

ORDINANCE NO. _____

**AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE NAPA SANITATION DISTRICT, AMENDING DISTRICT CODE
SECTION 1.02 DEFINITIONS AND SECTION 5.02 CAPACITY CHARGES TO
MODIFY CHARGES FOR ACCESSORY DWELLING UNITS**

WHEREAS the Napa Sanitation District (“NapaSan”) imposes capacity charges on all new residential developments that use sewer capacity at a rate of 1.0 EDU; and,

WHEREAS, the Governor of California signed Assembly Bill No. 2299 (AB 2299) into law on September 27, 2016, amending Section 65852.2 of the California Government Code to limit the authority of cities and counties to regulate ADUs; and,

WHEREAS, AB 2299 prohibits cities and counties from imposing capacity charges on ADUs that are contained within the existing space of a single family residence or an accessory structure and have an independent exterior access from the existing residence (Attached ADU); and

WHEREAS, AB 2299 authorizes cities and counties to impose capacity charges on ADUs that are constructed either to expand the footprint of the existing single-family residence or accessory structure, or to be a new accessory structure on the parcel (Detached ADU) provided that the capacity charge is proportionate to the burden of the proposed ADU, based on either its size or the number of its plumbing fixtures, on the sewer system; and

WHEREAS, on March 7, 2017, the City of Napa adopted Ordinance 02017-007 amending provisions of its Municipal Code regarding Accessory Second Units to conform with AB 2299; and,

WHEREAS, the NapaSan Board of Directors anticipates that the rules governing the imposition of capacity charges by cities and counties for ADUs under AB 2299 and other legislation will be made applicable to special districts by the state legislature; and,

WHEREAS, the NapaSan Board finds that the impact of Attached ADUs on the sewer system capacity is, on average, no greater than the impact from the existing single family residence or accessory unit and therefore no capacity charges should be required for such ADUs; and,

WHEREAS, the NapaSan Board finds that, for Detached ADUs, capacity charges should be charged based on their estimated proportional burden on the system, and that basing the charge on the size of the Detached ADU is the best available proxy for sewer capacity usage; and,

WHEREAS, the NapaSan Board desires to apply the reduction in capacity charges for ADUs retroactively, whereby the Code changes in this Ordinance would apply to all ADUs approved and issued building permits by NapaSan since June 1, 2017, and refunds would be issued if the capacity charge assessed under this Ordinance would be lower than the fee paid.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE NAPA SANITATION DISTRICT:

SECTION 1. Section 1.02.010 of District Code, titled “Definitions,” is amended to include the follow definitions:

Accessory Dwelling Unit (ADU) – shall mean a small dwelling unit that is attached or detached from the single family dwelling unit (the Principal Dwelling Unit) that provides complete independent living facilities for one or more persons. It includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel that the single-family dwelling is situated. An ADU is available for rent and is not intended for sale separate from the principal dwelling unit. This definition is intended to be consistent with the City of Napa definition for Accessory Dwelling Units.

Attached Accessory Dwelling Unit – shall mean an Accessory Dwelling Unit that is constructed and contained within the existing space of the single-family residence or accessory structure and has an independent exterior access from the existing residence.

Detached Accessory Dwelling Unit – shall mean an Accessory Dwelling Unit that is constructed either to expand the footprint of the existing single-family residence or accessory structure, or to be a new accessory structure on the parcel.

Junior Accessory Dwelling Unit (JADU) – shall mean an Attached Accessory Dwelling Unit that does not exceed 500 square feet, includes an efficiency kitchen, and may either share a bathroom (toilet, sink, and tub and/or shower) with the principal residence or have its own bathroom. The principal residence or the JADU must be occupied by the owner of the residence.

SECTION 2. Section 1.02.010 of District Code, titled “Commonly Used Acronyms” is hereby renumbered to be Section 1.02.020, and is amended to include the following Acronyms:

ADU	Accessory Dwelling Unit
JADU	Junior Accessory Dwelling Unit

SECTION 3. Section 5.02.030 of District Code, titled “Capacity Charge Calculation,” Section (A) “Residential” is amended as follows:

A. Residential

- 1) The capacity charge for an Equivalent Dwelling Unit (EDU) is as follows:

As of July 1, 2015	\$8,950
As of July 1, 2016	\$8,950
As of July 1, 2017	\$9,299

The charge per EDU shall increase annually according to the methodology established in Section 5.02.060.

- 2) Effective June 1, 2017, the amount of the capacity charge is determined by multiplying the current capacity charge for an EDU by the EDU Factor below for each type of residential unit:

Residential Unit Type	EDU Factor
Single Family Residence	1.0
Duplex, each unit	1.0
Triplex Fourplex or Apartment, each unit	1.0
Condominium/Townhouse	1.0
Senior Dwelling/Residential Care Facility Single Room Occupancy	0.6
Senior Dwelling/Residential Care Facility Double Room Occupancy	1.0
Mobile Home, per space	1.0
Junior Accessory Dwelling Unit	0.0
Attached Accessory Dwelling Unit	0.0
Detached Accessory Dwelling Unit	
0-499 square feet	0.0
500-599 square feet	0.5
600-699 square feet	0.6
700-799 square feet	0.7
800-899 square feet	0.8
900-999 square feet	0.9
1000+ square feet	1.0

SECTION 4.

1. **Severability.** If any provision of the ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance are severable.
2. Within 15 days of adoption, this Ordinance shall be published in the Napa Valley Register, pursuant to California Health and Safety Code Sec. 4766 and California Government Code Section 25124.

3. Following a first reading of the title of this ordinance, which occurred at the regular meeting of the District Board, held on _____, 2017, the foregoing ordinance was duly:

PASSED AND ENACTED at a regular meeting of the Board of Directors of Napa Sanitation District duly held on the _____ day of _____, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jill Techel, Chair
Napa Sanitation District

ATTEST:

Cheryl Schuh, Secretary
Napa Sanitation District
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