

**MARIN COUNTY PLANNING COMMISSION  
RESOLUTION NO. PC20-012  
A RESOLUTION RECOMMENDING THAT THE BOARD OF SUPERVISORS  
ADOPT AMENDMENTS TO TITLE 22 OF THE MARIN COUNTY CODE**

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**SECTION I: FINDINGS**

1. **WHEREAS**, Planning Division staff proposes a set of amendments to the Marin County Development Code, which establishes zoning and subdivision regulations in the unincorporated areas of Marin County. The topics addressed in the proposed Development Code amendments include the following: (1) internal consistency, clarifications, and standards; (2) Accessory Dwelling Units (ADUs); (3) affordable housing regulations and incentives; (4) Master Plan Amendment and Precise Development Plan Amendment waivers and findings; (5) streamlining building permit review; (6) mergers; (7) small animals including miniature goats and potbellied pigs; (8) solar energy systems; (9) electric vehicle charging stations; and (10) helping seniors and the disabled. No amendments are proposed to the Interim Zoning Ordinance applicable in the Coastal Zone.

The proposed 2021 Development Code amendments are listed below by Section. All amendments are in Marin County Code Title 22.

**ARTICLE II: ZONING DISTRICTS AND ALLOWABLE LAND USES**

- 22.06.020 – Zoning Districts Established
- 22.06.050 – Exemptions from Land Use Permit Requirements
- 22.08.030 – Agricultural District Land Uses and Permit Requirements
- 22.10.020 – Applicability of Residential Zoning Districts
- 22.10.030 – Multi-family Residential District Land Uses and Permit Requirements
- 22.12.030 – Commercial/Mixed-Use and Industrial District Land Uses and Permit Requirements
- 22.14.030 – Special Purpose District Land Uses and Permit Requirements
- 22.16.030– Discretionary Development Standards

**ARTICLE III: SITE PLANNING AND GENERAL DEVELOPMENT REGULATIONS**

- 22.20.040 – Outdoor Construction Activities
- 22.20.060 – Height Measurement and Height Limit Exceptions
- 22.20.090 – Setback Requirements and Exceptions
- 22.20.100 – Solid Waste/Recyclable Materials Storage
- 22.22.020 – Applicability
- 22.22.030 – Application Filing
- 22.22.050 – Exemptions
- 22.22.080 – General Affordable Housing Standards
- 22.24.010 – Purpose of Chapter
- 22.24.020 – Density Bonus and Other Incentives Pursuant to State Law
- 22.24.030 – County Incentives for Affordable Housing
- 22.32.030 – Animal Keeping
- 22.32.120 – Residential Accessory Dwelling Units
- 22.32.125 – Residential Junior Accessory Dwelling Units

22.32.168 – Tidelands

ARTICLE IV: LAND USE AND DEVELOPMENT PERMITS

- 22.40.050 – Application Review for Discretionary Permits
- 22.40.065 – Limit on Public Hearings
- 22.40.070 – Staff Report and Recommendations for Discretionary Permits
- 22.42.010 – Purpose of Chapter
- 22.42.020 – Applicability
- 22.42.025 – Exemptions from Design Review
- 22.42.060 – Decision and Findings
- 22.44.040 – Waiver of Master Plan Amendment and Precise Development Plan Amendment
- 22.44.070 – Action on Master Plan and Master Plan Amendment Applications
- 22.50.040 – Allowable Temporary Uses
- 22.52.020 – Applicability
- 22.54.040 – Exemptions
- 22.56.020 – Applicability
- 22.56.030 – Application Filing, Processing, and Review of Accessory Dwelling Unit Permits
- 22.56.040 – Decision and Findings for Accessory Dwelling Unit Permits

ARTICLE VI: SUBDIVISIONS

- 22.84.030 – Tentative Map Application Filing and Initial Processing
- 22.92.020 – Requirements for Merger
- 22.92.040 – Notice of Intent to Determine Status

ARTICLE VIII: DEFINITIONS

- Accessory Dwelling Unit
- Accessory Dwelling Unit, Attached
- Accessory Dwelling Unit, Detached
- Accessory Structure, Detached
- Adult Day Program (land use)
- Affordable Ownership Cost
- Affordable Rent
- Base Density. (Deleted)
- Child Care Facility
- Countywide Plan Land Use Element
- Density Bonus.
- Development Standard
- Dock
- Electric Vehicle Charging Station
- Floor Area
- Goat Shed
- Grade
- Housing Development
- In-Kind Reconstruction

Junior Accessory Dwelling Unit (Land Use)  
Kitchenette  
Lot Area  
Lower Income Households  
Maximum Allowable Residential Density  
Multi-Family Dwellings (land use)  
Outbuilding  
Pier  
Planned District  
Potbellied Pig  
Proposed Dwelling  
Proposed Single Family Dwelling  
Setback  
Solar Energy System  
Wet Bar (deleted)

While all the sections with substantive amendments are listed above, there may be 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 November 16, 2020, November 30, 2020, and December 14, 2020 the Marin County Planning Commission held duly noticed public hearings to take public testimony and consider the proposed 2021 Development 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 2021 Development Code amendments for the following reasons:
  - A. Portions of the amendments are within the scope of the 2007 Countywide Plan (CWP) EIR.
  - B. Portions of the amendments are within the scope of the Supplemental CWP EIR prepared for the 2012 Housing Element.
  - C. Portions of the amendments implement the mandatory requirements of State law with respect to solar energy, electric vehicle charging stations, accessory dwelling units, affordable housing and density bonuses.
4. **WHEREAS**, Marin County has many areas prone to wildfire that are accessed exclusively by substandard streets. During a conflagration, emergency access to such areas will be constrained and public evacuation routes may be inadequate. Therefore, placing reasonable limitations on Accessory Dwelling Units in Wildland Urban Interface and Very High Fire Hazard Severity Zones that are not accessed by substandard streets is necessary to protect public safety.
5. **WHEREAS**, the proposed amendments are consistent with the Countywide Plan and would implement the mandatory requirements of State law with respect to solar energy, electric vehicle charging stations, accessory dwelling units, affordable housing and density bonuses.

**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 2021 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 14<sup>th</sup> day of December, 2020 by the following vote:

AYES: MARGOT BIEHLE, MARGARET CURRAN, CHRISTINA L. DESSER, DON DICKENSON, JOHN ELLER, DAVID PAOLI; PETER THERAN

NOES: NONE

ABSENT: NONE



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MARGARET CURRAN, CHAIR  
MARIN COUNTY PLANNING COMMISSION

Attest:



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ANA HILDA MOSHER  
Planning Commission Recording Secretary