

RESOLUTION NO. 51/2019

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA AMENDING THE CURRENT FEE SCHEDULE BY ADDING A NEW FEE FOR THE REVIEW OF THE RECORD RELATED TO THE REVIEW OF ACCESSORY DWELLING UNIT PERMITS

WHEREAS, the Town of Corte Madera adopted Resolution No. 17/2015 on the 5th day of May 2015, which resolution established fees for community development services, including processing applications, design reviews, plan checks, permits, and inspections by the Departments of Planning, Building, Engineering, and Fire, and cost recovery for all departments including, but not limited to Public Works, Finance, Town Clerk, and Town Manager; and

WHEREAS, consistent with state law, the review of an accessory dwelling unit permit is a ministerial decision and shall not be subject to public hearings and appeal process; and

WHEREAS, amendments to the Town of Corte Madera's Accessory Dwelling Unit regulations establish a process by which any person may request a review of the record within ten calendar days following the decision of the Zoning Administrator granting or denying an accessory dwelling unit permit; and

WHEREAS, the fee to request a review of the record shall be a flat fee of \$300 and shall be paid by the person requesting the review of the record; and

WHEREAS, pursuant to Government Code Sections 66016, 66017, and 66018, the specific fees to be charged must be adopted by the Town Council by ordinance or resolution, after providing a notice and holding a public hearing; and

WHEREAS, a schedule of fees and charges to be paid by those requesting such services need be adopted so that the Town can carry into effect its policies; and

WHEREAS, the project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines 15273(a) in that the fee being established is for the purposes of providing the services performed specifically at the request of an applicant or member of the public; and

WHEREAS, the fees being proposed by this resolution will be imposed to provide a specific government service that is not provided to any person not charged; and

WHEREAS, on November 22, 2019, notice of the Corte Madera Town Council public hearing on the proposed Zoning Ordinance amendments and related amendment to the master fee schedule was sent by email to all those who signed up for the ADU interested parties list and the Planning and Building Weekly Newsletter newsflash item, was posted at the Town's fire station, Town Hall, library and post office, and was posted to the Town's website and on Nextdoor; and

WHEREAS, on November 23, 2019, notice of the Town Council public hearing was published in the Marin Independent Journal in compliance with California Government Code Section 65090 and posted in public places throughout Town; and

WHEREAS, on December 3, 2019, the Town Council of the Town of Corte Madera conducted a public hearing on the item, and considered all oral and written comments submitted to the Town regarding the item prior to taking its action on the item.

NOW, THEREFORE BE IT RESOLVED, the Town Council of the Town of Corte Madera does hereby resolve as follows:

That the attached revised fee schedule establishes a new fee for the review of the record associated with Accessory Dwelling Unit permits, and the public was welcomed to comment on this fee at a Town Council meeting held on December 3, 2019.

BE IT FURTHER RESOLVED, that this Resolution shall become effective on February 3, 2020, sixty days after this Resolution is adopted and contingent upon the Town Council adopting proposed amendments to Chapter 18.31 in December 2019.

I HEREBY CERTIFY that the foregoing Resolution was adopted by the Corte Madera Town Council at its regular meeting held on the 3rd day of December, 2019, by the following votes:

Ayes: Andrews, Bailey, Ravasio
Noes: - None -
Absent: - None -
Recused: Beckman, Kunhardt


James H. Andrews, Mayor

Attest:


Rebecca Vaughn, Town Clerk