

Ordinance No. 10140 (N.S.)

AN ORDINANCE TO AMEND AND RESTATE ORDINANCES ESTABLISHING SEWER SERVICE, CONNECTION, ANNEXATION, REIMBURSEMENT AND OTHER FEES IN ACCORDANCE WITH THE SAN DIEGO COUNTY SANITATION SERVICES REORGANIZATION

The Board of Directors of the Spring Valley Sanitation District ordains as follows:

Section 1. The Board of Directors finds and determines that to better effectuate the San Diego County Sanitation Services Reorganization (RO10-04) approved by the San Diego Local Agency Formation Commission (LAFCO) on September 13, 2010 that existing ordinances establishing connection, annexation, reimbursement and other fees in territory to be annexed to the Spring Valley Sanitation District be restated and incorporated with District ordinances establishing similar fees and that a uniform sewer service charge consistent with the District's existing authority as the annexing District be established. The proposed action is intended to facilitate the implementation of LAFCO approved Terms and Conditions for the reorganization related to the imposition of fees and charges which reads in pertinent part as follows: "On the effective date of this reorganization, the annual sewer service charge of up to \$336 per EDU established for the Spring Valley Sanitation District will be applied to all parcels located in and annexed into this district. Other previously approved fees in each of the districts being dissolved and/or annexed will remain unchanged."

Section 2. This ordinance reflects a continuation of existing authority related to fees and charges pursuant to the Terms and Conditions approved by LAFCO on September 13, 2010. There are no new or expanded fees imposed by this ordinance but some existing fees will no longer be collected. This ordinance shall supersede and replace existing County Ordinances – 9146, 9460, 9646, 9650, 9651, 9652; as well as Julian Sanitation District Ordinances 22 and 63; and Pine Valley Sanitation District Ordinances 13, 20, and 21. The substance of these ordinances, except with regard to fees which will no longer be collected and sewer service charges which will be set within the scope of authority already existing for Spring Valley, are continued without substantive change in this consolidated ordinance.

Section 3. The formula for determining sewer service charges for Metro Districts as set forth in Section 5.1(a) and 5.2 of the San Diego County Uniform Sewer Ordinance, County of San Diego Ordinance No. 9103, shall apply to all territory served by the Spring Valley Sanitation District and its successor, the San Diego County Sanitation District.

Section 4. District Ordinance No. 9652—Sewer Service Charges, Connection Fees and Annexation Fees; Ordinance No. 62—Reimbursement Agreement Between Spring Valley Sanitation District and George and Patsy Cagle; and Ordinance No. 56—Reimbursement Agreement Between Spring Valley Sanitation District and Glenn Hansen are hereby amended and restated to read as follows:

Section A. DEFINITIONS.

The term “District” refers to and means the Spring Valley Sanitation District and any successor agency to the District, including without limitation the San Diego County Sanitation District upon the effective date of the Reorganization.

The term “Reorganization” refers to and means the San Diego County Sanitation Services Reorganization (RO10-04) approved by the San Diego Local Agency Formation Commission on September 13, 2010.

The term “Sewer Service Area” refers to and means all territories within the boundaries of the District, including any territory annexed to the District from the Alpine Sanitation District, Julian Sanitation District, Lakeside Sanitation District, Pine Valley Sanitation District, East Otay Mesa Sewer Mesa District, Harmony Grove Sewer Maintenance District, Winter Gardens Sewer Maintenance District and Campo Water and Sewer Maintenance District in accordance with the Reorganization.

Section B. ANNUAL SEWER SERVICE CHARGES. There is hereby levied and assessed upon each premise within the District that discharges sewage directly or indirectly into the sewer lines of the District, and upon each person owning, letting, or occupying such premise an annual sewer service charge. The annual sewer service charges are as follows:

ANNUAL SEWER SERVICE CHARGE -ALL SERVICE AREAS- **		
Customer Category	EDUs*	FY 11/12
Single Family Dwelling	1.0	\$336
Condominium	1.0	\$336
Multi-Family Dwelling	0.8	\$269
Mobile Home	0.65	\$218

*Number of Equivalent Dwelling Units (EDUs) assigned by the San Diego County Uniform Sewer Ordinance to a particular category including residential, commercial, industrial, and other uses. The annual sewer service charge for all users is based on assigned capacity (EDUs), flow volume and sewage strength of the wastewater discharge as determined by the formula established in the San Diego County Uniform Sewer Ordinance.

**Exception: Annual Sewer Service Charge for Winter Gardens Service area.

ANNUAL SEWER SERVICE CHARGE -WINTER GARDENS SERVICE AREA -					
Customer Category	EDUs*	FY 11/12	FY 12/13	FY 13/14	FY 14/15
Single Family Dwelling	1.0	\$216	\$216	\$216	\$336
Condominium	1.0	\$216	\$216	\$216	\$336
Multi-Family Dwelling	0.8	\$173	\$173	\$173	\$269
Mobile Home	0.65	\$140	\$140	\$140	\$218

Section C. CAPACITY FEES. In addition to any other fees for connection to the sewer lines within the District, a capacity fee is established for each dwelling unit connecting to the sewer system after the effective date of this ordinance. The number of equivalent dwelling units prescribed in the San Diego County Uniform Sewer Ordinance shall be used to compute the amount of the fee.

CAPACITY FEE	
Service Area	Per EDU
Winter Gardens	\$1,000
Campo, Lakeside, Pine Valley, Spring Valley	\$2,000
Alpine	\$2,300
East Otay Mesa	\$2,500
Julian	\$4,000

Section D. SPECIAL CONNECTION FEES. In addition to any other fees in effect for connection to the sewer lines within the District, the following special connection fees are applied.

1. Lakeside Service Area:

- a. INDUSTRY ROAD LATERAL FEE [Established 11/2/1993]. The reimbursement fee to connect to an installed lateral paid for by the District between manholes 14 and 17 of the Industry Road sewer line shall pay \$3,200 for each sewer lateral. These laterals are designated for Assessor’s Parcel Numbers: 382-250-27, 394-011-21, 394-011-27, 394-011-28, 394-011-29, and 394-011-30.

Section E. REIMBURSEMENT FEES. Reimbursement fees are established pursuant to Health & Safety Code Sections 4742.3 and 4766, as a means of providing fair share reimbursement for improvements constructed by third parties. Reimbursement to the party that financed and/or constructed the improvements is accomplished by way of reimbursement agreement with the District. Agreements are for a term not to exceed twenty years, and the District serves as agreement administrator. A processing fee is due at time of application pursuant to this ordinance.

The District cannot assure sewer improvements will actually be utilized by other persons or projects within the term of the agreement and therefore cannot guarantee that a developer or other third party will recover the cost of constructing over-sized sewer facilities. Reimbursement payments are processed semi-annually based on the amount collected during that period. The following reimbursement fees are applied, in addition to any other fees in effect for connection to the sewer lines within the District:

1. East Otay Mesa Service Area:

- a. D&D LANDHOLDINGS REIMBURSEMENT FEE [Expires 4/8/2029].

In addition to other fees for connection, a connection fee of \$840, plus 5.25% simple interest per annum for each permit issued for properties that connect to sewer lines NS 2402, 2433, 2458 and 2468, and are located within the northern basin (Basin No. 1) of the East Otay Mesa Service Area of the District as depicted in area map titled Exhibit "A" of the agreement, all as more particularly described in the "Reimbursement Agreement between East Otay Mesa Sewer Maintenance District and D & D Landholdings for Cost of Construction of Sewers". Interest charges will be computed from the effective date of the reimbursement agreement, monthly, to the time that charge is collected.

The following listed properties and any other property or properties resulting from the subdivision, division or splitting of these properties into separate lots or parcels shall be excluded from payment of the reimbursement fee since owners of these properties paid for the construction. Parcels excluded from payment of the fee include: Assessor Parcel Numbers 648-040-39, 648-040-40, 648-040-41, 648-040-42, 648-040-43, and 648-040-44.

- b. CITY OF SAN DIEGO REIMBURSEMENT FEES (Reference "Sewage Transportation Agreement between City of San Diego and East Otay Mesa Sewer Maintenance District").

Prior to connecting to sewer, the property owner is required to pay the City of San Diego reimbursements for the Otay Valley Trunk Sewer, Otay Mesa Trunk Sewer, and Otay Mesa Pump Station. The District must first review project plans and determine the total number of reimbursement EDUs prior to City of San Diego processing.

2. Lakeside Service Area:

- a. LANE REIMBURSEMENT FEE [Expires 12/11/2017].

In addition to other fees for connection, a connection fee of \$11,927, plus 6% simple interest per annum, plus a 5% administrative fee for each Dwelling Unit or Equivalent Dwelling Unit that connects directly to the Private Contract 2400 sewer main with a sewer lateral connection. Interest charges will be computed from the effective date of the reimbursement agreement, monthly, to the time that charge is collected.

Assessor's Parcel Numbers 397-401-53 and 397-401-52 are excluded from payment of the fee.

The following Assessor's Parcel Number will be required to pay the reimbursement fee for connection to sewer line identified as PC 2400: 397-402-55. Should APN 578-040-87 be involved in a lot split, or any non-listed parcels become annexed which could benefit from the service of the sewer line identified as PC 2400, a reimbursement fee will be applicable. The fee will be revised based on the total new number of benefitting parcels.

- b. HIGH MEADOW RANCH REIMBURSEMENT FEE [Expires 2/14/2015].

In addition to other fees for connection, a connection fee of \$554 per each dwelling unit or equivalent unit is hereby established for lateral connections or sewer main extensions to the High Meadow Ranch offsite sewer that flows to the intersection of Mapleview Street and Channel Road, as shown on a plat entitled High Meadow Ranch Offsite Sewer on file with the Clerk of the Board of Supervisors of the County of San Diego as Document No. 762038-A.

3. Spring Valley Service Area:

a. CAGLE REIMBURSEMENT FEE [Expires 7/10/2013].

In addition to other fees for connection, a connection fee of \$11,976.05, plus 6% simple interest per annum, plus a 5% administrative fee for each Dwelling Unit or Equivalent Dwelling Unit that connects directly to the Private Contract 2191 sewer line. Interest charges will be computed from the effective date of the reimbursement agreement, monthly, to the time that charge is collected.

Assessor's Parcel Number 578-040-87 is excluded from payment of the fee as the owners of this property paid for the construction.

The following Assessor's Parcel Numbers will be required to pay the reimbursement fee for connection to sewer line identified as PC 2191: 578-040-51, and 578-040-90. Should any of these parcels, or APN 578-040-87 be involved in a lot split or any non-listed parcels become annexed which could benefit from the service of the sewer line identified as PC 2191, a reimbursement fee will be applicable. The fee will be revised based on the total new number of benefitting parcels.

b. HANSEN REIMBURSEMENT FEE [Expires 2/25/2012].

In addition to other fees for connection, a connection fee of \$2,818, plus 6% simple interest per annum, plus a \$250 administrative fee for each Dwelling Unit or Equivalent Dwelling Unit that connects by lateral to the sewer line identified as PC 1982 as shown on plat attached as Exhibit "A" to the "Reimbursement Agreement between Glen Hansen and the Spring Valley Sanitation District" on file in the Office of the Clerk of the Board of Supervisors of the County of San Diego as Document No. 748744-a. Interest charges will be computed from the effective date of the reimbursement agreement, monthly, to the time that charge is collected.

The following Assessor's Parcel Number contributed to the construction costs and shall be exempt from the fee: 504-220-18, 504-220-20, 504-220-21, 504-230-21, 504-230-24, 504-230-27, 504-230-28.

4. Winter Garden Service Area:

a. SAMPO REIMBURSEMENT FEE [Expires 5/8/2013].

In addition to other fees for connection, a connection fee of \$2,926.50, plus 6% simple interest per annum, plus a \$250 administrative fee for each Dwelling Unit or Equivalent Dwelling Unit that connects directly to the Private Contract 1685 sewer

line. Interest charges will be computed from the effective date of the reimbursement agreement, monthly, to the time that charge is collected.

Assessor's Parcel Number 388-231-07 is excluded from payment of the fee as the owners of this property paid for the construction.

The following Assessor's Parcel Numbers will be required to pay the reimbursement fee for connection to sewer line identified as PC 1685: 388-231-05, 388-231-08, 388-231-11. Should any of these parcels be involved in a lot split or any non-listed parcels become annexed which could benefit from the service of the sewer line identified as PC 1685, a reimbursement fee will be applicable. The fee will be revised based on the total new number of benefitting parcels.

Section F. SEWER CAPACITY COMMITMENTS. (New Major and Minor Subdivisions)

The following provisions shall apply to new major and minor subdivisions which intend to receive sewer service from the District:

1. Where a tentative subdivision map or tentative parcel map has been approved or conditionally approved, the Director of Public Works shall accept application for a capacity commitment when the final subdivision map or parcel map is submitted for final approval but only after all conditions of the tentative map not relating to sewer service have been fulfilled.
2. The District shall be deemed to have committed sewer capacity only if the District has issued a capacity receipt for the non-refundable payment of the entire capacity fee in effect at the time and applying to the parcel, tentative map or tentative parcel map.
3. The capacity fees may be collected and the capacity receipt issued independently from or concurrently with the issuance of the wastewater discharge permit.
4. The sewer capacity commitment shall apply to the tentative parcel map, or tentative map for which it is issued, and shall not be transferable to other parcels or maps.
5. In the event, that the capacity fees within the District increase, additional capacity fees, if any, shall become due and payable at the time of issuance of the wastewater discharge permit.
6. If a wastewater discharge permit is not obtained within two (2) years from the date of issuance of the capacity receipt, the capacity commitment for the parcel shall be void, and may be renewed only on payment of additional capacity fees applicable, if any, and subject to capacity available in the District at the time of application for renewal.
7. Exceptions:

- a. East Otay Mesa Service Area: Sewer capacity commitments are not issued in this service area. Sewer capacity shall be committed at issuance of the wastewater discharge permit.
- b. Julian Service Area: Holders of sewer capacity commitments purchased prior to September 1, 1992 shall be exempt from paying any increases in capacity fee adopted after September 1, 1992, and those sewer capacity commitments shall not expire, nor become void, nor be required to be renewed, and will be valid indefinitely.

Section G. SADDLE CONNECTION FEES. Physical connection of a sewer service lateral to a public main or trunk line can only be performed by District personnel, or a person authorized by District permit. This kind of connection requires installation of a coupling, known as a saddle. In cases where District personnel install the saddle connection, the following saddle fees are applied.

SADDLE FEE		
4 and 6 inch saddle connection	≤ 13 feet deep	\$250
4 and 6 inch saddle connection	> 13 feet deep	\$250 plus \$8/ft of depth below 13 feet

Section H. ANNEXATION AND DETACHMENT FEES. In addition to any other fees in effect, the following annexation/detachment fees are hereby applied:

- 1. Annexation/Detachment Application Fee. For annexation or detachment of territory, the application fees are as follows:

APPLICATION FEE	
Service Area	
Alpine, Campo, East Otay Mesa, Lakeside, Spring Valley, Winter Gardens	\$800
Julian, Pine Valley	\$700 ≤ 21 Acres
Julian, Pine Valley	\$800 > 21 Acres

- 2. Annexation Fee. In addition to the application fee, there is hereby established an annexation fee for property annexed to the District. Annexation fees shall be determined on the basis of capacity required as expressed by EDU(s) based on the San Diego County Uniform Sewer Ordinance, or by Acreage. The annexation fee for all properties annexed to the District on or after the effective date of this ordinance shall be as follows:

ANNEXATION FEE

Service Area	Per EDU or Acre
Winter Gardens, Lakeside	\$500/EDU
Alpine, Spring Valley	\$1,000/EDU
Julian, Pine Valley	\$1,000/Acre
Campo	\$2,000/EDU
East Otay Mesa	N/A

3. Payment of Annexation/Detachment Fees. The entire fee prescribed in Section H shall become owing, due and payable to the District at the time application is made. Changes in property use resulting in increased sewer capacity shall be subject to additional annexation fees.
4. Refund of Annexation/Detachment Fee. The annexation/detachment application fee covers administrative costs and is nonrefundable. In the event the proposed annexation is discontinued, the annexation fee shall be refunded upon written request.

Section I. MISCELLANEOUS FEES. In addition to any other fees established by this ordinance, the following fees are for recovery of staff costs associated with the following processes.

DUE AT TIME OF APPLICATION	
Reimbursement Agreement Processing Fee	\$500
Sewer Availability Letter	\$15

Section 5. This ordinance shall take effect and be in force thirty days after its passage, and before the expiration of fifteen days after its passage, a summary hereof shall be published once with the names of the members of this Board voting for and against it in a newspaper of general circulation published in the County of San Diego.

Section 6. This Ordinance shall not be operative until the effective date of the San Diego County Sanitation Services Reorganization (RO10-04) approved by LAFCO on September 13, 2010.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of San Diego this 6th day of April, 2011.