

RESPONSE FORM: 2022-2023 Marin Civil Grand Jury Report

Report Title: ADUs - An Rx to Increase Marin's Housing Supply

Respondent/Agency Name: Kentfield School District

Submitter Name: Raquel Rose Title: Superintendent

FINDINGS

- Agree with the findings numbered: _____
- Disagree *partially* with the findings numbered: F7
- Disagree *wholly* with the findings numbered: _____

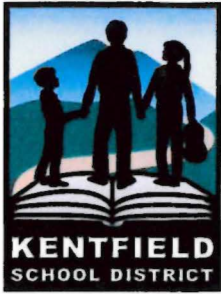
(Attach a **statement** specifying any portions of the findings that are disputed; include an explanation of the reasons therefor.)

RECOMMENDATIONS

- Recommendations numbered _____ have been implemented.
(Attach a **summary** describing the implemented actions.)
- Recommendations numbered _____ have not yet been implemented, but will be implemented in the future.
(Attach a **timeframe** for the implementation.)
- Recommendations numbered _____ require further analysis.
(Attach 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 director 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.)
- Recommendations numbered R4 will not be implemented because they are not warranted or are not reasonable.
(Attach an **explanation**.)

Date: 10/11/23 Signed: 

Number of pages attached: 2



October 10, 2023

The Honorable Judge James Chou
Marin County Superior Court
P.O. Box 4988
San Rafael, CA 94913-4988

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Pat Shepherd, Foreperson Marin County Civil Grand Jury
3501 Civic Center Drive, Room #275
San Rafael, CA 94903

Dear Judge Chou and Foreperson Shepherd,

Attached please find the response requested by the 2022-2023 Marin County Civil Grand Jury from the **Kentfield School District Board** to recommendation (R4) and finding (F7) from the **Build More ADUs - An Rx to Increase Marin's Housing Supply** report.

Thank you for your continued interest in and support of our public schools and the health and wellness of our county's young people.

Sincerely,

David Riedel, President
Kentfield School District Board

Raquel Rose,
Kentfield School District Superintendent

Kentfield School District

**Responses to the 2022-2023 Marin County Civil Grand Jury Report
Build More ADUs - An Rx to Increase Marin's Housing Supply**

Finding:

F7	Impact, connection, and capacity fees vary considerably throughout the County and such fees can be a disincentive to homeowners considering ADU development.
Response	Select one: ● I (we) agree with the finding. ● I (we) <i>partially</i> disagree partially with the finding. ● I (we) <i>wholly</i> disagree partially with the finding. [District response is required, If you partially or wholly disagree. Specify portion in dispute, and provide reason] ● I (we) <i>partially</i> disagree partially with the finding. The Marin County Civil Grand Jury Report "Build more ADUs – An Rx to Increase Marin's Housing Supply" builds a compelling case relative to the variability and associated uncertainty in fees faced by homeowners considering Accessory Dwelling Unit development. Nonetheless, we partially disagree with the finding as the report does not acknowledge that the government code cited as a basis for the report does not apply to public school districts. In 1986, the California Legislature authorized school districts to levy school impact or developer fees on residential and commercial/industrial development for the purpose of funding the construction or reconstruction of school facilities. The basis of the school facilities legislation is the relationship between new development, and the impact on school districts to provide adequate school facilities for the student population new development generates. The authority for a school district's assessment of developer fees is set forth in Education Code Section 17620, pursuant to Government Code 65995.

Kentfield School District
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Recommendation:

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	Select one: ● This recommendation has been implemented. ● This recommendation has not yet been implemented, but will be implemented in the future. ● This recommendation requires further analysis. ● This recommendation is not applicable (as the district does not assess impact fees OR waives fees for units less than 750 square feet). ● This recommendation will not be implemented because it is not warranted or is not reasonable. [Insert district specific information here if applicable or desired] This recommendation will not be implemented because it is not warranted or is not reasonable. Government Code 65852.2, which concerns ADUs, states, on page 5, "A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet" and on page 7 defines "local agency" to mean ". . . a city, county, or city and county, whether general law or chartered." As you can see, <u>school districts are not included in the types of agencies to which the law applies.</u> There is a separate law, Education Code 17620, that authorizes school districts, but not county offices of education, to impose developer fees on residential construction if the increase in assessable space is over 500 square feet and, if so, then the fee may be imposed on the entire square footage (i.e. there's no offset for the first 500 square feet). The district prepares an annual accounting of the development fees it has collected that is made available to the public and reviewed by the district's governing board at a regularly scheduled board meeting. The report identifies the amount of the fee, the amount of fees collected and the beginning and ending balance in the separate fund used to account for the fees. The report also describes the public improvement projects on which fees were expended and the total cost of each such improvement. Additionally, Government Code 66001 requires each district that collects developer fees to make further findings every five (5) years about any developer fee fund in which those fees remained unexpended at the end of the fiscal year.

	Given the transparency with which the school district manages the developer fees it collects, the fact that ADU's under 500 sq. ft. are not subject to fees, and the importance of this funding stream to the district's ability to maintain adequate educational facilities, the Kentfield School District respectfully declines to consider any reduction in the fees it assesses.
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