

ORDINANCE NO. 329
AN ORDINANCE OF THE
CENTRAL CONTRA COSTA SANITARY DISTRICT
ADOPTING AN UNCODIFIED
SCHEDULE OF CAPACITY FEES, RATES AND CHARGES
IN ACCORDANCE WITH DISTRICT CODE CHAPTER 6.12

WHEREAS, the Board of Directors (Board) of the Central Contra Costa Sanitary District (Central San) finds that substantial study has been conducted regarding the impacts of planned future development within Central San's service area on existing Central San services and facilities, along with an analysis of new, improved, or expanded Central San facilities and services required or appropriate to serve new users and current users who change the use of their connected buildings and facilities, and said studies have set forth the relationship between the added burden imposed by such users, and the need for an estimated cost of Central San services and facilities occasioned by this added burden; and

WHEREAS, these studies were undertaken by Central San staff and culminated in documents that are part of the public record, to wit: the Capital Improvement Budget and Ten-year Capital Improvement Plan contained in the document titled, "FY 22-23 Budget" and the Staff Report Regarding the Capacity Fee Update dated May 1, 2023; and

WHEREAS, these studies also included the Wastewater Capacity Fee Review Study dated May 28, 2018 by Black & Veatch which reviewed Central San's methodology and calculations; and

WHEREAS, it is reasonable and necessary that all users of Central San's wastewater and household hazardous waste collection, treatment, recycling, reuse and disposal services and facilities, including those temporary users served under Special Discharge Permits, contribute their appropriate portion of the funding for such Central San services and facilities; and

WHEREAS, a properly noticed public hearing regarding the proposed Capacity Fee Program revisions was held on June 1, 2023, and proper notice was also given of the availability of the documents noted above for public inspection and review prior to said public hearing; and

WHEREAS, Chapter 6.12 of the District Code provides the enabling authority for Central San to implement the proposed uncodedified Schedule of Capacity Fees, Rates and Charges; and

WHEREAS, the Board finds as follows:

1. Central San has made a substantial investment in assets that will benefit new users.
2. For Central San to continue an adequate level of service to all users, maintenance of existing facilities capacity and construction of additional facilities capacity in the future is required.

3. The purpose of the Capacity Fee Program is to equalize the investment in Central San's assets among current and new users.
4. The current Sewer Construction Fund balance and future Capacity Fee revenue will be allocated to:
 - Life-cycle replacement, renovation, upgrading and improvements to maintain existing capacity in Central San's facilities;
 - Addition to and expansion of facilities where needed or required to meet legal and regulatory requirements;
 - Equitable adjustment of contributions among current, new and contractual users;
 - New users' buy-in-to-all-assets of Central San including facilities and the balance in the Sewer Construction Fund.
5. There is a strong and reasonable relationship between the actual added burden imposed by new users and the proposed capacity fees, rates and charges.
6. The proposed fees, rates and charges are exempt from the California Environmental Quality Act (CEQA) per section 6.12.020 of the District Code.

NOW, THEREFORE, the Board of Directors of the Central Contra Costa Sanitary District does ordain as follows:

Section 1 (To be Uncodified)

The "Schedule of Capacity Fees, Rates and Charges" as set forth in full in Exhibit "A" to this Ordinance, which exhibit is incorporated in full herein by this reference, is hereby adopted in uncodified form pursuant to the provisions of District Code Section 6.12.020.

As of the effective date of this Ordinance, Capacity Fees shall be charged at such rates and for such categories of users as set forth in said Schedule, and shall remain in effect until amended or replaced by ordinance.

Section 2

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance are repealed. The provisions of this Ordinance, insofar as they are substantially the same as existing provisions relating to the same subject matter shall be construed as restatements and continuations thereof and not as new enactments. To the extent this Ordinance or any portion or section of this Ordinance is determined invalid or unconstitutional, such portions of Ordinance No. 324 shall remain in effect and such rates and charges due thereunder for any categories of users shall remain due and payable as if those portions of Ordinance No. 324 had not been repealed.

With respect, however, to violations, rights accrued, liabilities accrued, or appeals taken, prior to the effective date of this Ordinance, under any chapter, ordinance, or part of an ordinance, such chapter, ordinance or part of an ordinance shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceedings, with respect to any such violation, right, liability or appeal.

Section 3

This Ordinance shall be a general regulation of Central San and shall be published once in the *Contra Costa Times* and *San Ramon Valley Times*, newspapers of general circulation within Central San, and shall be effective on July 1, 2023.

PASSED AND ADOPTED this 1st day of June 2023, by the Board of Directors of the Central Contra Costa Sanitary District by the following vote:

AYES:	Members:	Lauritzen, McGill, Pilecki, Hockett
NOES:	Members:	None
ABSENT:	Members:	Wedington

/s/ Barbara D. Hockett
Barbara D. Hockett
President of the Board of Directors
Central Contra Costa Sanitary District
County of Contra Costa, State of California

COUNTERSIGNED:

/s/ Katie Young
Katie Young
Secretary of the District
Central Contra Costa Sanitary District
County of Contra Costa, State of California

Approved as to form: /s/ Kenton L. Alm
Kenton L. Alm, Esq.
Counsel for the District

**SCHEDULE OF CAPACITY FEES, RATES AND CHARGES
(Uncodified)**

The Capacity Fees, Rates and Charges listed below were established by Central Contra Costa Sanitary District Ordinance No. ____ adopted June 1, 2023. These fees, rates and charges shall be applied to all new connections or added burdens for which fees become due and payable on or after July 1, 2023 in accordance with the provisions of District Code Chapter 6.12.

Capacity Fee	\$8,182 per RUE*
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*A residential unit equivalent (RUE) is a measure of sewage volume and strength equivalent to a typical residential household.

Residential Unit Equivalence (RUE) Factors⁽¹⁾			
Number of RUE = Unit of Measure Count Multiplied by the RUE Factor			
Use Code	User Group	Unit of Measure⁽²⁾	Capacity Fee RUE Factor
LU	Single-family residences	Dwelling Unit	1.000
LA	Multiple-family residences, apartments	Dwelling Unit	0.847
LD	Duplex	Dwelling Unit	0.847
LM	Mobile homes	Dwelling Unit	0.847
LT	Condominium	Dwelling Unit	0.847
LS	Accessory structure connected to sewer on same parcel with Single-family residence (not meeting Accessory Dwelling Unit ⁽³⁾ criteria)	Dwelling Unit	0.847
LE	Accessory Dwelling Unit ⁽³⁾ – within existing space	Dwelling Unit	0
LN	Accessory Dwelling Unit ⁽³⁾ – new structure or existing units for which the District did not previously issue a permit for an Additional Living Unit or Accessory Dwelling Unit	1,000 square feet (sq. ft.)	0.425
LC	Common areas	1,000 sq. ft.	0.200

Residential Unit Equivalence (RUE) Factors⁽¹⁾

Number of RUE = Unit of Measure Count Multiplied by the RUE Factor

Use Code	User Group	Unit of Measure⁽²⁾	Gravity Capacity Fee RUE Factor
AB	Auto body / painting	1,000 sq. ft.	0.484
AD	Auto dealerships	1,000 sq. ft.	0.484
AL	Aircraft services	1,000 sq. ft.	0.484
AR	Auto repair / maintenance	1,000 sq. ft.	0.484
AS	Service stations	1,000 sq. ft.	0.484
BT	Transportation services	1,000 sq. ft.	0.432
AC	Car washes	1,000 sq. ft.	21.127
AW	Car washes with recycling	1,000 sq. ft.	3.522
BB	Barbers / beauty salons / pet grooming	1,000 sq. ft.	0.725
BC	Dry cleaners, no laundry	1,000 sq. ft.	0.259
BR	Retail sales	1,000 sq. ft.	0.259
BE	Equipment repair / repair services	1,000 sq. ft.	0.228
BK	Contractors / business services	1,000 sq. ft.	0.228
BN	Nurseries / lumberyards	1,000 sq. ft.	0.228
IL	Light industrial	1,000 sq. ft.	0.228
BH	Meeting halls / studios	1,000 sq. ft.	0.290
EA	Auditoriums / theaters	1,000 sq. ft.	0.290
EC	Cinemas	1,000 sq. ft.	0.290
EM	Entertainment	1,000 sq. ft.	0.290
EB	Bowling alleys	1,000 sq. ft.	0.311
BZ	Miscellaneous commercial	1,000 sq. ft.	0.510
EG	Golf courses / country clubs	1,000 sq. ft.	1.166
EH	Health clubs / spas	1,000 sq. ft.	1.166
ET	Tennis clubs	1,000 sq. ft.	1.166
IW	Warehouses	1,000 sq. ft.	0.136
BM	Markets	1,000 sq. ft.	0.556
BS	Supermarkets	1,000 sq. ft.	0.880
BX	Shopping centers	1,000 sq. ft.	1.057
OB	Business offices	1,000 sq. ft.	0.295
OF	Financial institutions / banks	1,000 sq. ft.	0.295
OG	Government offices	1,000 sq. ft.	0.295
OS	Fraternal / service offices	1,000 sq. ft.	0.295
OM	Medical offices	1,000 sq. ft.	0.637
OV	Veterinary clinics	1,000 sq. ft.	0.637
RD	Delicatessens (or other food service without Type 1 hood)	1,000 sq. ft.	1.562
RN	Bars	1,000 sq. ft.	1.562
RI	Ice cream parlors	1,000 sq. ft.	1.562
RY	Yogurt shops	1,000 sq. ft.	1.562

Residential Unit Equivalence (RUE) Factors⁽¹⁾			
Number of RUE = Unit of Measure Count Multiplied by the RUE Factor			
Use Code	User Group	Unit of Measure⁽²⁾	Gravity Capacity Fee RUE Factor
RS	Restaurants or other food service w/Type 1 hood (dine-in)	1,000 sq. ft.	4.010
RT	Restaurants or other food w/Type 1 hood (take-out)	1,000 sq. ft.	4.010
RC	Patio seating in excess of 300 square feet ⁽⁴⁾ , banquet facilities	1,000 sq. ft.	1.166
RB	Bakeries (retail)	1,000 sq. ft.	4.061
BL	Laundromats	1,000 sq. ft.	13.506
SF	Skilled nursing facilities	1,000 sq. ft.	2.216
FE	Residential care facilities for the elderly	1,000 sq. ft.	0.932
HP	Hospitals	1,000 sq. ft.	2.891
LH	Hotels / motels	1,000 sq. ft.	1.926
CH	Churches	1,000 sq. ft.	0.242
	Schools with cafeteria and gym / showers	Classroom	0.860
	Schools with gym / showers and no cafeteria	Classroom	0.774
	Schools with cafeteria and no gym / showers	Classroom	0.516
	Schools without cafeteria or gym / showers	Classroom	0.430

(1) Fees for multi-use buildings shall be determined by considering each use separately.

(2) "Unit-of-measure" shall mean the basic unit that quantifies the degree of use of a particular parcel (e.g. dwelling unit, square footage). Square footage of an improvement shall be based upon the gross exterior dimensions of the structure.

(3) Accessory Dwelling Units are 1,200 sq. ft. maximum for detached units and no more than 50% of the square footage of the existing primary dwelling for attached units. They contain a full bath, a full or partial kitchen and meet criteria of Gov't Code Sect 65852.2. A partial kitchen, as described in Government Code 65852.2 and Health and Safety Code 17958.1 includes a sink outside the bathroom.

(4) Patio seating capacity fees charged for patios at Dine-in Restaurants (RS) and Bars (RN).

SCHEDULE OF CAPACITY FEES, RATES AND CHARGES – CONTINUED

Special Studies

The fees for Special Studies shall be as established in the Schedule of Environmental and Development-Related Fees, Rates and Charges pursuant to the provisions of Chapter 6.30 of the District Code.

The following user groups require a special study to determine the appropriate capacity fees. Administrative fees to conduct special studies for these user groups shall be waived.

Use Code	User Group
BP	Parking lots
CM	Cemeteries
MO	Mortuaries with embalming or cremation facilities
EP	Parks / playgrounds
ES	Swimming pools
EF	Large fitness / athletic clubs
LR	Residence hotels
IE	Electronic industries
IH	Heavy industries
IP	Permitted industries
IR	Laboratories / research facilities
--	Improvements with garbage disposals
--	Public facilities
--	Special billings
--	Utilities

Values for use in the RUE formula in Section 6.12.050(D)(2) shall be:

FLORU	=	200 gallons per day (gpd)
BODRU	=	200 milligrams per liter (mg/l)
TSSRU	=	215 mg/l
A	=	0.69
B	=	0.14
C	=	0.17

SCHEDULE OF CAPACITY FEES, RATES AND CHARGES – CONTINUED

Non-Residential Capacity Fee Installment Payment Program

Interest Rate – The annual interest rate for calculation of payments under this program shall be the rate as established in the Schedule of Environmental and Development-Related Fees and Charges pursuant to the Provisions of Chapter 6.30 of the District Code.

Number of Payments – Up to fifteen equal annual payments (one per fiscal year), at the option of the applicant. The first annual payment shall be due at the time the permit is issued with each of the remaining payments charged on the annual property tax bill.

Capacity Use Charge Program

For existing Capacity Use Charge Agreements only:

Use Code	User Group	Capacity Use Charge Rates Annual (\$/HCF (Hundred Cubic Feet))
RS	Restaurants (dine-in)	\$7.34
RT	Restaurants (paper service / no dishwashers)	\$7.34

The annual payment for each agreement signed prior to March 19, 2021 will be reviewed. If the annual payment would be higher under the Non-Residential Capacity Fee Installment Payment Program, the difference will be waived for the customer. If the annual payment would be lower under the new program, the lower payment will be charged for that year.