



MARIN COUNTY

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August 8, 2023

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

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 **Marin County Superintendent of Schools/Marin County Board of Education** 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,

PATRICIA D. GARBARINO, President
Marin County Board of Education

JOHN A. CARROLL,
Marin County Superintendent of Schools

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

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 is not applicable to the Marin County Office of Education This recommendation is not applicable to the Marin County Office of Education (MCOE): MCOE does not assess nor collect development impact fees as MCOE is not among the entities authorized to collect such fees. We further note 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).

**Marin County Office of Education
Responses to the 2022-23 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 codes cited as a basis for the report do 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. Furthermore, the legislation authorizing school districts to levy school impact or developer fees does not apply to county offices of education, thus the Marin County Office of Education does not impose any such fees.