

## RESOLUTION NO. 2022-041

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHINO, CALIFORNIA, SUPERSEDING RESOLUTION NO. 2020-060 AND AMENDING EXISTING POLICY RELATED TO SANITARY SEWER SERVICE WITHIN THE CITY'S SPHERE OF INFLUENCE**

**WHEREAS**, on December 15, 2020, the City Council of the City of Chino ("City") adopted Resolution No. 2020-060 amending the conditions under which the City will permit new and existing developments within the City's sphere-of-influence ("SOI") to apply for and receive sanitary sewer service from the City;

**WHEREAS**, the City Council has considered a change in the policy articulated by Resolution No. 2020-060 to allow for additional flexibility in the consideration of provision of sanitary sewer services by the City within the SOI;

**WHEREAS**, State law requires flexibility in the consideration of utility connections for an accessory dwelling unit ("ADU"), including but not limited to, pursuant to Government Code section 65852.2(e)(1)(A)(i) providing that local agencies ministerially permit one ADU and one Junior ADU if "The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure"; Government Code section 65952.2 (f)(2) providing that "An accessory dwelling unit shall not be considered by a local agency. . . to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit was constructed with a new single-family dwelling"; and Government Code section 65852.2(f)(4) providing that "For an accessory dwelling unit described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency . . . 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, unless the accessory dwelling unit was constructed with a new single-family dwelling;" and

**WHEREAS**, the City Council now wishes to formally state this policy change, better accommodate flexibility to uphold the objectives of State law related to ADUs, and replace the policy articulated in Resolution No. 2020-060.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHINO HEREBY RESOLVES AS FOLLOWS:**

**Section 1.** The City of Chino will only allow new and existing developments on parcels within the City's SOI to connect to the City's sanitary sewer system in accordance with the following criteria:

1. If the SOI parcel is not adjacent to the City boundary, the owner of the parcel must execute and file an irrevocable agreement to annex to the City at such time as sufficient parcels can be assembled and qualify for annexation in accordance with Local Agency Formation Commission ("LAFCO") policy pertaining to such annexations.
2. If the SOI parcel is contiguous to the City boundary, the owner will be required to annex the parcel to the City, or, if this is determined to be infeasible, to execute an irrevocable agreement to annex.

3. Finally, all SOI parcels requesting sewer service must be developed in accordance with the City's General Plan and in conformance with all City codes and standards, subject to the following exemption: Sewer service shall not be denied to a property based solely on the incompatibility of development standards related to an ADU that otherwise meets the requirements of State law and separate sewer connection shall not be required for an ADU, nor shall a separate connection fee or capacity charge be applied if the connection meets the requirements of Government Code section 65952.2(f)(2), as amended.

**Section 2.** This Resolution shall supersede Resolution No. 2020-060.

APPROVED AND ADOPTED THIS 5<sup>th</sup> DAY OF JULY 2022.

  
EUNICE ULLOA, MAYOR

ATTEST:

  
ANGELA ROBLES, CITY CLERK


State of California            )  
County of San Bernardino    ) §  
City of Chino                 )

I, ANGELA ROBLES, City Clerk of the City of Chino, do hereby certify that the foregoing Resolution was duly adopted by the City Council at a regular meeting held on the 5<sup>th</sup> day of July 2022 by the following votes:

AYES:               COUNCIL MEMBERS: ULLOA, LUCIO, COMSTOCK, FLORES, POCOCK

NOES:              COUNCIL MEMBERS: NONE

ABSENT:           COUNCIL MEMBERS: NONE

  
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ANGELA ROBLES, CITY CLERK