



ROSS VALLEY SANITARY DISTRICT

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August 25, 2023

Rod Kerr
Foreperson
3501 Civic Center Drive, Suite 275
San Rafael, CA 94903

Delivered via postal service and email to grandjury@marincounty.org

Dear Mr. Kerr,

Enclosed is Ross Valley Sanitary Districts response to findings in the Grand Jury Report "Build More ADUs – An Rx to Increase Marin's Housing Supply." The Board discussed and authorized the response at the Regular August Board meeting for submittal in advance of the September 15, 2023 deadline.

Respectfully,

A handwritten signature in blue ink, appearing to read "Christina".

Christina Winnicki
Board Clerk

Enclosures

RVSD Responses to Findings in Marin County Civil Grand Jury "Build More ADUs – An Rx to Increase Marin's Housing Supply."

Responses To Grand Jury Reports Summary Of Penal Code Requirements

Responses to a Confidential Pre-Release Copy of the Report: Under California Penal Code §933.05(f), a copy of the report will be sent for information purposes to each public agency addressed in the report before it is released publicly. No official response is required but if any fact is found to be in error the Grand Jury will consider a suggested correction. The elected agency or department head to whom the report is addressed will receive the copy:

“two (2) working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.”

Deadline for Responding: Penal Code §933 provides that the governing body of the public agency shall respond to the presiding judge within 90 days after the grand jury submits its final report to the public agency. In the case of an elected officer, the response to the presiding judge must be made within 60 days of that date.

Responses to Findings: Penal Code §933.05(a) provides for only two (2) acceptable responses to the findings in a grand jury report:

- (1) The respondent agrees with the finding.
- (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

Responses to Recommendations: Penal Code §933.05(b) provides for only four (4) acceptable responses with respect to recommendations in a grand jury report (emphasis added):

- (1) The recommendation has been implemented, with a summary regarding the implemented action.
- (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
- (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
- (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

Elected Official as Respondent: Penal Code §933.05(c) provides that if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department by an elected officer, then:

“both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.”

2022-2023 MARIN COUNTY CIVIL GRAND JURY
Build More ADUs – An Rx to Increase Marin’s Housing Supply

Report Date – June 15, 2023

Response Date – August 16, 2023

RVSD RESPONSES TO FINDINGS

F7. Impact, connection, and capacity fees vary considerably throughout the County and such fees can be a disincentive to homeowners considering ADU development.

Response: RVSD agrees with this finding.

Each public agency that provides wastewater services in the county has sanitary sewer connection fees and/or capacity charges. These fees and charges are different amounts in each jurisdiction.

RVSD RESPONSES TO RECOMMENDATIONS

R4. By December 1, 2023, begin a feasibility assessment of waiving or significantly lowering impact and connection fees for units smaller than 750 square feet.

Response: Implemented.

On March 18, 2020, the RVSD Board of Directors adopted Ordinance No. 92, which establishes capacity charges that consider whether the applicant is an ADU. The following is an excerpt from Ordinance No. 92, which waives capacity charges for ADUs that are within an existing structure, and charges reduced fees based on actual drainage fixture units (DFUs) on the parcel instead of the default 23 DFUs per 1 EDU typically charged for single-family residences:

FOR ACCESSORY DWELLING UNITS (ADUs)

ADU projects shall be subject to Permit Fees, the District's Capacity Charges and CMSA Capacity Charges. The Capacity Charges for Type 2 and Type 4 ADUs are determined on a per-new-DFU basis, as shown in the following table. Capacity Charges will be charged for DFUs beyond a total of 23 DFUs on the parcel, such that credit will be given for DFUs less than 23 DFUs in the existing structures on the same parcel of the ADU project. Should the credit equal or exceed the number of DFUs in the proposed ADU, no capacity charges shall be applied. To receive credit, the number of pre-ADU DFUs on the parcel must be counted by the District inspector prior to the start of work or otherwise verified with official building records.

Fee Components	ADU Type 1	ADU Type 2	ADU Type 3	ADU Type 4
Permit Fee	Permit Fees will be assessed based on whether the project is "Major" or "Minor" as defined above			
District Capacity Charge	Not applicable ¹	\$260 per new DFU	Not applicable ¹	\$260 per new DFU

¹ Type 1 and Type 3 ADUs are not assessed a Capacity Charge per California Law (Government Code Section 65852.2)

"Type 1" means an ADU constructed within the existing interior space and exterior wall footprint of an existing single-family residence.

"Type 2" means an ADU constructed by expansion or addition to an existing single-family residential structure or accessory structure.

"Type 3" means an ADU constructed by conversion of an existing, detached accessory structure.

"Type 4" means an ADU newly constructed on the same residential parcel and detached from the existing residence or accessory structure.