

COMMUNITY DEVELOPMENT AGENCY

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Marin County Board of Supervisors
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SUBJECT: Amendments to Marin County Code Title 22 (Development Code)

Dear Supervisors,

RECOMMENDATION

Adopt the proposed Development Code amendments, as recommended by the Planning Commission. The amendments address various topics including: (1) clarifications and corrections; (2) alignment with Federal and State law; (3) internal consistency with County code and policy; (4) administrative citations; (5) accessory structures and building height; (6) accessory dwelling units; (7) outdoor construction activities; (8) stormwater runoff protection; (9) housing requirements; (10) Temporary Use Permits; (11) signs; (12) educational tours; (13) post disaster response and recovery. No amendments are proposed to the Interim Zoning Code (Title 22I), which is effective in the Coastal Zone.

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SUMMARY

The proposed 2019 Development Code amendments are intended to address a broad array of issues. In drafting the amendments Planning staff attempts to follow the "CASE" principle of code that is Clear, Affordable, Simple, and Enforceable. The amendments package consists of portions of Development Code Articles II, III, IV, VI, VII, and VIII, with amendments shown in track changes format in attachment 2 (Exhibit A of the Ordinance).

Planning Commission hearings on the amendments were held on January 22, 2019 and February 11, 2019. The Planning Commission thoroughly reviewed the amendments and a variety of alternatives, which are summarized in the Development Code 2019 Amendments Guide (attachment 3). However, a relatively small set of topics engendered the greatest degree of concern, controversy, and discussion. These included educational tours, sign regulations, and compliance with the State Permit Streamlining Act, which are discussed in more detail below.

- A. **Educational Tours.** Educational tours are currently a principally permitted use in agricultural (A3-A60) zoning districts and in Agricultural, Residential, Planned (ARP) zoning districts, meaning that no prior planning authorization is required. New regulations are proposed requiring either Conditional Use Permits or Temporary Use Permits to hold educational tours on ARP-zoned properties that take access from private roads that are shared by multiple properties.
- B. **Signs.** The sign regulations were completely revamped in the Development Code amendments adopted in 2017. In the time since, it has become clear that

those regulations should be refined to achieve the desired results. Amended regulations locate wall signs in multi-tenant buildings next to individual tenant entrances and restrict internally illuminated signs to commercial districts.

- C. **Permit Streamlining Act.** Planning procedures are mainly governed by the Permit Streamlining Act (PSA), which sets forth strict timelines for determining whether a discretionary application contains insufficient information and for issuing a decision on that application. The PSA also contains specific mandates regarding appeals of incompleteness determinations. Contrary to the advice of staff from the County Counsel’s office, the Planning Commission expanded those appeal rights in the proposed amendments.

Although the issues referred to above led to the most discussion, the most significant change in the Development Code amendments is a new Chapter related to post disaster response and recovery (Chapter 124). Marin County has a robust and complex framework to prepare for and respond to disasters, which coordinates the efforts of multiple agencies at the local, State, and Federal level and the efforts of non-governmental organizations and private companies. The framework relies on important documents including the Marin Operational Area Emergency Operations Plan, the Post-Disaster Housing Annex, and the Marin Operational Recovery Plan. However, the Development Code does not currently have the flexibility to allow many of the activities that will be necessary in the aftermath of a disaster, such as emergency response shelters and temporary shelters. Establishing this new Chapter of the Development Code is intended to provide a framework for temporarily suspending the normal zoning restrictions to be able to take the necessary steps to recover from a major disaster.

The framework proposed in Chapter 124 allows the CDA Director to issue licenses for temporary living quarters and temporary commercial and institutional facilities in zoning districts where these uses would not normally be allowed. The licenses could be issued for up to two years following a proclaimed disaster. These licenses would only be issued for projects that implement the County’s Emergency Operations and Emergency Recovery Plans and could be conditioned to meet certain health and safety requirements. This new chapter would align the Development Code with Marin’s existing disaster recovery framework, facilitating community resilience in the aftermath of future disasters.

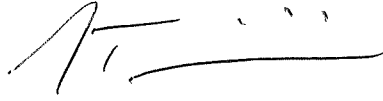
CONCLUSION

After careful consideration and extensive public input, the Planning Commission endorsed a set of Development Code amendments that will substantially improve the regulatory framework that the County applies to land use and real estate development in the interior portions of Marin.

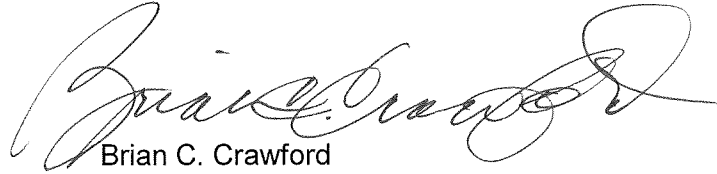
REVIEWED BY:

- | | |
|--|---|
| <input type="checkbox"/> Department of Finance | <input checked="" type="checkbox"/> N/A |
| <input checked="" type="checkbox"/> County Counsel | <input type="checkbox"/> N/A |
| <input type="checkbox"/> Human Resources | <input checked="" type="checkbox"/> N/A |

SIGNATURES:



Jeremy Tejrjian
Planning Manager



Brian C. Crawford
Director

Attachments:

1. Ordinance adopting the 2019 Development Code Amendments
2. Exhibit A, consisting of the following Articles of the Development Code with the amendments shown in track changes format: Article II; Article III; Article IV; Article VI; Article VII; Article VIII
3. Guide to the 2019 Development Code Amendments
4. Planning Commission hearing packet for the January 28th Planning Commission hearing, including the staff report and attachments
5. A supplemental memorandum dated 1-22-19 and attachments
6. A supplemental memorandum dated 1-24-19 and attachments
7. Additional public comments received prior to the January 28th Planning Commission hearing
8. A supplemental memorandum dated 1-31-19 and attachments
9. A supplemental memorandum dated 2-7-19 and attachments
10. Additional public comments submitted before and during the 2-11-19 Planning Commission hearing