

**MARIN COUNTY BOARD OF SUPERVISORS
RESOLUTION NO. 2024-12
RESOLUTION DELEGATING AUTHORITY TO WAIVE ROADWAY IMPACT FEES FOR
JUNIOR ACCESSORY DWELLING UNITS AND
BUILDING PERMIT FEES FOR JUNIOR ACCESSORY DWELLING UNITS AND
ACCESSORY DWELLING UNITS**

SECTION I: FINDINGS. The Board of Supervisors of the County of Marin hereby makes the following findings.

I. Over 66,888 people permanently reside in the unincorporated area within Marin County, which population is projected to grow by approximately 1,400 additional residents by 2040, as identified in Section II: Housing Needs Analysis of the Marin County Housing Element 2023-2031.

II. Over thirty percent of the 26,000 households that reside in unincorporated Marin rent their homes, as identified in Section II: Housing Needs Analysis of the Marin County Housing Element 2023-2031.

III. It is estimated that over 3,600 households residing in unincorporated Marin have extremely-low incomes, which is defined as earning approximately thirty percent of the area median income, as identified in Section II: Housing Needs Analysis of the Marin County Housing Element 2023-2031.

IV. Approximately fifty-two percent of renters in 2019 were estimated to be overpaying for rental housing, which is defined as paying more than thirty percent of household income as rent, as identified in Section II: Housing Needs Analysis of the Marin County Housing Element 2023-2031.

V. Between 2001 and 2020 home values increased significantly more than area incomes, as identified in Section II: Housing Needs Analysis of the Marin County Housing Element 2023-2031.

VI. Between 2010 and 2019 rental prices increased approximately fifteen percent, as identified in Section II: Housing Needs Analysis of the Marin County Housing Element 2023-2031.

VII. There is a shortage of rental housing, including multi-family, single-family, second units, and Single Room Occupancy (SRO) units, as identified in Section II: Housing Needs Analysis of the Marin County Housing Element 2023-2031.

VIII. Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) may help mitigate the housing shortage by helping incentivize creation of new rental housing opportunities in unincorporated Marin County.

IX. In conjunction with recent state legislation intended to encourage the creation of ADUs and JADUs by limiting the scope of local permitting discretion, a local fiscal incentive can be created by waiving building permit review fees for those units and by waiving Roadway Impact Fees for JADUs.

X. On December 5, 2017, in response to these housing needs and due in part to the loss of homes and subsequent displacement caused by the North Bay Fires of October 2017, the Board of Supervisors previously adopted Resolution 2017-132 which authorizes the Community Development Director and/or their designee to waive or reduce certain planning permit fees incurred in 2018 and associated with the development of JADUs.

XI. On May 22, 2018, the Board amended Resolution 2017-132 and adopted Resolution 2018-47 to clarify the period that a homeowner would refrain from using a JADU as a short-term rental to be one year from the Certification of Occupancy, to align the definition of short-term rentals with other County policies, and to require owners who violate the terms of their waiver agreement to refund the County; and

XII. On January 14, 2020, the Board amended Resolution 2018-135 and adopted Resolution 2020-05 to further incentivize the development of ADUs that are rented to low- and moderate-income households by offering a waiver of up to \$2,500 for eligible ADUs rented at or above market rate, up to \$5,000 in fees for an ADU that is rented at moderate-income rates (between 81-120% of Area Median Income guidelines), and up to \$10,000 in fees for an ADU that is rented at low-income rates (up to 80% of Area Median Income guidelines).

XIII. On May 25, 2021, the Board amended Resolution 2020-05 and adopted Resolution 2021-34 to extend the terms of Resolution 2020-05 through December 31, 2023.

XIV. This action expands upon and extends the sunset date for Resolution No. 2021-34, by extending the authority of the Community Development Director and/or their designee to waive or reduce planning and building permit fees associated with the development of both JADUs and of ADUs incurred in 2024.

XV. This action also authorizes Director of Public Works and/or their designee to waive Roadway Impact Fees associated with the creation of eligible JADUs.

XVI. This action is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to section 15061(b)(3) of the CEQA Guidelines because it would not result in any potential environmental impacts.

SECTION II: ACTION. NOW, THEREFORE, BE IT RESOLVED, that the Marin County Board of Supervisors hereby resolves as follows:

1. The Board of Supervisors of the County of Marin hereby delegates authority to the Director of the Community Development Agency and/or their designee to waive building

permit fees associated with the creation of eligible ADUs, in an amount not to exceed \$10,000 per unit, from January 1, 2024 through December 31, 2024.

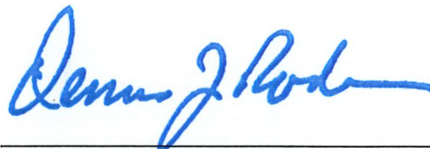
2. The Board of Supervisors of the County of Marin hereby delegates authority to the Director of the Community Development Agency and/or their designee to waive building permit fees associated with the creation of eligible JADUs, in an amount not to exceed \$1,500 per unit, from January 1, 2024 through December 31, 2024.
3. To qualify for these fee waivers, the property owner shall signify in writing, according to a form provided by the Community Development Agency, their agreement to refrain from using the subject unit as a short-term rental. For the purposes of this resolution, "short-term rental" is defined as the rental of a residential unit for less than thirty days. Property owners who are found to have used a subject ADU or JADU as a short-term rental in violation of this agreement must repay the principal amount of the waiver in full within 30 business days of notification from the County of the violation. Notwithstanding the foregoing, this resolution will not supersede any short-term rental regulations adopted by the County subsequent to the passage of this resolution.
4. To qualify for ADU fee waivers over \$2,500, the property owner must signify in writing that they will rent the unit affordably, up to 120% AMI. Staff are authorized to require that property owners agree in writing to reasonable requirements related to repayment and the consequences of failing to comply with affordability restrictions.
5. County staff will present an annual progress update to determine if additional adjustments need to be made for the subsequent year.

SECTION III: VOTE. PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin, State of California, on the 27th day of February 2024, by the following vote to wit:

AYES: SUPERVISORS Dennis Rodoni, Stephanie Moulton-Peters, Eric Lucan, Katie Rice, Mary Sackett

NOES: NONE

ABSENT: NONE



DENNIS RODONI, PRESIDENT
BOARD OF SUPERVISORS

ATTEST:



CLERK