

**ORDINANCE NO. 2023-500**

**AN ORDINANCE OF THE BOARD OF DIRECTORS  
OF THE RODEO SANITARY DISTRICT ESTABLISHING REGULATIONS FOR  
ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING  
UNITS**

**WHEREAS**, the Rodeo Sanitary District (District) imposes fees on all new residential developments that use sewer capacity, in accordance with Government Code Section 66013; and

**WHEREAS**, recent state legislation, codified at Government Code Sections 65852.2 and 65852.22, imposes certain limits on the authority of special districts to apply existing capacity charges on what are defined in the legislation as Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs); and

**WHEREAS**, pursuant to Government Code Section 65852.2, ADUs converted from existing space and JADUs shall not be considered by a special district to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, unless constructed with a new single-family dwelling. The connection fee or capacity charge shall be proportionate to the burden of the proposed ADU, based on its square footage or plumbing fixtures as compared to the primary dwelling; and

**WHEREAS**, Government Code Section 65852.22 provides that for the purposes of providing service for water, sewer, or power, including a connection fee, a junior accessory dwelling unit (a unit no more than 500 square feet in size and contained entirely within a single-family residence) shall not be considered a separate or new dwelling unit; and

**WHEREAS**, the District desires to address said requirements by adopting this Ordinance to ensure compliance with state law.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Directors of the Rodeo Sanitary District as follows:

**SECTION 1.** Definitions. The following definitions shall apply to this Ordinance:

**A. Accessory Dwelling Unit (ADU)** means an attached or detached residential dwelling unit that provides completely independent living facilities for one or more persons. It includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the primary dwelling is or will be situated. An accessory dwelling unit also includes the following: (A) an efficiency unit, as defined in Section 17958.1 of the Health and Safety Code; and (B) a manufactured home, as defined in Section 18007 of the Health and Safety Code.

B. **Attached Accessory Dwelling Unit** means an accessory dwelling unit that is constructed within or attached to an existing or proposed primary dwelling and shares a common wall with the primary dwelling.

C. **Detached Accessory Dwelling Unit** means an accessory dwelling unit that is constructed as a separate structure from an existing or proposed primary dwelling, which does not share any walls with the primary dwelling.

D. **Junior Accessory Dwelling Unit (JADU)** has the same meaning ascribed in Government Code Section 65852.22, as the same may be amended from time to time.

E. **Primary Dwelling** means the existing or proposed single-family dwelling or multifamily dwelling on the lot where an ADU would be located.

SECTION 2. Fees. The fees for ADUs shall be as set forth below:

A. Sewer Service. ADUs shall be charged the minimum sewer service fee for residential units, per Ordinance 2018-100, as may be amended or superseded.

B. Capacity Fees. Capacity fees shall be calculated based on the ratio of square footage of the detached ADU to the maximum size allowable for an ADU, which is 1,200 square feet, per Ordinance 61, as may be amended or superseded.

C. The foregoing provisions are further described in Exhibit A (ADU Fee Matrix), attached hereto and incorporated herein by reference.

SECTION 3. The Board of Directors independently finds that this action is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15273 (a) (1), (3), and (4) of the State CEQA guidelines because these fees are being established for the purpose of meeting operating expenses necessary to maintain service within the existing service area.

SECTION 4. This Ordinance shall, pursuant to Health and Safety Code Section 6490, be published once in the West County Times, a newspaper of general circulation, and circulated within the Rodeo Sanitary District, and shall be effective June 14, 2023.

SECTION 5. Severability. Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable, or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

PASSED AND ADOPTED this 13th day of June 2023, by the Board of Directors of the Rodeo Sanitary District by the following vote:

AYES:4      NOES:0      ABSENT:1      ABSTAIN:0

# Exhibit A

Fees for Accessory Dwelling Units (ADUs)						
Category	Junior Accessory Dwelling Unit (JADU)		Accessory Dwelling Unit (ADU) ATTACHED		Accessory Dwelling Unit (ADU) DETACHED	
Sq. Ft. Limits	less than 500 square feet		not more than 50% of existing primary dwelling square footage*		not more than 1,200 square feet*	
Qualifying Features	Full/partial kitchen (bathroom not required)  Must be within the walls of an existing Single Family Residence		Both full bath and full/partial kitchen (i.e. "additional sink outside bathroom") (Note 1)		Both full bath and full/partial kitchen (i.e. "additional sink outside bathroom") (Note 1)	
Category	Conversion of Existing Space	New Construction	Conversion of Existing Space	New Construction	Conversion of Existing Space	New Construction
Capacity Fee	No Fee	Not Allowed	No Fee	Per-Square Foot Fee under Govt Code 65852.2 (f)(5)	No Fee	Per-Square Foot Fee under Govt Code 65852.2 (f)(5)
Annual Sewer Service Charge	No Fee	Not Allowed	Additional Annual Charge	Additional Annual Charge	Additional Annual Charge	Additional Annual Charge

\*Conversion = 100% within footprint of existing dwelling (ADU can expand existing footprint by up to 150 sq ft for ingress/egress only)

Attached = shared structural element (floor, wall, ceiling) with main dwelling

Detached = stands alone/unsupported by main dwelling

Note 1 - Partial kitchen - contains a sink and refrigerator but no stove