 2021, the County issued a Notice of Preparation of an EIR and Notice of Public Scoping Session for the Project. A scoping session was held on

January 11, 2022 to provide responsible, trustee, and federal agencies and members of the public, including organizations and individuals, the opportunity to comment on the scope and content of the environmental analysis to be included in the EIR. Written comments from public agencies and members of the public were accepted during the 45-day scoping period that ended at 4:00 p.m. on January 24, 2022;

WHEREAS, on October 7, 2022, the Housing & Safety Elements Update to the Marin Countywide Plan Draft Environmental Impact Report (“Draft EIR”) (State Clearinghouse No. 2021120123) and a Notice of Completion of the Draft EIR and Notice of Public Hearing to be held on November 16, 2022 were transmitted to the State Clearinghouse, distributed to the County’s environmental mailing list including the email subscriber list, and published in a newspaper of general circulation, the Marin Independent Journal, to begin a 45-day public review and comment period, which concluded at 4:00 p.m. on November 21, 2022. Postcards providing notice of the updated public hearing date were subsequently published on the project webpage on November 3, 2022, and published in the Marin Independent Journal thereafter;

WHEREAS, on November 16, 2022, during the public review and comment period, the Board of Supervisors and Planning Commission jointly held a public hearing to receive comments on the Draft EIR. At the close of this hearing, the Board of Supervisors and Planning Commission instructed staff and the EIR consultant to prepare the Final EIR based upon the written responses to all comments received during the public review and comment period that would conclude on November 21, 2022;

WHEREAS, on December 6, 2022, the Marin County Board of Supervisors held a public hearing and provided direction on the final proposed list of housing sites from among the Candidate Sites analyzed in the Final EIR to address the RHNA for the 2023-2031 planning period, and reviewed and provided comments on staff’s recommendation for candidate housing sites, which resulted in revisions to the proposed list of housing sites by replacing some sites with other Candidate Sites that are analyzed in the EIR, as shown in revised Tables 3-2 and 3-3 in Chapter 5 (Text Revisions) of the Final EIR volume, which tables were further updated in Section 2 (Additional Revisions to Draft EIR Text) of the Marin County Housing and Safety Elements Update Project Final EIR Amendment (“Final EIR Amendment”);

WHEREAS, the EIR is a program EIR, as authorized by CEQA Guidelines Section 15168, which analyzes the potentially significant environmental effects of the overall development potential of the Project and not the site-specific impacts of any individual development project, the details of which are not known at this time;

WHEREAS, the Final Environmental Impact Report (“Final EIR”) consists of the Draft EIR (published on October 7, 2022) and the Housing & Safety Elements Update to the Marin Countywide Plan Draft Environmental Impact Report Final EIR volume (published on December 20, 2022) (“Final EIR Volume”) which includes responses to comments on the Draft EIR and text revisions to the Draft EIR, the Final EIR Amendment (revised version published on January 18, 2023) which includes further text revisions to the Draft EIR and Final EIR Volume, responses to late comments, and all documents incorporated therein;

WHEREAS, on December 20, 2022, the Marin County Housing Element/Safety

Element Update Final EIR and Notice of Availability of the Final EIR and Notice of Public Hearings by the Planning Commission to be held on January 5, 2023 and by the Board of Supervisors on January 24, 2023 were transmitted to the State Clearinghouse, members of the Planning Commission, Board of Supervisors, agencies, commenters on the Draft EIR including agencies that commented on the Draft EIR, and other interested groups and individuals, as well as being published on the project webpage and in the Marin Independent Journal. A subsequent Notice of Public Hearing to confirm the January 24, 2023 Board of Supervisors hearing date and time was published on the project webpage on January 12, 2023, and subsequently published in the Marin Independent Journal on January 13, 2023;

WHEREAS, the County received late comments on the Draft EIR following the close of the public review and comment period (“Late Comments”) and, although, pursuant to Public Resources Code Section 21091(d) and State CEQA Guidelines Section 15088(a) written responses are not required, responses to late comments raising new issues have been provided in the Final EIR Volume; and

WHEREAS, on January 5, 2023, the Marin County Planning Commission held a public hearing and voted unanimously to recommend that the Board of Supervisors certify the Final EIR for the Housing and Safety Elements Update to the Marin Countywide Plan as adequate and complete in compliance with CEQA, the State CEQA Guidelines, and the County Environmental Review Procedures, and as adequate and complete for consideration in making a decision on the merits of the Project.

NOW, THEREFORE, BE IT RESOLVED that the Marin County Board of Supervisors makes the following findings:

1. The recitals above are true and accurate and reflect the independent judgment of the Board of Supervisors; and
2. Notices of the Planning Commission and Board of Supervisors hearings on the Draft EIR and the Final EIR for the Project were given as required by law and the actions were conducted in accordance with CEQA and the State CEQA Guidelines; and
3. All individuals, groups, and agencies desiring to comment were given adequate opportunity to submit oral and written comments on the Draft EIR and to submit written comments on the adequacy of the Final EIR for certification. These opportunities to comment met or exceeded the requirements of CEQA and the County Environmental Review Procedures; and
4. All comments submitted during the public review and comment period on the Draft EIR, and the public hearing on the adequacy of the Draft EIR conducted jointly by the Planning Commission and Board of Supervisors have been considered and adequately responded to in the Final EIR, in responses to late comments, or included in the public record; and
5. The Board of Supervisors was presented with all of the information in the administrative record, testimony, and the documents constituting the Final EIR, and the Board of Supervisors has reviewed and considered this information and the Final

EIR; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Marin County Board of Supervisors hereby:

1. Certifies that the Final EIR for the Housing and Safety Elements Update to the Marin Countywide Plan is adequate and complete in compliance with CEQA, the State CEQA Guidelines, and the County Environmental Review Procedures, reflects the independent judgment and analysis of the County, and is adequate and complete for consideration in making a decision on the merits of the Project.
2. Adopts the Findings and Statement of Overriding Considerations for the Project, attached hereto as Attachment A, and incorporated herein by reference.
3. Adopts and incorporates into the Project all of the mitigation measures for the Project that are within the responsibility and jurisdiction of the County that are identified in the Findings.
4. Adopts the Mitigation Monitoring and Reporting Program for the Project, attached hereto as Attachment B, and incorporated herein by reference.

PASSED AND ADOPTED at the regular meeting of the Board of Supervisors of the County of Marin, State of California, on the 24th day of January 2023, by the following vote to-wit:

AYES:	SUPERVISORS:	Stephanie Moulton-Peters, Dennis Rodoni, Mary Sackett, Eric Lucan, Katie Rice
NOES:	NONE	
ABSENT:	NONE	



PRESIDENT, BOARD OF SUPERVISORS

Attest:



CLERK