

ORDINANCE NO. 1-2018

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE TAHOE-TRUCKEE SANITATION AGENCY CONCERNING ACCESSORY DWELLING UNITS, SEWER CONNECTION CHARGES, AND SEWER CONNECTIONS

BE IT ORDAINED by the Board of Directors of Tahoe-Truckee Sanitation Agency as follows:

1. Purpose and Authority. The purpose of this ordinance is to implement Government Code section 65852.2, subsection (f), as amended in 2017 by Assembly Bill No. 494 and Senate Bill No. 229, concerning accessory dwelling units, sewer connection charges, and sewer connections. This ordinance is adopted pursuant to Agency Act sections 67 and 80, Government Code section 65852.2, and other applicable law.

2. Background Recitals. This ordinance is adopted with reference to the following background recitals:

a. Agency Ordinance No. 2-2015 sets forth the Agency rules and regulations concerning sewer connections, sewer connection permit requirements, and payment of Agency sewer connection charges and service charges. Ordinance No. 2-2015 treats all residential dwelling units similarly for purposes of these requirements and it does not distinguish or provide any special rules concerning Accessory Dwelling Units.

b. In 2017, the California Legislature adopted and the Governor signed Assembly Bill No. 494 and Senate Bill No. 229. These bills amend Government Code section 65852.2, subsection (f) to impose certain connection charge restrictions and sewer connection limitations on special districts (which include the Agency) with respect to Accessory Dwelling Units.

c. Ordinance No. 2-2015 is not consistent with Government Code section 65852.2, subsection (f), as amended. The Agency therefore adopts this ordinance to amend Ordinance No. 2-2015 and implement section 65852.2, subsection (f).

d. The new legislation requires that sewer connection charges for Accessory Dwelling Units (when not exempt from such charges) must be proportionate to the burden of the proposed Accessory Dwelling Unit upon the sewer system, based upon either its size or number of plumbing fixtures. The Agency has determined to calculate such connection charges on a size or square footage basis relative to the median square feet of floor area in a new single-family house. In 2014, according to U.S. Department of Housing and Urban Development and Census Bureau data, the median square feet of floor area in new single-family houses constructed in the western United States was 2,453. (See 2014 Characteristics of New Housing report (<https://www.census.gov/construction/chars/pdf/c25ann2014.pdf>), p. 345.)

3. Definitions. The following definitions apply to this ordinance:

a. "Accessory Dwelling Unit" means the following: (1) an attached or a detached residential dwelling unit that (i) provides complete independent living facilities for one or more persons, (ii) includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as a single-family dwelling, and (iii) has a total floorspace area that does not exceed 50% of the primary dwelling living area or 1,200 square feet (for an attached accessory dwelling unit) or that does not exceed 1,200 square feet (for a detached accessory dwelling unit); (2) an efficiency unit as defined at Health and Safety Code section 17958.1; or (3) a manufactured home as defined at Health and Safety Code section 18007.

b. "Exempt Accessory Dwelling Unit" means an Accessory Dwelling Unit that (1) is on a single-family lot and there is no other Accessory Dwelling Unit on the lot, (2) is within a zone for single-family use, (3) is contained within the existing space of a single-family residence or accessory structure (e.g., studio, pool house, or other similar structure), (4) has independent exterior access from the existing residence, and (5) has side and rear setbacks that are sufficient for fire safety.

4. Connection Charge Restrictions

a. The Agency shall not impose or collect a sewer connection charge for a new Exempt Accessory Dwelling Unit.

b. For any other new Accessory Dwelling Unit, the sewer connection charge amount shall be determined by the following formula:

[Accessory Dwelling Unit square footage ÷ 2,453] x amount of current
residential dwelling unit connection charge

c. In calculating the Accessory Dwelling Unit square footage for purposes of subsection (b), the Agency shall apply the same principles as applied to the calculation of school district developer fees (which are calculated on a square footage basis) and the meaning of "assessable space" at Government Code section 65995.

5. Restriction on Separate Sewer Connection

a. The Agency shall not require the installation of a new or separate sewer connection directly between a new Exempt Accessory Dwelling Unit and the sanitary sewer system.

b. For any other new Accessory Dwelling Unit, the Agency may require a new or separate sewer connection directly between the Accessory Dwelling Unit and the sanitary sewer system.

6. Sewer Service Charges. An Accessory Dwelling Unit (including an Exempt Accessory Dwelling Unit) shall be considered a residential dwelling unit under Ordinance No. 2-2015 for purposes of calculating and determining the amount of Agency sewer service charges for the subject parcel.


7. Relationship to Ordinance No. 2-2015. This ordinance amends and modifies Ordinance No. 2-2015. If there is any conflict between this ordinance and Ordinance No. 2-2015 as applied to an Accessory Dwelling Unit, this ordinance shall govern. Ordinance No. 2-2015 shall continue to apply to Accessory Dwelling Units, except as otherwise provided by this ordinance.

8. Effective Date. This ordinance shall be effective 30 days from the date of its adoption.

9. Posting. This ordinance shall be posted within the Agency in at least three conspicuous places within ten days after its adoption.


PASSED AND ADOPTED at a meeting of the Board of Directors of the Tahoe-Truckee Sanitation Agency on this 14th day of February 2018, at Truckee, California, by the following vote:

AYES: Wilkins, Northrop, Tresan and Lewis.
NOES: None.
ABSENT: Cox.
ABSTAIN: None.



Lane Lewis, President
Board of Directors
TAHOE-TRUCKEE SANITATION AGENCY


Attest:



LaRue Griffin, Secretary of the Board
TAHOE-TRUCKEE SANITATION AGENCY

CERTIFICATE

I hereby certify that the foregoing is a full, true and correct copy of Ordinance 1-2018, duly and regularly adopted by the Board of Directors of Tahoe-Truckee Sanitation Agency, County of Nevada, State of California, on February 14, 2018.



LaRue Griffin
Secretary of the Board