



COMMUNITY DEVELOPMENT AGENCY

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

Dear Supervisors,

RECOMMENDATION

Adopt the proposed Development Code amendments, as recommended by the Planning Commission. The proposed amendments address various topics including land uses as set forth in the land use tables, a number of different planning entitlements, housing related issues including accessory dwelling units, subdivision standards, as well as changes and clarifications to current procedures. No amendments are proposed to Title 22I, which governs zoning in the Coastal Zone.

SUMMARY

The proposed 2017 Development Code amendments are intended to address a broad array of issues. A number of amendments implement Countywide Plan programs or address underlying issues related to changes in Federal and State law, while others relate to the review of individual projects rather than long term policy initiatives. Many of the amendments are focused on the nuts and bolts of the planning process to address a variety of concerns expressed by applicants and local residents. The primary goals can be summarized as an effort to: (1) Simplify, clarify, and align with State and Federal law; (2) Modernize requirements to better reflect priorities of the Countywide Plan, and; (3) attempt to achieve balance in clarity, affordability, simplicity and enforceability.

Drafting the Development Code amendments has been a joint effort between a number of staff in the Planning Division and planners with Lisa Wise Consulting, in consultation with staff from other County agencies including the Department of Public Works and County Counsel's office. Due to the scope of the proposed amendments, planning staff held a series of workshops with the Planning Commission before drafting the amendments. During these workshops (held on June 23, 2014, April 11, 2016, and July 11, 2016) the Planning Commission considered a wide variety of topics and gave planning staff valuable direction in drafting the amendments.

On September 20, 2016, planning staff provided an overview of the Development Code amendments to the Board of Supervisors so that your Board would be familiar with some of the key topics being addressed.

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After the Board hearing of September 20, 2016, planning staff published a preliminary draft of the Development Code amendments for the public to review, and met with staff from other agencies, members of the agriculture advisory group, the Marin Food Policy Council, and the Regulatory Improvement Advisory Committee, to discuss the amendments. In addition, planning staff directly contacted more than 55 local community and environmental groups to solicit their input and spoke with numerous members of local organizations. Subsequent to this public engagement, planning staff revised the original public review draft to prepare the Planning Commission review draft.

The Planning Commission held duly noticed public hearings on November 14, 2016, November 28, 2016, December 12, 2016, January 9, 2017, January 23, 2017, and February 13, 2017 to take public testimony and consider the code amendments. Dozens of people spoke to the Commission, representing themselves or their organizations, planning staff received hundreds of emails and letters, and spoke with members of communities throughout the County during the course of these hearings. The Planning Commission thoroughly reviewed the amendments and a variety of alternatives, which are summarized in the Development Code 2017 Amendments Guide (attachment 3). However, a relatively small set of topics engendered the greatest degree of concern, controversy, and discussion. These included animal slaughter, subdivision standards, and accessory dwelling units (formerly known as second units), which are discussed in more detail below.

ANIMAL SLAUGHTER

The animal slaughter provisions originally proposed by planning staff included three tiers: (1) full scale slaughter and rendering plants; (2) slaughter of fowl and rabbits in small agricultural buildings on the ranches where they were raised; and (3) mobile slaughter facilities that would operation ranches on a temporary basis. The slaughter activities would only be allowed within the County's principal Agricultural zoning districts (identified for the purpose of these regulations as A-3 to A-60).

The Planning Commission heard testimony from ranchers and animal welfare advocates about the potential positive and negative effects of various options. They also considered input from the Agricultural ombudsman and the State Water Resources Control Board regarding the State and Federal regulatory frameworks related to animal slaughter.

After careful consideration, the Planning Commission balanced the various interests expressed by eliminating the full scale slaughter and rendering plants, restricting the small-scale on-ranch slaughter to allow only fowl to be slaughtered on ranches outside of the A-2 and ARP zoning districts, and refining the standards for mobile slaughter facilities. This is a pragmatic compromise that will allow animal slaughter in limited forms that reflect the needs of Marin's agricultural producers.

SUBDIVISION STANDARDS

In an effort to better protect environmentally constrained areas, planning staff recommended to the Planning Commission that subdivision potential be based on a calculation of "net lot area". As proposed by staff, this would take environmental

constraints into account by subtracting very steep slopes, submerged lands, and areas in Stream Conservation Areas or Wetland Conservation Areas from the original lot area to calculate the net lot area. Subdivision potential would be based on the net lot area, rather than the original lot area. Lots to be dedicated to affordable housing would be in addition to those allowed under the subdivision potential using the net lot area calculation.

The Planning Commission reviewed planning staff's recommended amendments regarding net lot area, and agreed with the proposal in concept. However, based on concerns that the proposal could be too far reaching in implementation, the Commission relaxed the standards by deleting the reference to lot slope from the calculation of net lot area. As a result, very steep slopes would continue to be counted as part of the net lot area, but land that is submerged or constrained by a Stream Conservation Area or Wetland Conservation Area would be subtracted from the original lot area to calculate the net lot area. The current Countywide Plan policy applying the low end of density ranges to subdivisions and multi-unit proposals within Ridge and Upland Greenbelt areas will remain in effect.

ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

A trio of State bills related to Accessory Dwelling Units went into effect on January 1, 2017. These bills are AB 2406 (Thurmond), AB 2299 (Bloom), and SB 1069 (Wieckowski). Assembly Bill 2299 and SB 1069 are both mandatory, and preempted local legislation regarding Accessory Dwelling Units (ADUs) as of January 1, 2017. Accessory Dwelling Units are the successor to residential second units that have been allowed by the County since the early 1980s. Assembly Bill 2406 relates to Junior Accessory Dwelling Units, and it authorizes local agencies to define and regulate Junior Accessory Dwelling Units (JADUs), but contains no mandate to do so. A number of years ago the County amended its Development Code to allow small food preparation facilities in residential room rentals without special planning permits, thereby establishing a forerunner to the Junior Accessory Dwelling Units that have gained more recent popularity as an affordable housing strategy. The proposed amendments bring County code into compliance with these State laws.

The amendments lay out standards and a ministerial permitting process for ADUs, and also contain important exemptions. One exemption applies to properties in single family residential zones that were developed before January 1, 2017 (the effective date of the State legislation). ADUs on those properties are subject only to building permit approval and are exempt from the ADU standards, including floor area and parking. When installing an ADU is subject to an ADU permit, the maximum floor area of that ADU is limited to 1,200 square feet and an additional parking space needs to be provided. As recommended by the Planning Commission, a property owner could not have both an ADU and a JADU on the same property, but there is no prohibition against this in State law.

JADUs, which are essentially separate living areas with wet bars in existing residences, are also exempt from ADU permit requirements. Wet bars can be installed with building permits, but the County would only recognize a living area with a wet bar as a JADU if the property owner creates a separate entrance and voluntarily commits to owner occupancy of the property.

CONCLUSION

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

REVIEWED BY:

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

SIGNATURES:



Jeremy Tejrjian
Planning Manager



Brian C. Crawford
Director

Attachments:

1. Ordinance adopting the Development Code 2017 Amendments
2. Exhibit A, consisting of the following Articles of the Development Code with the amendments shown in track changes format: Article II; Article III; Article IV; Article VI; Article VII; Article VIII
3. Guide to the Development Code 2017 Amendments
4. Planning Commission hearing packet from 2-13-17, including: Signed final Resolution; Supplemental memo and attachments dated 2-2-17; Supplemental memo and attachments dated 2-8-17; Supplemental memo and attachments dated 2-10-17; PC minutes of hearing
5. Planning Commission hearing packet from 1-23-17, including: Staff report and attachments; PC minutes of hearing
6. Planning Commission hearing packet from 1-9-16, including: Supplemental memo and attachments dated 1-5-17; PC minutes of hearing
7. Planning Commission hearing packet from 12-12-16, including: Supplemental memo and attachments dated 12-8-16; PC minutes of hearing
8. Planning Commission hearing packet from 11-28-16, including: Supplemental memo and attachments dated 11-21-16; PC minutes of hearing
9. Planning Commission hearing packet from 11-14-16, including: Staff report with attachments; Supplemental memo and attachments dated 11-8-16; PC minutes of hearing
10. Public comments received during and after the Planning Commission hearing on 2-13-17