



Agenda Date: 8/16/2017

Agenda Placement: 8A

Napa Sanitation District Board Agenda Letter

TO: Honorable Board of Directors

FROM: Jeff Tucker - Director of Administrative Services/CFO
NS-Administration

REPORT BY: Jeff Tucker, Director of Administrative Services/CFO - 707-258-6000

SUBJECT: Second Reading of Ordinance Amending District Code 1.02 Definitions and 5.02 Capacity Charges to Revise Charges Applied to Accessory Dwelling Units

RECOMMENDATION

Adopt Ordinance Amending District Code Section 1.02 Definitions and Section 5.02 Capacity Charges to revise charges applied to accessory dwelling units, by taking the following actions:

1. Conduct second reading of ordinance, by title only, and waive full reading.
2. Hold public hearing pursuant to rules for adopting ordinances.
3. Close public hearing.
4. Adopt Ordinance No. 105 to revise District Code 1.02 Definitions and Section 5.02 Capacity Charges

EXECUTIVE SUMMARY

Recent changes in state law requires cities and counties to make changes to how they assess capacity charges for Accessory Dwelling Units (ADUs), but it is generally understood that the law does not apply to special districts. The State Legislature is currently considering legislation to apply these new rules to special districts. If approved by the State Legislature and signed by the Governor, these new rules would apply to NapaSan.

While the law may change as it goes through the legislative process, the current status of the law says that capacity charges could not be charged for new ADUs that are constructed within the existing footprint of the existing structures on the property. For new construction or construction that expands beyond the existing footprint of buildings, the capacity charge must be proportionate to the burden, based on either its size or fixture units.

At prior meetings, the Board directed staff to prepare an Ordinance that implements the following for ADUs:

- Capacity charges for Junior and Attached ADU would be waived, consistent with the law for cities and counties.
- Capacity charges for detached ADU under 500 SF would be waived.

- Capacity charges for detached ADU 500 SF and larger would be charged between 0.5 EDU and 1.0 EDU, based on their square footage.
- Capacity charges for ADUs set by this ordinance would be retroactive to June 1, 2017, with partial or full refunds provided as appropriate.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

None.

SUPPORTING DOCUMENTS

- A . Ordinance 105 - Redline Version
- B . Ordinance 105 - Clean Version

Napa Sanitation District: Approve

Reviewed By: Jeff Tucker