

PLANNING APPLICATION GUIDE

COUNTY OF MARIN

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**Marin County** is widely regarded as one of the most desirable areas to live in the Bay Area, and for good reason. Few places can offer the combination of natural open areas, safe communities, high quality schools, and proximity to urban life that people can find in Marin. Life is good here, and people want to keep it that way by carefully managing future growth in their communities. The Planning Division regulates real estate development in the unincorporated areas of Marin by requiring property owners to obtain permits and meet certain standards. We understand that the County's planning process can be daunting at first, which is why we have created this application guide.

Getting a planning permit is usually only one step in the development process; other permits may be necessary and there are utilities and other services that must be provided. Multiple public agencies work together during the permit process, each specializing in their field of expertise. The key agencies and their roles in the development process are briefly discussed below.

- ❖ The Planning Division reviews planning permit applications, such as Variances, Conditional Use Permits, and Subdivisions, to ensure that projects are consistent with the County's policies and regulations.
- ❖ The Environmental Health Services Division reviews applications for individual sewage disposal systems and water wells, and conducts restaurant inspections, among other services.
- ❖ The Building and Safety Division is responsible for administering the provisions of the California Building

Code by providing plan check and building inspection services.

- ❖ The Department of Public Works (DPW) reviews site preparation details of development projects including grading plans, drainage plans, retaining walls, parking requirements and circulation requirements. DPW also reviews applications for creek permits, dam permits, encroachment permits and grading permits.
- ❖ The various fire districts and departments throughout the County are involved with ensuring emergency access, safe construction practices, and vegetation management.
- ❖ Special districts, such as water and sanitary districts, and utility companies are responsible for connecting development to infrastructure.
- ❖ The Tax Assessor's office is involved when modifications to lot lines are made and when lots are created or eliminated.

As an applicant, it's a good idea for you to familiarize yourself with the possible costs and requirements for permits or hook-ups from all the public agencies that will be involved with your project. It is your responsibility to gain an understanding of all the requirements that apply and how to meet them before beginning a project.

This guide is intended to assist property owners, business owners, and community members to better understand the review process for planning permits. Preparation is the key to success. The following sections in this guide provide a step by step overview of the process for evaluating various types of planning permit applications, and more information is provided on our website.



# FIRST STEPS

## Defining Your Goals

The first step in seeing your project through is defining your goals up front. For a growing family this may mean adding another bedroom to their house, while to a business owner this may mean opening a new store. Regardless of the situation, clearly setting forth what you hope to achieve is critical for success. As you learn more about the standards that apply to your project, you may need to redefine your goals, so it is also important to decide on your priorities in advance.

## Gathering Information

The first piece of information you will usually need is the zoning for the property where your project will take place. You can find the zoning on our website by entering your address or tax parcel number. You can also look up past permits granted for past projects on the property on our website, where various technical reports may be available as well. We have information sheets that indicate some of the basic development standards or permit requirements for the most common zoning districts in the County. This information may help you refine your goals before doing any more research.

Next, you may want to visit the planning division's public service counter to discuss your project with a member of our staff. It is a good idea to request that we put a Planning Information Packet together for you, which will include copies of the final decisions for any planning permits previously issued for the property. Checking for previous permits is especially important if the property is developed, because

those permits may place limitations on future projects that can occur. A counter planner will be able to identify the zoning standards, policy documents, and guidelines that are applicable in the area of your property. In addition, if you can specifically describe your project to the counter planner, he or she may be able to tell you if any planning permits will be required. A counter planner will also be able to explain the general process involved for any planning permits that are necessary for your project.

While it is not the role of a counter planner to try to anticipate the specific issues that may arise with your project, we offer a couple of services to provide you with more information. For smaller projects, you may want to arrange for a consultation with a planner. With a Planning Consultation, a planner will review County maps, policies, and regulations that may affect your project and meet with you to discuss how to proceed. The information we can provide in the consultation is limited, but the planner will usually be able to tell you whether what you have proposed is realistic and what the path of least resistance in the permit process is likely to be.

For larger projects, such as subdivisions and multi-family developments, a Preapplication may be appropriate. We ask for more information to do a Preapplication, including a full description and graphic representation of your project. We will send the information you provide to the Department of Public Works and any other organization you request to get their feedback on your project. We will provide you with a written preliminary evaluation of your project, which will inform your decisions about how to proceed.

## **Choosing a Project Manager**

For many smaller projects, a homeowner or business owner may be able to manage the application process themselves. However, there are a number of benefits to having someone who is more experienced than a typical property owner act as the project manager and applicant. An applicant is responsible for understanding all the requirements from the various agencies that may be involved with a project, making sure that subconsultants are on track with their work, and for coordinating with the County. The applicant will usually serve as the main contact and conduit of information about the project and represent the property owner at any public forums. Typically, a property owner will hire an architect to design their project and it is very common for the architect to act as the applicant as well.

# PREPARING YOUR APPLICATION

Once you have defined your goals and gathered information about planning permits, you will be ready to begin preparing your planning application. For this effort, it is important to understand the constraints (both physical and regulatory) that may affect your design. Review the Title Report that was done when the property was purchased to locate any easements affecting the site. Having a site survey prepared is the only certain way to precisely locate property boundaries, existing improvements, and natural features, and is often very helpful.

Identify areas on the property that have the most promise for development, such as a lot of privacy or bright sunlight. Also, identify areas on the property with constraints such as steep or unstable slopes, areas that could be subject to flooding, streams, wetlands, ridgelines, or mature woodlands. In some cases, it may be a good idea to hire experts to evaluate constraints. For example, if there are streams or wetlands on the property, consider hiring a biologist to evaluate them. If there are slopes that look like they might be unstable, consider hiring a geotechnical engineer to make sure that development can be done safely. As a rule of thumb, it is usually best to avoid areas near streams, wetlands, and ridgelines.

While not required for planning applications, we strongly suggest reaching out to your neighbors to discuss your project before finishing your design. Talking to your immediate neighbors may be enough for some smaller projects, but also consider whether there are property owners' associations or community groups that may have an interest in your project. A greater degree of public outreach is called for when commercial or multi-family projects could affect the broader community. In some situations, applicants should consider

holding their own meetings to begin a dialogue with the community before submitting any application to the Planning Division. If there is a property owners' association with Covenants, Codes, and Restrictions (CC&Rs) that cover the development, it is very important for you to contact the association before applying for your planning permit. The County does not enforce CC&Rs, but property owners' associations have the legal right to enforce their own CC&Rs.

Your primary resource for putting a planning application together is the "Planning Application Submittal Checklist". The submittal checklist provides a detailed description of every item of information that the Planning Division can request for your application. Please follow the instructions in the submittal checklist carefully — it may seriously delay processing your application if we do not receive all the information that we need for a decision.

Once you have finished putting your application materials together, you may submit your application at the Planning Division's public services counter. A counter planner will briefly review your plans and other information before taking it in to make sure there are no glaring omissions. The project applicant should personally come to the counter to submit, rather than having the materials delivered by someone else, since the counter planner may identify required information that is missing and may not be able to accept the application. To avoid this problem, we recommend that the designer request a Presubmittal Plan Review. This application needs to include one full sized set of complete plans. A planner will conduct a cursory review of the plans then let the designer know whether the plans have all the basic submittal items necessary. Taking this extra step can sometimes save a lot of time by catching problems with the plans early on in the process.

# THE BASIC PLANNING PROCESS

## Types of Planning Applications

There are three categories of applications that the Planning Division evaluates: ministerial projects, discretionary projects, and projects that require legislative action.

Ministerial projects, such as Building Permit applications, are evaluated for compliance with technical criteria that are objective and require little or no subjective judgment. No public input is relevant in County decisions on ministerial projects and the decisions are generally not appealable. Planning permits are usually not ministerial.

Discretionary projects, such as Design Review applications, are evaluated for consistency with various policies, regulations, and guidelines published by the County as well as specific "findings" that apply to each different type of planning permit. Findings rely on subjective judgments based on evidence. Public input is relevant to County decisions on discretionary projects and the decisions are appealable to the Planning Commission and subsequently to the Board of Supervisors. In some cases, a public hearing may be necessary before a planning permit for a discretionary project is issued. Discretionary projects make up the bulk of applications that the Planning Division evaluates.

Projects that require legislative action are also discretionary, but they are fundamentally political in nature. Legislative actions, such as changing zoning designations, can only be approved by the Board of Supervisors. Findings are not always necessary for legislative actions, although there are often important policy considerations that must be taken into

account before the Board issues a decision. Legislative actions are relatively rare in the context of the overall variety of planning projects, but they tend to be the most complex types of projects.

## Initial Review

There is a fair amount of variation in the planning process, depending on the location of the property and the nature of the project. In general, the review of your proposal will involve a series of steps. The first step will be to determine whether your application materials include all the information necessary for us to evaluate it adequately. Your planner will be reviewing the plans and other information you provide, going over County records for the property, and visiting the property for a site inspection. In most cases, your planner will visit the property within a few weeks of when you first submit your planning application. An applicant does not need to be at the property for the planner to inspect the site. However, please let your planner know if you would like to schedule an appointment to meet him or her on-site, to be shown around and discuss the project. Your planner will post a notice on your property so that the neighbors can be aware of the project and contact your planner with questions or comments. You may only remove this notice once we have issued a decision and the appeal period has ended.

If you have not already done so before submitting your application, you should contact any public agencies that may have requirements for your project as soon as possible after you have applied for a planning permit. Special districts, such as your local sanitary and water districts, may have permit or fee requirements. Your local fire protection district may have requirements for vegetation management, fire

sprinklers, or other issues you will need to address. Marin County's Department of Public Works often has requirements for access and parking, grading and drainage, utilities, and other site improvements that you should plan to address in your project. If you anticipate these agencies will require substantial modifications to the exterior aspects of your project, you are responsible for modifying the proposal you have submitted to the Planning Division accordingly.

As a routine part of reviewing applications for new homes and other more substantial projects, we send the project plans to public agencies and community groups that may have an interest in a proposal. If we refer your project to a community group, they will usually invite you to meet and share your project with them before they provide recommendations to us. We may refer your project to a variety of public agencies including the Marin County Department of Public Works, the Community Development Agency's Environmental Health Services Division, your local fire department, and water and sanitary districts. Sometimes someone from these agencies will want to visit your property, and we appreciate your cooperation in allowing them to enter and inspect the site. Public agencies and community groups often provide us with useful comments that need to be addressed during our review and decision on your application.

Your planner will determine if your application is complete within 30 days of the date it was submitted. If your application is not complete, he or she will send you a list of required information for you to submit before your application can be deemed complete. You will have 30 days to resubmit all the requested information before your application will

expire. If you would like additional time to submit these incompleteness items, you may request an extension of time before your application expires. For most projects, we will be willing to grant time extensions of up to three months.

### **Analysis and Evaluation**

Your planner will send you a letter letting you know when your application has been deemed complete. In this letter, he or she will also let you know what their review indicates about your project's compliance with the California Environmental Quality Act (CEQA). Most projects are exempt from CEQA, but some projects may require environmental review to determine whether they would result in environmental impacts. If your project requires environmental review, your planner will contact you with more information about the process. If your project is exempt from CEQA, your planner will begin assessing the merits of your project.

Sometimes applicants or members of the community will need to meet with the planner to discuss aspects of the project. In general, meetings are not necessary if there are no potential problems with the project. When neighbors raise concerns about a discretionary application, the planner will sometimes offer to visit their property to gain an objective perspective and understand their concerns. Planners will not attempt to negotiate with multiple parties or resolve neighborhood disputes. Their job is to evaluate projects based on the criteria in the various County policies, regulations, and guidelines that apply to a project in a fair and objective manner.

For some types of discretionary applications, a public notice will be distributed before a decision on your application is

issued. Also, certain applications require a public hearing. Public hearings are required for Conditional Use Permits, Coastal Permits, and Subdivisions and are usually held by a Deputy Zoning Administrator. Anyone who chooses to comment on a particular project will have an opportunity to do so during a hearing and the Deputy Zoning Administrator will consider all comments before issuing a decision on the project. Public hearings are also necessary for Master Plans and appeals, but those are held by the Planning Commission and the Board of Supervisors. If your application requires a public hearing, your planner will provide you with information about the hearing before it occurs.

Provided a discretionary application is exempt from CEQA, State law mandates that we issue a decision within three months of the date a complete application is submitted. However, we usually issue decisions before the State mandated deadline. Any discretionary decision on your application can be directly referred or appealed to the Planning Commission and subsequently to the Board of Supervisors.

Planning applications for ministerial projects, such as Accessory Dwelling Unit Permits and Use Permit Renewals, are simpler to process than discretionary projects such as Design Reviews. They are not publically noticed, are not subject to the same State mandated timelines for review, are exempt from CEQA, do not require public hearings, and are not open to appeal.

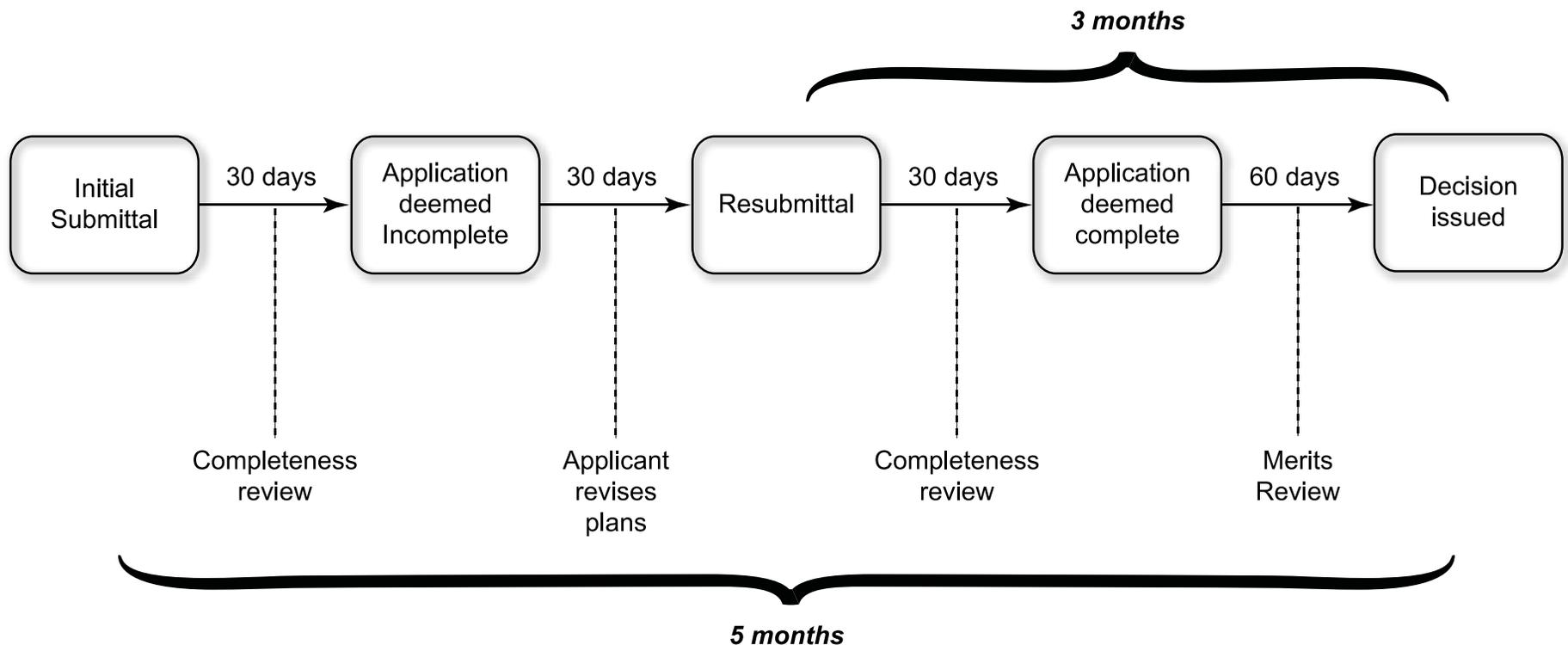
## **After Receiving Planning Approval**

If your planning permit is approved, there will usually be additional steps you need to take to move forward with your project. For most development projects, you will need to get a Building Permit. If you have adjusted your property lines or created new lots, then maps and revised deeds will need to be reviewed before they can be recorded to modify the property. Approvals issued for planning permits will usually contain what are called "conditions of approval". These conditions will specify certain actions that you must take as you finish your project. For example, a development project may be approved with the stipulation that the applicant install new landscaping. In this example, new buildings could not be occupied until the planting has been completed.

The basic process outlined above can vary considerably depending on the different types of planning permits that may be involved. Individual planning permits are discussed in greater detail in the following sections. Each section covers a typical class of application related to land uses and businesses, modifications to properties, or development projects. Individual planning applications are discussed in terms of the scope of services that the Planning Division provides for each as well as the particular aspects of each type of application.

# Example Timeline for a Design Review

This flowchart shows a typical timeline for a Design Review application for a project that is exempt from CEQA (California Environmental Quality Act). This is just an example – the process and timelines may vary depending on the project.



# BOARDS, COMMISSIONS, and PUBLIC HEARINGS

The planning process often involves a number of official boards and commissions and may also include public hearings. The Board of Supervisors is the governing body for the unincorporated areas of Marin, and they hold hearings to discuss and vote on important policy issues and appeals of Planning Commission decisions. The Board of Supervisors appoints the members of the Planning Commission, which holds public hearings to evaluate policy issues and serve as an appellate body for decisions issued by staff or the Deputy Zoning Administrator. The Deputy Zoning Administrator holds public hearings on a certain limited number of planning applications (Tentative Maps, Conditional Use Permits, and Coastal Permits), but does not evaluate appeals. There are three Design Review Boards with members appointed by the Board, which cover areas in Tamalpais Valley, Kentfield and Greenbrae, and Strawberry.

In addition to the official boards and commissions, there are a variety of community groups that participate in the process of reviewing discretionary planning applications. Some of these groups arise organically as new issues and concerns come to the forefront and others are more established committees with rotating memberships. Among these are property owners' associations, which may have an architectural review committee that evaluates projects for conformance with their CC&Rs. The County does not oversee private citizen groups, but we encourage people to be informed and engaged when it comes to planning matters.

The County's official boards and commissions are discussed in more detail below.

## **Board of Supervisors**

The Marin County Board of Supervisors consists of the five elected representatives of the districts of Marin County. In terms of planning issues, the Board makes the final decisions on ordinances, policies, and a limited number of appeals. You can check with the Board's office directly to learn about their hearings and other responsibilities.

## **Planning Commission**

The Marin County Planning Commission is made up of seven volunteers who are appointed by the Board of Supervisors. The Commission reviews and makes recommendations to the Board of Supervisors on all Countywide and Community Plan amendments, Master Plans, and Rezoning. The commission has authority over appeals of discretionary planning decisions that were issued by planning staff or the Deputy Zoning Administrator.

A Planning Commission hearing on a particular agenda item usually begins with planning staff giving a brief PowerPoint presentation, and then responding to any questions that the Commissioners may pose. The Commission Chair will then open the public testimony period of the hearing. A project applicant or an appellant has 10 minutes to speak, and other members of the public are usually given three to five minutes to speak. It is unusual and usually unnecessary for anyone except planning staff to give a PowerPoint presentation. If you wish to make a Powerpoint presentation, please advise the Planning Commission Secretary before the hearing. Your presentation should be submitted on a flash drive at least two

business days (by 12:00 noon on the Thursday prior to a Monday hearing) in advance of the hearing to be checked for viruses and pre-loaded onto the County's computer equipment. Non-County computers cannot be connected to the County network. Please contact the Commission secretary to discuss your equipment needs.

After the public testimony period is closed, the Commissioners deliberate publically before rendering a decision. The Commission's decisions are reflected in written resolutions prepared by staff. Planning Commission decisions are appealable to the Board of Supervisors. All Planning Commission hearings are recorded and videotaped for public distribution and you can watch Commission hearings live online or view past hearings on our website.

### **Deputy Zoning Administrator**

The Deputy Zoning Administrator is a senior member of the Planning Division staff, who is authorized by the agency director to issue decisions on discretionary planning applications. While most decisions are issued by planning staff, the Deputy Zoning Administrator is responsible for decisions on Tentative Maps, Conditional Use Permits, and most Coastal Permits. The hearing will usually begin with the Deputy Zoning Administrator asking staff whether any additional information about the project has come up since the staff report was distributed. Following this, the public testimony portion of the hearing is opened. The applicant is invited to speak for five minutes first and then other members of the audience are given the opportunity to speak for two minutes each. There are no PowerPoint presentations during Deputy Zoning Administrator hearings. This is an opportunity

for people to provide their comments publically; there is no question and answer period offered. Speakers should direct their comments solely to the Deputy Zoning Administrator and not to other members of the audience. The Deputy Zoning Administrator will consider all the comments as well as all the information in the record of the application before rendering a decision. The decision will be reflected in a resolution that is prepared by planning staff. Deputy Zoning Administrator decisions are appealable to the Planning Commission. Deputy Zoning Administrator hearings are recorded for public distribution and you can listen to hearings live online or listen to past hearings on our website.

### **Design Review Boards**

Design Review Boards are citizen advisory committees and act as liaisons to the Board of Supervisors, the Planning Commission, the Planning Division, and the local community. They are made up of volunteers from the local community who are appointed by the Board of Supervisors. They hold public meetings where applicants for development projects are invited to present their proposals. While Design Review Boards do not issue decisions on projects, they do make recommendations to the County on each proposal they review. A project applicant should attend a Design Review Board meeting prepared to present the proposal with the aid of full sized plans, building material samples, and any other information that may be helpful.

***Tamalpais Design Review Board.*** The Tamalpais Design Review Board reviews projects in the area covered by the Tamalpais Valley Community Plan, in the Tamalpais area of Mill Valley. The Tamalpais Design Review Board (Tam DRB) holds meetings on

the 1st and 3rd Wednesdays of each month when they have projects to review. The Tam DRB meets at 7:00 PM in the "Log Cabin" at 60 Tennessee Valley Road, near State Route 1 in Mill Valley.

***Kentfield Planning Advisory Board.*** The Kentfield Planning Advisory Board reviews projects within the area of Kentfield and Greenbrae covered by the Kentfield/Greenbrae Community Plan, with the exception of the Kent Woodlands neighborhood. The Kentfield Planning Advisory Board (KPAB) holds meetings on the 2nd and 4th Wednesday of each month when they have projects to review. KPAB meets at 7:30 PM in the College of Marin Administration Building.

***Strawberry Design Review Board.*** The Strawberry Design Review Board reviews projects in the area covered by the Strawberry Community Plan, in the Strawberry area of Mill Valley. The Strawberry Design Review Board (SDRB) holds meetings on the 1st and 3rd Mondays of each month when they have projects to review. The SDRB meets at 7:30 PM in the Strawberry Recreation Center (1st floor meeting room) at 118 East Strawberry Drive, Mill Valley.

# APPLICATIONS FOR PLANNING SERVICES

The staff at the planning services counter can provide you with general information about zoning and development standards that will assist you in preparing your project application. However, questions about the property's legal status, requests for copies of permit history, and site specific inquiries about contemplated projects require research that cannot be done at the counter. The following services are provided by the Planning Division to assist you in putting your application together.

## **Property Information Packet**

A Property Information Packet (PIP) is a summary of a property's permit history. The PIP provides you with copies of all final decisions and exhibits for planning applications that have been submitted for the property in the past. Also included is some basic planning information and an aerial photo of the site. It is usually easier to ask us to do this research for you than for you to do it yourself.

## **Planning Consultation**

A Planning Consultation application covers two hours of time spent by a planner to answer your questions. They are useful for a number of different purposes, including general questions about the planning process or particular policies. The most common reason people apply for consultations is to get an early idea of what planning considerations may affect their project. In these types of consultations, a planner will identify the policy and regulatory documents that will apply to the project, check our County maps for background

information, and meet with an applicant to go over the project. The planner will let the applicant know what planning documents to review, indicate whether environmental review is likely, and suggest what the path of least resistance may be for the applicant to consider. A consultation does not include collecting permit history, so it is usually a good idea to apply for a Property Information Packet at the same time as you apply for a consultation so that the planner has more information before meeting with you.

Another common reason people request a consultation is because they have obtained a planning permit for development but want to make changes to the design during the Building Permit review. A consultation is an opportunity for applicants to ask a planner whether the changes they want to make would substantially conform to the approved planning permit

## **Preapplication**

Pre-Applications are much more in depth than consultations and are typically reserved for larger scale projects. While the services provided are to some degree up to the applicant, a Preapplication review would usually include transmitting a proposal to other departments and organizations and collecting their comments, as well as a report on what staff has found in their research. Typically the report will focus on policies and regulations that may affect the project, application and submittal requirements, and environmental review. This service is useful because it provides direct written feedback to a specific project, and general information about the regulatory process and development standards applicable to the property.

## **Presubmittal Plan Review**

A Presubmittal Plan Review entails a cursory review of the plans for a project before an official Planning Application is submitted. One full-sized copy of the plans should be submitted for review. A planner will review your application materials and let you know whether the application materials meet the basic submittal requirements.

# APPLICATIONS FOR LAND USES AND BUSINESSES

## Conditional Use Permits

A Conditional Use Permit is a discretionary planning permit that is processed in accordance with Marin County Code Chapter 22.48 (MCCI 22.88 in the Coastal Zone). For each zoning district, there are land uses that are permitted by right without County review and those that may be conditionally permitted by approval of a Conditional Use Permit. Uses that are not permitted by right, or permitted through an approved Conditional Use Permit, are prohibited. All Conditional Use Permit applications are referred to other public agencies that may have an interest in the proposed use before determining whether an application is complete. Conditional Use Permit applications require a public hearing before the Deputy Zoning Administrator. A public notice of the hearing will be published in the newspaper and sent to surrounding neighbors before the hearing occurs. A planner will prepare a staff report before the hearing with a recommendation to the Deputy Zoning Administrator. During the hearing, the applicant and the public will be given a brief opportunity to provide their testimony before the Deputy Zoning Administrator issues a decision regarding the project. All decisions issued by the Deputy Zoning Administrator may be appealed to the Planning Commission.

## Master Use Permits

A Master Use Permit is a discretionary planning permit that is processed in accordance with Marin County Code Chapter

22.49. A Master Use Permit is a type of Conditional Use Permit that governs multiple conditional uses on a single property. The process for reviewing and rendering a Master Use Permit is the same as it is for reviewing a Conditional Use Permit, including the initial review, public notice, and a public hearing held by a Deputy Zoning Administrator. All decisions issued by the Deputy Zoning Administrator may be appealed to the Planning Commission.

## Temporary Use Permits

A Temporary Use Permit is a discretionary planning permit that is processed in accordance with Marin County Code Chapter 22.50. Temporary Use Permits allow for uses that are proposed for a short term basis that may not meet the normal development or use standards applicable to the property, but which may be acceptable because of their temporary nature. Examples of temporary uses include holiday product sales lots, temporary work trailers, and other similar temporary uses. Some Temporary Use Permit applications are referred to other public agencies and a public notice of the project will be posted on the site. A planner will issue an administrative decision regarding the project, and this decision may be appealed to the Planning Commission.

## Use Permit Renewals

A Use Permit Renewal is a ministerial planning permit that is processed in accordance with Marin County Code Chapter 22.52. They are sometimes required for renewing vested Use Permits that were originally granted with a limited term in order to verify that the use continues to meet the requirements of the conditions of the original Use Permit. Use Permit

Renewal applications are not usually referred to other public agencies and no public notice is provided. Once a planner has verified that the project continues to follow the conditions of the original Use Permit, it will be renewed. A planner will issue a ministerial decision on the renewal, and this decision is not appealable.

### **Accessory Dwelling Unit Permits**

An Accessory Dwelling Unit Permit is a ministerial planning permit that is processed in accordance with Marin County Code Chapter 22.56. A residential accessory dwelling unit consists of a second permanent dwelling that is accessory to a primary dwelling on the same property. For example, a property with a house may also have a cottage in the rear with full kitchen facilities that is used as a rental or in-law unit. The Accessory Dwelling Unit Permit allows for an accessory unit to be approved in a building that was constructed after January 1, 2017; no planning permit is necessary to establish an accessory dwelling unit in an older building. Some Accessory Dwelling Unit Permit applications are referred to other public agencies that have an interest in the proposed project before determining whether the application is complete, but no public notice is provided. A planner will issue an administrative decision regarding the project, and this decision is not appealable.

### **Homeless Shelter Permits**

A Homeless Shelter Permit is a ministerial planning permit that is processed in accordance with Marin County Code Chapter 22.59. A homeless shelter is any housing that provides minimal supportive services for homeless people, that is limited to occupancy of six months or less by a

homeless person, and does not deny emergency shelter because of an inability to pay. Some Homeless Shelter Permit applications are referred to other public agencies that have an interest in the proposed project before determining whether the application is complete, but no public notice is provided. A planner will issue an administrative decision regarding the project, and this decision is not appealable.

### **Large Family Daycare Permits**

A Large Family Daycare Permit is a ministerial planning permit that is processed in accordance with Marin County Code chapter 22.58. A large family daycare facility is located in a single-family residence, where an occupant provides care and supervision for eight to 14 children. Children under the age of 10 years who reside in the home count as children served by the day-care facility. Some Large Family Daycare Permit applications are referred to other public agencies that have an interest in the proposed project before determining whether the application is complete, but no public notice is provided. A planner will issue an administrative decision regarding the project, and this decision is not appealable.

### **Property Status Determinations**

A Property Status Determination is similar to a voluntary resale inspection, except that it covers only zoning compliance. The purpose of this application is to determine the legal status of all buildings and/or land uses on the property with respect to the applicable zoning requirements. This service is useful to someone who wants to confirm that all the buildings and uses on a property are legally permitted. Property Status Determination applications are not usually referred to other

public agencies and no public notice is provided. A planner will issue an administrative decision regarding the project, and this decision is not appealable. Be aware that if the determination indicates an illegal property status, that information will be forwarded to the Community Development Agency – Code Compliance Section for corrective action.

# APPLICATIONS FOR PROPERTY MODIFICATIONS

## **Tentative Maps**

A Tentative Map for a subdivision is a discretionary planning permit that is processed in accordance with Marin County Code Chapter 22.84 (Title 20I in the Coastal Zone) and the State Subdivision Map Act. Tentative Maps are required to create new lots or to adjust the lot lines of more than four separate lots. A Tentative Map is the first step in the process to approve a subdivision, which is only finished after a Final Map or Parcel Map has been approved and recorded for the property.

All Tentative Map applications are referred to other public agencies that may have an interest in the subdivision before determining whether an application is complete. Most Tentative Map applications are subject to environmental review, as required by the California Environmental Quality Act (CEQA). Tentative Map applications require a public hearing before the Deputy Zoning Administrator. A public notice of the hearing will be published in the newspaper and sent to surrounding neighbors before the hearing occurs. A Planner will prepare a staff report before the hearing with a recommendation to the Deputy Zoning Administrator. During the hearing, the applicant and the public will be given a brief opportunity to provide their testimony before the Deputy Zoning Administrator issues a decision regarding the project. All decisions issued by the Deputy Zoning Administrator may be appealed to the Planning Commission.

A Final Map or Parcel Map is required for the final approval. The primary difference between a Final Map and a Parcel Map is that a Final Map is required for all subdivisions creating five or more lots, while a Parcel Map is required for four or fewer lots. Only after a Parcel Map or Final Map is recorded can the newly created lots be sold.

## **Tentative Map Waivers**

A Tentative Map Waiver for a subdivision is a discretionary planning permit that is processed in accordance with Marin County Code Section 22.84.035 and the State Subdivision Map Act. Tentative Map Waiver applications are used to modify the requirements of previously approved subdivisions or to subdivide land for environmental preservation. Some Tentative Map Waiver applications are referred to other public agencies and a public notice of the project will be posted on the site. A planner will issue an administrative decision regarding the project, and this decision may be appealed to the Planning Commission. After a Tentative Map Waiver is approved, a Parcel Map or Final Map Plan Check will be necessary to finalize the process.

## **Parcel Map and Final Map Plan Checks**

Parcel Maps and Final Maps are ministerial decisions issued by the Board of Supervisors based on a recommendation from the County Surveyor in accordance with Marin County Code section 22.86.010 and the State Subdivision Map Act. Before an application for a Parcel Map or Final Map can be accepted by the County Surveyor, an applicant must submit a conforming Tentative Map for a Plan Check by the Planning Division. The purpose of the Plan Check is for a planner to review a draft Parcel or Final Map as well as any title documents and to collect any impact fee accounts

necessary before the subdivision can be finalized by the County Surveyor. Plan Check applications are not referred to other public agencies and no public notice is provided. A planner will issue an administrative decision regarding the project, and this decision is not appealable. The Tax Assessor's office will be responsible for reflecting the new lots in the Assessor's Parcel Maps and tax assessments.

### **Certificates of Compliance**

Certificates of Compliance (COC) and conditional Certificates of Compliance are ministerial planning permits that are processed in accordance with Marin County Code Chapter 22.96 and the Subdivision Map Act. Certificate of Compliance applications are used to determine whether a particular unit of real property is a legal lot of record. If a unit of real property is not a legal lot of record, a conditional certificate of compliance indicates those conditions that must be met for the property to become a legal lot of record. A single Certificate of Compliance will be issued for each unit of real property determined to be a single legal lot of record. The application is not referred to any other public agencies and no public notice is provided. A planner will issue an administrative decision regarding the project, and this decision is not appealable. A legal determination of the status of the property will be recorded after a decision on the application has been issued.

### **Lot Line Adjustments**

A Lot Line Adjustment is a discretionary planning permit that is processed in accordance with Marin County Code Chapter 22.90 and the State Subdivision Map Act. A Lot Line Adjustment allows for adjusting lot lines between two to four existing contiguous lots, where real estate is transferred

between lots and where no more lots are created than originally existed. The County will review the proposed Lot Line Adjustment to ensure that County standards for such items as minimum lot size, setbacks and access are maintained. Some Lot Line Adjustment applications are referred to other public agencies and a public notice of the project will be posted on the site. A planner will issue an administrative decision regarding the project, and this decision may be appealed to the Planning Commission. The applicant will need to finalize the adjustment by getting the County Surveyor to approve deeds and plat maps that clearly show the adjustment. The Tax Assessor's office will be responsible for reflecting the adjustment in the Assessor's Parcel Maps and tax assessments.

### **Mergers**

A Merger is a discretionary planning permit that is processed in accordance with Marin County Code Chapter 22.92 and the State Subdivision Map Act. Merger Chapter 22.92 provides the procedures for the consolidation of contiguous parcels held in common ownership, which were created prior to modern subdivision requirements and are substandard with respect to current County subdivision standards. A Merger may be initiated by the County or a property owner.

If owner initiated, a Merger Determination Application must be completed by the applicant. The owner's name must be identical on all relevant deeds, and there can be only one primary structure on the final merged lot. Once an application has been received, the County will file a Notice of Intent to Determine Status before completing the merger process.

If the project is County initiated, the Notice of Intent to Determine Status notifies the owner that the affected parcels may be merged by the Deputy Zoning Administrator at a public hearing. With the Notice of Intent to Determine Status, the County will send a letter to the owners giving them the choice to waive the hearing. If the waiver is not signed and received within 10 days, the merger will be scheduled before the Deputy Zoning Administrator to make a Merger determination.

Once approved, a final Merger Determination Memorandum and Notice of Merger will be filed with the County Recorder's Office. The applicant can combine the Assessor's Parcels that make up the property after the Merger is finished by applying to the Marin County Tax Assessor's office for an Assessor's Parcel combination.

# APPLICATIONS FOR DEVELOPMENT

## Master Plans

A Master Plan may be approved legislatively in accordance with Marin County Code Chapter 22.44 (22.45.050.A.I in the Coastal Zone). Master Plans establish the general parameters for future development that may be phased over a long period of time. All Master Plan applications are referred to other public agencies that may have an interest in the proposed project before determining whether an application is complete. Master Plan applications require public hearings before the Planning Commission and the Board of Supervisors. A public notice of the hearing will be published in the newspaper and sent to surrounding neighbors before the hearing occurs. A planner will prepare a staff report before the hearing with a recommendation to the relevant hearing body. During the hearings, the applicant and the public will be given a brief opportunity to provide their testimony before the Planning Commission and the Board of Supervisors issue a decision regarding the project. The Planning Commission provides a recommendation on the project to the Board of Supervisors and the Board adopts the final Ordinance.

## Precise Development Plans

A Precise Development Plan (PDP) is a discretionary planning permit required only in the Coastal Zone that is processed in accordance with Marin County Code Chapter 22.45.050.B.I. A PDP sets forth a specific development

scheme for all or a portion of a property for which a Master Plan has been approved. Some PDP applications are referred to other public agencies and a public notice of the project will be posted on the site. A planner will issue an administrative decision regarding the project, and this decision may be appealed to the Planning Commission.

## Design Reviews

A Design Review is a discretionary planning permit that is processed in accordance with Marin County Code Chapter 22.42 (22.82.I in the Coastal Zone). Design Review applications may pertain to the development on a single lot or cover the development on multiple contiguous lots. Design Reviews are the most common type of discretionary planning permit and are intended to ensure that development is attractive and located in an appropriate area on a site. Some Design Review applications are referred to other public agencies and a public notice of the project will be posted on the site. A planner will issue an administrative decision regarding the project, and this decision may be appealed to the Planning Commission.

## Site Plan Reviews

A Site Plan Review is a discretionary planning permit that is processed in accordance with Marin County Code Chapter 22.52. Site Plan Reviews are intended to ensure that development respects the natural constraints of a property and protects environmental resources from excessive disturbance. Some Site Plan Review applications are referred to other public agencies and a public notice of the project will be posted on the site. A planner will issue an

administrative decision regarding the project, and this decision may be appealed to the Planning Commission.

### **Floating Home Exceptions**

Floating Home Exceptions are discretionary planning permits that are processed in accordance with Marin County Code Chapter 22.46. Floating Home Exceptions are required for deviations from the size or location normally allowed for houseboats. Some Exception applications are referred to other public agencies as well as to the harbormaster and a public notice of the project will be posted by the berth. A planner will issue an administrative decision for an Exception, and this decision may be appealed to the Planning Commission.

### **Tidelands Permits**

A Tidelands Permit is a discretionary planning permit that is required only in the Coastal Zone and is processed in accordance with Marin County Code Chapter 22.77.I. Tidelands Permits are intended to ensure that development near shorelines is appropriate. Some Tidelands Permit applications are referred to other public agencies and a public notice of the project will be posted on the site. A planner will issue an administrative decision regarding the project, and this decision may be appealed to the Planning Commission.

### **Variations**

A Variance is a discretionary planning permit that is processed in accordance with Marin County Code Chapter 22.52 (22.86.I in the Coastal Zone). Variations are necessary to allow deviations from the height, setback, or

floor area ratio standards specified in a particular zoning district. Variations are often considered some of the most difficult permits to obtain, and the Planning Division usually recommends against seeking one unless absolutely necessary. Some Variance applications are referred to other public agencies and a public notice of the project will be posted on the site. A planner will issue an administrative decision regarding the project, and this decision may be appealed to the Planning Commission.

### **Master Sign Programs**

A Master Sign Program is a discretionary planning permit that is processed in accordance with Marin County Code Chapter 22.60. Master Sign Programs are necessary when more than four businesses are on a single property and their signs would deviate from ministerial design standards. Master Sign Programs can establish site-specific ministerial design standards for multiple signs. Master Sign Program applications are not usually referred to other public agencies but a public notice of the project will be posted on the site. A planner will issue an administrative decision regarding the project, and this decision may be appealed to the Planning Commission.

### **Sign Reviews**

A Sign Review is a discretionary planning permit that is processed in accordance with Marin County Code Chapter 22.60 (22.69.I in the Coastal Zone). Sign Reviews are required for larger signs or free standing signs. Sign Review applications are not usually referred to other public agencies but a public notice of the project will be posted on the site. A planner will issue an administrative decision regarding the

project, and this decision may be appealed to the Planning Commission.

### **Sign Permits and Temporary Sign Permits**

Sign Permits and a Temporary Sign Permits are ministerial planning permits that are processed in accordance with Marin County Code Chapter 22.60 (22.69.1 in the Coastal Zone). Sign Permits are intended to regulate small signs that meet certain objective criteria. Temporary Sign Permits are intended to regulate signs that are displayed on a temporary basis, and are not applicable in the Coastal Zone. Sign Permit and Temporary Sign Permit applications are not usually referred to other public agencies and no public notice is provided. Decisions on Sign Permits and Temporary Sign Permits are not appealable.

### **Tree Removal Permits**

A Tree Removal Permit is a discretionary planning permit that is processed in accordance with Marin County Code Chapter 22.62. Tree Removal Permits are not required in the Coastal Zone, but a Coastal Permit may be required for tree removal. Tree Removal Permits are intended to limit the removal of healthy, mature, native trees on properties that are not used for agriculture. Tree Removal Permit applications are not usually referred to other public agencies but a public notice of the project will be posted on the site. A planner will issue an administrative decision regarding the project, and this decision may be appealed to the Planning Commission.

### **Coastal Permits**

A Coastal Permit is a discretionary planning permit that is processed by the County in accordance with Marin County Code Chapter 22.56.1. Coastal Permits are intended to implement the State Coastal Act and Local Coastal Program. They mainly relate to development, but they may also be required for changes in use and subdivisions. In some locations, the California Coastal Commission has retained direct responsibility for reviewing Coastal Permits, but in most areas they have delegated that authority to the County. Most Coastal Permit applications are referred to other public agencies that may have an interest in the project. In addition, the majority of Coastal Permit applications require a public hearing before the Deputy Zoning Administrator. A public notice of the hearing will be published in the newspaper and sent to surrounding neighbors before the hearing occurs. A Planner will prepare a staff report before the hearing with a recommendation to the Deputy Zoning Administrator. During the hearing, the applicant and the public will be given a brief opportunity to provide their testimony before the Deputy Zoning Administrator issues a decision regarding the project. All decisions issued by the Deputy Zoning Administrator may be appealed to the Planning Commission. In many cases, a County approval of a Coastal Permit can be appealed to the California Coastal Commission as well.

# APPEALS

A Decision approving or denying a discretionary planning permit may be appealed by anyone. If planning staff or a Deputy Zoning Administrator is responsible for issuing a decision, then the appeal would be heard by the Planning Commission. Once the Planning Commission issues a decision on the appeal, their decision may be appealed to the Board of Supervisors. Both the Planning Commission and the Board of Supervisors have certain protocols that they follow when considering an appeal, and their hearings are usually scheduled within two months of the appeal being submitted. When the Planning Commission and the Board consider projects on appeal, they do so on a de novo bases, which means that they may consider any aspect of the project even when it has nothing to do with the appeal.

Planning staff typically provides a number of services for appeals to the Planning Commission, but the scope of these services is limited. Staff will begin by taking care of administrative tasks such as scheduling the hearing and distributing public notices. Most of the substantive work by staff involves reviewing the bases of the appeal and preparing a staff report and draft resolution for the Planning Commission. During the hearing, staff will give a PowerPoint presentation about the project and address issues that arise from the appeal. In those cases where the Planning Commission requests modifications to the draft resolution, staff will make the revisions for the Commission chair's signature.

Services other than those described above may be outside of the scope covered by the appeal fee. For example, if an applicant submits a revised project to address issues raised in an appeal, the review of those new plans will be billed for on a cost recovery basis rather than being billed against the appeal fee.

Appeals to the Board of Supervisors are similar in many respects to appeals to the Planning Commission. Planning staff will carry the decision of the Planning Commission forward to the Board and the Board can accept the Planning Commission's action or not, at their discretion.

# FINISHING THE PROCESS

## Conditions of Approval

A decision on a planning application is provided either in the form of an official determination (administrative decisions), or as a Resolution from the Deputy Zoning Administrator, Planning Commission, or Board of Supervisors. A decision will contain general property information, along with a description of the approved project and staff's responses to the required findings for approval. If planning approval is given, the decision is usually accompanied by a list of conditions of approval. A standardized list of most of the typical conditions is available the Planning Division's website under "Standard Planning Requirements". Not all of these conditions will apply to every project, but whatever conditions of approval are imposed by the planning permit must be met in order to conduct a permitted use or to receive Building Permit approval. Conditions may range from procedural requirements to modifications to the design. It is imperative that these conditions of approval be reviewed and satisfied.

In addition, if these conditions are not reviewed during the appeal period, and if the applicant takes issue with any of them, they may not be able to contest the conditions after the appeal period ends and will have to apply for an amendment to the approved permit to change them. In addition to the conditions imposed by the Planning Division, the conditions may also list requirements for Environmental Health Services, the Department of Public Works, and for other Districts of Marin County, such as water and sewer

districts. If a Building Permit is required, you may need to provide verification of having met the conditions prior to receiving a Building Permit, or prior to receiving approval for Building Permit inspections.

## Substantial Conformance and Project Amendments

An applicant may propose changes to an approved project by submitting the proposed changes in writing and furnishing the appropriate supporting materials. There are almost always minor refinements to a project's design that are made between the planning permit approval and the Building Permit submittal. When those changes are more significant, the substantial conformance review will usually take place during a Planning Consultation. Planning staff may administratively authorize changes to an approved project if they are: 1) consistent with all applicable provisions of the Marin County Development Code; 2) do not involve a feature of the project that was specifically addressed or was a basis for findings in a negative declaration or environmental impact report for the project; 3) do not involve a feature of the project that was specifically addressed or was a basis for conditions of approval for the project, or that was a specific consideration in the approval of the permit; and, 4) do not result in significant expansion of the use. If the changes do not substantially conform to the original decision, then the applicant must seek an amendment to the original planning permit.

## Planning Permit Vesting and Extensions

Unless conditions of approval establish a different time limit, any permit or entitlement not vested within three years of the date of approval shall expire and become void. The permit

shall not be deemed vested until the permit holder has actually obtained a Building Permit or other construction permit and has substantially completed improvements in accordance with the approved permits, or has actually commenced the allowed use on the subject property, in compliance with the conditions of approval, or has recorded a Parcel Map or Final Map.

It is important to note that planning permits are not extended automatically when you file a Building Permit application. The applicant must actually obtain the Building Permit and move forward with the construction to vest most projects. If the project cannot be vested before the clock runs out on the planning permit, then the applicant must apply to the Planning Division for an extension to vest the planning permit. All extensions are issued ministerially by planning staff except Coastal Permits. Requests to extend Coastal Permits that were issued by the Deputy Zoning Administrator must go back to a public hearing before the Deputy Zoning Administrator to be approved.

# PLANNING FEES and OTHER COSTS

In order to get a good sense of how much your project may cost, we recommend that you take into account all the potential fees from the Planning Division as well as other permitting and public service agencies before you submit an application. In many cases, it is also a good idea to talk to builders about the potential costs of construction.

Planning fees are charged according to the Planning Division's fee schedule, which is adopted by the Board of Supervisors. Planning permits differ in cost, with the fees meant to defray some of the costs of reviewing the application. There are basically two different kinds of planning fees- flat fees and retainer fees. The costs of planning permits with flat fees are more predictable than for those with retainer fees because the initial fee paid will usually cover the full cost of the planning application. On the other hand, retainer fees are collected with an initial deposit, which is then billed against during the application review. If additional fees are necessary to cover the application review costs, then those fees will need to be paid mid-way through the planning process. However, if some of the fees paid are not used (to within one hour of time spent) then you will be refunded the portion that is left at the end of the process.

If your planning permit is for development, you will almost certainly need to get a Building Permit for the construction. The application process for a Building Permit is separate from the planning permit, and has separate fees. A Building Permit fee schedule is available from the Building and Safety

Division and you should talk to their staff about how to do a preliminary estimate of their fees for your project.

Other fees that may be required at the time of a Building Permit application are impact fees, which are intended to offset the additional demand that is generated by development. Impact fees that may be due during the Building Permit process relate to long-range planning, affordable housing, parks and open space, road impacts and transportation improvements. The following provides a summary of the types of impact fees that may apply to your project.

## ❖ Long Range Planning Surcharge

The Long Range Planning Surcharge is calculated at 10% and applied to select Planning permit fees and Building Permit fees. This fee is paid at the time you file a Planning application and pay for a Building Permit. This fee is levied by the Planning Division.

## ❖ Affordable Housing Impact Fee

This fee is assessed for residential development over 2,000 square feet in size. It is calculated at either \$5 or \$10 per square foot of conditioned floor area, depending on the size of the building. As an example, a new 4,000 square foot house would generate a \$20,000.00 Affordable Housing Impact Fee. This fee is paid at the time a Building Permit is issued and is levied by the Community Development Agency's affordable housing program.

❖ **In-Lieu Housing Fee (Residential)**

An in-lieu housing fee is required for the portion of subdivisions or multi-family development that results in a fractional share of less than 0.5 of a unit. This fee is paid at the time the subdivision map is recorded or at the time a Building Permit is issued (if the project consists of the construction of multiple family units). Please refer to Section 22.22.090.B of the Marin County Development Code for more information. This fee is levied by the Community Development Agency's affordable housing program.

❖ **Jobs/Housing Linkage Fee**

This fee is based on the development type and floor areas of the development. Please see Section 22.22.100 of the Marin County Development Code for more information. This fee is collected at the time a Building Permit is issued and is levied by the Community Development Agency's affordable housing program.

❖ **Road Impact Fee**

This fee is calculated as 1% of the Building Permit valuation of \$10,000 or more. As an example, a new 4,000 square foot house at \$150 per square foot would generate a Road Impact Fee of \$6,000. This fee is paid at the time a Building Permit is issued and is levied by the Department of Public Works.

❖ **Transportation Improvement Mitigation Fee**

This fee applies to development projects that are in one of the five zones established by the County

(generally Atherton Avenue, Northgate San Rafael area, San Geronimo Valley, Strawberry and Tamalpais Community area). Fees are adjusted every year. This fee is paid at the time a Building Permit is issued and is levied by the Department of Public Works.

❖ **In-Lieu Park Dedication Fee**

This fee applies when you subdivide property and is calculated by multiplying the number of dwelling units by the number of acres of parkland required per dwelling unit multiplied by the fair market value per buildable acre by 1.20. This fee is paid at the time a Parcel or Final Map is recorded. Please refer to Section 22.98.040 of the Marin County Development Code for more information. This fee is levied by and paid directly to the Parks and Open Space Department.

If you have questions about these impact fees, you should directly contact the department that is responsible for levying the fee.

Finally, when budgeting for construction, you should factor in fees charged by school districts and utility service providers. We have provided the contact information for all of the County's school districts and for the major utility providers below for your use on the following page (all area codes 415 unless otherwise noted).

# SCHOOL DISTRICTS and UTILITY PROVIDERS

School District		Water		Sewer	
Lagunitas	488-4118	MMWD	945-1145	Novato	892-1694
Mill Valley	389-7700	NMWD	897-4133	San Rafael	454-4001
Nicasio	662-2184	Stinson Beach	868-1333	Sausalito/Marin City	332-0244
Novato	897-4201	Bolinas	868-1224	Ross Valley	259-2949
Reed	383-1116			Las Gallinas Valley	472-1734
Ross	454-2162	<b>Fire</b>		Homestead Valley	388-4796
Dixie	492-3700	Marin County	473-6566	Almonte	388-8775
Kentfield	925-2230	Marinwood	479-0122	Alto	388-3696
Laguna	(707) 762-6051	Novato	878-2620	Central Marin	459-1455
Larkspur	927-6960	Ross Valley	258-4686	Southern Marin	388-2402
San Rafael	492-3205	Kentfield	453-7464	Corte Madera	927-5057
		Southern Marin	388-8182	Richardson Bay	388-1345
		Tiburon	435-7200	Tiburon	435-1501
		Bolinas	868-1566		
		Inverness	669-7151		
		Stinson Beach	868-0622		

# FEEDBACK

We are always looking for ways to improve the planning process, and your feedback is a valuable source of information for us. We invite you to let us know about changes you would like to see and we provide a couple of opportunities for you to give us your opinion. If you go through a discretionary planning process, we will send you a survey asking you about your experience. We also have an email dedicated to receiving your comments on the planning process at: *Planning\_feedback@marincounty.org*. We very much appreciate your constructive criticism and thoughtful suggestions.



All County publications are available in alternative formats (Braille, Large Print, or CD), upon request. Requests for accommodations may be made by calling (415) 473-4381 (Voice) 473-3232 (TDD/TTY) or by e-mail at *disabilityaccess@marincounty.org* at least four work days in advance of the event. Copies of documents are available in alternative formats, upon request.

