

ORDINANCE NO. 2021-01

AN ORDINANCE OF THE MCKINLEYVILLE COMMUNITY SERVICES DISTRICT AMENDING REGULATION 21, CONNECTION CHARGES, OF THE MCSD RULES AND REGULATIONS

WHEREAS, recent state legislation has provided for changes regarding connection charges of Accessory Dwelling Units (ADU); and

WHEREAS, Humboldt County has recently clarified the definition of an ADU with its Ordinance No. 2652; and

WHEREAS, the McKinleyville Community Services District is in need of clarifying its rules and regulations relating to ADU's and Connection Charges.

NOW, THEREFORE, the Board of Directors of the McKinleyville Community Services District ordains as follows:

Regulation 21, Connection Charges, of the District's adopted Rules and Regulations are amended to read as follows:

REGULATION 21 - CONNECTION CHARGES

Rule 21.01. GENERAL. It is hereby found and determined that it is necessary to reimburse the District for money advanced and to establish conditions of equality as to properties, either not assessed or by later occurring facts, deemed to have been under-assessed, during special assessment proceedings conducted by the District for the purpose of constructing sewer mains and facilities to serve properties within the assessment district created therefore when such non-assessed properties are permitted to connect to such sewer mains and facilities.

"Non-assessed properties" include, but are not limited to, portions of larger parcels which, at the time of assessment levy, were expected to continue in residential use by a single family but which are thereafter divided or segregated for separate residential use, either alone or in combination with other property, and may include properties which at the time of assessment levy, were owned by a government entity but which thereafter become privately owned. "Non-assessed properties" also include acreage whose later parceling or subdivision results in a larger number of direct connections to the system than was originally anticipated at the time of assessment, or may also be the result of any "more intensive" use than was contemplated by the original assessment levy.

Rule 21.02. CONNECTION CHARGE. The connection charge provided by this Ordinance shall be computed by the Manager based upon "what the share of the cost of said sewer main and facilities of the connecting property would have been had it been assessed in said proceedings, using the same formula as used in the assessment district for determining the assessment." The basis of the original assessment levy is as follows:

- (a) General area charge (all land within 600 feet of sewer main) = \$180.00 per acre.
- (b) Local area charge (all land within 200 feet of a sewer main) = \$540.00 per acre,
- (c) Unit Charge
 - i. Lateral Charge - 4 inch = \$1,200.00
 - Lateral Charge - 6 inch = \$1,425.00
 - ii. (Local Sewer Availability) Capital Cost/Connection - 4 inch = \$472.00

(Local Sewer Availability) Capital Cost/Connection - 6 inch = \$692.00

- (d) Sewer Capacity Fee – A Sewer Capacity fee shall be collected from each applicant requesting a new water service in addition to any processing fees and/or installation charges. The capacity fee is \$6,970 per Equivalent Residential Unit (ERU) plus \$472 for a total fee of \$7,442. Please note, an additional \$472 related to joint costs (capital cost per connection) is applied only once, not per ERU. Each July 1st, each rate set forth in this subdivision (d) shall be adjusted by the percentage change in the Construction Cost Index for the San Francisco Bay Area as published in the Engineering News Record between July 2017 and the then most recently published Construction Cost Index.
- (e) Development intensity charge - per excess living unit with allowance of one living unit per one-half (1/2) acre of land = \$225.00 per unit.
- (f) Example of application of above described charges- For a one-half (1/2) acre parcel of normal shape that falls entirely within the local and general area with a single dwelling unit constructed thereon, cost would be:
- | | |
|-----------------------------------------------|-------------------|
| General area charge - \$180.00 x .5 acre = | \$90.00 |
| \$540.00 x .5 acre = | \$270.00 |
| 4-inch lateral = | \$1,200.00 |
| (Sewer availability) Capital Cost/Connection= | \$472.00 |
| Capacity charge = | <u>\$6,970.00</u> |
| Subtotal = | \$9,002.00 |
- (g) Buy in capacity charge - For all lands added to the sewer service area the Manager shall collect the additional charges set forth in the respective Resolution amending the sewer service area in addition to the other charges described above.
- (h) Connection charges do not include paving over trenches as required by Humboldt County Public Works Department. Paving costs are the responsibility of the developer.

Rule 21.03. ACCESSORY DWELING UNIT/SECONDARY DWELLING UNIT CONNECTION CHARGE.

- (a) For the purposes of this Rule, and in conformance with California Government Code Section 65852.2 and Humboldt County Ordinance Title III, Division I, Chapters 3 and 4, an Accessory Dwelling Unit (ADU) shall be defined as follows: For a unit detached from the Primary Dwelling Unit, an ADU is a detached unit with a total floor area of 1,200 square feet or less. For a unit attached to the Primary Dwelling Unit, an ADU is a unit with a total floor area that does not exceed 50 percent of the floor area of the Primary Dwelling Unit. Any detached Secondary Dwelling in excess of 1,200 square feet or attached Secondary Dwelling Unit over 50 percent of the floor area of the Primary Dwelling Unit shall be charged connection fees as detailed in Rule 21.02.
- (b) An ADU constructed within an existing primary dwelling unit or existing structure shall not be charged any connection fees or charges per Humboldt County Code Section 69.05.4.1.3 unless the ADU was constructed with the Primary Dwelling or unless the connection is requested by the owner or developer and installed. If the ADU is constructed with a new Primary Dwelling, or the owner or developer requests a connection not otherwise required, the fixture count within the ADU and the Primary Dwelling shall be used to establish the ERU and fees for the structure as detailed in Rule 21.02.
- (c) The District may require a newly constructed ADU, not contained within the existing space of the primary residence, to install new water and sewer connections. If new connections are required and installed or are requested by the owner or developer and installed, the connection charges shall correspond to those established in Rule 21.02. If

a new, separate ADU is constructed and utilizes the existing water and sewer connection of the primary residence as approved by the District, no new connection fees or charges will be required by the District.


Rule 21.04. DEVELOPMENT CREDIT - for subdivisions or main extensions wherein the owner constructs all of the local sewers at their own cost for connection to the District's system, a credit for such construction cost to be subtracted from the general connection charge may be made for all except the following:

- (a) The Capital Cost per Connection charge of \$472.00 per unit.
- (b) The intense land development charge of \$225.00 per excess unit.
- (c) The capacity charges.

This Ordinance shall take effect and be in full force and effect thirty (30) days after its passage.

Introduced at a regular meeting of the Board of Directors held on December 2, 2020 and passed and adopted by the Board of Directors on January 6, 2021, upon the motion of Director Orsini and seconded by Director Clark-Peterson and by the following polled vote:

AYES: Binder, Clark-Peterson, Couch, Orsini, and Mayo
NOES: None
ABSTAIN: None
ABSENT: None



Dennis Mayo, Board President

Attest:


April Sousa, CMC, Board Secretary