

ORDINANCE NO. 2020-132

**AN ORDINANCE OF BOARD OF THE DIRECTORS OF
THE NIPOMO COMMUNITY SERVICES DISTRICT
AMENDING CHAPTER 4.12 OF THE
NIPOMO COMMUNITY SERVICES DISTRICT CODE TO ADD
PROVISIONS RELATING TO SEWER SERVICE FEES
FOR ACCESSORY DWELLING UNITS**

The Board of Directors of the Nipomo Community Services District ordains as follows:

SECTION 1. The California State Legislature has adopted laws that generally permit the construction of "Accessory Dwelling Units" by right on residential properties. The County of San Luis Obispo is charged with reviewing and issuing building permits and certificates of occupancy for "Accessory Dwelling Units," and the District must provide services to such residential units.

SECTION 2. The District does not regularly receive notice of final approval and occupancy of "Accessory Dwelling Units," and it is the intent of this Ordinance to provide a fair and efficient way for the District to start to bill for sewer service on "Accessory Dwelling Units."

SECTION 3. Section 4.12.160 is hereby added to the Nipomo Community Services District Code ("District Code") to read as follows:

"4.12.160 - Accessory Dwelling Units.

- A. For the purposes of this Section, the term "Accessory Dwelling Unit ('ADU')" has the meaning set forth in Government Code Section 65852.2(j)(1), as the same may be amended from time to time.
- B. The District shall not consider an ADU to be a new residential use for the purpose of calculating capacity fees or capacity charges for sewer service, unless the ADU is detached and built with the construction of a new residential dwelling.
- C. For ADUs constructed within the space of an existing home or existing accessory structure, or for new attached ADUs built concurrently with a new single family home, the District shall not require a new or separate sewer connection and shall not impose capacity charges or capacity fees for the new ADU.
- D. The District shall charge normally applicable sewer service rates, as specified in this Code and any applicable appendix, for the ADU. For purposes of collecting monthly sewer service rates, an ADU is considered an equivalent dwelling unit to a single family residence and charged accordingly. The District shall begin to charge the active sewer service rate on the first billing statement immediately following the date that is six (6) calendar months following the issuance of the District's Will-Serve Letter for the ADU. If the ADU has not been certified for occupancy by the County of San Luis Obispo as of that date, the property owner or customer shall receive a credit for the ADU sewer service charges between the first billing and the date a certificate of occupancy is issued by making application to the District and providing documentation of the date the certificate of occupancy was issued. The General Manager shall have the authority to make other adjustments in the date billing begins for an ADU based on unique circumstances."

SECTION 4. Any sections, portions of sections, or subsections of the District Code not specifically amended and replaced herein shall remain in full force and effect.

SECTION 5. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, ineffective or in any manner in conflict with the laws of the United States, or the State of California, such decision shall not affect the validity of the

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remaining portions of this Ordinance. The Board of Directors hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsection, sentence, clause, or phrase be declared unconstitutional, ineffective, or in any manner in conflict with the laws of the United States or the State of California.

SECTION 6. The Board of Directors of the District finds, to the best of their knowledge, that this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 15378(b)(2) and 15378(b)(4) because it constitutes general policy and procedure making and government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment. The Board of Directors further finds, to the best of their knowledge, that the adoption of this Ordinance is not a project as defined in CEQA Guidelines Section 15378 because it can be seen with certainty that it will not result in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. The District General Manager is directed to prepare and file an appropriate notice of exemption.

SECTION 7. This Ordinance shall take effect and be in full force and effect thirty (30) days after its passage. Before the expiration of the fifteenth (15th) day after passage, this Ordinance shall be published, in accordance with Government Code section 25124(b)(2), with the names of the members of the Board of Directors voting for or against the Ordinance in a newspaper of general circulation within the District.

INTRODUCED at its regular meeting of the Board of Directors held on September 23, 2020, and PASSED and ADOPTED by the Board of Directors of the Nipomo Community Services District at its regular meeting on October 14, 2020, by the following roll call vote, to wit:

AYES: Director Blair, Eby, Woodson and Armstrong

NOES: None

ABSENT: Director Gaddis

CONFLICTS: None



CRAIG ARMSTRONG
Vice President, Board of Directors

ATTEST:



MARIO IGLESIAS
General Manager and
Secretary to the Board

APPROVED AS TO FORM:



CRAIG A. STEELE
District Legal Counsel