RESOLUTION NO. 2018-47
RESOLUTION OF THE MARIN COUNTY BOARD OF SUPERVISORS
AMENDMENT TO A RESOLUTION DELEGATING AUTHORITY TO WAIVE BUILDING AND PLANNING FEES FOR JUNIOR ACCESSORY DWELLING UNITS

SECTION I: FINDINGS

I. WHEREAS, the North Bay Fires of October 2017 resulted in the loss of thousands of homes in Sonoma and Napa Counties, thereby displacing existing residents whose homes were destroyed by the fires and exacerbating a preexisting housing crisis caused by a severe lack of affordable homes and low vacancy rates for rental housing; and

II. WHEREAS, Junior Accessory Dwelling Units (JADUs) may help mitigate these housing impacts by creating new room rental opportunities within existing residences in unincorporated Marin County; and

III. WHEREAS, in conjunction with recent state legislation intended to encourage the creation of JADUs by limiting the scope of local permitting discretion, a local fiscal incentive can be created by waiving building and planning permit review fees for JADUs; and

IV. WHEREAS, providing relief from building and planning permit fees for JADUs is intended to incentivize the creation of long-term room rentals as the North Bay Area recovers by replacing the supply of housing lost in the October 2017 fires in Sonoma and Napa counties;

V. WHEREAS, this action amends Resolution No. 2017-132 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 property owners who violate the terms of their waiver agreement to refund the County; and

VI. WHEREAS, 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 makes the following findings:

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 and planning review fees associated with the development of JADUs within the unincorporated County through December 31, 2018.
2. To qualify for this fee waiver, the property owner shall signify in writing, according to a form provided by the Community Development Agency, their agreement to refrain from using the JADU as a short-term rental for a period of one year following the Certification of Occupancy.

3. For the purposes of this resolution, "short-term rental" is defined as the rental of a residential unit for a period of less than thirty days.

4. Property owners who are found to be have used a subject JADU as a short-term rental in violation of this agreement must repay the principal amount of the waiver in full.

5. This agreement will not supersede any short-term rental regulations adopted by the County subsequent to the passage of this resolution.

SECTION III: VOTE

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held on this 22nd day of May 2018, by the following vote:

AYES: SUPERVISORS Dennis Rodoni, Katie Rice, Judy Arnold, Kathrin Sears, Damon Connolly

NOES: NONE

ABSENT: NONE

ATTEST:

[Signature]

CLERK

[Signature]

PRESIDENT, BOARD OF SUPERVISORS

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