

**MARIN COUNTY PLANNING COMMISSION
RESOLUTION NO. _____
A RESOLUTION RECOMMENDING THAT THE BOARD OF SUPERVISORS
ADOPT AMENDMENTS TO TITLE 22 OF THE MARIN COUNTY CODE**

SECTION I: FINDINGS

WHEREAS, the Planning Commission is recommending that the Board of Supervisors adopt amendments to the Marin County Development Code, which establishes zoning and subdivision regulations in the unincorporated areas of Marin County. The amendments address various topics, including: (1) clarifications and corrections; (2) implement Housing Element Update policies and programs; (3) internal consistency between the Development Code and the Countywide Plan; (4) alignment with State law; (5) amendment to SB 9 provisions; and (6) amendments to Form Based Code. The amendments would apply to the Development Code only and no amendments are proposed to the Coastal Zoning Code.

The proposed 2024 Development Code amendments are listed below by Section. All amendments are in Marin County Code Title 22.

Article I- Sections:

- 02.020.C.2 – Residential density
- 02.020.C.3 – Floor Area Ratio
- 02.020.C.3 – All other calculations
- 02.020.F.1 – Other County Code provisions
- 02.020.F.1 – State and Federal Law

Article II- Sections:

- 08.040, Table 2-2 Agricultural District Development Standards
- 08.040, Table 2-2, Footnote No. 3
- 08.040, Table 2-2, Footnote No. 6
- 08.040, Table 2-2, Footnote No. 7
- 10.040, Table 2-5 Residential District Development Standards
- 10.040, Table 2-5 – footnote No. 2
- 10.040, Table 2-5 – footnote No. 5
- 10.040, Table 2-5 - footnote No. 6
- 12.030.3 – Reference No. 5.
- 12.030, Table 2-6
- 12.030, Table 2-7
- 12.030, Table 2-6, footnote No. 5
- 12.030, Table 2-7, footnote No. 5
- 12.030, Table 2-8
- 12.040, Table 2-8, Footnote No. 2
- 12.040, Table 2-8, Footnote No. 6
- 12.040, Table 2-8, Footnote No. 7
- 14.050.B – Development Standards
- 14.050, Table 2-11 – Footnote No. 5
- 14.090 – Ministerial Review
- 14.090 Table 2-12
- 14.090 Table 2-12 – Footnote No. 2

- 14.100(B) – Application of combining district
- 16.030.I.1.a – Height limits for structures

Article III- Sections:

- Chapter 22.24 – Affordable Housing Incentives
- 32.150 – Residential Requirements in Commercial/Mixed Use Districts
- 32.184 – Senate Bill 9 Housing Development
- 32.188 – Residential Development under Assembly Bill 2011

Article IV- Sections:

- 64.020.C Type 3
- 64.060 – Application Review for Type 3 Projects (SB 35)
- 64.060.A.8.a – Preliminary Application Filing
- 64.060.A.8.c – Preliminary Application Filing
- 64.060.A.8.d – Preliminary Application Filing

Article VI- Sections:

- 80.064.F.2 - Senate Bill 9 Urban Lot Split
- 82.025 – Density Range

Article VIII- Definitions:

- 130.030.B – Building, primary detached
- 130.030.D – Development Standards
- 130.030.M – Maximum Allowable Residential Density
- 130.030.T – Total Units
- 130.030.U – Urban Uses

Form Based Code

- 040.050.D – Slope Standards
- 040.050, Table 04.050.A – Maximum Amount of Sloped Areas Allowed to be Developed
- 040.080.5 – Environmental Protection Standards
- 070.050.9 - Windows

While all the sections with substantive amendments are listed above, there are instances where there are cross-indexing, typographical, and formatting errors and changes that will be addressed in the final draft to be presented to the Board.

2. **WHEREAS**, on February 5, 2024, and February 22, 2024, the Marin County Planning Commission held duly noticed public hearings to take public testimony and consider the code amendments.
3. **WHEREAS**, pursuant to Public Resources Code Section 2116 and California Environmental Quality Act (CEQA) Guidelines Section 15162 and 15168, no additional environmental review is required to approve the 2023 Development Code amendments for the following reasons:

- A. Portions of the amendments are within the scope of the Supplemental CWP EIR prepared for the 2023 Housing Element.
 - B. Portions of the amendments codify the mandates of State law, which are already in effect and must be implemented regardless of the amendments.
 - C. Portions of the amendments are exempt from CEQA pursuant to CEQA Guidelines sections 15307 and 15308 because the approved amendments would strengthen and ensure consistent application of standards for the maintenance, restoration, enhancement, and protection of natural resources and the environment.
4. **WHEREAS**, provided below is a list of those policies and programs in the Countywide Plan that directly or indirectly support the proposed amendments.

AG-2.c Review Existing Development Code Criteria and Standards
 HE-1.1 Land Use
 HE-1.4 Development Certainty
 HE-Program 8 Development Code Amendments

SECTION II: ACTION

NOW, THEREFORE, BE IT RESOLVED that the Marin County Planning Commission recommends that the Marin County Board of Supervisors adopt the proposed 2024 amendments to the Development Code, Title 22 of the Marin County Code.

SECTION III: VOTE

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Marin held on this 22nd day of February 2024 by the following vote:

AYES: COMMISSIONERS

NOES:

ABSENT:

MARGOT BIEHLE, CHAIR
 MARIN COUNTY PLANNING COMMISSION

Attest:

Sindy Palencia
 Planning Commission Recording Secretary