

**ORDINANCE NO. 24**

**ORDINANCE OF THE BOARD OF DIRECTORS  
OF THE SUMMERLAND SANITARY DISTRICT  
REPEALING ORDINANCE 10 AND ESTABLISHING  
A NEW CAPITAL RECOVERY FEE AND  
MISCELLANEOUS FEES**

**RECITALS**

A. Ordinance 10 was adopted by the Board of Directors of the Summerland Sanitary District ("Board") on June 20, 2008, amending District's capital recovery fee and establishing a new fee. The passage of time and changed circumstances warranted evaluation of District's capital recovery fees. Miscellaneous fees for new development have changed, making it appropriate to confirm their current values.

B. The Fee Mitigation Act, particularly sections 66013, 66016, and 66016.6 of the Government Code, establishes requirements for adoption and administration of capital recovery fees. The Board intends to adopt fees that fully comply with constitutional and statutory requirements.

C. A public hearing was held on May 14, 2026, during the Board's regular meeting, following District's posting on April 30, 2026, of notice of the capital recovery fee hearing at the United States Post Office, Summerland, California, on District's website, and on its Administrative Office message board. On April 30, 2026, District noticed and posted on its website the March 10, 2026, Sewer Capital Recovery Fee Study of Lechowicz + Tseng ("Study").

D. At the hearing, the Board considered all comments and reviewed the Study's recommendations and supporting data. The Study shows how the current capital recovery fee established by Ordinance 10 does not meet the estimated reasonable costs of providing the services for which the fee is charged; the current estimated reasonable cost of providing the service is less. The Study recommends a new fee and user classifications to update the capital recovery fee.

E. The Board finds that the Study is accurate and comprehensive. It finds the Study's recommendations to be persuasive and that it is in District ratepayers' interest to decrease the capital recovery fee, to clarify and redefine the user designations for administering the new fee, and to establish and confirm miscellaneous related development fees.

**BE IT ORDAINED** by the Board of Directors of the Summerland Sanitary District:

**Section 1.** The above recitals are adopted and incorporated by this reference. Ordinance 10 is repealed as of the effective date of this Ordinance; its repeal and the adoption of this Ordinance are inseverable.

**Section 2.** As used in this Ordinance, the capital recovery fee is based on a unit of measurement designated as "Equivalent Dwelling Unit" ("EDU"). District assigns capital recovery fees to various types of development based on EDUs, where one EDU is equal to the wastewater flow and pollutant loading of an average single family home. The flows and pollutant loading of each customer class are compared to single family flows and loads to scale the capital recovery fee. The capital recovery fee for accessory dwelling units is based on the number of plumbing (drainage) fixture units.

**Section 3.** The Board accepts and incorporates the Study in its entirety for its rationale and evidentiary support for this Ordinance. This Ordinance incorporates the Study's methodology to allocate to each customer class the costs attributable to the increased demand for public facilities that is reasonably related to a new connection. This allocation does not include costs attributable to existing deficiencies in public facilities and includes the costs attributable to maintaining the existing levels of service while providing for increased demand from new customers. Sewer service is delivered through a system of facilities. Existing and new connections will share the capacity of improvements through build-out.

A. The Study identified the planned level of service for the sewer system. The planned level of service was calculated by dividing:

cost of refurbishments/additions to existing facilities to meet the planned level of service  
by  
300,000 gallons per day - the rated flow capacity of the wastewater treatment plant

B. The Study measures the "level of service" as a cost (in dollars) per gallon of domestic strength wastewater flow or as the cost (in dollars) of providing capacity to an EDU. One EDU is defined as 230 gallons per day of wastewater flow at 265 milligrams per liter (mg/l) of biochemical oxygen demand (BOD) and 275 mg/l of total suspended solids (TSS).

**Section 4.** A single dwelling unit is any unit of one or more rooms having one or more plumbing fixtures suitable for residential dwelling by one or more persons living as a unit. The following user classifications set the number of EDUs per use:

Category	Billing Unit	EDUs
<b>Residential</b>		
Single Family/Duplex/Townhouses	per dwelling unit	1.00
Mobile Home	per dwelling unit	0.70
<b>Multifamily Apartments</b>		
Studio	per dwelling unit	0.50
1 Bedroom	per dwelling unit	0.50
2 Bedroom	per dwelling unit	0.70
3 or 4 Bedroom	per dwelling unit	0.80
<b>Commercial</b>		
Barber & Beauty Shop	up to 3 operators	0.70
Bed & Breakfast	per 10 rooms	5.20

Category	Billing Unit	EDUs
Coffee Shop	each w/o food service	1.00
Coffee Shop w/grease trap	per 3 checkout lanes	3.00
Gas Station/Food Market	per 1,000 ft <sup>2</sup>	1.80
Elementary School	per 40 students	1.60
Fire Station	each	2.00
Food Market	less than 5,000 ft <sup>2</sup>	1.80
Food market w/food service & kitchen	per 1,000 ft <sup>2</sup>	5.10
Health Club	each	1.10
Meeting Hall/Assembly	each	0.80
Offices	per 10 employees	0.80
Offices – Medical	per 10 employees	2.00
Pet shop w/live animals	per 1,000 ft <sup>2</sup>	0.40
Restaurant	per 1,000 ft <sup>2</sup>	5.90
Retail	per 1,000 ft <sup>2</sup>	0.20
Self Storage	per 1,000 ft <sup>2</sup>	0.10

**Section 5.** The current total capital recovery fee for a single family home is \$12,385. The Study evaluated current evidence showing the cost for capital improvements to serve each EDU should be decreased to \$11,946 and that the capital recovery fee per gallon per day (gpd) of domestic strength flow should be \$51.94.

**Section 6.** An Accessory Dwelling Unit (ADU) is a secondary living space attached to or separate from a primary residence and with its own living facilities. ADUs are also commonly known as in-law units, granny flats, backyard cottages, or secondary units. The primary residence on a parcel cannot be considered an accessory dwelling unit.

A. District shall impose capital recovery fees on certain detached ADUs on existing or proposed lots with single-family or multi-family dwelling homes or when converting existing multi-family dwelling structures to create multiple ADUs within existing space not currently used as livable space, *e.g.*, an attic, basement, or attached garage.

B. District elects to impose a capital recovery fee on any ADU that is not exempt from such charge under section 66324 of the Government Code because it is located (1) within the existing space of an existing single-family dwelling, *e.g.*, attached; (2) within the proposed space of an existing single-family dwelling, *e.g.*, attached addition to existing space; or (3) within the space of an existing accessory structure, *e.g.*, detached garage or shed that may include an addition of 150 square feet or less for ingress and egress.

C. District uses the number of drainage fixture units as defined by the Uniform Plumbing Code as allowed by subdivision (f)(5) of section 65852.2 of the Government Code. Most District single family homes have two or three bathrooms and about twenty-five plumbing fixtures. Single family flow of 230 gpd divided by twenty-five plumbing fixtures is about nine gpd per fixture.

D. The capital recovery fee per ADU plumbing fixture unit is calculated as:

Capital recovery fee per gallon	\$51.94	
Typical daily flow per plumbing fixture unit	9	Gallons per day of flow
Capital recovery fee per plumbing fixture unit	\$467.46	

**Section 7.** As of the effective date of this Ordinance, all new service connection applicants shall pay a capital recovery fee of \$11,946 multiplied by each EDU or a fee per ADU plumbing fixture unit at the time of issuance of a "will serve letter" or connection to District's sewer system, whichever first occurs. These sewer capital recovery fees by user classification type shall be charged:

User Category	Billing Unit	EDUs	Capital Recovery Fee
<b>Residential</b>			
Single Family/Duplex/Townhouses	per dwelling unit	1.00	\$11,946
Mobile Home	per dwelling unit	0.70	\$8,362
Multifamily Apartments			
Studio	per dwelling unit	0.50	\$5,973
1 Bedroom	per dwelling unit	0.50	\$5,973
2 Bedroom	per dwelling unit	0.70	\$8,362
3 or 4 Bedroom	per dwelling unit	0.80	\$9,557
Accessory Dwelling Units (ADU)	per plumbing fixture unit	NA	\$467.46
<b>Commercial</b>			
Barber & Beauty Shop	up to 3 operators	0.70	\$8,362
Bed & Breakfast	per 10 rooms	5.20	\$62,119
Coffee Shop	each w/o food service	1.00	\$11,946
	per 3 checkout lanes	3.00	\$35,838
Coffee Shop w/grease trap	per 1,000 ft <sup>2</sup>	1.80	\$21,503
Gas Station/Food Market	per 40 students	1.60	\$19,114
Elementary School	each	2.00	\$23,892
Fire Station	less than 5,000 ft <sup>2</sup>	1.80	\$21,503
Food Market	per 1,000 ft <sup>2</sup>	5.10	\$60,925
Food market w/food service & kitchen	each	1.10	\$13,141
Health Club	each	0.80	\$9,557
Meeting Hall/Assembly	per 10 employees	0.80	\$9,557
Offices	per 10 employees	2.00	\$23,892
Offices – Medical	per 1,000 ft <sup>2</sup>	0.40	\$4,778
Pet shop w/live animals	per 1,000 ft <sup>2</sup>	5.90	\$70,481
Restaurant	per 1,000 ft <sup>2</sup>	0.20	\$2,389
Retail	per 1,000 ft <sup>2</sup>	0.10	\$1,195
Self-Storage			

**Section 8.** Beginning July 1, 2027, and continuing thereafter on each July 1st, the capital recovery fees shall be adjusted by an increment based on the change in the Engineering News-Record Construction Cost Index for the 20-cities average over the prior year. The Board may determine by resolution adopted prior thereto that such adjustment shall not be effective for the next succeeding year or determine other amounts of adjustment as may be appropriate.

**Section 9.** When a parcel undergoes a change of use, it shall receive credit for the existing use and any previously paid capital recovery fees. The property owner is responsible only for paying the additional capital recovery fees associated with any increase in capacity or demand on the sewer system resulting from the new use.

**Section 10.** Pursuant to section 66013 of the Government Code, the Board finds and determines that the capital recovery fee established herein does not exceed the estimated reasonable cost of providing the service for which it is charged. The Board further determines that the fee is a "capacity charge" within the meaning of section 66013, that the fee is not levied for general revenue purposes, and that District shall adhere to section 66013 for its expenditure of sums collected for capital recovery fees.

**Section 11.** Fees collected under this Ordinance, other than miscellaneous fees established in Section 13, shall be deposited in a separate capital facilities fund with other charges received. District shall account for the charges in a manner to avoid any comingling with any other monies of District, except for investments, and shall expend these charges solely for the purpose for which these charges were collected. Any interest income earned from the investment of the monies in the capital facilities fund shall be deposited in that fund.

**Section 12.** Capital recovery fee revenues shall only be used for the benefit of new connections and may not be used for other purposes. For the fund established under Section 11, within 180 days of the end of each fiscal year, District shall make available to the public:

- (i) A description of the charges deposited into the capital recovery fee or capital fund;
- (ii) The beginning and ending balance of the fund and interest earned;
- (iii) The amount of the charges collected that fiscal year;
- (iv) An identification of all the following:
  - a. Each public improvement on which charges were expended, the amount expended for each improvement, and the percentage of the total cost of the improvement that was funded with the capital recovery fee if more than one source of funding was used;
  - b. Each public improvement completed during the current fiscal year; and
  - c. Each public improvement anticipated to begin the following fiscal year.
- (v) A description of any interfund transfers or loans. In the case of interfund transfers the report must identify the public improvement for which the transferred funds will be used. In the case of a loan the report must identify the date the loan will be repaid and the interest rate the loan will receive.

**Section 13.** These miscellaneous fees shall be charged on new or amended connections:

Sewer Permit Processing Fee	\$232
Sewer Service Availability Letter Fee Renewal of Sewer Service Availability Letter Fee	\$232 \$ 96
Plan Check Fee	\$314 Residential \$585 Commercial
Inspection Fee	\$534 (sewer lateral repair \$123)
Sewer Construction Fee	Deposit of 3.5% of estimate for public sewer improvements, which will be credited against the cost when the work is completed. After final inspection of the constructed sewer facilities the amount paid shall be reconciled so that the inspection fee represents the actual cost of inspection, billed at \$123 an hour.
Sewer Atlas Update Fee	\$232
Annexation Fee	Calculated at the time of annexation to the District.

**Section 14.** Any person who believes that the provisions of this Ordinance are inequitable in their application to a specific new connection(s) may apply in writing to the Board setting forth the special circumstances, the alleged inequitable application, and requesting relief from the provisions of this Ordinance. An example of such a special circumstance would be where a person is connecting to the sewer and abandoning a septic disposal system.

A. Upon receipt of an application for special circumstances, the Board shall hold a hearing in which the burden shall be on the applicant to produce competent evidence of the special circumstances, the alleged inequitable allocation of the fee, and justifying the relief sought. The Board may consider other evidence, including all information supplied by District staff. The Board shall weigh all evidence presented and make a written determination, including that substantial evidence exists for the grant or denial of the application for relief. The Board shall have sole discretion in weighing the evidence and in making such determination, and its decision shall be deemed final District action.

B. Venue for an appeal from the Board decision is in the Southern Branch (Santa Barbara) of the Superior Court of the County of Santa Barbara.

C. An appeal shall be filed within thirty days of the Board's decision for judicial review under section 1094.5 of the Code of Civil Procedure.

**Section 15.** If any section, subsection, sentence, clause, or phase of this Ordinance or the application thereof to any person or circumstance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance or the application of such provisions to other persons or circumstances. The Board hereby declares that it would have adopted this Ordinance or any section, subsection, sentence, clause, or phase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

**Section 16.** This Ordinance shall be published one time as required by section 6490 of the Health and Safety Code. As further required by section 66017 of the Government Code, this Ordinance shall become effective sixty days after the expiration of the week of publication as established either by a proof of publication from the newspaper in which the Ordinance was published or by a subsequent order of the Board that publication has been properly made.

**Section 17.** Any judicial proceeding to attack, review, set aside, void, or annul this Ordinance shall be commenced within the time and manner set forth in section 66022 of the Government Code.

PASSED AND ADOPTED by Board of Directors of the Summerland Sanitary District on this 14th day of May, 2026, by the following vote:

AYES: *Jolene Colomy, John Franklin, Juvia Price, Gary Robinson, Jim Whitmer*  
NAYS: *∅*  
ABSENT: *∅*



*Gary Robinson*  
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Gary Robinson,  
President, Board of Directors

ATTEST: *Jolene Colomy*  
\_\_\_\_\_  
Jolene Colomy  
Secretary, Board of Directors