



MEMORANDUM

TO: Marin County Planning Commission
FROM: Jeremy Tejirian
DATE: November 21, 2016
RE: 2017 Development Code Amendments

Planning Division staff received a number of emails and other correspondence related to the Development Code amendments during and after the initial Planning Commission workshop held on November 14, 2016. All of these are enclosed for your Commission's review and any correspondence received after November 21st will be provided to you directly and made available to the public during the next workshop on November 28th.

In addition, planning staff has further refined the alternative previously presented to your Commission related to Junior Accessory Dwelling Units (JADUs).

JADU Alternative

In the Summary and Guide to the 2017 Development Code amendments attached to the staff report provided for the Planning Commission workshop on November 14, 2017, Planning staff included the following alternative:

"Another alternative is to redefine living areas with wet bars within an existing residence, which do not exceed 500 square feet and have separate entrances as separate units (JADUs), and place additional exemptions for these in both the standards section **(32.140.C)** and the ADU permits section **(56.040)**. This would render a high number of existing residences legal non-conforming with respect to maintaining their existing wet bars."

For a number of years, the County has allowed wet bars to be installed in single family residences without defining those areas as separate living units or requiring any special Planning permits. This has led many homeowners throughout the County to install wet bars in their pool cabanas, artist studios, and room rentals in their homes. Wet bars are characterized by small sinks, mini-refrigerators, and kitchen appliances, but do not include full ovens or other kitchen conveniences, and are sometimes referred to as efficiency kitchens or partial kitchens. The County's approach has been more permissive than many surrounding jurisdictions and has provided homeowners with a lot of flexibility in how they develop and use their properties.

Redefining living areas with wet bars as JADUs, with the concomitant requirements such as having exterior access and a maximum floor area of 500 square feet, has both disadvantages and advantages. One of the disadvantages is that making the Development Code far more restrictive than it is currently would render many homes with existing wet bars legal

nonconforming with respect to the JADU requirements. However, one important advantage is that the financing options available to homeowners who want to treat living areas with wet bars as distinct dwelling units could be expanded by providing them with a voluntary path towards creating JADUs. As long as this path is voluntary, it could broaden homeowners' financing options and avoid penalizing homeowners with existing wet bars. In order to accomplish this objective, a number of amendments should be considered by your Commission as an alternative to supplement the proposal for Accessory Dwelling Units, as discussed below.

1. Add the following exemptions to Sections 32.140.C and 56.040 for JADUs, as specified by State Law (AB 2406):
 - Limit JADUs to one per residential lot zoned for single-family residences with a single-family residence already built on the lot.
 - Require owner occupancy in the single-family residence in which the JADU will be permitted. The owner may reside in either the remaining portion of the structure or the newly created JADU. Owner occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.
 - Require that a recorded deed restriction, which shall run with the land, be filed with the permitting agency, and shall include both of the following:
 - A prohibition on the sale of the JADU separate from the sale of the single family residence, including a statement that the deed restriction may be enforced against future purchasers.
 - A restriction on the size and attributes of the JADU that conforms to this section.
 - Require the JADU to be constructed within the existing walls of the structure, and require the inclusion of an existing bedroom.
 - Require the JADU to include a separate entrance from the main entrance to the structure, with an interior entry to the main living area. A JADU may also include a second interior doorway for sound attenuation.
 - Require the JADU to include a wet bar.
2. Include a definition of a JADU in Article VIII that reflects the criteria listed above and indicates that living areas with wet bars are not JADUs unless they meet all of these criteria.

The effect of these amendments would be to provide a path for homeowners to voluntarily establish JADUs, thereby taking advantage of financing options that may not otherwise be available to them.

Attachments:

1. Assembly Bill 2406
2. Public comments

Tejirian, Jeremy

From: Misted Forest <themistedforest@gmail.com>
Sent: Wednesday, November 16, 2016 3:29 PM
To: Tejirian, Jeremy
Subject: Slaughter houses in Marine, a concerned citizen

Aloha Jeremy Tejirian,

I am against adding slaughter houses to Marine County. With the increase in hate crimes since Trump became president, adding slaughter houses would only increase violence.

- Killing animals is not an isolated behaviour, but part of a constellation of anti-social behaviours. A study of 581 US counties from 1992-2002 found that counties with slaughterhouses have higher rates of domestic violence and violent crimes. A new study reports that the presence of a slaughterhouse corresponds with a 166% increase in arrests for rape.

- One of the largest environmental concerns associated with slaughterhouses is wastewater and water contamination. We do not want nitrogen, phosphorus, and ammonia going into our waterways. High nitrate levels in water can cause methemoglobinemia or blue baby syndrome, a fatal condition that impacts infants under six months. Nitrogen pollution in waterways can also kill aquatic life, and make it much more difficult for fish, insects and other creatures dependent on the water to survive.

Not to mention animals have families, and feelings. They have lives, and want to live. Pigs are incredibly intelligent animals.

Please visit a Farm sanctuary and see for yourself how innocent these animals are.

Mahalo for your time,

Misty

Tejirian, Jeremy

From: Caroline <ckbolt12@aol.com>
Sent: Tuesday, November 15, 2016 11:17 AM
To: Tejirian, Jeremy
Subject: 2017 Development Code Amendments

Hello Jeremy,

I am a resident of Nicasio and attended the first workshop on the proposed amendments on November 14th.

Regarding your memorandum dated November 8th, a staff correction to the draft amendments was noted as,

2. The definition "Slaughterhouse and Rendering Plants" in Article VIII should be amended to specifically indicate that the small poultry slaughter facilities allowed as an agricultural processing use in Article II, Section 08.040.E, do not fall within this definition.

Could you please define "small poultry slaughter facility"? And, if this is not a stationary slaughterhouse or a mobile slaughterhouse, can you please clarify within what definition a small poultry slaughter facility would fall?

Also not made clear is what further processing of the animal product is allowed after slaughter is performed (in all types of facilities), i.e. will butchering, packaging, labeling, and storage be allowed? These operations are distinct from slaughter and should be addressed as well if they are not in the current code.

I note that the permit requirement for sale of agricultural products has been proposed to change to U/P in ARP zones. Staff is proposing that retail sales and retail structures be principally permitted in this zone, subject to the noted requirements and standards - is that correct? And does the definition of agricultural products include animal meat products?

I appreciate your help on these points.

Sincerely,
Caroline Bolthouse
Nicasio

Tejirian, Jeremy

From: Raul Aldape <medina9055@gmail.com>
Sent: Monday, November 14, 2016 8:20 PM
To: Tejirian, Jeremy
Subject: Slaughterhouses in Marin

Hi Jeremy,

I hope you are doing well. My name is Raul and I volunteer for the National Park Service at the Marin Headlands. I had heard that earlier today there was discussion around legalizing slaughterhouses in Marin. I am concerned with the impact these would have on the quality of life and rich biodiversity on the most visited National Park in the country. The waste of these houses are considered by the EPA to be the worst for lakes and rivers with chemicals such as Nitrogen and Ammonia having a detrimental effect on the region. Slaughterhouses have a negative effect with green house gases, waste water and transportation being the most pressing. I am expressing my disdain, not as a resident of Marin County but as a proud patron and conservator of its uniqueness and rich history. The NPS greets thousands of visitors a week and having the houses cause a negativity effect on the quality of life and environment would present a contradiction to Marin County's modern history and current progress. It would tarnish Marin's reputation as a leader in environmental consciousness and high respect for its rural forestry. I hope you take my concerns into consideration and say no to slaughterhouses.

Raul Aldape

Nicasio Land Owners Association

Nicasio, California 94946

November 14, 2016

Marin County Planning Commissioners
3501 Civic Center Drive
San Rafael, CA 94903

Re: Comments on Proposed Amendments to Marin County Development Code

Dear Marin County Planning Commissioners,

The Nicasio Land Owners Association and its Design Review Board have several questions and concerns regarding the proposed amendments to the Marin County Development Code, including the following:

1. Mobile slaughter facilities would be permitted in A3 to A60 zoning districts, and a November 8 staff memo recommends that A2 and ARP districts be added to the districts in which this activity would be allowed.

a. Are there standard requirements for mobile slaughter facilities?

b. Are they licensed by a government entity and will an inspector for the state or federal government be required to be present when they are operating?

c. Does the slaughter process occur inside the vehicle? If not, does the property require a suitable indoor location for this process?

d. What is the responsibility of the mobile facility for those parts of the slaughtered animals that will not be used? In a licensed, non-mobile slaughter facility, these body parts are required to be rendered and disposed of in a specified manner. Will the mobile facility be required to remove these body parts from the property where the slaughter is occurring? Our concern arises from having had an ARP property in Nicasio where large numbers of rabbits were being slaughtered and the fur, heads, ears, and other unused body parts were disposed of by being dumped on hillsides on the property, from where they were picked up by birds and dropped on neighboring properties, in fields and water tanks.

e. How will the mobile facilities be monitored to ensure that outside animals are not being trucked in for slaughter unless they are from another property in Marin owned by the same individual?

We are particularly eager to obtain details about how the mobile facilities will be

overseen as, in the past, we were told that the County did not have the resources to monitor violations of a Use Permit that were of concern to our community.

2. Slaughterhouses and rendering plants would be permitted on A3 to A60 zoned properties, without a Use Permit, according to the proposed 22.08.040.E(3), if the slaughter operation includes only poultry and rabbits, or if less than 20,000 animals a year are slaughtered. It is our understanding that the zoning of Nicasio properties consists of ARP, A2, or RMPC, with none in the A3 to A60 category. We wish to confirm this as, if there are Nicasio properties that are potentially eligible to construct a slaughterhouse or rendering plant, we would have additional questions and comments.

3. For "Educational Tours" the present "MP" designation in the Land Use Table, which Section 22.08.030.C indicates stands for "Master Plan," would be changed to "P".

Whether it is already the case, or as a result of this change, it is our understanding that the holding of Educational Tours will not require a permit of any type. Yet, the definition of "Educational Tours" is quite general. We strongly urge that a more restrictive definition be included which addresses whether money can be charged for the tours, whether food and drink can be served, whether the tours are restricted to day-time hours, and whether appropriate and safe access is available to the property. We also suggest that a Use Permit be required if Educational Tours will be held on a particular property more than once or twice a year.

Our concerns regarding allowing unlimited Educational Tours without a conditional permit and without a detailed and more restrictive definition are based on the following:

a. We are aware of instances where a landowner has charged and served food as part of the price of the Educational Tour, essentially turning it into a hospitality, for profit event under the guise of an Educational Tour.

b. In Nicasio, many properties are accessed by shared private roads that are narrow, winding, and steep, and potentially dangerous for large vehicles, or for drivers unfamiliar with the area. Allowing Educational Tours without any conditional permit requirement prevents consideration of whether there is safe and appropriate access for transporting tours to and from the property.

This scenario is presently occurring in Nicasio, where a landowner hosts frequent Educational Tours and transports participants in vehicles twice the length considered safe by a safety expert. The road to his property is steep, narrow, winding, and dangerous, and crosses the property of his neighbors, who have had to engage in costly easement litigation in an attempt to protect themselves from liability should participants in the Educational Tours, and other events, be injured on their portion of the road.

There are many other shared roads in Nicasio that are similarly inappropriate as access for Educational Tours if: (a) the number of participants requires that large vehicles be employed or, (b) there are a large number of individual cars whose drivers are unfamiliar with the road, and some of them will likely have to park on neighboring properties, a

frequent occurrence at a Nicasio property.

c. The definition of Educational Tours includes no limit on the number of such events allowed per year or per month. We presently have one landowner who holds several of these a year. Frequency becomes an important issue if such events are held at a location whose access to the property from a main road is shared.

For these reasons, and because of the prevalence of shared, dangerous, private roads in Nicasio, we request that Educational Tours in the ARP zoning district require a Use Permit.

4. Kennel boarding will be changed from an "MP" to a "P" designation on the Land Use Tables. No upper limit is set on the number of animals that can be boarded. We seek clarification of whether kennels will require a permitting process that would allow neighborhood input. We suggest that a Use Permit be required where boarding occurs in return for payment, at least in excess of a minimal number of animals, as this sort of activity has the capacity to significantly impact the enjoyment of neighboring properties, particularly in Nicasio where sound carries long distances. A Use Permit would allow continued monitoring of a kennel for issues of noise, smell, waste disposal, and traffic impact.

5. We seek clarification on issues related to Equestrian Facilities. Again, the Land Use Table designation would change from "MP" to "P". We have encountered confusion as to whether there is any limit on the number of horses that can be boarded on a particular property, whether building paddocks and horse shelters on such a property requires a permit, whether holding shows at an Equestrian Facility is allowed without some form of permit, and whether the construction of a riding arena requires a permit (as do tennis courts and other sport courts, which additionally require design review).

Thank you for considering our concerns and questions. As the process continues we may wish to submit additional comments on the proposed amendments to the Development Code.

Sincerely,

Sue Kline
Chair, Nicasio Design Review Board
415-706-9356
suekline@sonic.net

Stephen C. Lewis
President, Nicasio Land Owners Association