REPORT TO THE BOARD OF DIRECTORS
BOARD MEETING OF February 14, 2023
AGENDA ITEM NO. 8F

GDPUD

AGENDA SECTION: NEW BUSINESS

SUBJECT: CONNECTION FEES ASSOICATEED WITH ACESSORY DWELLING UNITS

PREPARED BY: Adam Brown, Operations Manager

APPROVED BY: Nichloas Schnieder, General Manager

BACKGROUND

The Georgetown Divide Public Utility (District) Ordinance 2016-02 defines fees associated with a second connection to the District's treated water system. The Ordinance in part reads, *…connection for a second 5/8-3/4 meter, serving the same parcel for residential purposes, shall be 50 percent of the…*connection fee of Capital Facility Charge (CFC). On October 8, 2017, Senate Bill 229 (SB-229), pertaining to Accessory Dwelling Units (ADU) was approved by the Governor of California. The bill addresses ADU criteria which impacts District operations.

DISCUSSION

SB-229 included as Attachment 1 defines and outlines criteria associated with the development of an ADU and connection to a water system. Specific details pertaining to the District include:

- Specifies property containing an ADU must be zoned to allow single-family or multifamily and must include a proposed or existing single-family dwelling;
- Specifies an ADU to be either attached to or located within the living area of the proposed or existing primary dwelling, or detached from the proposed or existing primary dwelling, and located on the same lot as the proposed or existing primary dwelling;
- Specifies that the total area of floor space of an ADU shall not exceed 50% of the proposed or existing primary dwelling living area or 1,200 square feet; and
- Clarifies that a local agency, special district, or water corporation shall not consider an ADU to be a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service.

In order to account for ADU legislation Ordinance 07-01 is proposed to be amended. Amended Ordinance is included as Attachment 2. It is suggested by District staff at the time of a Water Rate Study, a multifamily rate structure be evaluated to account for additional use and impact from multifamily connections. Currently, new multifamily connections require a 1-inch meter, and which would continue to be required.

FISCAL IMPACT

In 2022, a total of two ADUs were connected to the District's treated water system resulting in a revenue of $11,684. The District has seen in recent months additional requests for ADUs constructions. The CFC revenue could be deferred by implementing multifamily rate charge at the time of the next water rate study. For example, if 1.5 times base charge was applied for a multifamily connection, CFC revenue would be deferred over a 16 year period.

CEQA ASSESSMENT

This is not a CEQA project.

RECOMMENDED ACTION

Staff recommends the Georgetown Divide Public Utility District Board of Directors accepted the first reading of Ordinance 2023-02

ATTACHMENTS

1. SB-229
2. Ordinance 2023-02

Attachment 1
SB 229

Senate Bill No. 229

CHAPTER 594

An act to amend Section 65852.2 of the Government Code, relating to land use.

[Approved by Governor October 8, 2017. Filed with Secretary of State October 8, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

SB 229, Wieckowski. Accessory dwelling units.

(1) The Planning and Zoning Law authorizes the legislative body of a city or county to regulate, among other things, the intensity of land use, and also authorizes a local agency to provide by ordinance for the creation of accessory dwelling units in single-family and multifamily residential zones, as specified. Existing law requires the ordinance to designate areas within the jurisdiction of the local agency where these units may be permitted, impose specified standards on these units, provide that accessory dwelling units do not exceed allowable density and are a residential use, as specified, and require these units to comply with specified conditions, including a requirement that the unit is not intended for sale separate from the primary residence and may be rented. Existing law establishes the maximum standards that local agencies are required to use to evaluate a proposed accessory dwelling unit on a lot zoned for residential use that contains an existing single-family dwelling.

This bill instead would authorize a local agency to provide by ordinance for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily use. The bill would authorize the ordinance to prohibit the sale or other conveyance of the unit separate from the primary residence. The bill would extend the use of the maximum standards to a proposed accessory dwelling unit on a lot zoned for residential use that includes a proposed single-family dwelling.

(2) Existing law authorizes the location of required replacement parking spaces in any configuration on an accessory dwelling unit lot when a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit.

This bill would extend this authorization to when the garage, carport, or covered parking structure is converted to an accessory dwelling unit. The bill would also define tandem parking for these purposes.

(3) Existing law prohibits an accessory dwelling unit from being considered a new residential use for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service. Existing law prohibits, for an accessory dwelling unit constructed in an existing space, a local agency from requiring the applicant to install

a new or separate utility connection directly between the accessory dwelling unit and the utility and from imposing a related connection fee or capacity charge.

This bill would extend the applicability of both of the above prohibitions to special districts and water corporations.

(4) Existing law requires a local agency that has adopted an ordinance authorizing the creation of accessory dwelling units to submit a copy of the ordinance to the Department of Housing and Community Development within 60 days of adoption of the ordinance.

This bill would authorize the department to review and comment on an ordinance submitted to the department pursuant to these provisions.

(5) This bill would incorporate additional changes to Section 65852.2 of the Government Code proposed by AB 494 to be operative only if this bill and AB 494 are enacted and this bill is enacted last.

(6) By increasing the duties of local officials with respect to land use regulations, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 65852.2 of the Government Code is amended to read:

65852.2. (a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily use. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on criteria that may include, but are not limited to, the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety.

(B) (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, lot coverage, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The unit may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.

(ii) The lot is zoned to allow single-family or multifamily use and includes a proposed or existing single-family dwelling.

(iii) The accessory dwelling unit is either attached to or located within the living area of the proposed or existing primary dwelling or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

(iv) The total area of floorspace of an attached accessory dwelling unit shall not exceed 50 percent of the proposed or existing primary dwelling living area or 1,200 square feet.

(v) The total area of floorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing garage that is converted to an accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking on a driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction.

(III) This clause shall not apply to a unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, or converted to an accessory dwelling unit, and the local agency requires that those offstreet parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. This clause shall not apply to a unit that is described in subdivision (d).

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be

considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, within 120 days after receiving the application. A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001–02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency subsequent to the effective date of the act adding this paragraph shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. In the event that a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void upon the effective date of the act adding this paragraph and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.

(6) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot zoned for residential use that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant or that the property be used for rentals of terms longer than 30 days.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives its first application on or after July 1, 1983, for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without

discretionary review pursuant to subdivision (a) within 120 days after receiving the application.

(c) A local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units. No minimum or maximum size for an accessory dwelling unit, or size based upon a percentage of the proposed or existing primary dwelling, shall be established by ordinance for either attached or detached dwellings that does not permit at least an efficiency unit to be constructed in compliance with local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

(1) The accessory dwelling unit is located within one-half mile of public transit.

(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(3) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.

(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

(5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit to create within a zone for single-family use one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) Accessory dwelling units shall not be considered by a local agency, special district, or water corporation to be a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service.

(A) For an accessory dwelling unit described in subdivision (e), a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.

(B) For an accessory dwelling unit that is not described in subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit

and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(h) Local agencies shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. The department may review and comment on this submitted ordinance.

(i) As used in this section, the following terms mean:

(1) "Living area" means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

(3) For purposes of this section, "neighborhood" has the same meaning as set forth in Section 65589.5.

(4) "Accessory dwelling unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is 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.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(5) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(6) "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(j) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

SEC. 1.5. Section 65852.2 of the Government Code is amended to read:

65852.2. (a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily use. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on criteria that may include, but are not limited to, the adequacy

of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety.

(B) (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, lot coverage, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The unit may be rented separate from the primary residence, buy may not be sold or otherwise conveyed separate from the primary residence.

(ii) The lot is zoned to allow single-family or multifamily use and includes a proposed or existing single-family dwelling.

(iii) The accessory dwelling unit is either attached or located within the living area of the proposed or existing primary dwelling or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

(iv) The total area of floorspace of an attached accessory dwelling unit shall not exceed 50 percent of the proposed or existing primary dwelling living area or 1,200 square feet.

(v) The total area of floorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing garage that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

(III) This clause shall not apply to a unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, and the local agency requires that those offstreet parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. This clause shall not apply to a unit that is described in subdivision (d).

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, within 120 days after receiving the application. A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001–02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency subsequent to the effective date of the act adding this paragraph shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. In the event that a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void upon the effective date of the act adding this paragraph and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.

(6) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot zoned for residential use that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant or that the property be used for rentals of terms longer than 30 days.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the

creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a) within 120 days after receiving the application.

(c) A local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units. No minimum or maximum size for an accessory dwelling unit, or size based upon a percentage of the proposed or existing primary dwelling, shall be established by ordinance for either attached or detached dwellings that does not permit at least an efficiency unit to be constructed in compliance with local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

(1) The accessory dwelling unit is located within one-half mile of public transit.

(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(3) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.

(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

(5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit to create within a zone for single-family use one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, including, but not limited to, a studio, pool house, or other similar structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence. A

city may require owner occupancy for either the primary or the accessory dwelling unit created through this process.

(f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) Accessory dwelling units shall not be considered by a local agency, special district, or water corporation to be a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service.

(A) For an accessory dwelling unit described in subdivision (e), a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.

(B) For an accessory dwelling unit that is not described in subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(h) Local agencies shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. The department may review and comment on this submitted ordinance.

(i) As used in this section, the following terms mean:

(1) "Living area" means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

(3) For purposes of this section, "neighborhood" has the same meaning as set forth in Section 65589.5.

(4) "Accessory dwelling unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is 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.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(5) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(6) "Tandem parking" that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(j) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

SEC. 2. Section 1.5 of this bill incorporates amendments to Section 65852.2 of the Government Code proposed by both this bill and Assembly Bill 494. That section shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2018, (2) each bill amends Section 65852.2 of the Government Code, and (3) this bill is enacted after Assembly Bill 494, in which case Section 1 of this bill shall not become operative.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

O

ORDINANCE 2023-02

AN ORDINANCE OF THE GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT AMENDING ORDINANCE NO. 07-01; ARTICLE 2 – *Amendment to Ordinance 07-01; Article 5 – Connection to the District's Treated Water System*

BE IT ENACTED by the Board of Directors of the GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT, County of El Dorado, State of California, as follows:

ARTICLE 1. *Recitals*

A. Pursuant to Government Code Section 66013 et seq. the governing board of a district is authorized to levy a fee or capacity charge for any new connection to the district's water system to defray the cost of the public facilities necessary to serve the new connection.

B. Under this Ordinance, new connection shall include situations where a second connection is made to a parcel for residential purposes and that parcel must include an existing or proposed primary dwelling.

C. Senate Bill No. 229 outlines criteria associated with development of an Accessory Dwelling Unit and connection to a water system.

D. ADU is a second dwelling attached or located on the same parcel with a residential dwelling

ARTICLE 2. *Amendment to Ordinance 07-02; ARTICLE 5 – Connection to the District's Treated Water System:*

Upon the effective date of this Ordinance, ARTICLE 5, of Ordinance No. 07-02 is amended. ARTICLE 5. *Connection to the District's Treated Water System is amended to delete the following section:*

(1) The connection fee for a second 5/8-3/4 meter, serving the same parcel for residential purposes, shall be 50-percent of the value identified in section (a) above for 5/8-3/4 meters.

ARTICLE 5. *Connection to the District's Treated Water System is amended to add the following section:*

(2) The connection fee for a second 5/8-3/4 meter, serving the same parcel for residential purposes, shall be 50-percent of the value identified in section (a) above for 5/8-3/4 meters if any of the following criteria are not met:

a. The parcel must be zoned to allow single-family or multifamily dwellings;

b. A Parcel containing an ADU that is either attached or located on the same parcel as an existing or proposed primary dwelling; and

c. The total floor space of an ADU shall not exceed 50% of the proposed or existing primary dwelling living area or 1,200 square feet;

If all criteria are met, no connection fee we be charged to connect to the District's treated water system.

ARTICLE 3. *Commencement Date*

The effective date of this Ordinance shall be 30 calendar days following its adoption by the Board

ARTICLE 4. *Severability*

If any portion, phrase or segment of this Ordinance is found by a Court or competent jurisdiction to be invalid, such finding shall not affect the validity of the remaining portions of this Ordinance. The District hereby declares its intent to adopt this Ordinance irrespective of the fact that one or more of its provisions may be declared invalid subsequent thereto.

I HEREBY CERTIFY that the foregoing Ordinance was duly INTRODUCED at a regularly held meeting of the Board of Directors of the GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT on the 14th day of February 2023 was **PASSED AND ADOPTED** at a regular meeting of the Board of Directors of the GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT held on the 14th day of March 2023, by the following vote:

AYES:

NAYS:

ABSENT:

_____

Mitch MacDonald, President Board of Directors
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

Attest:

_____

Nicholas Schneider, Clerk and ex officio
Secretary, Board of Directors
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

CERTIFICATION

I hereby certify that the foregoing is a full, true, and correct copy of **Ordinance 2023-02** duly and regularly adopted by the Board of Directors of the GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT, El Dorado County, California, at a meeting duly held on the fourteenth day of February 2023.

_____

Nicholas Schneider, Clerk and ex officio
Secretary, Board of Directors
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

REPORT TO THE BOARD OF DIRECTORS
BOARD MEETING OF February 14, 2023
Agenda Item No. 8G

GDPUD

AGENDA SECTION: NEW BUSINESS

SUBJECT: CONSIDER ADOPTION OF EQUIPMENT SURPLUS LIST

PREPARED BY: Adam Brown, Operations Manager

APPROVED BY: Nicholas Schneider, General Manager

BACKGROUND

The District has extensive equipment and vehicles that are utilized to maintain, repair and upgrade District assets. Vehicles and equipment that have exceeded their useful life are inventoried for disposal or re-sell.

DISCUSSION

At this time a total of four items that have exceeded their useful life are proposed for re-sell. The subject items are identified as follows:

1. (2) Wacker Neuson;
2. (4) Hidel/Honda Pumps;
3. (2) Durablue 1000/Honda Pump;
4. Homelite Vac Attack II

District staff will continue to inventory equipment that has exceed their useful life to be presented to Board of Directors (BOD) for surplus.

FISCAL IMPACT

The District does not expect a significant fiscal impact. Any proceeds will be deposited to sale of surplus equipment account, 100-0000-42200.

CEQA ASSESSMENT

This is not a CEQA Project.

RECOMMENDED ACTION

Staff recommends the Board of Directors declare the aforementioned items surplus and direct staff to dispose. It is proposed these items be auctioned through Gov Deals, Inc.

RESOLUTION NO. 2023-XX

OF THE BOARD OF DIRECTORS OF THE GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT APPROVING THE SALE OF SURPLUS ITEMS

WHEREAS, the District has extensive equipment and vehicles that are utilized to maintain, repair and upgrade District assets; and

WHEREAS, vehicles and equipment that have exceeded their useful life are inventoried for disposal or re-sell. ; and

WHEREAS, the following four items have exceeded their useful life are proposed for re-sell:

1. (2) Wacker Neuson;
2. (4) Hidel/Honda Pumps;
3. (2) Durablue 1000/Honda Pump;
4. Homelite Vac Attack II

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT BOARD DECLARES THE AFOREMENTIONED ITEMS SURPLUS AND DIRECT STAFF TO DISPOSE.

PASSED AND ADOPTED by the Board of Directors of the Georgetown Divide Public Utility District at a meeting of said Board held on the 14th day of February, by the following vote:

AYES:

NOES:

ABSENT/ABSTAIN:

_____

Mitch MacDonald, President, Board of Directors
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

Attest:

_____

Nicholas Schneider, Clerk and Ex officio
Secretary, Board of Directors
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

CERTIFICATION

I hereby certify that the foregoing is a full, true and correct copy of Resolution 2023-XX duly and regularly adopted by the Board of Directors of the Georgetown Divide Public Utility District, County of El Dorado, State of California, on this 14th day of February 2023.

_____

Nicholas Schneider, Clerk and Ex officio
Secretary, Board of Directors
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

REPORT TO THE BOARD OF DIRECTORS
Board Meeting of February 14, 2023
Agenda Item No. 8H

GDPUD

AGENDA SECTION: ACTION ITEM
SUBJECT: FIRE SAFE ON THE DIVIDE GRANT
PREPARED BY: Adam Brown, Operations Manager
Approved By: Nicholas Schneider, General Manager

BACKGROUND

The grant application is "Fire Safe on the Divide" grant. The application number is: 22-WP-AEU 42342923. The application is due March 15th, 2023. The start date is to be determined and the grant period would end March 15, 2029. If funded, the grant would provide for the purchase of a skid steer and excavator both with brush cutting attachments, chain saws and trimmers, and would pay for vegetation treatment at 11 sites in the service territory that add up to 330 acres. The sites either contain water facilities or are parcels owned by the district that would benefit from vegetation management. Vegetation treatment would be funded through a contract under the grant.

DISCUSSION

The exact budget is not yet determined but the equipment cost is estimated at $325,000 and, to be competitive, should not make up over half the total request. The remaining budget for the treatment costs, including costs for GDPUD grant reporting, contract administration and management, will therefore need to be somewhere between $325,000 to $660,000. That will make the total grant budget between $650,000 and $985,000 once the treatment cost estimate is finalized.

FISCAL IMPACT

This grant would seek approx. $650,000 and at this time there is no matching costs associated with this grant.

CEQA ASSESSMENT

This project will be vetted by our environmental consulting firm; however, this is a resolution allowing for the submittal of a grant.

RECOMMENDED ACTION

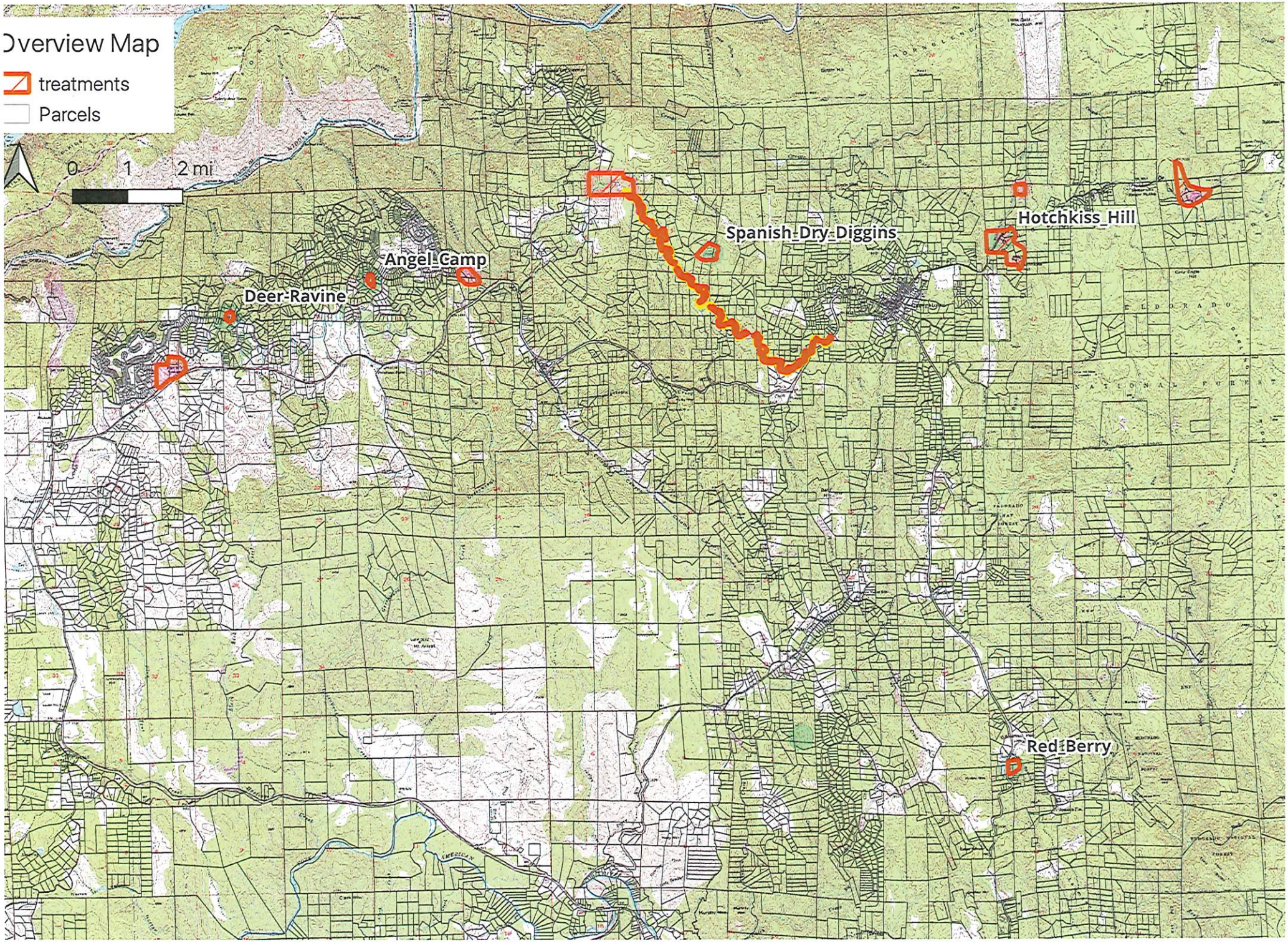
Staff recommends the Board of Directors of the Georgetown Divide Public Utility District (GDPUD) adopt the attached Resolution authorizing the District to apply for this funding opportunity.

ALTERNATIVES

Detail alternative actions available to the Board; i.e. (a) Request substantive changes to the Resolution for staff to implement; (b) Reject the Resolution.

ATTACHMENTS

1. Overview Map
2. Wildfire Grant Resolution 2023-XX


Overview Map
treatments
Parcels
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1
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Angel_Camp
Deer_Ravine
Spanish_Dry_Diggins
Hotchkiss_Hill
Red_Berry

RESOLUTION NO. 2023-XX

OF THE BOARD OF DIRECTORS OF THE GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT APPROVING THE FIRE SAFE ON THE DIVIDE GRANT

WHEREAS, the Governor of the State of California in cooperation with the California State Legislature has enacted State of California Climate Investment, which provides funds to the State of California and its political subdivisions for fire prevention programs; and

WHEREAS, the State Department of Forestry and Fire Protection (CAL FIRE) has been delegated the responsibility for the administration of the program within the State, setting up necessary procedures governing application by local agencies, non-profit organizations, and others under the program, and

WHEREAS, the applicant will enter into an agreement with the State of California to carry out the Georgetown Divide Community Wildfire Safety and Water Supply Protection project.

NOW, THEREFORE, BE IT RESOLVED THAT THE GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT:

1. Approved the filing of an application for "California Climate Investments Wildfire Prevention Grants Program" and,
2. Certifies that said applicant has or will have sufficient funds to operate and maintain the project; and,
3. Certifies that funds under the jurisdiction of Georgetown Divide Public Utility District are available to begin the project.
4. Certifies that said applicant will expend grant funds prior to March 15th 2029.
5. Appoints Adam Brown or a designee, to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements, amendments, payment requests and so on, which may be necessary for the completion of the aforementioned project.

The foregoing resolution was approved and adopted the 14th day of February 2023 by the following vote:

Ayes:

Noes:

Absents:

_____

Mitch MacDonald, President, Board of Directors
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

Attest:

_____
Nicholas Schneider, Clerk and Ex officio
Secretary, Board of Directors
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

CERTIFICATION

I hereby certify that the foregoing is a full, true and correct copy of Resolution 2023-XX duly and regularly adopted by the Board of Directors of the Georgetown Divide Public Utility District, County of El Dorado, State of California, on this 14th day of February 2023.

_____
Nicholas Schneider, Clerk and Ex officio
Secretary, Board of Directors
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

REPORT TO THE BOARD OF DIRECTORS
BOARD MEETING OF February 14, 2023
Agenda Item No. 8I

AGENDA SECTION: ACTION ITEMS

SUBJECT: TEMPORARY MOBILE HOME PERMIT – APN: 060-121-012-000

PREPARED BY: Adam Brown, Operations Manager

APPROVED BY: Nicholas Schneider, General Manager

BACKGROUND

Resolution 2004-13 allows for the District's Board of Directors to waive second meter requirement associated with second single-family dwelling when submitting an approved *Residential Temporary Mobile Home Hardship* issued by El Dorado County Development Services Division.

DISCUSSION

Assessor parcel number APN:060-121-012-000 has acquired the correct permit from the county and is requesting hardship for a second dwelling.

FISCAL IMPACT

A connection fee of $5,842 would not be collected for a second dwelling.

CEQA ASSESSMENT

This is not a CEQA Project.

RECOMMENDED ACTION

Staff recommends the Board of Directors accept the hardship application.

RESOLUTION NO. 2023-XX

OF THE BOARD OF DIRECTORS OF THE GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT TEMPORARY MOBIL HOME PERMIT – APN: 060-121-012-000

WHEREAS, Resolution 2004-13 allows for the District's Board of Directors to waive second meter requirement associated with second single-family dwelling when submitting an approved *Residential Temporary Mobile Home Hardship* issued by El Dorado County Development Services Division; and

WHEREAS, Assessor parcel number APN:060-121-012-000 has acquired the correct permit from the county and is requesting hardship for a second dwelling; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT THAT Directors ACCEPT THE HARDSHIP APPLICATION.

PASSED AND ADOPTED by the Board of Directors of the Georgetown Divide Public Utility District at a meeting of said Board held on the 14th day of February 2023, by the following vote:

AYES:

NOES:

ABSENT/ABSTAIN:

_____

Mitch MacDonald, President, Board of Directors
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

Attest:

_____

Nicholas Schneider, Clerk and Ex officio
Secretary, Board of Directors
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

CERTIFICATION

I hereby certify that the foregoing is a full, true and correct copy of Resolution 2023-XX duly and regularly adopted by the Board of Directors of the Georgetown Divide Public Utility District, County of El Dorado, State of California, on this 14th day of February 2023.

_____

Nicholas Schneider, Clerk and Ex officio
Secretary, Board of Directors
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT