

Ordinance No.: 10764 (N.S.)
Meeting Date: 01/12/22 (SA01)

AMENDMENT TO FEE ORDINANCE ESTABLISHING A REIMBURSEMENT FEE FOR
ENRICO FERMI DRIVE SEWER SEGMENT CONSTRUCTED BY TPO LLC

The Board of Directors of the San Diego County Sanitation District ordains as follows:

Section 1. The Health & Safety Code (sec 4742.3) allows the Sanitation District to reimburse a party for the cost to install sewers or other facilities that can or will be used for the benefit of property other than that of the party making the installation and that are dedicated as public improvements to the Sanitation District. Such reimbursement may be facilitated through agreement between the Sanitation District and the party making the installation. The Sanitation District shall collect a fee from any party using the sewer or facility for the benefit of property not owned by the party making the installation. Furthermore, the Health & Safety Code (Sec 4766) authorizes the Sanitation District to adopt ordinances to collect such reimbursement fees. County Ordinance No. 10475, adopted April 12, 2017 (SA1) establishes reimbursement fees as a means of providing fair share reimbursement for improvements constructed by third parties.

Section 2. Section E of the District's Fees and Charges Ordinance is hereby amended to read as follows:

Section E. REIMBURSEMENT FEES. Reimbursement fees are established pursuant to Health & Safety Code Sections 4742.3 and 4766, as a means of providing fair share reimbursement for improvements constructed by third parties. Reimbursement to the party that financed and/or constructed the improvements is accomplished by way of reimbursement agreement with the District. Agreements are for a term not to exceed twenty years, and the District serves as agreement administrator. A processing fee is due at time of application pursuant to this ordinance.

The District cannot assure sewer improvements will actually be utilized by other persons or projects within the term of the agreement and therefore cannot guarantee that a developer or other third party will recover the cost of constructing over-sized sewer facilities. Reimbursement payments are processed semi-annually based on the amount collected during that period. The following reimbursement fees are applied, in addition to any other fees in effect for connection to the sewer lines within the District:

1. East Otay Mesa Service Area:
 - a. **D&D LANDHOLDINGS REIMBURSEMENT FEE [Expires 4/8/2029].**
In addition to other fees for connection, a connection fee of \$840, plus 5.25% simple interest per annum for each permit issued for properties that connect to sewer lines NS 2402, 2433, 2458 and 2468, and are located within the northern basin (Basin No. 1) of the East Otay Mesa Service Area of the District as depicted

sewer lines NS 2402, 2433, 2458 and 2468, and are located within the northern basin (Basin No. 1) of the East Otay Mesa Service Area of the District as depicted in area map titled Exhibit "A" of the agreement, all as more particularly described in the "Reimbursement Agreement between East Otay Mesa Sewer Maintenance District and D & D Landholdings for Cost of Construction of Sewers". Interest charges will be computed from the effective date of the reimbursement agreement, monthly, to the time that charge is collected.

The following listed properties and any other property or properties resulting from the subdivision, division or splitting of these properties into separate lots or parcels shall be excluded from payment of the reimbursement fee since owners of these properties paid for the construction. Parcels excluded from payment of the fee include: Assessor Parcel Numbers 648-040-39, 648-040-40, 648-040-41, 648-040-42, 648-040-43, and 648-040-44.

- b. CITY OF SAN DIEGO REIMBURSEMENT FEES (Reference "Sewage Transportation Agreement between City of San Diego and East Otay Mesa Sewer Maintenance District").

Prior to connecting to sewer, the property owner is required to pay the City of San Diego reimbursements for the Otay Valley Trunk Sewer, Otay Mesa Trunk Sewer, and Otay Mesa Pump Station. The District must first review project plans and determine the total number of reimbursement EDUs prior to City of San Diego processing.

- c. TPO LLC REIMBURSEMENT FEE [EXPIRES FEBRUARY 12, 2042]
In addition to other fees for connection, a connection fee of \$1,779.64 per Equivalent Dwelling Unit (EDU) for properties that connect, either directly or indirectly, to sewer, which extends 1,518 feet north along Enrico Fermi Drive from the intersection of Otay Mesa Road as depicted in the "Reimbursement Agreement between San Diego County Sanitation District and TPO LLC for Cost of Construction of Sewers", plus 1.92% simple interest per annum.

The following listed properties and any properties resulting from the subdivision, division or splitting of the property into separate lots or parcels shall be excluded from payment of the reimbursement fee since owners of these properties paid for the construction of the sewer improvements along Enrico Fermi Road. Parcels excluded from payment of the fee include: Assessor Parcel Numbers 648-070-09 and 648-040-14.

2. Lakeside Service Area:

a. ERRECA ASSOCIATES LLC REIMBURSEMENT FEE [Expires March 11, 2040]

In addition to other fees for connection, a connection fee of \$1,372 per Equivalent Dwelling Unit (EDU) for properties that connect, either directly or indirectly, to sewer Segment 1, which extends 3,540 feet north along Morena Avenue from the intersection of San Vicente Avenue and a connection fee of \$3,329 per EDU for properties that connect, either directly or indirectly, to sewer Segment 2, extending 3,454 feet east along Slaughterhouse Canyon Road to Vigilante Road as depicted in the “Reimbursement Agreement between San Diego County Sanitation District and Erreca Associates, LLC for Cost of Construction of Sewers”, plus 2.4% simple interest per annum. Properties served by Segment 2 will also pay the Segment 1 reimbursement connection fee.

The following listed properties and any other property or properties resulting from the subdivision, division or splitting of these properties into separate lots or parcels shall pay into the reimbursement fee include:

PARCELS PAYING INTO REIMBURSEMENT FEE (SEGMENT 1)					
No.	APN	No.	APN	No.	APN
1	3260601700	17	3751002000	33	3773400200
2	3260601100	18	3751002400	34	3773401200
3	3751900400	19	3751001200	35	3773401300
4	3750414400	20	3751001300	36	3773400400
5	3751901300	21	3751001400	37	3773400500
6	3751900700	22	3751002200	38	3773400600
7	3751900800	23	3751002100	39	3773400700
8	3751900900	24	3750400200	40	3773400800
9	3750412400	25	3750402600	41	3751112300
10	3750412300	26	3750402800	42	3751112200
11	3750413500	27	3750402900	43	3751111800
12	3750413600	28	3750400500	44	3751140500
13	3750415000	29	3750400600	45	3751140200
14	3751004300	30	3751112400	46	3751140400
15	3751004100	31	3751800200		
16	3751004500	32	3773400100		


PARCELS PAYING INTO REIMBURSEMENT FEE (SEGMENT 1 & 2)					
No.	APN	No.	APN	No.	APN
1	3260502200	6	3260601900	11	3260500900
2	3260501200	7	3260501100	12	3260501000
3	3260501300	8	3260602000	13	3260510500
4	3260502100	9	3260602400		
5	3260601800	10	3751900300		

The following listed properties and any other property or properties resulting from the subdivision, division or splitting of these properties into separate lots or parcels shall be excluded from payment of the reimbursement fee since owners of these properties paid for the construction. Parcels excluded from payment of the fee include:

PARCELS EXCLUDED FROM REIMBURSEMENT FEE					
No.	APN	No.	APN	No.	APN
1	3260510200	8	3751901000	15	3750403300
2	3750412700	9	3751901100	16	3750403400
3	3750411800	10	3751901200	17	3750403500
4	3750411900	11	3751901400	18	3750403600
5	3750413800	12	3751901500	19	3750403700
6	3751710500	13	3750400100		
7	3751900200	14	3750401800		


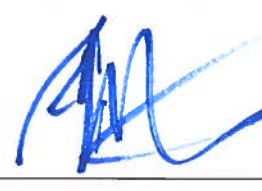
Section 3. This ordinance shall take effect and be in force thirty (30) days after its passage, and before the expiration of fifteen (15) days after its passage, a summary hereof shall be published once with the names of the members of this Board voting for and against it in a newspaper of general circulation published in the County of San Diego.

APPROVED AS TO FORM AND
LEGALITY



 Emily Helms, Senior Deputy County Counsel

PASSED, APPROVED, AND ADOPTED by the Board of Directors of the San Diego County Sanitation District this 12th day of January 2022.

NATHAN FLETCHER
Chair, Board of Directors
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Vargas, Anderson, Lawson-Remer, Fletcher, Desmond

ATTEST my hand and the seal of the Board of Directors this 12th day of January 2022.

ANDREW POTTER
Clerk of the Board of Directors

By 

Mr. Ruffier, Deputy



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