

ARTICLE IV

Land Use and Development Permits

CHAPTER 22.40 – APPLICATION FILING AND PROCESSING, FEES.....IV-3

22.40.010 – Purpose of Chapter	IV-3
22.40.020 – Review Authority for County Land Use and Zoning Decisions.....	IV-3
22.40.030 – Application Submittal and Filing.....	IV-5
22.40.040 – Establishment of Application Fees	IV-6
22.40.050 – Initial Application Review.....	IV-6
22.40.055 – Review of Previously Denied Applications.....	IV-8
22.40.060 – Environmental Review	IV-8
22.40.070 – Staff Report and Recommendations	IV-10
22.40.080 – Post Approval	IV-10

CHAPTER 22.42 – DESIGN REVIEWIV-11

22.42.010 – Purpose of Chapter	IV-11
22.42.020 – Applicability	IV-12
22.42.025 – Exemptions from Design Review	IV-12
22.42.030 – Design Review for Substandard Building Sites.....	IV-16
22.42.040 – Design Review for Development Along Paper Streets and for Specific Driveways	IV-16
22.42.045 – Design Review for Development Along Anadromous Fish Streams and Tributaries	IV-16
22.42.050 – Application, Filing, Processing, and Review.....	IV-17
22.42.055 – Project Review Procedures.....	IV-17
22.42.060 – Decision and Findings	IV-20

CHAPTER 22.44 – MASTER PLANS AND PRECISE DEVELOPMENT PLANSIV-23

22.44.010 – Purpose of Chapter	IV-23
22.44.020 – Applicability	IV-23
22.44.030 – Application Filing, Processing and Review.....	IV-23
22.44.035 – Exemption from Master Plan/Precise Development Plan Review.....	IV-25
22.44.040 – Waiver of Master Plan/Precise Development Plan Review.....	IV-25
22.44.050 – Post Approval	IV-27

CHAPTER 22.46 – FLOATING HOME ADJUSTMENTS AND DEVIATIONSIV-29

22.46.010 – Purpose of Chapter	IV-29
22.46.020 – Applicability	IV-29
22.46.030 – Application Filing, Processing, and Review.....	IV-29
22.46.040 – Decision and Findings	IV-30

CHAPTER 22.48 – USE PERMITSIV-33

- 22.48.010 – Purpose of ChapterIV-33
- 22.48.020 – ApplicabilityIV-33
- 22.48.030 – Application Filing, Processing, and Review.....IV-33
- 22.48.040 – Decision and FindingsIV-34
- 22.48.050 – Post ApprovalIV-34

CHAPTER 22.50 – TEMPORARY USE PERMITSIV-35

- 22.50.010 – Purpose of ChapterIV-35
- 22.50.020 – ApplicabilityIV-35
- 22.50.030 – Application Filing, Processing, and Review.....IV-35
- 22.50.040 – Allowed Temporary UsesIV-36
- 22.50.050 – Development StandardsIV-37
- 22.50.060 – Decision and FindingsIV-37
- 22.50.070 – Post ApprovalIV-37

CHAPTER 22.52 – TIDELANDS PERMITSIV-39

- 22.52.010 – Purpose of ChapterIV-39
- 22.52.020 – ApplicabilityIV-39
- 22.52.030 – Application Filing, Processing and Review.....IV-39
- 22.52.040 – Prohibitions.....IV-40
- 22.52.050 – ExemptionsIV-40
- 22.52.060 – Coastal ZoneIV-41
- 22.52.070 – Decision and FindingsIV-41

CHAPTER 22.54 – VARIANCES.....IV-43

- 22.54.010 – Purpose of ChapterIV-43
- 22.54.020 – ApplicabilityIV-43
- 22.54.030 – Application Filing, Processing, and Review.....IV-43
- 22.54.040 – ExemptionsIV-44
- 22.54.050 – Decision and FindingsIV-44

**CHAPTER 22.56 – PERMIT IMPLEMENTATION, TIME LIMITS,
EXTENSIONS.....IV-47**

- 22.56.010 – Purpose of ChapterIV-47
- 22.56.020 – Effective Date of Permits.....IV-47
- 22.56.030 – Deadline for ActionIV-47
- 22.56.040 – Performance GuaranteesIV-48
- 22.56.050 – Time Limits and ExtensionsIV-48
- 22.56.060 – Changes to an Approved ProjectIV-49

CHAPTER 22.40 – APPLICATION FILING AND PROCESSING, FEES

Sections:

- 22.40.010 – Purpose of Chapter
- 22.40.020 – Review Authority for County Land Use and Zoning Decisions
- 22.40.030 – Application Submittal and Filing
- 22.40.040 – Establishment of Application Fees
- 22.40.050 – Initial Application Review
- 22.40.055 – Review of Previously Denied Applications
- 22.40.060 – Environmental Review
- 22.40.070 – Staff Report and Recommendations
- 22.40.080 – Post Approval

22.40.010 – Purpose of Chapter

This Chapter provides procedures and requirements for the preparation, submission, filing, and initial processing of development applications, land use permits, and other entitlements required by this Development Code. The procedures and requirements for the preparation, submission, and filing of applications established by the Subdivision Map Act are contained in Article VI (Subdivisions).

22.40.020 – Review Authority for County Land Use and Zoning Decisions

State law (Government Code Sections 65900 et seq) provides authority for the County to establish procedures to ensure that the purposes of this Development Code are achieved. Table 4-1 (Review Authority) identifies the County official or authority responsible for reviewing and making recommendations and decisions on each type of permit, entitlement, or amendment, as well as the proper authority to administer appeals.

In any case where a project involves applications for more than one entitlement, and entitlements require review and approval by different review authorities, all entitlements shall be reviewed and decided upon by the highest review authority. For example, where a project involves applications for a Use Permit (normally approved by the Zoning Administrator), and a Tentative Map proposing five or more parcels (normally approved by the Planning Commission), both applications shall be reviewed and decided by the Planning Commission.

**TABLE 4-1
REVIEW AUTHORITY**

Type of Permit or Decision	(1) (2) Role of Review Authority			
	(3) Director	(3) Zoning Administrator	Planning Commission	Board of Supervisors
Certificate of Compliance	Decide		Appeal Action	Appeal Action
Coastal Permit, Administrative	Decide		Appeal Action	Appeal Action
Coastal Permit, Public Hearing	Recommend	Decide	Appeal Action	Appeal Action
Community or Countywide Plan Amendment	Recommend		Recommend	Decide
Design Review	Decide		Appeal Action	Appeal Action
Development Code Amendment	Recommend		Recommend	Decide
Floating Home Adjustment Permit	Recommend	Decide	Appeal Action	Appeal Action
Floating Home Architectural Deviation	Decide		Appeal Action	Appeal Action
Interpretations	Decide		Appeal Action	Appeal Action
Large Family Day Care Permit	Decide		Appeal Action	Appeal Action
Lot Line Adjustment	Decide		Appeal Action	Appeal Action
Master Plan	Recommend		Recommend	Decide
Precise Development Plan	Decide		Appeal Action	Appeal Action
Sign Permit	Decide		Appeal Action	Appeal Action
Sign Review	Decide		Appeal Action	Appeal Action
Temporary Use Permit	Decide		Appeal Action	Appeal Action
Tentative Map	Recommend	Decide	Appeal Action	Appeal Action
Tidelands Permit	Decide		Appeal Action	Appeal Action
Use Permit	Recommend	Decide	Appeal Action	Appeal Action
Variance, Administrative	Decide		Appeal Action	Appeal Action
Variance, Public Hearing	Recommend	Decide	Appeal Action	Appeal Action
Zoning Map Amendment	Recommend		Recommend	Decide

Notes:

1. "Recommend" means that the review authority makes a recommendation to the decision-making body; "Decide" means that the review authority makes the final decision on the matter; "Appeal Action" means that the review authority may consider and decide upon appeals of the decision of an earlier decision-making body, in compliance with Chapter 22.114 (Appeals).
2. In any case where a project involves applications for more than one entitlement, and entitlements require review and approval by different review authorities, all entitlements shall be reviewed and decided upon by the highest review authority.
3. The Director or Zoning Administrator may refer any matter subject to the Director's or Zoning Administrator's decision to the next highest authority, so that the next highest review authority may instead make the decision.

22.40.030 – Application Submittal and Filing

- A. Applicability.** This Section shall apply to the submission and processing of the following development applications:
1. Design Review;
 2. Floating Home Adjustment Permits and Architectural Deviations;
 3. Master Plans or Precise Development Plans;
 4. Second Unit Permits;
 5. Temporary Use Permits;
 6. Tidelands Permits;
 7. Use Permits; and
 8. Variances.
- B. Eligibility for submittal of an application.** Development applications may be made only by an owner or lessee of real property, an agent of the owner or lessee, or a person who has entered into a contract to purchase or lease real property contingent on the ability to obtain certain development approvals under this Development Code. All ownership interests shall be parties to the application.
- C. Required contents.** Each development application and other matters pertaining to this Development Code shall be submitted by an eligible person to the Agency. The application shall be made on the County application form available from the Agency's public information counter, and shall include all required fees, plans, reports, and other information listed on the Agency's published submittal requirements. Additional information may be required.
- D. Application complete.** A development application shall be considered complete and filed for processing when it has been determined to be complete in compliance with Section 22.40.050 (Initial Application Review).

22.40.040 – Establishment of Application Fees

The Board shall, by ordinance, establish a schedule of fees for the processing of the development applications, permits, amendments, and other matters pertaining to this Development Code. The Board may change or modify the schedule of fees from time to time, by ordinance. The processing of an application filed in compliance with this Development Code shall not commence until all required fees and deposits have been received by the Agency.

22.40.050 – Initial Application Review

- A. Applicability.** This Section shall apply to the types of development applications listed in Section 22.40.030 (Application Submittal and Filing).
- B. Processing of an application.** All permit applications submitted to the Agency, in compliance with this Development Code, shall be initially processed as described below. More than one application may be required for proposed projects requiring more than one type of entitlement or approval.
- 1. Referral of application.** Any development application submitted, in compliance with this Development Code, may be referred to any public agency or other organization that may be affected by, or have an interest in, the proposed land use or development project. The purpose of the referral is to provide other public agencies and organizations the opportunity to provide their comments on aspects of the proposed project which are of concern or interest. Recommended conditions of approval from referral agencies will be considered when making a decision on a development application.

The referral shall be made at the discretion of the Director, or where otherwise required by this Development Code, State, or Federal law.

Examples of agencies and organizations which often receive referred applications for comment are fire protection districts, the County Open Space District, the Department of Public Works, the Department of Environmental Health, utility and public service agencies, school districts, the Army Corps of Engineers, the California Department of Fish and Game, local advisory design review boards, the cities and towns of Marin, and other community associations.

- 2. Completeness review.** Within 30 days of receiving a development application(s) for processing, the Agency shall review the application(s) for completeness and accuracy of required information before it is accepted as being complete and officially filed. See Section 22.40.030.C (Application Submittal and Filing – Required contents) for further information.

3. **Completeness determination.** An application will be deemed to be complete when the applicant has submitted all of the information and fees required by the Agency for completeness. This determination shall be made, by the Agency, within 30 days; otherwise, the application will be deemed complete.

When an application is determined to be incomplete, the applicant may complete and resubmit the application, and the Agency shall make a determination of the completeness of the resubmitted application within 30 days. The time used by the applicant to submit the additional required information shall not be considered part of the time within which the determination of completeness shall occur. The time available to the applicant for submittal of additional information is limited by Section 22.40.050.B.5 (Initial Application Review – Expiration of application), below.

4. **Notification of applicant.** The Agency shall inform the applicant in writing within 30 days following the submission of the application(s) that:
 - a. The application is complete and has been accepted for processing; or
 - b. The application is incomplete and that additional information, specified in the written notice, shall be provided by the applicant.
5. **Expiration of application.** If the information required by the Agency, for completeness review, is not submitted within the time limits listed below, the application shall expire and be deemed withdrawn from processing, unless the applicant requests an extension prior to the expiration date, and the Director grants the extension.
 - a. **General time limit.** An incomplete development application shall expire 30 days following the date the Agency provides written notice that the application is incomplete, unless the Director grants extensions, not to exceed one year. This time limit shall not apply to Section 22.40.050.B.4.b (Initial Application Review – Enforcement cases) below.
 - b. **Enforcement cases.** An incomplete development application, submitted to resolve a code enforcement matter, shall expire 30 days following the date the Agency provides written notice that the application is incomplete, unless the Director grants extensions not to exceed a total of 90 days. See Chapter 22.122 (Enforcement of Development Code Provisions) for further information.
6. **Time extension request.** The applicant may request additional time to submit the information required by the Agency to determine completeness of the application. The applicant shall request an extension, in writing to the Director, prior to the expiration of the time limit for completeness, as stated in Section 22.40.050.B.5 (Initial Application Review – Expiration of application), above.

7. **Withdrawal of application.** In the event that a development application expires, it shall be deemed to be withdrawn from processing. The applicant may submit a new application, and all required fees, to the Agency in compliance with this Development Code, and the development review process will begin again.
8. **Appeal of determination.** The applicant and others may file an appeal of the Agency's completeness determination, in compliance with Chapter 22.114 (Appeals).
9. **Additional information required for environmental review.** After an application has been determined to be complete, the Agency may require the applicant to submit additional information necessary to conduct environmental review of the project, in compliance with Section 22.40.060 (Environmental Review), below.

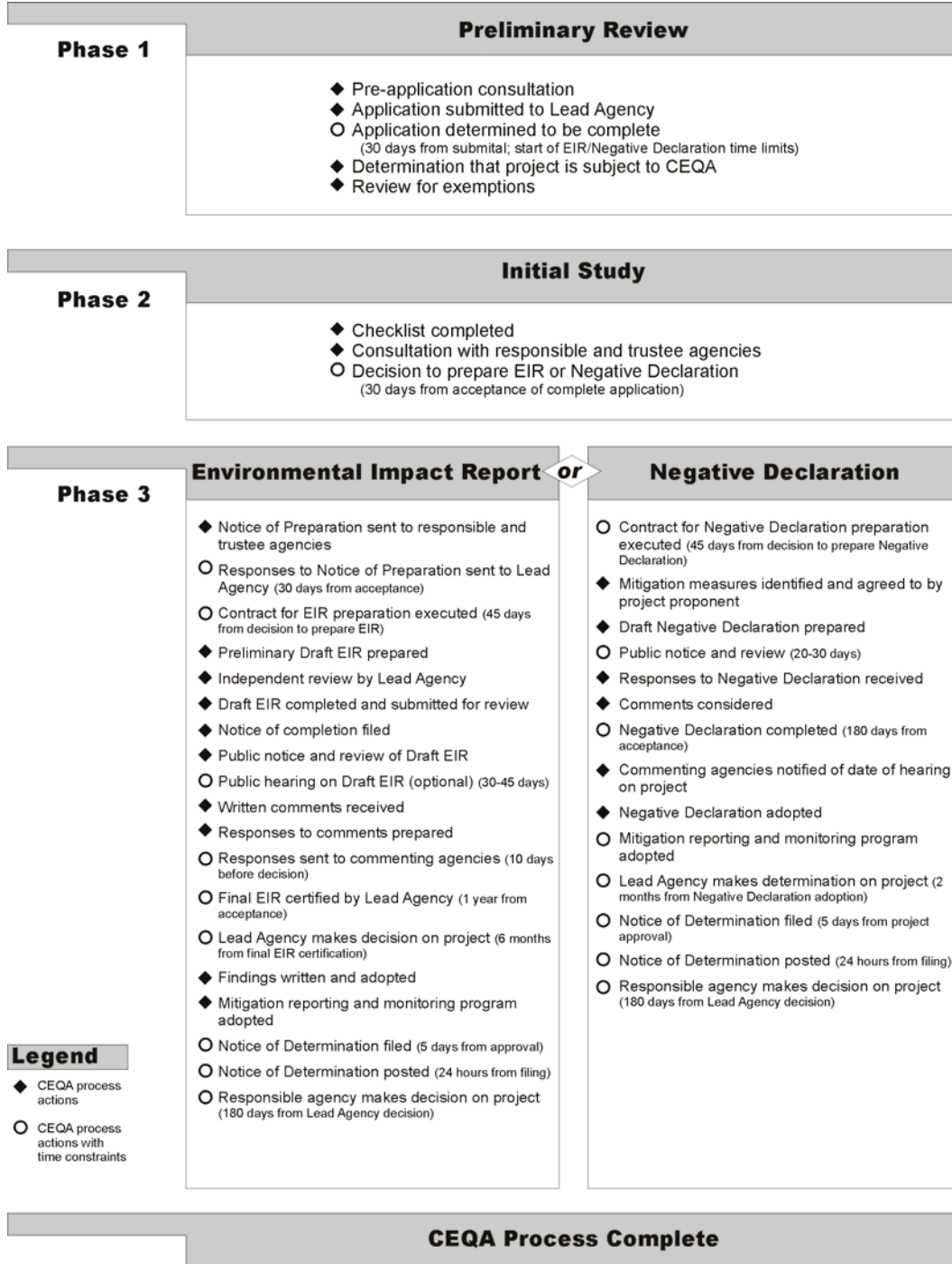
22.40.055 – Review of Previously Denied Applications

- A. **Applicability.** This Section shall apply to development applications listed in Section 22.40.030 (Application Submittal and Filing) that have previously been denied.
- B. **Review Eligibility.** All permit applications submitted to the Agency, in compliance with this Development Code, that are substantially the same as an application that was previously denied, as determined by the Director, shall not be processed within six months of the date of final action.
- C. **Processing of a previously denied application.** All permit applications submitted to the Agency, in compliance with this Development Code, shall be processed in accordance with Section 22.40.040 (Establishment of Application Fees) and 22.40.050 (Initial Application Review).

22.40.060 – Environmental Review

- A. **Review procedures.** After the Agency has accepted an application for filing, the proposed project shall be reviewed in compliance with the California Environmental Quality Act (CEQA) and the County Environmental Impact Report Guidelines. See Figure 4-1 (Review Authority).
- B. **Environmental determinations.** Environmental determinations shall be made by the Director in compliance with the County Environmental Impact Report Guidelines.

**FIGURE 4-1
REVIEW AUTHORITY**



SOURCE: CEQA Deskbook

22.40.070 – Staff Report and Recommendations

- A. Staff evaluation.** The Agency staff shall review all discretionary development applications submitted in compliance with this Article to determine whether or not they comply and are consistent with the provisions of this Development Code, other applicable provisions of the County Code, and the Countywide Plan and Community Plans. Agency staff shall provide a recommendation to the Director, Zoning Administrator, Commission, and/or Board, as applicable, on whether the application should be approved, approved subject to conditions, or denied.
- B. Notice of Decision or Staff Report.** The Director shall prepare a written Notice of Decision for administrative actions for which the Director has final authority. The Director shall prepare a written report for recommendations to the Zoning Administrator, Commission, and the Board. The decision or report shall include:
1. A recommendation for approval, approval with conditions, or denial of the application, based on findings, where appropriate; and
 2. Information on how the decision may be appealed to a higher decision making authority.
- C. Report distribution.** A staff report shall be furnished to the applicants at the same time as it is provided to the Zoning Administrator, members of the Commission, and/or Board, and any interested parties, prior to a hearing on the application.

22.40.080 – Post Approval

After an entitlement or development permit application is approved, the entitlement is subject to the expiration, extension, performance guarantee, and other applicable provisions of Chapter 22.56 (Permit Implementation, Time Limits, Extensions).

CHAPTER 22.42 – DESIGN REVIEW

Sections:

- 22.42.010 – Purpose of Chapter
- 22.42.020 – Applicability
- 22.42.025 – Exemptions from Design Review
- 22.42.030 – Design Review for Substandard and Hillside Building Sites
- 22.42.040 – Design Review for Development Along Paper Streets and for Specific Driveways
- 22.42.045 – Design Review for Development Along Anadromous Fish Streams and Tributaries
- 22.42.050 – Application, Filing, Processing, and Review
- 22.42.055 – Project Review Procedures
- 22.42.060 – Decision and Findings

22.42.010 – Purpose of Chapter

This Chapter provides procedures for Design Review for proposed discretionary development throughout the unincorporated areas of the County. Design Review consists of a review of plans and proposals for land use and design of physical improvements in order to implement the goals of the Countywide Plan and is intended to ensure that:

- A.** Sound and creative design principles are used by applicants in designing proposed projects, which will result in high quality site planning and architectural design, and the innovative use of materials, construction methods, and techniques;
- B.** Site planning, building design, and construction practices promote resource conservation through climate responsive design, use of renewable energy and resources, and cost effective use of resource conserving materials where practicable and feasible;
- C.** The natural beauty of the County, and the public's ability to use and enjoy it, are preserved and encouraged;
- D.** The design of the built environment respects and preserves the natural beauty of the County and the environmental resources found within;
- E.** The exterior appearance of proposed structures, along with their associated landscaping, parking, signs, etc. is compatible and harmonious with the design, scale, and context of surrounding properties;
- F.** The development of paper streets and/or vacant properties which adjoin paper streets is undertaken in such a way as to minimize the impacts associated with the development of paper streets; and
- G.** Conflicts between land uses are eliminated, environmental values of the site are preserved, and adverse physical or visual effects which might otherwise result from unplanned or inappropriate development, design, or placement are minimized or eliminated.

22.42.020 – Applicability

New structures and physical improvements, as well as additions, extensions, and exterior changes of or to existing structures and/or relocation of physical improvements, as described in Subsections A and B below, shall be subject to Design Review, except as otherwise provided in Section 22.42.025 (Exemptions from Design Review). "Physical improvements" may also include, but are not limited to, driveways, bridges, fences and walls, signs, etc.

- A. Planned Zoning Districts (combining coastal zones included).** Residences, non-residential structures, accessory structures, agricultural structures, and other physical improvements in ARP, RSP, RMP, RX, CP, OP, RCR, RMPC, RF, and IP zoning districts.
- B. Conventional Zoning Districts.**
 - 1. Noncoastal Zoning Districts.** Single-family residences and accessory structures in A2 to A60, C1, H1, RA, RR, RE, R1, R2, and VCR zoning districts on a parcel that contains more than 4,000 square feet of building area and/or where a structure is greater than 30 feet in height. Non-residential structures in A2 to A60, C1, H1, RA, RR, RE, R1, R2, and VCR zoning districts. In the A3 to A60 zoning districts on lots one acre and larger, agricultural accessory structures and structures used for agricultural processing and retail sales uses are not included in the building area calculation.
 - 2. Coastal Zoning Districts.** Single-family residences and accessory structures in C-RA, C-R1, C-R2, C-H1, and C-VCR zoning districts on a parcel that contains more than 4,000 square feet of building area and/or where a structure is greater than 25 feet in height.
 - 3. Replacement of or Additions to Existing Residences in Non-coastal Zoning Districts.** In order to reflect the community character, replacement of or additions to existing residences in the A2-B2, RA/R1 zoning districts (including B1 and B2 combining districts), where the proposed building area following the construction exceeds 3,000 square feet and the size of the resulting residence is more than 100% greater than the existing building area as of January 1, 2008.

22.42.025 – Exemptions from Design Review

Development and physical improvements listed below in Subsections A to O are exempt from Design Review, except as provided by Sections 22.42.030 (Design Review for Substandard and Hillside Building Sites), 22.42.040.C (Design Review for Development Along Paper Streets and for Specific Driveways), and 22.42.045 (Design Review for Development Along Anadromous Fish Streams and Tributaries), and except where a Community Plan adopted by the Board of Supervisors requires Design Review to implement specific design standards. In addition, where a conflict arises between conditions of approval of a discretionary application (e.g., Master Plan, Precise Development Plan, Design Review) and the exemptions listed below, the project-specific conditions of approval shall be the applicable regulations. Development and physical improvements that are exempt from Design Review shall be located outside of the Stream Conservation Area and Wetland Conservation Area setbacks established in the Countywide Plan and Article V (Coastal Zones – Permit Requirements and Development Standards). The requirements of Chapter 22.114 (Appeals) do not apply to determinations issued under this Section.

- A. Single-family Additions and Residential Accessory Structures in Planned Districts.** Single-family additions and residential accessory structures on a parcel with existing and proposed

building area not exceeding 4,000 square feet in a Planned District (see Chapter 22.16 (Planned District Development Standards)) that meet the standards in Tables 4-2 to 4-4. This exemption does not apply if work authorized under a previous exemption has not received approval of a final inspection from the Building and Safety Division or if work authorized under a previous Design Review/Minor Design Review has not received approval of a final inspection from the Building and Safety Division. If the residence or accessory structure was not subject to Design Review, additions would not qualify for an exemption if a final inspection by the Building and Safety Division has not been approved or was approved less than 24 months ago.

**TABLE 4-2
STANDARDS FOR EXEMPTION FROM DESIGN REVIEW
FOR ONE-STORY ADDITIONS TO SINGLE-FAMILY RESIDENCES
AND FOR DETACHED ACCESSORY STRUCTURES IN PLANNED DISTRICTS**

Standards		One-Story Single-family Addition and Detached Accessory Structure
Max. increase in building area		500 sq. ft. or 20% of the existing building area, whichever is less
Max. total building area		4,000 sq. ft. or the applicable floor area ratio (FAR) limit under the zoning district or in a Community Plan, whichever is more restrictive
Max. height	Single-family Addition	18 ft. or the coastal zoning height standards, whichever is more restrictive
	Detached Accessory Structure	15 ft.
Min. lot area		Not applicable
Min. setbacks		10 ft, to all property lines on lots less than or equal to 1 acre 15 ft, to all property lines on lots greater than 1 acre (Or the required setbacks in a Community Plan, whichever is more restrictive)
Environmental Protection (Countywide Plan Consistency)		Outside of a Stream Conservation Area and Wetland Conservation Area
Green Building		Complies with the green building standards per Table 4-3
SFR Design Guidelines		Complies with Guideline C-1.11 (Exterior Lighting)

**TABLE 4-3
GREEN BUILDING STANDARDS FOR
DESIGN REVIEW EXEMPTIONS AND MINOR DESIGN REVIEWS**

Building Area	Rating Level
Up to 2,500 square feet	Silver
Greater than 2,500 square feet up to 4,000 square feet	Gold
Greater than 4,000 square feet	Platinum

**TABLE 4-4
STANDARDS FOR EXEMPTION FROM DESIGN REVIEW
FOR MULTI-STORY ADDITIONS TO SINGLE-FAMILY RESIDENCES
IN PLANNED DISTRICTS**

Standards	Multi-Story Single-family Addition
Max. increase in building area	500 sq. ft. or 20% of the existing building area, whichever is less
Max. total building area	4,000 sq. ft. or the applicable floor area ratio (FAR) limit under the zoning district or in a Community Plan, whichever is more restrictive
Max. height (Multi-story Additions)	30 ft. in non-coastal zone 25 ft. in coastal zone or the coastal zoning height standards, whichever is more restrictive 20 ft. in stepback zone (See SFR Design Guideline B-1.1)
Min. lot area	10,000 sq. ft.
Min. setbacks	15 ft, to all property lines on lots less than or equal to 1 acre 20 ft, to all property lines on lots greater than 1 acre (Or the required setbacks in a Community Plan, whichever is more restrictive)
Environmental Protection (Countywide Plan Consistency)	Outside of a Stream Conservation Area and Wetland Conservation Area
Green Building	Complies with the green building standards per Table 4-3
SFR Design Guidelines	Complies with Guideline B-1.1 (Building Setbacks and Stepbacks) and Guideline C-1.11 (Exterior Lighting)

- B. Agricultural Accessory Structures.** Agricultural accessory structures that comply with the Stream Conservation Area and Wetland Conservation Area setbacks established in the Countywide Plan, the Planned District Development Standards for agricultural zones (Sections 22.08.040, 22.16.040) and Article V (Coastal Zones – Permit Requirements and Development Standards), and that are 300 feet or more from a property line of an abutting parcel in separate ownership, and which are at least 300 feet from a street. This exemption does not apply to facilities for processing or retail sale of agricultural products.
- C.** In the A-2, C1, H1, RA, RR, RE, R1, R2, and VCR zones, open fencing, such as wood post and welded wire mesh, on lots greater than 20,000 square feet. The fencing shall be limited to eight

feet in height above grade, be located outside of any required front or street side yard setback, and comply with the standards in Chapter 13.18 (Visibility Obstructions) of the County Code.

- D.** In Planned Districts, fences that comply with the fence standards in Section 22.20.050 (Fencing and Screening Standards), Single-family Residential Design Guideline D-1.7 (Exterior Materials and Colors), and applicable design standards in a Community Plan which shall have precedence over the Single-family Residential Design Guidelines. For purposes of compliance with Section 22.20.050, the front and street side yards shall be no less than 10 feet for lots up to one acre and 15 feet on lots greater than one acre.
- E.** In the A, A-2, C1, H1, RA, RR, RE, R1, R2, and VCR zones and combining coastal zoning districts, bridges that comply with the height limits and standards specified in Section 22.20.055 (Bridge Standards).
- F.** In Planned Districts, attached front and rear yard porches not exceeding a maximum height of 15 feet, not exceeding a maximum floor area of 200 feet, and located at least 10 feet from all property lines.
- G.** In Planned Districts, attached or detached decks not exceeding a maximum height of 30 inches above grade (excluding hand railings and other safety features) and located at least 10 feet from all property lines.
- H.** In Planned Districts, replacing existing authorized driveways and widening driveways to meet minimum Title 24 or fire code standards (retaining walls must comply with Section 22.20.090.C.6 below in addition to other applicable standards). This exemption excludes relocation of existing driveways.
- I.** In Planned Districts, construction of new retaining walls that comply with the standards in Section 22.20.090.C.6 (Setback Requirements and Exceptions), and in all zoning districts, replacement of existing retaining walls up to eight feet in height above grade. For purposes of compliance with Section 22.20.090.C.6, the setbacks shall be no less than 10 feet for lots up to one acre and 15 feet on lots greater than one acre.
- J.** Pools and spas that do not exceed a height of 30 inches above grade and that are located at least 10 feet from all property lines;
- K.** In Planned Districts, new and replacement skylights, doors, and windows (including bay windows), and similar attached architectural features, provided they are no closer than 5 feet from all property lines;
- L.** Changes to any approved exterior color or material, unless review is required by prior conditions of Design Review or other discretionary permit approval;
- M.** Signs subject to the regulations of Chapter 22.28 (Signs);
- N.** Other work that the Director determines to be minor and incidental in nature, and which is in compliance with the purpose of this Chapter; and
- O.** Repair or reconstruction work resulting from an emergency or natural disaster.

22.42.030 – Design Review for Substandard and Hillside Building Sites

The purpose of the Section is to provide Design Review regulations for substandard and hillside building sites in conventional zoning districts to prevent inappropriate physical improvements. In these instances, any exemption from Design Review provided by Section 22.42.025 (Exemptions from Design Review) shall be void and setback requirements shall be waived but applied where appropriate.

The subsequent development and physical improvements of these properties shall continue to be subject to Design Review.

- A. Substandard Building Sites.** Where a vacant legal parcel is proposed for single-family residential development, and when the parcel is at least 50 percent smaller in total area than required for new parcels under the applicable zoning district or slope regulations, in compliance with Section 22.82.050 (Hillside Subdivision Design Standards), whichever is more restrictive, the proposed development shall be subject to Design Review.
- B. Hillside Building Sites.** Where a vacant legal parcel with an average lot slope greater than 25 percent is proposed for single-family residential development totaling more than 3,000 square feet of total building area, in compliance with Section 22.82.050 (Hillside Subdivision Design Standards), the proposed development shall be subject to Design Review.

22.42.040 – Design Review for Development Along Paper Streets and for Specific Driveways

- A. Purpose.** The purpose of the Subsection is to provide regulations for proposed new development along recorded undeveloped streets in the County, which are shown on County maps as paper streets, and for new or extended driveways in order to prevent development that may conflict with the Countywide Plan or a Community Plan. See Article VIII (Development Code Definitions) for the definition of a paper street.
- B. Applicability.** The provisions of this Subsection apply to development proposed on parcels abutting a paper street and to the construction of access to a parcel along a paper street except for parcels served by a driveway extending from a previously improved access which does not exceed a length of 250 feet or a slope of 20 percent, and does not traverse a paper street right-of-way. This Section also applies to new or extended driveways that meet the criterion in subsection C below.
- C. Design Review required.** Design Review shall be required for all development and improvements proposed on parcels accessed by paper streets, without regard to the size of the parcels or the applicable zoning district. A driveway which exceeds a length of 250 feet in A2, C1, H1, RA, RR, RE, R1, R2, and VCR zoning districts shall be subject to the requirements of Design Review, regardless of whether the driveway extends from or through a paper street.

22.42.045 – Design Review for Development Along Anadromous Fish Streams and Tributaries

In those instances where a vacant legal lot of record in the Countywide Plan's City-Centered, Baylands, or Inland Rural Corridor is proposed for development, any proposed development within the Countywide Plan's Stream Conservation Area that adjoins a mapped anadromous fish stream and tributary shall be subject to Design Review as provided by this chapter if the lot is zoned A, A-2, RA, H1, O-A, RR, RE, R1, R2, C-1, A-P, or VCR, including all combined zoning districts. Development

includes all physical improvements, including, but not limited to, buildings, structures, parking and loading areas, driveways, retaining walls, fences, and trash enclosures. The determination of the applicability of this requirement shall be based on the streams and tributaries shown on the map entitled "Marin County Anadromous Fish Streams and Tributaries," which is maintained and periodically updated by the Community Development Agency.

22.42.050 – Application, Filing, Processing, and Noticing

- A. Purpose.** This Section provides procedures for filing, processing, and noticing of Design Review applications.
- B. Filing and processing.** All Design Review applications shall be completed, submitted, and processed in compliance with Chapter 22.40 (Application Filing and Processing, Fees) and Section 22.40.050 (Initial Application Review).

Design Review application forms are available at the Agency's public information counter.

- C. Notice of action and/or hearing date.** Administrative decisions and public hearings on a proposed Design Review application shall be noticed in compliance with Chapter 22.118 (Notices, Public Hearings, and Administrative Actions). The Director may provide expanded public notice to ensure maximum public awareness of any Design Review application.

22.42.055 – Project Review Procedures

- A. Purpose.** This Section provides procedures for Design Review. It includes procedures for reviewing Minor Design Review and Design Review applications.
- B. Minor Design Review.** If a project is not exempt from Design Review as defined in Section 22.42.025 (Exemptions from Design Review), an applicant may apply for a Minor Design Review by staff. A Minor Design Review application may be approved or conditionally approved by staff following a site visit if it meets all of the requirements contained in this Section. A notice of the proposed project shall be posted at the site pursuant to Section 22.118.020.D. The Minor Design Review application is intended to streamline the Design Review process for minor projects that may be approved without required noticing or a public hearing, provided the application does not require a public hearing Coastal Permit. Minor Design Review decisions are appealable pursuant to the requirements of Chapter 22.114 (Appeals).

- 1. Requirements.** A project eligible for a Minor Design Review must:
 - a. Not conflict with previous County conditions of approval that were imposed on the property;
 - b. Be consistent with the purpose of Design Review pursuant to Section 22.42.010 (Purpose of Chapter);
 - c. Comply with existing Master Plans and applicable standards in a Community Plan;
 - d. Be located outside of Stream Conservation Areas, Wetland Conservation Areas, or other mapped environmentally sensitive areas as designated by the Countywide Plan;

- e. Comply with the County's Single-family Residential Design Guidelines;
 - f. Comply with the green building standards based on building area pursuant to Table 4-3; and
 - g. Not be located on a property that meets either of the following conditions, as applicable:
 - 1. If the residence on the property was not subject to Design Review, final inspection by the Building and Safety Division has not been approved or was approved less than 24 months ago; or
 - 2. If any previous addition to the residence on the property was issued a Minor Design Review pursuant to Section 22.42.055.B, final inspection by the Building and Safety Division has not been approved or was approved less than 24 months ago.
- 2. Eligible Projects.** The following types of work may qualify for Minor Design Review.
- a. Single-family additions and detached accessory structures in A2 to A60, C1, H1, RA, RR, RE, R1, R2, and VCR zoning districts and in Planned Districts (see Chapter 22.16 (Planned District Development Standards)) that meet the standards in Table 4-5 may qualify for Minor Design Review.

**TABLE 4-5
STANDARDS FOR SINGLE-FAMILY ADDITIONS AND DETACHED ACCESSORY
STRUCTURES THAT MAY QUALIFY FOR
MINOR DESIGN REVIEW**

		Lots less than or equal to 20,000 sq. ft.	Lots greater than 20,000 sq. ft.
Max. increase in building area		1,000 sq. ft. or 50% of the existing building area, whichever is less	
Max. total building area		4,000 sq. ft. or the applicable floor area ratio (FAR) limit under the zoning district or in a Community Plan, whichever is more restrictive*	5,500 sq. ft. or the applicable floor area ratio (FAR) limit under the zoning district or in a Community Plan, whichever is more restrictive*
Max. height		30 ft. for single-family additions in non-coastal zone 25 ft. for single-family additions in coastal zone or the coastal zoning height standard, whichever is more restrictive 15 ft. for detached accessory structures	
Min. setbacks	Planned Districts	Varies	
	A2 to A60, C1, H1, RA, RR, RE, R1, R2, and VCR (combining coastal zones included)	See Article II (Zoning Districts and Allowable Land Uses) and Article V (Coastal Zones – Permit Requirements and Development Standards)	

* The total building area shall be no more than 10 percent greater than the median building area of homes in the surrounding neighborhood, which includes, at a minimum, all properties located within the range of properties that are sent public notices pursuant to Section 22.118.020 (Notice of Hearing or Administrative Action).

- b. In Planned Districts, attached or detached decks exceeding a height of 30 inches above grade, but not exceeding 20 feet above grade, and located at least 10 feet from all property lines;
- c. New retaining walls up to eight feet in height above grade, provided the walls face into the center of the property, and new retaining walls up to six feet in height above grade that comply with Single-family Residential Design Guideline C-1.7 (Fences and Retaining Walls);
- d. In-ground swimming pools and spas that do not exceed a height of more than six feet above grade and that are located at least three feet from all property lines;
- e. Solid fencing up to six feet in height above grade within the required front and street side yards and up to eight feet in height above grade within the required side and rear yards;
- f. New driveways on a property provided new site retaining walls do not exceed four feet in height above grade; and

- g. Other work of a similar nature that the Director determines to be suitable for a Minor Design Review, and which is in compliance with the purpose of this Chapter.
- C. Design Review Procedures.** The Director shall approve, conditionally approve, or deny all Design Review applications in compliance with Section 22.42.060 (Decision and Findings), except as otherwise provide in Subsections D and E, below.
- D. Zoning Administrator review.** When the Design Review application is associated with a permit application that requires a public hearing, the Design Review action may be taken by the Zoning Administrator.
- E. Referral to Commission.** When the Director finds that significant policy issues are raised by the proposed project, the Director may refer the Design Review application to the Planning Commission for a final action.

22.42.060 – Decision and Findings

The review authority shall issue the decision and the findings upon which the decision is based. The review authority may approve or conditionally approve an application only if all of the following findings are made:

The review authority shall issue the decision and the findings upon which the decision is based. The review authority may approve or conditionally approve an application only if all of the following findings are made:

- A.** The proposed development provides architectural design, massing, materials, and scale appropriate to and compatible with the site surroundings and the community;
- B.** The proposed development results in site layout and design (including building arrangement, exterior appearance, heights, setbacks, drainage, fences and walls, grading, lighting, signs, etc.) that will not eliminate significant sun and light exposure, views, vistas, and privacy to adjacent properties; that will not result in light pollution, trespass, and glare; and that will not adversely affect rights-of-way or pathways for circulation;
- C.** The proposed development will provide appropriate separation between buildings and will be properly and adequately landscaped with maximum retention of trees, native plants, and other natural features consistent with fire safety requirements;
- D.** The proposed development will minimize cut and fill, the reforming of the natural terrain, and appurtenant structures (e.g. retaining walls and bulkheads);
- E.** The proposed development complies with the Single-family Residential Design Guidelines and the design and locational characteristics listed in Chapter 22.16 (Planned District Development Standards);
- F.** The project is designed to conserve energy and natural resources by meeting the green building standards in Table 4-6; and
- G.** The design, location, size, and operating characteristics of the proposed use are consistent with the Countywide Plan and applicable zoning district regulations and will not be detrimental to the public interest, health, safety, convenience, or welfare of the County.

**TABLE 4-6
GREEN BUILDING STANDARDS FOR DESIGN REVIEW**

Building Area	Rating Level
Up to 2,500 square feet	Certified
Greater than 2,500 square feet up to 4,000 square feet	Silver
Greater than 4,000 square feet up to 5,500 square feet	Gold
Greater than 5,500 square feet up to 7,000 square feet	Platinum
Greater than 7,000 square feet	Platinum plus Carbon Neutral

CHAPTER 22.44 – MASTER PLANS AND PRECISE DEVELOPMENT PLANS

Sections:

22.44.010 – Purpose of Chapter

22.44.020 – Applicability

22.44.030 – Application Filing, Processing and Review

22.44.035 – Exemption from Master Plan/Precise Development Plan Review

22.44.040 – Waiver of Master Plan/Precise Development Plan Review

22.44.050 – Post Approval

22.44.010 – Purpose of Chapter

This Chapter provides procedures for the filing, processing, and adoption of Master Plans and Precise Development Plans. These procedures are intended to:

- A. Allow for phased developments;
- B. Ensure harmony with the natural and built environment and the surrounding neighborhood character;
- C. Promote clustering of structures to preserve open land areas and avoid environmentally sensitive areas;
- D. Provide general direction on site design and development, and land use issues; and
- E. Protect natural resources, scenic quality, environmentally sensitive areas.

22.44.020 – Applicability

This Chapter shall apply to all land use activities identified in Article II (Zoning Districts and Allowable Land Uses), and Article V (Coastal Zones – Permit Requirements and Development Standards).

22.44.030 – Application Filing, Processing and Review

- A. **Filing.** An application for a Master Plan or Precise Development Plan shall be submitted, filed, and processed in compliance with and in the manner described in Chapter 22.40 (Application Filing and Processing, Fees).

Master Plan and Precise Development Plan application forms are available at the Agency's public information counter.

1. **Area covered by plan.** The area of the Master Plan and Precise Development Plan shall include at least all contiguous properties under the same ownership. The area covered by a proposed plan may also include multiple ownerships.
 2. **Application materials.** Applications for Master Plan or Precise Development Plan approval shall include the information and materials required by Section 22.40.030 (Application Submittal and Filing).
- B. Project review procedure.** Each application shall be analyzed by the Agency to ensure that the application is consistent with the purpose and intent of this Chapter and with the Countywide Plan and Community or Specific Plans.
- C. Action on Master Plan and Precise Development Plan applications.**
1. **Master Plan:**
 - a. **Action by Commission.** The Commission may recommend approval, conditional approval, or denial of an application. The Commission's actions may specify any condition which is likely to benefit the general welfare of future residents in the development and the purposes of the district, or mitigate any impacts which may result from implementation of the development.
 - b. **Action by Board.** The Board may approve, conditionally approve, or deny the Master Plan as recommended by the Commission. Any modification of the plan may be referred back to the Commission. The approval shall be by ordinance which shall include, but shall not be limited to, the following requirements:
 - (1) The development, maintenance, and use of the property shall be conducted in compliance with the approved maps and plans.
 - (2) The maps and plans designated in the ordinance shall be submitted to the Agency.
 - (3) No structure shall be constructed, maintained, or used other than for the purposes specified on the maps and plans, as submitted.

When a Master Plan is processed concurrently with any other permit or entitlement, the Board shall be the final authority on all associated permits and entitlements.
 - c. **Revocation.** A Master Plan or Precise Development Plan that was issued in-lieu of a Use Permit pursuant to Section 22.44.030.C.3 may be revoked in accordance with the procedures and findings contained in Chapter 22.120 (Use Permit Revocations).
 2. **Precise Development Plan.** After approval of the Master Plan, no development and/or land improvements and/or construction, except filling of land in compliance with the Master Plan, shall commence until a Precise Development Plan is approved for a portion of, or the entire area of, the Master Plan. All development and/or land improvement shall be in compliance with the approved Precise Development Plan.

- a. **Mandatory finding.** A Precise Development Plan may be approved only if the review authority first finds that the proposed development is in substantial compliance with the approved Master Plan.
 - b. **Action by Director.** If the Precise Development Plan is in substantial compliance with the approved Master Plan, the Director may approve, conditionally approve, or deny the development, without holding a public hearing, or may refer the matter to the Zoning Administrator or Commission for a public hearing.
 - c. **Action by Commission.** The Precise Development Plan for all or a portion of the master planned area may be approved, conditionally approved, or denied by the Commission, by resolution. The Commission's action shall be final unless appealed to the Board.
 - d. **Dedication of public areas.** Public areas necessary for convenience and general welfare shall be dedicated or reserved for public purposes.
3. **Use Permit.** Uses requiring a Use Permit shall be allowed in a Planned District if the Commission can make all of the findings required for the issuance of a Use Permit, in compliance with Section 22.48.040 (Decision and Findings). Use Permits may be granted simultaneously with the Master Plan approval. Uses requiring a Use Permit can be approved through the Master Plan or Precise Development Plan, provided that the findings required by Section 22.48.040 (Decision and Findings) are made as part of the Master Plan or Precise Development Plan approval.

D. Notice of action and/or hearing date. Administrative decisions and public hearings on a proposed Master Plan and/or Precise Development Plan application shall be noticed in compliance with Chapter 22.118 (Notices, Public Hearings, and Administrative Actions). The Director may provide expanded public notice to ensure maximum public awareness of an application.

22.44.035 – Exemption from Master Plan/Precise Development Plan Review

The following land uses are exempt from the requirements of a Master Plan and/or Precise Development Plan: crop production and commercial gardening that does not result in more than 250 cubic yards of excavation (excluding discing or tilling of soil), dairy operations, livestock operations for grazing, large animals and small animals, nature preserves, agricultural accessory activities, and the maintenance or repair of existing authorized or legal nonconforming agricultural structures or improvements, such as roads and water storage and distribution facilities. The above uses are not subject to the Master Plan/Precise Development Plan waiver provisions in Section 22.44.040 (Waiver of Master Plan/Precise Development Plan Review), below.

22.44.040 – Waiver of Master Plan/Precise Development Plan Review

An applicant may file a formal written request to waive the requirements for a Master Plan/Precise Development Plan with the Agency. It is the responsibility of the applicant to establish evidence in support of the findings required by this Section. The Director may waive the requirements for a Master Plan/Precise Development Plan, and instead require a Use Permit and/or Design Review, in compliance with Chapters 22.48 (Use Permits) and 22.42 (Design Review) and this Section.

A. Projects eligible for waiver. Table 4-7 identifies the types of projects for which a Master Plan and/or a Precise Development Plan shall be required, and projects for which these requirements may be waived and a Use Permit and Design Review may instead be required.

1. In general, a Master Plan and Precise Development Plan are required for the review of the uses and design features proposed in large or otherwise major projects, and a Use Permit and Design Review or Development Plan may be required for the review of the uses and design features proposed in small or otherwise minor projects.
2. The following requirements of a Master Plan shall be waived for the following:
 - a. One single-family dwelling, in a planned district, on a parcel having no residual development potential for additional dwellings based upon the potential maximum density established by the governing zoning district. The development potential for additional dwellings referred to in this section shall not include residential second units or agricultural worker housing.
 - b. Agricultural accessory structures.

**TABLE 4-7
THRESHOLDS FOR MASTER PLAN/PRECISE DEVELOPMENT PLAN**

Type of Project	Master Plan and/or Precise Development Plan Required	Use Permit Required	Design Review/ Development Plan Required
Commercial	15,000 sq.ft. or more	Under 15,000 sq.ft.	Under 15,000 sq.ft.
Residential	5 or more units/parcels (subdivision)	Not Applicable	1 to 4 units/parcels, with no potential for further subdivision
Mixed use	No waiver granted	Only necessary if required by Master Plan/Precise Development Plan	Only necessary if required by Master Plan/Precise Development Plan

B. Findings required for waiver. In order to grant a waiver, the Director shall first find that the proposed project will:

1. Comply with Table 4-7;
2. Be consistent with the Countywide Plan and any applicable Community Plan and Local Coastal Program;

3. Be designed so that potential impacts could be properly addressed through Use Permit or Design Review procedures, in compliance with Chapters 22.48 (Use Permits) and 22.42 (Design Review). These impacts may include, but are not limited to: drainage, erosion, grading, landscaping, including appropriate tree and native vegetation preservation/retention, and circulation and transportation.
4. Not involve Transfer of Development Rights, or does not cluster residential units;
5. Be located outside any resource areas relating to the protection and preservation of agriculture, archaeological/historic resources, geological hazards, mineral resources, native vegetation, plant/ wildlife, recreational/open space, ridgelines, water-related hazards (e.g., flooding), watersheds, or wetlands (or within 100 feet of any wetlands);
6. Be served, or can be served, by public safety personnel and equipment (e.g., fire, sheriff, etc.) as well as utilities and services;
7. Substantially exhaust the potential for residual development based on Countywide Plan and zoning district densities and floor area ratios;
8. Be located to avoid areas that are impacted by noise, hazardous materials, flooding, etc.;
9. Contain adequate, unconstrained area on the project site for physical development and related on-site circulation and parking areas; and
10. Preserve significant views of shoreline areas as seen from off-site public and private viewing points.

22.44.050 – Post Approval

The following shall apply after the approval of a Master Plan and Precise Development Plan application. These procedures are in addition to those identified in Section 22.40.080 (Post Approval Procedures), and Chapter 22.56 (Permit Implementation, Time Limits, Extensions).

A. Expiration.

1. **Time limits.** A Master Plan shall be valid for a period of two years from the date the ordinance approving the Master Plan was adopted. A Precise Development Plan shall be valid for a period of two years from the date the Precise Development Plan was approved.

An approved Master Plan shall not expire if, prior to the expiration date, a Precise Development Plan or a tentative subdivision map is approved in compliance with this Development Code. An approved Precise Development Plan shall not expire if, prior to the expiration date, a Building Permit, parcel or final map is issued for the project.

2. **Effect of expiration.** The expiration of an approved Master Plan shall terminate all proceedings and no Precise Development Plan or other permit shall be granted without first processing a new Master Plan application. The expiration of an approved Precise Development Plan shall terminate all proceedings and no Building Permit or other approval shall be granted without first processing a new Master Plan and Precise Development Plan application.

If a Master Plan or Precise Development Plan expires and if a Zoning Map Amendment was granted in compliance with the plans, the Commission may initiate a Zoning Map Amendment to rezone the real property to its former zoning district or any other zoning district the Commission finds consistent with the Countywide Plan.

- B. Extensions.** Master Plan or Precise Development Plan approvals may be extended by the Director for a maximum of four years following the original date of expiration, provided the Master Plan or Precise Development Plan is consistent with the Countywide Plan, Community Plan or Specific Plan applicable at the time the extension is acted on.

Applications for extensions shall be submitted in writing, accompanied by a fee in an amount stated by the County Fee Ordinance. An application for an extension shall be submitted prior to the expiration of the Master Plan or Precise Development Plan.

- C. Amendments.** A valid Master Plan or Precise Development Plan may be amended by the Commission or Board, in compliance with the same procedures specified for initial approval.

CHAPTER 22.46 – FLOATING HOME ADJUSTMENTS AND DEVIATIONS

Sections:

- 22.46.010 – Purpose of Chapter
- 22.46.020 – Applicability
- 22.46.030 – Application Filing, Processing, and Review
- 22.46.040 – Decision and Findings

22.46.010 – Purpose of Chapter

This Chapter provides procedures for Floating Home Adjustment Permits and Architectural Deviations, which are intended to allow for adjustments or exceptions from the strict application of the standards for maximum floor area, height, length, and width standards for floating homes.

22.46.020 – Applicability

This Chapter shall apply to floating homes, where allowed by Article II (Zoning Districts and Allowable Land Uses), and in compliance with Section 22.32.075 (Floating Homes).

22.46.030 – Application Filing, Processing, and Review

- A. Filing.** An application for a Floating Home Adjustment Permit or Architectural Deviation shall be submitted, filed, and processed in compliance with and in the manner described in Chapter 22.40 (Application Filing and Processing, Fees).

Floating Home Adjustment Permit and Architectural Deviation application forms are available at the Agency's public information counter.

- B. Project review procedure.** Each Floating Home Adjustment Permit or Architectural Deviation application shall be analyzed by the Agency to ensure that the application is consistent with the purpose and intent of this Chapter.

- C. Review authority.** The Director or Zoning Administrator may approve, approve with conditions or deny a Floating Home Adjustment Permit or Architectural Deviation application for the following:

1. **Architectural Deviations.** The Director may act on deviations for:
 - a. Exceedance of the 16-foot height limitation up to a height of 20 feet;
 - b. Architectural projections up to 30 inches, such as decks, bay windows, roof overhangs, eaves, flotation barges and other similar architectural features, that extend beyond the specified length and width of the floating home and into the required spacing between floating homes, provided that a minimum distance of 3 feet or greater is maintained between floating homes;

- c. Encroachments into the required spacing between floating homes by no more than 8 inches in conjunction with the replacement of a concrete barge hull with a new hull constructed of concrete or other non-combustible materials and provided: (1) the encroachment is only for a barge that substantially maintains the same dimensions as the existing barge; (2) a minimum distance of 3 feet or greater is maintained between floating homes; and (3) the existing setbacks for the superstructure are maintained; and
2. **Adjustment Permits.** The Zoning Administrator may act on Adjustment Permits for the following:
- a. Floor Area;
 - b. Length;
 - c. Width;
 - d. Height over 20 feet; and
 - e. Setbacks (spacing and mooring requirements, except as authorized by an Architectural Deviation).

D. Notice of action and/or hearing date. A public hearing on a proposed Floating Home Adjustment Permit application shall be noticed in compliance with Chapter 22.118 (Notices, Public Hearings, and Administrative Actions). The Director may act on Architectural Deviations without holding a public hearing after providing public notice in compliance with Chapter 22.118.

22.46.040 – Decision and Findings

The Review Authority shall issue the decision and the findings upon which the decision is based. The Review Authority may approve, conditionally approve, or deny an application.

- A. Architectural Deviations.** The Director may approve or conditionally approve a Floating Home Architectural Deviation only if all of the following findings are made:
- 1. The deviation is comparable and compatible with the size of neighboring floating homes.
 - 2. The deviation results in adequate open space and viewsheds both within and to the marina.
 - 3. All features allowed by the deviation will not extend above 20 feet from the water line.
 - 4. The deviation will not provide for an additional story of living or storage space.
 - 5. The deviation will not result in public health and safety hazards, including, but not limited to, applicable fire safety standards.
 - 6. The deviation is consistent with the intent of Chapters 11.24 and 19.18 of the County Code.

B. Adjustment Permits. The Zoning Administrator may approve, or conditionally approve a Floating Home Adjustment Permit only if all of the following findings are made:

1. The requested adjustment will not adversely or substantially diminish:
 - a. Light and ventilation to floating homes berthed adjacent to the proposed floating home; and
 - b. Existing views and/or view corridors enjoyed by owners or tenants of neighboring or adjoining floating homes and floating home sites. The term "neighbor" is not to be construed to mean the owners or occupants of land-based properties or improvements.
2. The size of the requested adjustment is:
 - a. Comparable and compatible with the size of neighboring floating homes; and
 - b. Will not encroach into any right-of-way, fairway, adjoining berth or any required open space.
3. The requested adjustment is the minimum necessary to satisfy the objectives sought by the owner and/or builder of the floating home.
4. The requested adjustment will not result in any detriment to other floating homes in the immediate vicinity of the proposed floating home.
5. The deviation will not result in public health and safety hazards, including, but not limited to, applicable fire safety standards.

CHAPTER 22.48 – USE PERMITS

Sections:

- 22.48.010 – Purpose of Chapter
- 22.48.020 – Applicability
- 22.48.030 – Application Filing, Processing, and Review
- 22.48.040 – Decision and Findings
- 22.48.050 – Post Approval

22.48.010 – Purpose of Chapter

This Chapter provides procedures for Use Permits, where required by Article II (Zoning Districts and Allowable Land Uses) and Article V (Coastal Zones – Permit Requirements and Development Standards), which are intended to allow for activities and uses that are unique and whose effects on the surrounding environment cannot be determined prior to being proposed for a particular location.

22.48.020 – Applicability

This Chapter shall apply to all conditional land use activities identified in Article II (Zoning Districts and Allowable Land Uses), and Article V (Coastal Zones – Permit Requirements and Development Standards), as applicable.

22.48.030 – Application Filing, Processing, and Review

- A. Filing.** An application for a Use Permit shall be submitted, filed, and processed in compliance with and in the manner described in Chapter 22.40 (Application Filing and Processing, Fees).

Use Permit application forms are available at the Agency's public information counter.

- B. Project review procedure.** Each Use Permit application shall be analyzed by the Agency to ensure that the application is consistent with the purpose and intent of this Chapter.

- C. Hearings and notice.** Public hearings on a proposed Use Permit application shall be noticed in compliance with Chapter 22.118 (Notices, Public Hearings, and Administrative Actions).

The Zoning Administrator shall hold a public hearing, or the Director shall refer the application to the Commission for a public hearing, in compliance with Chapter 22.118 (Notices, Public Hearings, and Administrative Actions). This hearing shall include a review of the configuration, design, location, and potential impacts of the proposed use.

22.48.040 – Decision and Findings

After a public hearing, the review authority shall record and file the decision and the findings upon which the decision is based. The review authority may approve a Use Permit application, with or without conditions, only if all of the following findings are made:

- A. The proposed use is allowed, as a conditional use, within the subject zoning district and complies with all of the applicable provisions of this Chapter.
- B. The proposed use is consistent with the Countywide Plan and any applicable Community Plan and Local Coastal Program.
- C. The approval of the Use Permit for the proposed use is in compliance with the California Environmental Quality Act (CEQA).
- D. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity.
- E. The proposed use would not impair the architectural integrity and character of the zoning district in which it is to be located.
- F. That granting the Use Permit will not be detrimental to the public interest, health, safety, convenience, or welfare of the County, or injurious to the property or improvements in the vicinity and zoning district in which the real property is located.

22.48.050 – Post Approval

The following shall apply subsequent to the approval of a Use Permit application. These procedures are in addition to those identified in Section 22.40.080 (Post Approval) and Chapter 22.56 (Permit Implementation, Time Limits, Extensions).

- A. **Use Permit to run with the land.** A Use Permit granted in compliance with the provisions of this Chapter shall continue to be valid upon a change of ownership of: the site, business, service, use, or structure that was the subject of the permit application.
- B. **Changes to conditions and standards.** The review authority may approve minor changes to required conditions and operating standards of an approved Use Permit, in compliance with the provisions of this Chapter and Section 22.56.060 (Changes to an Approved Project).
- C. **Time Limits.** Notwithstanding any other provisions of this Development Code, a Use Permit shall expire if the use is abandoned or ceases to operate for a two-year period or greater.

CHAPTER 22.50 – TEMPORARY USE PERMITS

Sections:

- 22.50.010 – Purpose of Chapter
- 22.50.020 – Applicability
- 22.50.030 – Application Filing, Processing, and Review
- 22.50.040 – Allowed Temporary Uses
- 22.50.050 – Development Standards
- 22.50.060 – Decision and Findings
- 22.50.070 – Post Approval

22.50.010 – Purpose of Chapter

This Chapter establishes procedures for allowing short-term uses which may not meet the normal development or use standards applicable to the subject zoning district, but which may be acceptable because of their temporary nature.

This Chapter provides a review process for a proposed use to ensure that basic health, safety, and general community welfare standards are met. This Chapter also provides a process for Agency approval of a suitable temporary use with the minimum necessary conditions or limitations consistent with the temporary nature of the use.

22.50.020 – Applicability

This Chapter shall apply to all land use activities in all zoning districts defined in Article II (Zoning Districts and Allowable Land Uses), and Article V (Coastal Zones – Permit Requirements and Development Standards).

22.50.030 – Application Filing, Processing, and Review

- A. Filing.** Application for a Temporary Use Permit shall be submitted, filed, and processed in compliance with and in the manner described in Chapter 22.40 (Application Filing and Processing, Fees).

Temporary Use Permit application forms are available at the Agency's public information counter.

- B. Project review procedure.** Each Temporary Use Permit application shall be analyzed by the Agency to ensure that the application is consistent with the purpose and intent of this Chapter.
- C. Notice of action.** An administrative decision on a proposed Temporary Use Permit application shall be noticed in compliance with Chapter 22.118 (Notices, Public Hearings, and Administrative Decisions).

22.50.040 – Allowed Temporary Uses

The following temporary uses may be allowed subject to the issuance of a Temporary Use Permit. Uses that do not fall into the categories listed below shall comply with the use and development standards and permit requirements that otherwise apply to the subject site.

- A. Holiday product sales lots.** Lots used for the sale of seasonal holiday products, and the establishment of an accessory temporary residence and/or security trailer on the sales lots may be approved when needed for the provision of security.

A permit shall not be required when the temporary sales lot is used in conjunction with an established commercial business which has been issued a valid County Business License, provided that the activity does not consume more than 15 percent of the total parking spaces on the site and does not impair vehicle access.

Examples of temporary holiday sales lots are Christmas tree lots, pumpkin patches, and other seasonal holiday products. The uses may be located on vacant parcels or within existing parking lots.

- B. Mobile home used as a temporary residence.** A mobile home may be approved as a temporary residence when a valid Building Permit for a new residence is in effect. Two years after the date of issuance of the residential Building Permit, and/or two months after the final inspection of the single-family residence constructed pursuant to the residential building permit, the mobile home shall be removed from the project site, unless the Temporary Use Permit specifies a different time frame.

- C. Temporary construction yards.** An off-site temporary construction yard may be approved when the temporary construction yard is needed in conjunction with the construction of an approved development project. The storage of construction materials on the same site as approved construction is not subject to the provisions of this Section.

A temporary construction yard may be approved in conjunction with other development permits when at least one of the following conditions exist:

1. When a valid Building or Grading Permit is in effect, and the construction or remodeling of a development project is taking place; or
2. When an applicant can demonstrate that a temporary construction yard is needed on a short term basis while permanent site work is being conducted.

- D. Temporary office.** A temporary office may be approved as an accessory use, or as the first phase of a development project.

- E. Temporary real estate office.** A temporary real estate office may be approved within the area of an approved residential development project only for the sale of homes and/or lots.
- F. Temporary work trailers.** A trailer, coach, or mobile home may be approved as a temporary work site for employees of a business when at least one of the following conditions exist:
 1. When a valid Building Permit is in effect, and the construction or remodeling of a permanent residential, commercial, or industrial structure is taking place; or
 2. When an applicant can demonstrate that a temporary trailer is needed on a short-term basis.
- G. Similar temporary uses.** Other temporary uses which, in the opinion of the Zoning Administrator, are similar to and compatible with the zoning district and surrounding land uses may be approved. The maximum time period for which these types of uses shall be allowed will depend upon the particular circumstances involved.

22.50.050 – Development Standards

Standards for floor areas, heights, landscaping, off-street parking areas, setbacks, and other structure and property development standards that apply to the category of use or the zoning district of the subject site (see Articles II (Zoning Districts and Allowable Land Uses) and III (Site Planning and General Development Regulations)) shall be used as a guide for determining the appropriate development standards for temporary uses. However, the Director may authorize variation from the specific standards, as deemed appropriate in the Temporary Use Permit.

22.50.060 – Decision and Findings

The Review Authority may only approve or conditionally approve a Temporary Use Permit, only if the proposed temporary use is in compliance with Section 22.50.040 (Allowed Temporary Uses), above, and if all of the following findings are made:

- A. The establishment, maintenance or operation of the use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.
- B. The use, as described and conditionally approved, will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.
- C. Approved measures for removing the use and restoring the site will ensure that the temporary use causes no changes to the site that will limit the range of possible future land uses otherwise allowed by this Development Code.

In order to make the determinations and findings listed above, the Review Authority shall take into consideration the temporary nature of the requested land use activity.

22.50.070 – Post Approval

The following shall apply subsequent to the approval of a Temporary Use Permit application. These procedures are in addition to those identified in Section 22.40.080 (Post Approval) and Chapter 22.56 (Permit Implementation, Time Limits, Extensions).

- A. Condition of site following temporary use.** Each site occupied by a temporary use shall be cleaned of debris, litter, or any other evidence of the temporary use upon completion or removal of the use, and shall thereafter be used in compliance with the provisions of this Development Code. A bond may be required prior to initiation of the use to ensure cleanup after the use is finished.
- B. Time limits.** The Notice of Decision for a Temporary Use Permit shall specify the permit duration.

CHAPTER 22.52 – TIDELANDS PERMITS

Sections:

- 22.52.010 – Purpose of Chapter
- 22.52.020 – Applicability
- 22.52.030 – Application Filing, Processing and Review
- 22.52.040 – Prohibitions
- 22.52.050 – Exemptions
- 22.52.060 – Coastal Zone
- 22.52.070 – Decision and Findings

22.52.010 – Purpose of Chapter

County beaches, salt marshes, shorelines, tidelands, and waterways are vital natural resources which benefit present and future generations of County residents and visitors. These resources offer open space, recreational activities (e.g., boating, fishing, swimming, walking, etc.), scenic views, wildlife habitats, opportunities for water transportation and sites for homes and for water-oriented resorts and industries. They fulfill an indispensable role in preserving the climate, air and water quality, and health of wetland and adjacent upland habitats of the County. These benefits could be destroyed or seriously reduced by uncontrolled filling, excavation or construction.

This Chapter provides procedures for the processing of Tidelands Permits to encourage the fullest enjoyment of these potential benefits with a minimum of physical disturbance and to outline the standards and requirements by which filling, excavation, and construction in tideland areas will be conducted.

22.52.020 – Applicability

The provisions of this Chapter apply to all land and water areas that are, or have been at any time within the preceding 12 months, below the mean high tide, based on the National Geodetic Vertical Datum for the subject site, and to contiguous land between that elevation line, and either a point 100 feet inland or the nearest publicly maintained road, whichever is closer.

All of the land and water area described in this Chapter shall be referred to as “tidelands.”

22.52.030 – Application Filing, Processing and Review

- A. Filing.** An application for a Tidelands Permit shall be submitted, filed, and processed in compliance with and in the manner described in Chapter 22.40 (Application Filing and Processing, Fees).

Tidelands Permit application forms are available at the Agency's public information counter.

- B. Project review procedure.** Each Tidelands Permit application shall be analyzed by the Agency to ensure that the application is consistent with the purpose and intent of this Chapter.
- C. Action on Tidelands Permit.** The Director shall act upon the request or refer the application to the Zoning Administrator or Commission, in the following manner:
- 1. Action by Director.** If the application includes only repair to a structure or is for a single-family dwelling or if the Director determines the work to be minor and incidental and without significant environmental impact, the Director shall approve, conditionally approve or deny the application, or refer the application to the Zoning Administrator or Commission.
 - 2. Action by Commission.** If the application involves new construction and/or cannot be considered to be minor and incidental or is expected to have significant environmental impact, the application shall be referred to the Commission for consideration. The Commission shall approve, conditionally approve, or deny the application. The Commission shall consider, in arriving at its decision, applicable regional and State plans for tidal waterways and the criteria, standards, and policies developed by those agencies administering the regional and State plans.
- D. Notice of action and/or hearing date.** Administrative decisions and public hearings on a proposed Tidelands Permit application shall be noticed in compliance with Chapter 22.118 (Notices, Public Hearings, and Administrative Actions).

22.52.040 – Prohibitions

It is unlawful for any person, firm, corporation, or public agency to allow, cause, or do any of the following on any of the tidelands designated in Section 22.52.020 (Applicability), except in compliance with Section 22.52.050 (Exemptions), or as permitted in compliance with Section 22.52.070 (Decision and Findings):

- A. Construct, deposit, or dump within, or fill with dirt, earth, garbage, mud, refuse, or any other material;
- B. Dredge, excavate, or remove any dirt, earth, gravel, mud, sand, or any other material; and/or
- C. Place or construct any breakwater, bulkhead, pier, wall, or other structure.

22.52.050 – Exemptions

The following shall be exempt from the provisions of this Chapter:

- A. Emergency work.** Emergency work immediately necessary to prevent, or to minimize, imminent damage to land or improvements from floodwaters, as determined by the Director. The emergency work shall be reported to the Agency, on the next business day following commencement of the work, and confirmed in writing, within 10 days after the start of the work;
- B. Maintenance of existing legal structures.** Any maintenance work to legal structures which existed prior to the effective date of this Development Code;

- C. **Minor/incidental work.** Any structure, fill, or excavation of the tidelands which the Director finds to be minor or incidental;
- D. **Work approved by land use permit.** Any structure, fill, or excavation which has been approved as part of an application, action or permit by the Director, Zoning Administrator, Commission, or Public Works Director, except that the structure, fill, or excavation shall not be deemed to have been approved by a Building Permit.

Where a development is subject to other provisions of this Development Code, approval of any structure, fill, or excavation within the scope of this Chapter, which is contained in the development, shall be subject to the findings of Section 22.52.070 (Decision and Findings);

- E. **Work behind secured existing dikes.** Any structure, fill, or excavation which is behind secured dikes, which existed prior to the effective date of this Development Code, or which was approved in compliance with the governing Marin County Code, and which is normally not subject to tidal action by virtue of the dike, or which is only temporarily under tidal action due to defective tide gates; and
- F. **Creeks, estuaries and rivers.** Any structure, fill or excavation in creeks, estuaries, and rivers that are subject to tidal action and located upstream from certain defined points, as follows:
 1. **Coyote Creek:** State Highway No. 1 Bridge; and
 2. **Corte Madera Creek:** Downstream end of concrete channel.

22.52.060 – Coastal Zone

Any filling, excavation, and construction in tideland areas of the Coastal Zone, as defined by the Coastal Act of 1976, may require issuance of a Coastal Permit, in compliance with Article V (Coastal Zones – Permit Requirements and Development Standards).

22.52.070 – Decision and Findings (for Tidelands Permits)

The Review Authority may only approve or conditionally approve an application if all of the following findings are made:

- A. The encroachment into the tidelands is the minimum necessary to achieve the intent of this Chapter and the purpose of the proposed work.
- B. The proposed fill, excavation, or construction will not unduly or unnecessarily:
 1. Inhibit navigation;
 2. Inhibit access to publicly owned tidelands;
 3. Cause, or increase the likelihood of, water pollution;
 4. Cause, or increase the likelihood of, flooding of adjoining parcels;
 5. Destroy, or accelerate the destruction of, habitats essential to species of fish, shellfish, and other wildlife of substantial public benefit;

6. Interfere with, or detract from, public viewsheds toward the water, particularly on natural features of visual prominence;
 7. Conflict with the scenic beauty of the shoreline due to bulk, mass, color, form, mass, height, illumination, materials, or the extent and design of the proposed work;
 8. Create a safety hazard in connection with settlement of fill or earthquakes; or
 9. Reduce natural waterways by eroding banks, or causing sedimentation or siltation.
- C. The proposal is in substantial compliance with the Countywide Plan and any applicable Community Plan and Local Coastal Program, and is consistent with public trust policies for tidelands areas.
- D. New public benefits will be created offsetting some of the impacts that may be caused by implementation of the proposal; however, this finding is not required to be made when one of the following circumstances exist:
1. The application covers lands wholly above the mean high tide based on the National Geodetic Vertical Datum for the subject parcel; or
 2. The size or potential uses of the parcel are so limited that creation of a new public benefit would be infeasible, and where the amount and effect of structures, fill, or excavating, are minimal.
- E. These public benefits may be realized when one or more of the following are included in the proposed development application:
1. Development of new recreational opportunities;
 2. Provision of new public access to the water;
 3. Enhancement of shoreline appearance;
 4. Establishment of water transportation;
 5. Facilities for land or air transportation, where all other alternatives have been exhausted;
 6. Construction of water-oriented industry or development of marine food supplies;
 7. Habitat replacement and restoration; or
 8. Other benefits considered by the Review Authority to be of comparable importance.
- F. The proposed fill, excavation, or construction will not adversely affect the existing public rights on the property.

CHAPTER 22.54 – VARIANCES

Sections:

- 22.54.010 – Purpose of Chapter
- 22.54.020 – Applicability
- 22.54.030 – Application Filing, Processing and Review
- 22.54.040 – Exemptions
- 22.54.050 – Decision and Findings

22.54.010 – Purpose of Chapter

This Chapter provides procedures for the adjustment from the development standards of this Development Code only when, because of special circumstances applicable to the property, including location, shape, size, surroundings, or topography, the strict application of this Development Code denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts. Any Variance granted shall be subject to conditions that will ensure that the Variance does not constitute a granting of special privilege(s) inconsistent with the limitations upon other properties in the vicinity and zoning district in which the property is situated.

The power to grant Variances does not extend to land use regulations; flexibility in use regulations is provided in Chapter 22.48 (Use Permits).

22.54.020 – Applicability

The provisions of this Chapter shall apply to all development which does not comply with the standards of this Development Code. A variance may be granted to vary or modify the strict application of the regulations or provisions contained in this Development Code. Variances cannot be granted for relief from use limitations and minimum lot size and density requirements. Variances provide relief from standards relating to height, floor area ratio, and setbacks.

22.54.030 – Application Filing, Processing, and Review

- A. Filing.** An application for a Variance shall be submitted, filed, and processed in compliance with and in the manner described in Chapter 22.40 (Application Filing and Processing, Fees). It is the responsibility of the applicant to establish evidence in support of the findings required by Section 22.54.050 (Decision and Findings).

Variance applications are available at the Agency's public information counter.

- B. Project review procedure.** Each application shall be analyzed by the Agency to ensure that the application is consistent with the purpose and intent of this Chapter.
- C. Variances, administrative.** Administrative Variances may be granted by the Director, in compliance with this Chapter, for the following:
1. Dimensional standards, limited to the following:
 - a. Floor area ratio variations of up to two percent;

- b. Setback variations of up to 40 percent; and
 - c. Structure height variations of up to two feet.
2. Where the Director finds that significant policy questions are at issue, the Director may refer the application to the Zoning Administrator or Commission for determination.

D. Variances, public hearing. Public Hearing Variances may be granted by the Zoning Administrator, in compliance with this Chapter, for the following:

- 1. Floor area ratio variations of more than two percent;
- 2. Setbacks variations of more than 40 percent; and
- 3. Structure height variations of more than two feet.

E. Notice of action and/or hearing date. Administrative decisions and public hearings on a proposed Variance application shall be noticed in compliance with Chapter 22.118 (Notices, Public Hearings, and Administrative Actions).

22.54.040 – Exemptions

In situations where additional floor area is created through the utilization of existing, potentially habitable space in garages, subfloor areas, attics, or high-volume ceilings within a dwelling constructed prior to the effective date of this Development Code, the Director may ministerially find a project exempt from the requirements of Section 22.54.020 (Applicability), above, subject to the following:

- A. The cubical contents of the structure shall not be increased with the exception of minor dormers and bay windows which provide headroom or circulation, but do not add to the bulk and mass of the structure, or block any views.
- B. The floor area ratio may increase, not to exceed 0.35 maximum, or 300 square feet, whichever is more restrictive.
- C. The project shall be consistent with the Countywide Plan and applicable Community Plans.
- D. The project shall meet minimum off-street parking requirements in compliance with Sections 24.04.330 through .400 (Parking and Loading) of the County Code. When garages are converted to living space, consideration shall be given to whether an off-street parking area can be properly provided that conforms with all applicable standards contained in Sections 24.04.330 through .400 (Parking and Loading) of the County Code and this Development Code.
- E. The project shall be subject to Design Review, in compliance with Chapter 22.42 (Design Review).

22.54.050 – Decision and Findings

Following notice for an Administrative Variance, or a public hearing for a Public Hearing Variance, the Review Authority shall issue a notice of decision in writing with the findings upon which the decision is based, in compliance with State law (Government Code Section 65906). The Review

Authority may approve an application, with or without conditions, only if all of the following findings are made:

- A. There are special circumstances applicable to the property (e.g., location, shape, size, surroundings, or topography), so that the strict application of this Development Code denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts.
- B. That granting the Variance does not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel.
- C. That granting the Variance does not result in special privileges inconsistent with the limitations upon other properties in the vicinity and zoning district in which the real property is located.
- D. That granting the Variance will not be detrimental to the public interest, health, safety, convenience, or welfare of the County, or injurious to the property or improvements in the vicinity and zoning district in which the real property is located.

CHAPTER 22.56 – PERMIT IMPLEMENTATION, TIME LIMITS, EXTENSIONS

Sections:

- 22.56.010 – Purpose of Chapter
- 22.56.020 – Effective Date of Permits
- 22.56.030 – Deadline for Action
- 22.56.040 – Performance Guarantees
- 22.56.050 – Time Limits and Extensions
- 22.56.060 – Changes to an Approved Project

22.56.010 – Purpose of Chapter

This Chapter provides procedures for the implementation or vesting of the permits and entitlements required by this Development Code, including time limits and procedures for extensions of time. Time limits and extension criteria for Tentative Maps are found in Article VI (Subdivisions), beginning with Section 22.84.120 (Tentative Map Time Limits).

22.56.020 – Effective Date of Permits

- A. Final determinations adopted by resolution by the Director, Zoning Administrator, or Commission (e.g., Design Review, Floating Home Adjustment Permits, Use Permits, Tidelands Permits, Variances, and Precise Development Plans), shall become effective on the 11th business day following the date of application approval by the appropriate review authority, provided that no appeal of the review authority's action has been submitted, in compliance with Chapter 22.114 (Appeals).
- B. Final determinations adopted by resolution by the Board shall become effective immediately.
- C. Final determinations adopted by ordinance by the Board (e.g., Master Plans, Development Code, Zoning Map and Countywide Plan amendments), shall become effective on the 31st day following the date of approval by the Board.

22.56.030 – Deadline for Action

The Director, Zoning Administrator or Commission shall make an initial decision on an application within 60 days after the application is determined to be complete or the appropriate time period in compliance with the CEQA time limit requirements and any applicable time limits that are established in State law (or the application shall be deemed approved). A one-time extension for a period not to exceed an additional 90 days may be provided upon mutual agreement by the Director and the applicant (Government Code 65957).

Any permit application deemed approved in compliance with State law (Government Code 65956) shall be subject to all applicable provisions of this Development Code, which shall be satisfied by the applicant prior to the issuance of any construction permit or the establishment of a land use not requiring a construction permit.

22.56.040 – Performance Guarantees

A permit applicant may be required by conditions of approval, or by action of the review authority, to provide adequate security, in a form acceptable to the Director, to guarantee and/or monitor the faithful performance of and compliance with any/all conditions of approval imposed by the review authority on the permit.

22.56.050 – Time Limits and Extensions

- A. Time limits, vesting.** Unless conditions of approval require a different time limit, any permit or entitlement not vested within two years of the effective 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 or Final Map.
- B. Extensions of time.** Upon request by the applicant, the Director may extend the time for an approved permit to be vested.
- 1. Filing.** The applicant shall file a written request for an extension of time with the Agency, at least 10 days prior to the expiration of the permit, together with the filing fee required by the County Fee Ordinance.
 - 2. Review of extension request.** The Director shall determine whether the permit holder has attempted to comply with the conditions of the permit. The burden of proof is on the permittee to establish, with substantial evidence, that the permit should not expire. The Director may instead refer the extension request to the Commission for review.
 - 3. Action on extension.** If the Director determines that the permittee has proceeded in good faith and has exercised due diligence in complying with the conditions in a timely manner, the Director may extend the permit for a maximum period of four years following the original expiration date.

When granting an extension, the Director may make minor modifications to the approved project if it is found that there has been a change in the factual circumstances surrounding the original approval.

- 4. Hearing on extension.** If the Director finds that significant policy questions are at issue, the Director may refer the application to the Commission for a public hearing in compliance with Chapter 22.118 (Notices, Public Hearings, and Administrative Actions).
- 5. Coordination of expiration date among multiple permits.** If a Building Permit, or other permit, is issued during the effective life of the entitlement or development application approval, the expiration date of the entitlement or development application approval shall be automatically extended to coincide with the expiration date of the Building Permit or permit.

22.56.060 – Changes to an Approved Project

Development or a new land use authorized in compliance with this Development Code shall be established only as approved by the review authority and subject to any conditions of approval, except where changes to the project are approved in compliance with this Section.

An applicant shall propose changes in writing, and shall also furnish appropriate supporting materials and an explanation of the reasons for the request. Changes may be requested either prior to or after construction or establishment and operation of the approved use.

- A. The Director may authorize changes to an approved site plan, architecture, or the nature of the approved use if the changes:
 - 1. Are consistent with all applicable provisions of this 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 by the review authority in the approval of the permit; and
 - 4. Do not result in a significant expansion of the use.
- B. Changes to the project involving features described in Section 22.56.060.A.2 and A.3 (Changes to an Approved Project), above, shall only be approved by the review authority through a new permit application processed in compliance with this Development Code.

