

ORDINANCE NO. 9146

AN ORDINANCE ESTABLISHING ANNUAL SEWER SERVICE CHARGES, CAPACITY FEES, SERVICE AVAILABILITY COMMITMENTS, DEVELOPER REIMBURSEMENT AGREEMENTS AND REQUIREMENTS FOR EAST OTAY MESA SEWER MAINTENANCE DISTRICT

The Board of Supervisors of the County of San Diego, acting for and on behalf of East Otay Mesa Sewer Maintenance District, ordains as follows.

SECTION 1. COUNTY OF SAN DIEGO UNIFORM SEWER ORDINANCE

Where not specifically modified due to the unique circumstances of East Otay Mesa, this ordinance shall incorporate, by reference herein, the County of San Diego Uniform Sewer Ordinance (USO). The USO provides for maximum public benefit by regulating sewer use and wastewater discharges, provides for equitable distribution of costs, and contains procedures to comply with requirements of other regulatory agencies.

SECTION 2. ANNUAL SEWER SERVICE CHARGES

There is hereby levied and assessed to each premise within the District discharging sewage into the sewer line of the District, and upon each person owning, letting or occupying such premises, a sewer service charge for each dwelling unit or equivalent dwelling unit (EDU). The sewer service charge shall be \$310 annually.

SECTION 3. CAPACITY FEES

A standard capacity fee of \$2,500 is established for each EDU connected to the sewer system of the East Otay Mesa Sewer Maintenance District after the effective date of this ordinance. The USO assigns the number of EDUs to be allocated by land use type and shall be used to determine the capacity fee, in addition to any supplemental information provided by the applicant. One EDU is equal to 240 gallons per day, or the unit of measure based on flow characteristics of an average single family residence.

An incentive capacity fee of \$1,000 per EDU is established to encourage certain types of business and industry to develop in the District. The total number of EDUs to be purchased at \$1,000 shall not to exceed 1,000 EDUs. The EDUs allocated per project shall not to exceed 50% of available incentive capacity. In order to qualify for the \$1,000 per EDU incentive fee, a project must meet one of the following criteria:

- Increased property value of at least \$2 million per acre and creation of a minimum of 100 quality jobs – full time non-construction jobs with health benefits and a pay scale equaling or exceeding three times the Federal hourly minimum wage.
- Increased property value of between \$2 and \$5 million per acre with a minimum of 50 quality jobs.
- Increased property value of \$5 million or more per acre.

To be eligible for the incentive capacity fee, an application with a business plan must be submitted and approved prior to issuing the building/wastewater discharge permit, or the capacity fee shall be paid at the higher rate. A rebate may be processed if the business plan is submitted prior to occupancy and meets incentive capacity fee criteria. The business plan must discuss and include the number and type of staff, salaries and health benefits. The projected property value submitted at the time of application will be used; however, the District reserves the right to re-evaluate the capacity fee when the Assessors Office determines the new assessment. In such event, the District may determine the permit issued at the lower rate does not meet valuation criteria and the property owner will be invoiced for the difference.

The District shall have the right to adjust the number of EDUs, capacity charges, and annual sewer service charges based on use. In the event the City of San Diego charges additional reimbursement fees based on actual discharge flow, these fees shall be passed to the property owner. Invoices shall be due and payable by the property owner within thirty days of receipt.

SECTION 4. SERVICE AVAILABILITY COMMITMENTS

The following provisions shall apply to all properties intending to receive sewer service from the District:

- (a) Where a tentative subdivision map, tentative parcel map, major use permit or building permit has been submitted for County review and processing, the Director of Public Works shall issue a service availability letter upon request if system capacity is available. The Director of Public Works shall also issue a service availability letter to the owner of an existing parcel if system capacity is available.
- (b) The commitment/sale of sewer service shall be issued concurrently with issuance of the wastewater discharge/building permit.
- (c) The capacity purchased shall not be transferable or sold to another parcel.
- (d) Any excess capacity may be re-purchased by the District, at discretion of the District, at the current capacity fee.

SECTION 5. DEVELOPER REIMBURSEMENT AGREEMENTS

Reimbursement agreements will be utilized, when appropriate, to allow developers to recover the cost of any sewer improvements used by future projects. The District will serve as administrator for all reimbursement agreements. Agreements will generally cover a period not to exceed twenty years. The District cannot assure sewer improvements will actually be utilized by other projects within the term of the agreement. Therefore, the District cannot guarantee that a developer will recover the cost of constructing over-sized sewer facilities. Reimbursement payments are processed semi-annually based on the amount collected during that period. A \$500 processing fee is due at time of application

SECTION 6. CITY OF SAN DIEGO REIMBURSEMENT

Prior to connecting to sewer, the property owner is required to pay the City of San Diego for reimbursements to either the Otay International Center (OIC) Line and Pump Station, or the Prison Line and Otay Valley Trunk Sewer. The District must first review project plans and determine the total number of reimbursement EDUs prior to City of San Diego processing.

SECTION 7. EFFECTIVE DATE

This Ordinance shall be effective (30) days after the date of its passage; a summary shall be published once, with names of members voting for and against the same in the San Diego Commerce, a newspaper of general circulation published in the County of San Diego. A certified copy of the full text of this Ordinance shall be posted at the office of the Clerk of the Board of Supervisors, 1600 Pacific Highway, Room 402, San Diego, California 92101, with the names of those Board Members voting for and against the Ordinance.

PASSED, APPROVED AND ADOPTED this 3rd day of May, 2000.