EXECUTIVE SUMMARY

Overview: Restoring Mill Valley's Watersheds through Policy Reform and Community Action.

Up and down the Pacific Coast, urban and urbanizing communities are rallying to restore and protect the watersheds that are the lifeblood of healthy people and nature.

Cities including San Francisco, Oakland, San Jose, Berkeley, Portland, Seattle, San Diego, Irvine and Phoenix along with many tribal governments are reversing past harms to the environment and coming together to repair and sustain the waterways that are the Public Trust. (Institutes of Justinian 2.1.1.)

Given Mill Valley's much-cherished natural beauty, public and private resources, and a long-standing conservation ethic, it's surprising that the city isn't taking asserted action to protect its creeks and streams, and ensure the safety and quality of life of residents today and in the future.

Mill Valley's Master Plan reflects the city's commitment to environmental protection and preservation. In practice, however, Mill Valley continues to abuse its natural systems. Unwise development continues to adulterate the watershed, degrade wetlands and riparian habitats, exacerbate flooding, and doom endangered salmon.

Mill Valley is behind the times. The city's outdated, overlapping and ambiguous environmental policies make planning and enforcement inconsistent, at best. City ordinances intended to protect waterways, prevent flooding, and protect wildlife are antiquated, inadequate, and frequently in conflict with other city, county, state, and federal laws.

Mill Valley need look no further than to our neighbors in Ross Valley, particularly San Anselmo, where creekside development, channeling waterways, and clearing riparian vegetation have led to more frequent and devastating floods costing the City, its business community, and residents millions of dollars.

Climate change undeniably calls upon Mill Valley to prepare for changing weather patterns. What was occasional flooding has become frequent. Mill Valley's downtown and Miller Avenue commercial districts and residential areas like Sycamore Avenue—only 15 feet above sea level—are increasingly susceptible to flooding. Development impacts to

the city's creeks and former wetlands have made matters worse, exposing the City to legal action related to property losses.
Mill Valley also faces legal challenges under the California Environmental Quality Act (CEQA) for its failure to protect endangered and threatened species. Only a fraction of California's once-plentiful salmon and steelhead remain, and Mill Valley streams no longer support them. Short-sighted development permitting and ineffective stream and habitat protections have contributed to the crisis.

Mill Valley prides itself on environmental values, but the city has not reviewed or aligned its policies to conform to best available practices, nor committed the funding necessary to provide environmental quality and protection in the future. It's time to walk our talk. The City needs to adopt and fund a plan to enhance fisheries, restore fish habitat, curtail detrimental development, monitor fish populations and water quality, remove invasive plants, and provide education and recreation around watershed restoration activities.

Policies and practices once viewed as "alternative" are increasingly mainstream and in demand. Expanding professions are dedicated to environmental restoration and sustainability. Awareness of and concern for the environment is at an unprecedented high.

Mill Valley can and must respond to the problems that beset our waterways. This study, undertaken as a Master's project at the Hutchins Institute at Sonoma State University, discusses the problems Mill Valley faces to our lives and lands, and offers solutions. The Preliminary Pages and Section I describes the purpose of the paper that is to support revision, establishment, codifying and implementation of cohesive watershed based policies. Section II contains the code and ordinance additions and revisions. The appendix is a comprehensive compilation of information for policymaking and reference.

Importantly, it provides a plan of action. The City of Mill Valley can take immediate steps to begin to reverse the failures of past policies and inertia that continue to degrade our waterways and environment.

I, and others stand ready to work with you to design and build a healthy, hopeful future for our community.

ISSUES:

1. The Mill Valley Creek Setback Ordinance is ambiguous and discretionary. For example, the existing language "seeks" to

protect. The ordinance needs to be made actionable and enforceable.

2. Only four species of heritage trees (tanbark oak, oak, redwood, and madrone) are currently protected under the City's Heritage Tree Ordinance. Other native trees need to be protected, and not just those of significant size. Young trees are vital to forest succession and need to be protected to ensure vegetative cover and habitat for the future. Marin County officially recognizes 36 native trees. These should be covered under a Mill Valley ordinance.

3. State and federal laws prohibit clearing of riparian vegetation. The City (MVFD) must provide better information to the public about what constitutes defensible space around homes and the requirement to protect streamside vegetation and wildlife habitat.

4. There are inconsistent setback ordinances with Mill Valley's codes. (i.e. 30 feet from top of bank in ordinance. 50-foot setback stated in General Plan). Mill Valley needs to audit its codes and correct such inconsistencies.

5. Mill Valley's creek setback ordinances don't comply with federal and state requirements (EPA and California State Water Resources Control Board).

6. In road construction, slope and terrain should be considered when determining creek setback and buffer zones to prevent run off and creek sedimentation.

7. The City must employ best available practices to prevent run off from storm drains and polluted streets and parking lots from entering the creek.

8. Federal and state mandates require that Mill Valley remove barriers to and restore fish passage.

ACTIONS:

1. Complete a watershed assessment to determine fish passage barriers; dangerous storm water velocity contributors; opportunities for augmentation and engineered improvements; and bridge and culvert replacements.

2. Instate a two-year building moratorium on creekside development until new policies and a riparian ordinance are established and the watershed assessment is complete.

3. Engage stakeholders and experts to review and recommend changes to the riparian, tree, and creek setback ordinances designed to protect and enhance critical habitats and the wildlife within it.

4. Audit the codes and practices of the Planning Department and correct the contradictions and ambiguities, such as definitions, and the metrics taken related to mitigation.

5. Create a permanent fund designated for watershed planning, habitat restoration fish, and water-quality monitoring, community outreach and education.

6. Determine priority sites for environmental restoration.

7. Create a program for community involvement in environmental restoration and education.

8. Provide incentives for property owners to build rainwater catchment for irrigation and to use gray water for landscaping where permitted and feasible.

9. Revisit the Hillside Development Ordinance and target properties for conservation easements based on potentially negative impacts to groundwater recharge and wildlife habitat.

10. Retrofit parking lots and roads with bio-retention basins, rain gardens, catchment basins, bio-swales and pollution filtration.

11. Divert storm water runoff with best management practices including re-grading roads to disperse water on site rather than through diversion to prevent creek sedimentation and pollution.

12. Update the tree ordinance to protect 36 native trees of various ages.

13. Restore tidal marsh habitat to federal standards

14. Protect and restore native vegetation in riparian zones.

15. Implement the program for Coho recovery.

16. Establish public trust lands.

17. Incorporate all stakeholders, including watershed groups, Coast Miwok tribe, agencies and scientists into the process.