
Novato Sanitary District

POLICY HANDBOOK

POLICY TITLE: Connection Fees for Residential Accessory Dwelling Units (ADUs)
POLICY NUMBER: 3513

3513.1 *Policy Background:*

California State Senate Bill SB 1069 in conjunction with Assembly Bill AB 2299 (both effective January 1st, 2017) amended various sections of the State Government Code relating to land use. Specifically, Section 65852.2 includes provisions for local agencies to adopt ordinances allowing Accessory Dwelling Units (ADUs) in single-family and multifamily residential zones. In the District's service area, the local agencies with the authority to adopt ordinance(s) allowing ADUs are the City of Novato (City) and the County of Marin (County). Pursuant to Government Code Section 65852.2, certain ADUs shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including sewer service (with limited exceptions). As Government Code Section 65852.2 applies to Local Agencies (defined as a city, county, or city and county, whether general law or chartered), the District is not subject to its provisions at this time. The District currently charges connection fees for ADUs. Eliminating connection fees for certain ADUs to be consistent with the provisions of Government Code Section 65852.2 constitutes a change in District Policy. The Policy set forth herein is intended to conform District Policy with City and County ADU Ordinances, and other Novato area local agencies' ADU policies.

3513.2 *Provisions of Service for Accessory Dwelling Units:*

- a) Government Code Section 65852.2 (i) (4) defines an Accessory Dwelling Unit as "an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling also includes the following: (A) An efficiency unit, as defined in Section 17958.1 of Health and Safety code; (B) A manufactured home, as defined in Section 18007 of the Health and Safety Code."

- b) As the planning entities for development within the District's service area, the City of Novato or the County of Marin will make the determination on whether a proposed accessory dwelling unit conforms to the criteria of their respective ADU ordinances. In order for the District to permit the ADU connection without payment of standard district connection fees, applicants will be required to provide proper and official verification of ADU determination from the appropriate planning entity (i.e. City or County) that the proposed ADU conforms to their requirements.

- c) Subject to the limitations in Section 3 below, applicants who propose to construct an ADU that meets the requirements of either the City of Novato or County of Marin will not be required to pay connection charges; nor will applicants be required to install a new or separate connection directly between the accessory dwelling unit and the public sewer.

- d) ADUs will be subject to pay administrative, permit and inspection fees as follows:
 - i. Applicants proposing an attached ADU will pay an administrative fee (currently \$40)
 - ii. Detached ADUs that will connect to the existing sewer lateral serving the primary residence will be subject to the same permit and inspection fee for Single Family Dwellings (currently \$40). Detached ADUs that require a separate connection to the public sewer due to physical or other constraints will be subject to an additional "wye" charge (currently \$20).
 - iii. ADUs not meeting the criteria of the City of Novato or County of Marin's ADU ordinance(s) will be subject to the connection fees as described below.

3513.3 Provisions of Service for Accessory Dwelling Units Not Meeting the Requirements for Fee Waivers:

- a) For an ADU that is not described in subdivision (e) of Government Code Section 65852.2, that is constructed within the existing space of the residence or an accessory structure, or an ADU that does not meet the ADU requirements of the City of Novato or County of Marin, the District may require a new or separate utility connection directly between the accessory dwelling unit and the public sewer. Consistent with Section 66013, the connection shall be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the sewer system. Per the Government Code, this fee or charge shall not exceed the reasonable cost of providing this service.
- b) Within the District's service area, connection fees for ADUs within this category will be calculated based on the square footage proportional to the maximum size allowable for an ADU, or 1,200 square feet. Any structure greater than 1,200 square feet would be considered a Single Family Unit (SFU) (or interchangeably, single family Equivalent Dwelling unit or EDU), and be subject to the full connection fee. For example, the connection fee for a proposed 600 square foot ADU would be calculated at 600/1200 or 0.5 SFU.
- c) Permit fees for ADUs within this category will be the same as defined in 2. d), above.

3513.4 Policy Implementation:

- a) This Policy applies to newly constructed ADUs, constructed after January 1, 2017. ADUs constructed prior to January 1, 2017 will be subject to the established permit fees and connection charges as applicable to ADUs that were in place prior to the adoption of this Policy.
- b) The District Board may revise this Policy or amend any portions hereto as deemed necessary.

This Policy assigns a Policy number and confirms the adoption of the Policy by minute action of the Board of Directors on June 12, 2017.