

CHAPTER 10

A CHAPTER REGULATING “ACCESSORY DWELLING UNITS” AND “JUNIOR ACCESSORY DWELLING UNITS”

“ARTICLE I. PURPOSE. A Chapter regulating “ACCESSORY DWELLING UNITS” and “JUNIOR ACCESSORY DWELLING UNITS” pursuant to Cal. Gov. Code §§ 65852.150; 65852.2; and 65852.22, and in furtherance of the public policy and intent of the Legislature favoring the creation of additional housing in California, especially for family members, students, the elderly, in-home health care providers, the disabled, and others, at below market prices within existing neighborhoods.

ARTICLE II. DEFINITIONS.

Section 201. ACCESSORY DWELLING UNIT (“ADU”), as defined by Gov. Code § 65852.2(j)(1), means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following: (A) An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code, which is a unit for occupancy by no more than two persons which has a minimum floor area of 150 square feet and which may also have partial kitchen or bathroom facilities; or (B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

Section 203. CAPITAL FACILITIES CHARGE or SEWER CONNECTION FEE are synonymous for District purposes and shall have the same meaning as defined in Section 206, ARTICLE II, DEFINITIONS, of Title 1, Chapter 1, the Ordinance Code of the Las Gallinas Valley Sanitary District.

Section 204. IMPACT FEE, as defined by Gov. Code § 66000, means a monetary exaction other than a tax or special assessment, whether established for a broad class of projects by legislation of general applicability or imposed on a specific project on

an ad hoc basis, that is charged by a local agency to the applicant in connection with approval of a development project for the purpose of defraying all or a portion of the cost of public facilities related to the development project, but does not include fees specified in Section 66477, fees for processing applications for governmental regulatory actions or approvals, fees collected under development agreements adopted pursuant to Article 2.5 (commencing with Section 65864) of Chapter 4, or fees collected pursuant to agreements with redevelopment agencies that provide for the redevelopment of property in furtherance or for the benefit of a redevelopment project for which a redevelopment plan has been adopted pursuant to the Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the Health and Safety Code).

Section 205. JUNIOR ACCESSORY DWELLING UNIT (“JADU”), as defined by Gov. Code § 65852.22, means a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

ARTICLE III. GENERAL PROVISIONS

Section 301. The District shall not impose an IMPACT FEE, CAPITAL FACILITIES CHARGE or SEWER CONNECTION FEE on an ADU that is less than 1,200 sq. ft. Any IMPACT FEE, CAPITAL FACILITIES CHARGE or SEWER CONNECTION FEE charged for an ADU of 1,200 sq. ft. or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.

Section 302. For an ADU or JADU the District shall not require the installation of a new or separate sewer connection directly between the ADU and the District sewer main or impose an IMPACT FEE, CAPITAL FACILITIES CHARGE, SEWER CONNECTION FEE or a capacity charge, unless the ADU or JADU was constructed with a new single-family home, if the following apply:

- (a) Where the ADU or JADU meets the Design Characteristics, Parking criteria, Setbacks, applicable Building and Septic Code requirements,

Density, and other requirements imposed by the City or County, whichever governmental entity has the jurisdiction and authority to approve and permit the construction of an ADU or JADU; and

(b) Where the total floor area of the ADU is not more than 1,200 sq. ft.; or

(c) Where the total floor area of the JADU is not more than 500 sq. ft. and contained entirely within the single-family structure. A single-family structure also includes an attached garage.

Section 303. For an ADU not described in Section 302, above, the District may require a new or separate sewer connection directly between the ADU and the District's sewer main.

Section 304. For purposes of providing sewer service, including the imposition of a SEWER CONNECTION FEE, a JADU shall not be considered a separate or new dwelling unit.

ARTICLE 2. ADOPTION AND NOTIFICATION

This Ordinance shall take effect and be in force either seven (7) days from the date of its passage and publication or as of May 18, 2021, whichever is later. The Ordinance or a summary of it shall be published once, with the names of the members of the Board of Directors of the Las Gallinas Valley Sanitary District of Marin County, California, voting for and against the same in the Marin Independent Journal, a newspaper of general circulation published in the County of Marin. A certified copy of the full text of the proposed regulation or ordinance or proposed amendment to same shall be posted in the office of the clerk of the board, along with the names of those board members voting for and against the ordinance.

Furthermore, within sixty (60) days following adoption of this Ordinance by the Board, a copy of the Ordinance shall be submitted to Department of Housing and Community Development for review by the Department to determine whether the Ordinance complies with the requirements of Gov. Code §§ 65852.2.