

**Sacramento County Water Agency Code  
Title 2**

**DRAINAGE AND FLOOD CONTROL**

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## **CHAPTER 2.05 GENERAL PROVISIONS**

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### **2.05.010 Statutory Authorization.**

A. The Legislature of the State of California has in Section 4.2 of the Sacramento County Water Agency Act delegated to the Agency the power: to control drainage waters within the Agency; to control flood and storm waters within the Agency and the flood and storm waters of streams outside of the Agency, which flow into the Agency; to protect the watercourses, watersheds, public highways, and life and property within the Agency from damage from any such drainage or flood and storm waters.

B. The Legislature of the State of California has in Section 4.4 of the Sacramento County Water Agency Act authorized the Agency to adopt and carry out any definite plan or system for accomplishing, facilitating or financing all work which may lawfully be accomplished by the Agency and to enforce the said plan or system by ordinance. The Legislature has further empowered the Agency in Section 4.4 to prescribe, revise, and collect fees and charges for facilities furnished or to be furnished to any new building, improvement, or structure by the use of any flood control, storm, or drainage system constructed or to be constructed in a zone of the Agency; to make reimbursement agreements for that part of the cost of facilities in excess of any fees required. (WAO-0069 § 1, 2007)

### **2.05.020 Findings of Fact.**

A. The Board hereby finds that the development and new construction of property within the boundaries of the Sacramento County Water Agency results in the coverage of the land with impervious surfaces, including but not limited to, pavements, building roofs, driveways and parking areas. The reduction in the pervious land area results in a reduction of the infiltration of storm rainfall, causing an increase in the flow rate of storm water runoff, an increase in the volume of storm water runoff for certain storm events, and storm water quality degradation.

B. The Board hereby further finds that the development and new construction of property within the boundaries of the Sacramento County Water Agency results in the compaction of pervious land surfaces, the removal of vegetation and the disturbance of natural drainage patterns and flow rates, all of which substantially increase the flow rate of storm water runoff, increase the volume of storm water runoff for certain storm events, and cause storm water quality degradation.

C. The Board hereby further finds that it is necessary to establish zones, prepare and adopt fee plans for the improvement and construction of drainage facilities

within the Agency, and to construct drainage facilities within the Agency, in order to promote and protect the public health, safety, peace, comfort, convenience and the general welfare; and for the accomplishment of the purposes set forth in this chapter.

D. The Board hereby further finds that constructing or placing any structure or physical object, excavating, or planting vegetation within or upon a watercourse, floodway, levee, or any other drainage facility owned or operated by the Agency may cause damage to the drainage facility or structure, or impair or impede the operation or function of such facility or structure. The damage to drainage facilities or structures, or interference with the operation or function of such facilities or structures would pose a serious risk of injury to persons and damage to property. (WAO-0069 § 1, 2007)

#### **2.05.030 Statement of Purpose.**

It is the purpose of this title to:

A. Promote the public health, safety, peace, comfort, convenience and the general welfare by encouraging and providing for the preparation and financing of master plans and for the financing and proper placement and construction of drainage facilities necessitated by the development and new construction of property within the boundaries of the Sacramento County Water Agency;

B. Protect drainage facilities and structures from damage or operational interference by regulating the activity which occurs in, on, around or under such facilities or structures;

C. Equitably spread all costs associated with the construction of trunk drainage facilities among the beneficiaries of, or those that create the need for, these drainage facilities through the collection of fees and charges. (WAO-0069 § 1, 2007)

#### **2.05.040 Compliance.**

No building, structure or land shall hereafter be developed or constructed within the boundaries of the Sacramento County Water Agency, and no activity shall occur within or upon a watercourse, floodway, levee, or a drainage facility owned or operated by the Agency or County without full compliance with the terms of this title and other applicable regulations which apply to uses within the jurisdiction of this Title. (WAO-0069 § 1, 2007)

#### **2.05.050 Administrative Regulations.**

The Agency Engineer is hereby authorized to promulgate and enforce such rules or regulations consistent with and necessary to implement the purposes, intent and express terms of this title.

No rules or regulations promulgated by the Agency Engineer, or amendments thereof, shall be enforced or become effective until thirty (30) calendar days following the date on which the proposed rules or regulations are filed with the Clerk of the Board of Directors. (WAO-0069 § 1, 2007)

#### **2.05.060 Laws Not Enforced.**

There are many ordinances and other laws applicable to activities permitted under this title which are not sought to be enforced under this permitting process. The issuance of an Agency permit shall not be deemed to constitute a representation that the activity so permitted or the property upon which such activity is occurring complies

with such other ordinances or other laws. Nor shall the existence of such an unrevoked permit be deemed to preclude any criminal or civil remedy for violation of such other ordinances or laws. The possession of an Agency permit shall not be deemed to relieve the holder of the requirement to apply for or obtain any other license or permit required by ordinance or statute. (WAO-0069 § 1, 2007)

**2.05.070 Improvement of Drainage Systems.**

The Agency may from time to time expend drainage impact fees for the purpose of upgrading drainage systems or correcting existing drainage problems provided the funds are expended on projects within the zone from which they were collected. These projects include but are not limited to levees, floodwalls, detention, channels, and/or pipes. (WAO-0069 § 1, 2007)

## **CHAPTER 2.10 DEFINITIONS**

### **Sections:**

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2.10.250	Watercourse
2.10.255	Zone
2.10.260	Zoning Code

**2.10.010 Definitions.**

As used in this title, the following words and phrases shall have the meaning given in this chapter. (WAO-0069 § 1, 2007)

**2.10.012 Agency.**

The Sacramento County Water Agency, a statutorily created district operating under the authority of and pursuant to the provisions of the Sacramento County Water Agency Act (California Water Code – Appendix, Chapter 66, commencing at Section 66-1 et seq.) The Board of directors of the Sacramento County Water Agency is the governing body (the Board). (WAO-0069 § 1, 2007)

**2.10.014 Agency Engineer.**

The Director of the Sacramento County Department of Water Resources of the Sacramento County Municipal Services Agency or his or her designee. (WAO-0072 § 4, 2008; WAO-0069 § 1, 2007)

**2.10.016 Agency Permit.**

A permit issued by the Agency Engineer within the unincorporated County, or an improvement plan approved by the County or incorporated city with concurrence by the Agency Engineer. (WAO-0069 § 1, 2007)

**2.10.020 Applicant.**

Any person who submits an application for a permit, or submits an improvement plan for approval, pursuant to this title. (WAO-0069 § 1, 2007)

**2.10.035 County Floodplain Administrator.**

The individual appointed by the Board of Supervisors to administer and enforce the floodplain management regulations in Title IX of the Sacramento County Zoning Code (The Floodplain Management Ordinance). (WAO-0069 § 1, 2007)

**2.10.040 County Specifications.**

The County Improvement Standards, County Standard Construction Specifications and other standards included in applicable County ordinances, regulations and manuals, as amended from time to time. (WAO-0069 § 1, 2007)

**2.10.045 Credits.**

A value given for construction of trunk drainage facilities pursuant to this Title.

(WAO-0069 § 1, 2007)

**2.10.046 Deferral Agreement.**

An agreement between the Agency and a Developer to defer payment of the Drainage Impact Fees imposed pursuant to this Title. (WAO-0069 § 1, 2007)

**2.10.048 Developer.**

Any party who is or is proposing to construct a Development, as defined by this Title. (WAO-0069 § 1, 2007)

#### **2.10.050 Development.**

Any action which impairs the perviousness of the surface of the land and/or increases the concentration or velocity of storm water runoff. Development does not include normal farming activities, including plowing, seeding, cultivating, planting or harvesting, field leveling or contouring outside defined watercourses. Development includes, but is not limited to:

- A. The construction of buildings, parking lots, roads and utilities; and,
- B. Grading or paving.

(WAO-0069 § 1, 2007)

#### **2.10.060 Drainage Facilities.**

All Agency facilities, natural or man-made, improved or unimproved, which are intended to collect, treat, and transport storm drainage waters. These facilities include the following:

- A. Open watercourses;
- B. Closed conduit systems;
- C. Water quality facilities;
- D. Flood control detention facilities; and
- E. Appurtenance structures.

(WAO-0069 § 1, 2007)

#### **2.10.065 Drainage Impact Fee.**

The fee levied by this Title and collected upon approval of building permits within Zones 11A, 11B and 11C of the Agency. (WAO-0069 § 1, 2007)

#### **2.10.080 Encroachment.**

The advance or infringement of fill, excavation, buildings, structures, dams, wharfs, embankments, levees, bridges, conduits, culverts, fences, rock, gravel, or other development in, along, across or projecting into any watercourse or floodway which may alter, impede, retard or change the direction and/or velocity of the flow of water; or, may snare or collect debris carried by the flow of water. (WAO-0069 § 1, 2007)

#### **2.10.095 Fee Plan.**

The Sacramento County Water Agency Engineer's Report for Zones 11A, 11B, 11C, as well as the Reports for supplemental fee areas commonly referred to as Zones 11N and 11W, as revised from time to time. (WAO-0069 § 1, 2007; WAO-0090 § 1, 2015)

#### **2.10.100 Final Credits.**

The credits allocated upon completion and acceptance of drainage facilities.

(WAO-0069 § 1, 2007)

#### **2.10.110 Floodway.**

A watercourse and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation beyond a level determined by the County Floodplain Administrator. (WAO-0069 § 1, 2007)

**2.10.120 Grading.**

The act or result of digging, excavating, transporting, spreading, depositing, filling, compacting, settling, or shaping of land surfaces and slopes, and other operations performed by or controlled by human activity involving the physical movement of rock or soil. (WAO-0069 § 1, 2007)

**2.10.130 Impervious Area.**

Any area where material, such as concrete, cement or asphalt, has been placed, or where grading has occurred, which has caused an increase in the surface or storm water runoff from the area. (WAO-0069 § 1, 2007)

**2.10.140 Improvement.**

The installation or construction of streets, curbs, gutters, sidewalks, utilities or other facilities intended for the general use of lot owners in the subdivision or neighborhood. (WAO-0069 § 1, 2007)

**2.10.150 Improvement Plan.**

A plan for private or public improvements which are to be accepted for maintenance by the Agency or the County, and which is prepared in accordance with the requirements of the latest edition of the County of Sacramento Standard Construction Specifications and the County of Sacramento Improvement Standards. (WAO-0069 § 1, 2007)

**2.10.155 In-Fill Development.**

The annual rate of interest earned by the Treasury of the County on the investment of pooled funds (WAO-0069 § 1, 2007)

**2.10.156 Interest or Interest Rate.**

Annual rate of interest earned by the Treasury of the County on the investment of pooled funds. (WAO-0069 § 1, 2007)

**2.10.160 Levee.**

A man-made earthen structure embankment designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from flooding. (WAO-0069 § 1, 2007)

**2.10.165 Levee System.**

A protection system which consists of a levee or levees and associated structures such as closure and drainage devices which are constructed and operated in accordance with sound engineering practices. (WAO-0069 § 1, 2007)

**2.10.170 Minor Drainage.**

Any storm water conveyance system serving less than a thirty (30) acre drainage shed area. (WAO-0069 § 1, 2007)

**2.10.180 Natural Stream.**

Any watershed in the County North of the American River, including: Arcade



Creek, Arcade Creek South Branch, Brooktree Creek, Carmichael Creek, Chicken Ranch Slough, Coyle Creek, Cripple Creek, Diablo Creek, Fair Oaks Stream Group, Kohler Creek, Linda Creek, Mariposa Creek, Minnesota Creek, San Juan Creek, Strong Ranch Slough, Sunrise Creek, and Verde Cruz Creek. (WAO-0069 § 1, 2007)

**2.10.190 New Construction.**

Any construction, reconstruction, rehabilitation, addition, or alteration of a structure or any part thereof, beyond the foundation of the existing structure, commencing on or after July 1, 1965. (WAO-0069 § 1, 2007)

**2.10.200 Permittee.**

The person in whose name a valid permit is issued pursuant to this title and the person's agents, employees and designated representatives. (WAO-0069 § 1, 2007)

**2.10.205 Regionally Beneficial Basin.**

A peak flow or storm water quality basin that serves more than one hundred sixty (160) acres and is deemed by the Director to be necessary for the drainage master plan of the watershed. (WAO-0069 § 1, 2007)

**2.10.210 School District.**

Any school district, community college district or county superintendent of schools. (WAO-0069 § 1, 2007)

**2.10.220 Site.**

Any real property subject to the provisions of this title and all contiguous lots, parcels or real property owned by or recorded as the property of the same person. (WAO-0069 § 1, 2007)

**2.10.230 Structure.**

Anything constructed or erected which requires location on the ground or attached to something having location on the ground. (WAO-0069 § 1, 2007)

**2.10.235 Subdivision Map Act.**

The Subdivision Map Act of the state and all amendments and additions thereto (Government Code, Title 7, Division 2 Subdivisions, commencing with Section 66410). (WAO-0069 § 1, 2007)

**2.10.240 Tentative Credits.**

Credits that are allocated at the time improvement plans are approved. These credits may be adjusted upon completion of the approved facilities to reflect actual construction quantities, or may be revoked if constructed facilities are not accepted by the County. (WAO-0069 § 1, 2007)

**2.10.245 Trunk Drainage Facilities.**

Drainage facilities that serve a watershed area of thirty acres or greater. (WAO-0069 § 1, 2007)

**2.10.250 Watercourse.**

A river, stream, creek, tributary, basin, lake, pond, waterway, or channel, natural or man-made, having a defined bed and banks on or over which water flows at least periodically. A watercourse also includes any conduit or pipe in which water does or may flow, and any property within a drainage easement of the Agency. (WAO-0069 § 1, 2007)

**2.10.255 Zone.**

An area designated within the Sacramento County Water Agency boundaries created in order to finance, construct, acquire, reconstruct, maintain, operate, extend, repair or otherwise improve any work or improvement of common benefit to such zone or participating zones. (WAO-0069 § 1, 2007)

**2.10.260 Zoning Code.**

The Sacramento County Zoning Code, adopted by the Board of Supervisors of the County of Sacramento. (WAO-0069 § 1, 2007)

## **CHAPTER 2.20 ESTABLISHMENT OF ZONES**

### **Sections:**

2.20.005	Formation
2.20.010	Notice
2.20.020	Notice to Auditor-Controller
2.20.030	Zone Funds
2.20.040	Deposit of Funds
2.20.050	Use of Funds
2.20.060	Fees for Facilities Construction
2.20.070	Annual Budget

### **2.20.005 Formation.**

The formation of any zone to accomplish the purposes of this title shall meet the requirements of Section 1.1 of the Agency Act and any other applicable law. (WAO-0069 § 1, 2007)

### **2.20.010 Notice.**

A. Notice of the public hearing by the Board regarding formation of a zone shall be given by publication once a week for two consecutive weeks prior to the hearing, the last publication of notice must be at least seven (7) days before the hearing. The notice shall be published in a newspaper of general circulation designated by the Board and circulated in the zone. If there is no such newspaper, then notice shall be given by posting for two (2) consecutive weeks prior to the hearing in five (5) public places designated by the Board and within the zone.

B. The notice shall set forth the time and place of the public hearing and shall state that a copy of the proposed Fee Plan may be reviewed in the office of the Clerk of the Board and in the office of the Agency Engineer. (WAO-0069 § 1, 2007)

### **2.20.020 Notice to Auditor-Controller.**

Upon the adoption of a resolution of intention to form a zone by the Board, the Agency Engineer shall provide a copy of the resolution to the Sacramento County Auditor-Controller. (WAO-0069 § 1, 2007)

### **2.20.030 Zone Funds.**

Upon receipt of a copy of the resolution of intention to form a zone adopted by the Board, the Sacramento County Auditor-Controller shall establish an appropriate fund or funds for this zone. (WAO-0069 § 1, 2007)

### **2.20.040 Deposit of Funds.**

All fees, charges, revenues, taxes, assessments, and other receipts relating to or derived from the operations of a zone shall be deposited in the County Treasury to the credit of the fund or funds established for that particular zone. (WAO-0069 § 1, 2007)

### **2.20.050 Use of Funds.**

A. All moneys in the fund or funds of a particular zone shall be used to

accomplish the purposes of the zone, as set forth in the resolution establishing the zone, and for any other purposes authorized by the Agency Act.

B. The Agency may establish and maintain separate funds, and make transfers or loans between the funds of a zone, as the Agency deems necessary, and in accordance with the provisions of Section 8.4 of the Agency Act. (WAO-0069 § 1, 2007)

#### **2.20.060 Fees for Facilities Construction.**

A. The Agency shall make findings once each year with respect to any portion of the fee remaining unexpended or uncommitted in its account five or more years after deposit of the fee to identify the purpose for which it was charged. The findings required by this paragraph need only be made for moneys in the possession of the Agency and need not be made with respect to letters of credit, bonds, or other instruments taken to secure payment of the fee at a future date.

B. Where Drainage Impact Fees are imposed upon property for the conveyance of storm water through a Zone, such fees shall be deposited into a separate fund. Monies in such fund shall be expended solely for the construction and reimbursement for construction of such trunk facilities within the Zone from which the fees comprising the fund were collected, or to pay for the cost of engineering and administrative services to manage the Zone and design and construct the facilities, or to acquire rights to real property for these purposes.

C. For each fund established pursuant to this chapter for facilities construction, the Agency shall within sixty (60) days of the close of each fiscal year, make available for the public the beginning and ending balance for the fiscal year and the fee, interest, and other income and the amount of expenditure by public facility and the amount of refunds and allocations made pursuant to Government Code section 66001 during the fiscal year. The Board of Directors shall review such information at the next regularly scheduled meeting not less than fifteen (15) days after the above information is made available to the public. Notice of such review shall be provided in accordance with the requirements of Government Code section 66006(b)(2).

D. After completion of the facilities and the payment of all claims from the fund, any surplus funds shall be disbursed in accordance with the provisions of Government Code section 66483.1. (WAO-0069 § 1, 2007)

#### **2.20.070 Annual Budget.**

The Agency Engineer shall annually prepare a budget for each zone in the form and manner required for special districts. (WAO-0069 § 1, 2007)

## **CHAPTER 2.25 FEE PLANS**

### **Sections:**

2.25.010	Development
2.25.020	Content of Fee Plan
2.25.030	Notice
2.25.040	Requisite Findings
2.25.050	Implementation
2.25.060	Periodic Review
2.25.070	Precedence
2.25.080	Accounting

### **2.25.010 Development.**

For each zone, there shall be a Fee Plan. The Fee Plan and any amendments thereto shall be prepared by the Agency Engineer and shall be consistent with applicable federal, state and county laws and regulations, and policies adopted by the Board. The Fee Plan shall be adopted by a resolution of the Board of Directors adopted at a noticed public hearing. (WAO-0069 § 1, 2007)

### **2.25.020 Content of Fee Plan.**

The Fee Plan shall contain, as a minimum, the following information:

- A. A description of the drainage facilities necessary for the conveyance of surface and storm waters from the zone;
- B. A map of the zone showing its boundaries
- C. An estimate of the total cost of constructing the facilities;
- D. A description of the fees to be collected and used to finance the facilities;
- E. A description of the type of development projects on which the fee shall be imposed, if applicable;
- F. A discussion and determination of the relationship between the fee's use and the type of development projects on which the fee shall be imposed, if applicable;
- G. A discussion and determination of the relationship between the need for the facility and the type of development projects on which the fee shall be imposed, if applicable; and
- H. A discussion and determination of the relationship between the amount of the fee and the cost of the facility or portion of the facility attributable to the development on which the fees shall be imposed, if applicable. (WAO-0069 § 1, 2007)

### **2.20.030 Notice.**

A. Notice of the public hearing for consideration and/or adoption of the Fee Plan, or annual updates to the Fee Plan, by the Board shall be given by publication once a week for two (2) consecutive weeks prior to the hearing, the last publication of notice must be at least ten (10) days before the hearing. The notice shall be published in a newspaper of general circulation designated by the Board and circulated in the zone for which the proposed Fee Plan has been prepared. If there is no such newspaper, then notice shall be given by posting for two consecutive weeks prior to the

hearing in five public places designated by the Board and within the zone for which the proposed Fee Plan has been prepared.

B. The notice shall set forth the date, time and place of the public hearing; the identity of the hearing body; a general explanation of the matter to be considered; a general description of the location of the real property, if any, that is the subject of the hearing; and shall state that a copy of the proposed Fee Plan may be reviewed in the office of the Clerk of the Board and in the office of the Agency Engineer. (WAO-0069 § 1, 2007)

#### **2.25.040 Requisite Findings.**

Prior to adopting a Fee Plan which includes adequate provisions and a nexus for the imposition of drainage impact fees on property proposed to be developed, the Board shall find that:

A. The development of property within the zone will require the construction of the facilities described in the Fee Plan;

B. The fees are fairly apportioned within such a zone either on the basis of benefits conferred on the property proposed for development or on the need for such facilities created by the proposed construction or development;

C. The fee as to any property proposed for development within the zone does not exceed the pro rata share of the amount of the total actual or estimated costs of all facilities within such zone which would be assessable on such property if such costs were apportioned uniformly on a per-acre basis; and,

D. The facilities planned are in addition to existing facilities serving the zone at the time of adoption of the Fee Plan. (WAO-0069 § 1, 2007)

#### **2.25.050 Implementation.**

A Fee Plan and any amendments thereto shall not be implemented unless and until adopted by the Board following a public hearing. (WAO-0069 § 1, 2007)

#### **2.25.060 Periodic Review.**

Every fifth year, or sooner if deemed necessary by the Director, the Agency shall review the Fee Plan and make all of the following findings, with respect to that portion of the account or fund remaining unexpended, whether committed or uncommitted:

A. Identify the purpose for which the fee is to be put.

B. Demonstrate a reasonable relationship between the fee and the purpose for which it is charged.

C. Estimate the finances necessary to continue the Fee Plan.

D. Make adjustments to the Fee Plan and/or the fees charged pursuant to this review. (WAO-0069 § 1, 2007)

#### **2.25.070 Precedence.**

The Fee Plan shall be deemed a part of this Title; however, where conflicts occur, this Title shall take precedence. Any revision to the Fee Plan shall require a resolution of the Board of Directors adopted at a noticed public hearing. (WAO-0069 § 1, 2007)

#### **2.25.080 Accounting.**

The collected fees shall be deposited with other fees in a separate account for

each Zone in a manner to avoid any commingling of the fees with other revenues funds of the local agency, except for temporary investments. The fees shall be expended solely for the purposes for which they are collected. Any interest income earned in the account or fund shall also be deposited in that account or fund and shall be expended only for the purpose for which the fee was originally collected. The Agency shall within 180-days after the last day of each fiscal year, make available to the public the following information for the fiscal year a brief description of the type of fee in the account or fund, including:

- A. The amount of the fee.
- B. The beginning and ending balance of the account or fund.
- C. The amount of the fees collected and the interest earned.
- D. Identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees.
- E. A description of each inter-fund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended and in the case of an inter-fund loan, the date on which the loan will be repaid, and the rate of interest that the account or fund will receive on the loan.
- F. The amount of refunds made and any allocations made. (WAO-0069 § 1, 2007)

## **CHAPTER 2.30 PERMITS**

### **Sections:**

2.30.010	Protection of Watercourses
2.30.020	Agency Permit
2.30.040	Environmental Review
2.30.050	Issuance
2.30.060	Contents of Permit
2.30.070	Conditions
2.30.080	Term
2.30.090	Transferability
2.30.100	Amendment of Permit
2.30.110	Grounds for Suspension and Revocation
2.30.120	Method of Suspension or Revocation

### **2.30.010 Protection of Watercourses.**

The Agency shall enforce this Title and all other pertinent titles, codes and ordinances, to the extent allowed by law, to protect the watercourses within the County.  
(WAO-0069 § 1, 2007)

### **2.30.020 Agency Permit.**

A. An Agency permit shall be obtained before undertaking the following activities:

1. Constructing or placing any structure, conduit, dirt or physical object in, on, over or under a watercourse or floodway; or in, on, over or under real property, drainage facilities or structures which are owned, operated or maintained by the Agency or the County, or in which the Agency has any legal interest, including an easement or irrevocable offer of dedication;
2. Excavating in, on, over or under a watercourse or floodway; or in, on, over or under real property, drainage facilities or structures which are owned, operated or maintained by the Agency, or in which the Agency or the County has any legal interest, including an easement or irrevocable offer of dedication; and
3. Planting any vegetation, other than grasses or annual crops, in, on, over or under a watercourse or floodway; or in, on, over or under real property, drainage facilities or structures which are owned, operated or maintained by the Agency or the County, or in which the Agency has any legal interest, including an easement or irrevocable offer of dedication;

C. The application for a permit shall be filed on a form and submitted with such information as is prescribed by the Agency Engineer including, but not limited to, the following:

1. Plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the property, existing and proposed structures, fill, permanent storage of materials, and drainage facilities;
2. Description of the extent to which any watercourse or floodway will be altered or relocated as a result of the proposed activity. (WAO-0069 § 1, 2007)



#### **2.30.040 Environmental Review.**

Agency permits, and amendments thereto, are subject to the requirements of the California Environmental Quality Act (CEQA). The Agency Engineer, or his designee, shall have prepared appropriate CEQA environmental review in compliance with County procedures. The Agency Engineer shall not approve a permit prior to considering the applicable environmental document and complying with the requirements of CEQA and the County Procedures for Preparation and Processing of Environmental Documents, including payment of the full cost for preparation and processing of the environmental document by the permit applicant. (WAO-0069 § 1, 2007)

#### **2.30.050 Issuance.**

A. The Agency Engineer is hereby appointed to administer and implement this chapter by approving, conditionally approving or denying Agency permits in accordance with its provisions.

B. The Agency Engineer shall act upon an application for a permit within a reasonable time after all information requested on the application form and any additional information requested by the Agency Engineer has been received; and, the environmental review process has been completed.

C. Except as set forth in paragraph (D) the permit shall only be issued if the Agency Engineer finds in writing that:

1. The requirements of this title and other applicable County and Agency ordinances have been satisfied;
2. The activity does not pose a significant risk of injury to persons or damage to private property, Agency property or watercourses;
3. The activity will not unnecessarily obstruct or impair a watercourse and will not interfere with the operation of any drainage facility;
4. The activity is consistent with the General Plan of the County and any applicable drainage plans which have been adopted by the County or the Sacramento County Water Agency.

D. If the permit is not issued, notice shall be served on the applicant in writing with the reasons stated therefore, pursuant to the provisions of Section 1.15.050.

E. A permit authorizes the permittee to undertake only that activity described in the permit and only on the property for which the permit is issued. (WAO-0069 § 1, 2007)

#### **2.30.060 Contents of Permit.**

The Agency permit shall include but not be limited to a complete description of the activity for which it is issued, the property for which it is issued, the date of issuance, the date of expiration, and a description of any and all conditions upon which the permit has been issued. The permit shall be kept at the site during the activity for which the permit was issued. (WAO-0069 § 1, 2007)

#### **2.30.070 Conditions.**

A. The Agency Engineer may at the time of issuance of the permit impose such conditions as are necessary to ensure compliance with this title, other Agency or County ordinances, or state or federal laws, or are reasonably calculated to protect property from damage, injury to persons, or to prevent impeding, restricting, retarding,

or changing the direction of the flow of water in a watercourse or floodway. Conditions to mitigate environmental impacts of the activity may also be imposed by the Agency Engineer.

B. The Agency Engineer shall require that the owner of the property, the permit applicant, or both, enter into a written agreement with the Agency holding the County and the Agency free from liability for any harm that may occur to any real or personal property or persons as a result of the activity.

C. Any condition imposed shall be embodied, together with the reasons therefore, in the permit. (WAO-0069 § 1, 2007)

#### **2.30.080 Term.**

An Agency permit shall be effective on the date of issuance, and shall remain in force during the time period noted on the permit, whichever is greater, unless suspended or revoked by the Agency Engineer, or voluntarily relinquished by the permittee. (WAO-0069 § 1, 2007)

#### **2.30.090 Transferability.**

An Agency permit shall not be transferred or assigned from one person to another, unless approved by the Agency Engineer and the person to whom the permit is to be transferred agrees to comply with the requirements of the original permit and to any conditions imposed therein. (WAO-0069 § 1, 2007)

#### **2.30.100 Amendment of Permit.**

Any proposed changes in the activity authorized by the permit shall be submitted to the Agency Engineer for review. The permittee shall not undertake any activity which does not conform to the plans or conditions of the original permit, unless approved by the Agency Engineer. The Agency Engineer shall review any proposed changes in the same manner and pursuant to the same standards as the original application. (WAO-0069 § 1, 2007)

#### **2.30.110 Grounds for Suspension and Revocation.**

Any permit issued pursuant to this chapter may be suspended during its term upon one or more of the following grounds:

A. The physical state of the property differs from the descriptions, plans or information furnished to the Agency Engineer in the permit application;

B. The activity does not conform to the conditions or terms of the permit;

C. The activity is in violation of this chapter, other Agency or County ordinances, or state or federal laws. (WAO-0069 § 1, 2007)

#### **2.30.120 Method of Suspension or Revocation.**

A. The Agency Engineer may suspend or revoke a permit by issuing a notice of suspension or revocation, stating the reasons therefore, and serving same, upon the permittee. Upon suspension or revocation of a permit, in accordance with the provisions of this section, the permittee shall immediately cause all activity to cease until written authorization is received from the Agency Engineer to proceed with the activity.

B. The permittee shall have ten (10) calendar days after the date of service and notice thereof of the suspension or revocation in which to file an appeal in

accordance with the provisions of Section 1.15.010. If such an appeal is filed, the suspension or revocation shall remain in force and be effective until a final decision on the appeal is issued by the Board of Directors.

C. If the Agency Engineer suspends a permit, such permit may either be reinstated or revoked by the Agency Engineer, depending upon whether the permittee corrects the grounds stated for the suspension in the notice issued by the Agency Engineer. If the permittee fails to remedy the grounds for suspension within a time period specified by the Agency Engineer, but in no event later than sixty (60) calendar days, the Agency Engineer shall revoke the permit. (WAO-0069 § 1, 2007)

## **CHAPTER 2.35 DESIGN AND IMPROVEMENT STANDARDS**

### **Sections:**

2.35.010	Plans
2.35.020	Plan Check Fees
2.35.030	Plan Review
2.35.040	Conditions
2.35.050	Term
2.35.060	Transferability
2.35.070	Amendment of Plan

### **2.35.010 Plans.**

Any construction of all or a portion of a drainage facility within a zone shall conform to the Fee Plan for the zone and shall be in accordance with an approved improvement plan. Such plans shall be prepared and submitted in accordance with the requirements of this chapter and the County Improvement Standards. In the event of a conflict, the provisions of this chapter shall govern. (WAO-0069 § 1, 2007)

### **2.35.020 Plan Check Fees.**

Drainage and grading plan checking, hydrology/hydraulics planning, and storm water quality review and planning by Department of Water Resources staff is included in the Fee Plan. The Developer shall pay all plan checking fees for exempt projects, pursuant to Section 2.50.060. The Developer shall pay all grading and drainage field inspection fees. (WAO-0069 § 1, 2007)

### **2.35.030 Plan Review.**

A. The Agency Engineer is hereby appointed to administer and implement this Title by approving, conditionally approving or denying improvement plans in accordance with its provisions.

B. The Agency Engineer shall act upon an improvement plan within a reasonable time after all information required by the County Improvement Standards and any additional information requested by the Agency Engineer has been received.

C. The plan shall be approved if the Agency Engineer finds that the plan is consistent with federal, state, county and Agency laws and regulations, including this title; the applicable zone Fee Plan; County of Sacramento Improvement Standards; the Sacramento City/County Hydrology Manual; the Drainage Master Plan for the subject project area; and policies or design criteria which have been adopted by the Board of Supervisors of the County or the Board of Directors of the Sacramento County Water Agency.

D. A plan shall not be implemented prior to and unless approved by the Agency Engineer.

E. If the plan is not approved, notice shall be served on the applicant in writing with the reasons stated therefore, pursuant to the provisions of Section 1.15.050. (WAO-0069 § 1, 2007)

#### **2.35.040 Conditions.**

The Agency Engineer may at the time of approval of the plan, impose such conditions as are necessary to ensure compliance with federal, state, county and Agency laws and regulations, including this title; the applicable zone Fee Plan; County Specifications; the General Plan of the County; and, any applicable drainage plans, policies or design criteria which have been adopted by the Board of Supervisors of the County or the Board of Directors of the Sacramento County Water Agency. Any condition imposed shall be embodied, together with the reasons, on the plan. (WAO-0069 § 1, 2007)

#### **2.35.050 Term.**

An improvement plan shall be effective on the date of approval and shall remain in force for one year or the time period indicated on the improvement plan, whichever is greater. (WAO-0069 § 1, 2007)

#### **2.35.060 Transferability.**

An improvement plan shall not be transferred or assigned from one person to another, unless approved by the Agency Engineer and the person to whom the plan is to be transferred agrees to comply with the requirements of the original plan and to any conditions imposed therein. (WAO-0069 § 1, 2007)

#### **2.35.070 Amendment of Plan.**

Any proposed changes in the plan shall be submitted to the Agency Engineer for review. The applicant shall not undertake any activity which does not conform to the original plans or conditions unless approved by the Agency Engineer. The Agency Engineer shall review any proposed changes in the same manner and pursuant to the same standards as the original plan. (WAO-0069 § 1, 2007)

## **CHAPTER 2.40 LAND ACQUISITION**

### **Sections:**

2.40.010	Dedication of Easements and Drainage Right-of-Way
2.40.020	Condemnation
2.40.030	Credits Available for Peak Flow Detention Basin Land
2.40.040	Appraisal of Land to be Acquired
2.40.050	Compensation of Land to be Acquired
2.40.060	Reservation Agreements

### **2.40.010 Dedication of Easements and Drainage Right-of-Way.**

The Agency Engineer shall, in conjunction with the issuance of an Agency permit or the approval of an improvement plan, require the granting of on-site and off-site drainage easements or rights-of-way to the Agency under the following circumstances:

A. The easement or right-of-way is necessary to accomplish the purposes of this Title;

B. The purpose for requiring the easement or right-of-way is consistent with the Fee Plan for the particular zone in which the property is located; and,

C. A nexus exists between the dedication and the burden created by the construction, development, encroachment, or other activity for which a permit or plan approval is required; or

D. An approved specific or comprehensive plan requires easements or rights-of-way to construct the drainage facilities to serve the planned development.

The Agency Engineer may also request the appropriate authority of the County of Sacramento or incorporated city to require the granting of an easement as a condition of approval of a rezone, tentative subdivision map, tentative parcel map, conditional use permit, variance, improvement plan or grading permit, if the requirements set forth above in this section are satisfied. (WAO-0069 § 1, 2007)

### **2.40.020 Condemnation.**

If a Developer is required to construct or substantially improve drainage facilities or a portion thereof the Agency may, with approval of its governing body, condemn necessary property interests which cannot be obtained through negotiation by such person. The person requesting such condemnation shall pay all costs and expenses thereof, including the appraised value of the property being acquired, administrative and staff costs, attorney fees and litigation costs. The Agency Engineer shall require the person requesting condemnation to enter into an agreement providing for such payment of costs and expenses, and shall require a cash deposit of one hundred twenty-five percent (125%) of the total estimated costs and expenses before commencing condemnation proceedings. If the actual cost of the condemnation is greater than the amount deposited, the Agency shall promptly invoice the person requesting such condemnation and payment shall be due within sixty (60) days of sending the invoice. If the actual cost of the condemnation is less than the amount deposited, the Agency shall provide a refund of the deposit within one-hundred twenty (120) days. (WAO-0069 § 1, 2007)

#### **2.40.030 Credits Available for Peak Flow Detention Basin Land.**

- A. The Agency will compensate developers for the appraised value of land for peak flow and storm water quality detention basins that are:
1. Part of an approved drainage master plan;
  2. Deemed by the Director to be hydraulically efficient (or the credit will be adjusted per Section 2.55.020);
  3. Regionally beneficial (serving more than 160-acres);
  4. Permanent facilities;
  5. Reserved by the Agency pursuant to the Subdivision Map Act.
- B. The Agency shall not issue credits or reimbursements for land purchases which:
1. Serve only the needs of a single developer; such as but not limited to, a detention basin for a storm water pump plant, a basin that mitigates for floodplain reclamation; or
  2. Is associated with in-fill projects where peak flow attenuation is required to accommodate the limitations of the downstream conveyance pursuant to Section 9-1 of the County Improvement Standards. (WAO-0069 § 1, 2007)

#### **2.40.040 Appraisal of Land to be Acquired.**

- A. Appraisals shall be approved by the County Department of General Services Real Estate Division, or another impartial third party as determined by the Agency Engineer.
- B. Appraisals shall be based on market value on the date of the filing of the first tentative parcel or subdivision map or use permit that requires the basin pursuant to the approved drainage master plan and/or conditions placed on the proposed project.
- C. The appraisal shall add to the fair market value, at the date of valuation as described above, interest per year at the Interest Rate defined in section
- D. Market Value shall be defined as the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale and as determined by an accredited appraiser. (WAO-0069 § 1, 2007)

#### **2.40.050 Compensation for Land to be Acquired.**

- A. Any compensation paid to a developer under this Chapter shall be in the form of a credit agreement, with credits and reimbursements made in accordance with Chapters 2.50 and 2.60 of this Title.
- B. The Agency shall issue credits and the jurisdiction within which the development is being constructed (i.e., County or incorporated city) shall take title to the real property no later than two years from completion and acceptance of the drainage improvements, unless such period of time is extended by written agreement. (WAO-0069 § 1, 2007)

#### **2.40.060 Reservation Agreements.**

The Agency may require a reservation agreement as a condition of approval; however, the Agency has the right to terminate the reservation agreement for any cause, with written notice. (WAO-0069 § 1, 2007)

## **CHAPTER 2.50 FEES FOR DRAINAGE FACILITIES**

### **Sections:**

2.50.010	Findings of Fact
2.50.020	Establishment of Fees
2.50.030	Payment of Fees
2.50.040	Responsibility of Agency Engineer
2.50.050	Zone Fee Rates
2.50.060	Exemptions
2.50.070	Deferment of Fees
2.50.075	Deferment or Waiver of Drainage Fees for Low or Very Low Income Residential Development Projects
2.50.080	Annual Fee Schedule Adjustment

### **2.50.010 Findings of Fact.**

A. The Board hereby finds that the development and new construction of property within the boundaries of Zones 11A, 11B, and 11C of the Sacramento County Water Agency, which boundaries include all or portions of the Morrison Creek Stream Group Watershed and Watersheds draining to Beach Stone Lake (Zone 11A), the American River Tributaries-Arden-Arcade Watershed (Zone 11B), and the Dry Creek Watershed and Watersheds draining to the Natomas East Main Drain (Zone 11C), respectively, results in the coverage of the land with impervious surfaces and channelization of storm water conveyance, including but not limited to, pavements, building roofs, driveways and parking areas. The reduction in the pervious land area results in a reduction of the infiltration of storm rainfall, causing an increase in the flow rate of storm water runoff, an increase in the volume of storm water runoff for certain storm events, and storm water quality degradation;

B. The Board hereby finds that the reduction in the pervious land area tends to cause, among other things, a reduction of the infiltration of storm rainfall, an increase in the flow rate of storm water peak flow runoff, an increase in the volume of storm water runoff for certain storm events, and storm water quality degradation;

C. The Board hereby finds that the development and new construction of property requires improved drainage and flood control systems to protect the public, to provide for safe roadways, and to improve the natural and beneficial function and habitat value of rivers, ponds, lakes natural and man-made streams and wetlands;

D. The Board hereby finds that there is a reasonable relationship between the findings of this Title and the Fee Plan and that whether a development is upstream or downstream in a drainage shed, or Zone area, that development of land contributes to the impact to the necessary drainage facilities and shall therefore contribute equally to the necessary improvements;

E. The Board hereby further finds that the development and new construction of property within the boundaries of Zone 11A, 11B, and 11C of the Sacramento County Water Agency, will require construction of the drainage facilities described in the Fee Plans;

F. The Board hereby further finds that there is a reasonable relationship



between the amount of the fee imposed by this Title and the cost of the drainage facilities or portion of such facilities attributable to the development and new construction on which the fee is imposed, based upon the facts contained in the Fee Plan; and

G. The Board hereby further finds that the fees imposed by this chapter are fairly apportioned within Zones 11A, 11B, and 11C on the basis of the need for such facilities created by the proposed development and new construction of property within each zone, based upon the findings contained in the Fee Plans for said zones. (WAO-0069 § 1, 2007)

#### **2.50.020 Establishment of Fees.**

A. The following fees and charges shall be paid whenever development or new construction of property occurs within Zones 11A, 11B, or 11C of the Sacramento County Water Agency. Such fees and charges shall only be expended for the benefit of property within the zone in which the development or new construction occurs.

B. Revenues derived under this Title shall be used (1) to construct drainage facilities, (2) to prepare, revise and/or update drainage and flood control master plans, (3) to acquire any property necessary or convenient for the construction of drainage facilities, (4) to review and comment on submitted improvement plans, and (5) to administer and implement this Title. (WAO-0069 § 1, 2007)

#### **2.50.030 Payment of Fees.**

A. Unless otherwise provided in this Title, all fees and charges shall be paid concurrently with the:

1. issuance of a building permit by the County; or
2. approval of improvement plans by the County or Agency, whichever occurs first. The applicable rates for fees and charges shall be the rates in effect at the time of payment. All fees and charges shall be rounded to the nearest dollar.

B. When development is proposed that impacts storm water runoff as stated in Section 2.50.010, and the Agency Engineer determines that a subsequent building permit or improvement plan will not be submitted for the project in the near future, the Agency Engineer may require all fees and charges be paid at the time of issuance of the grading and erosion control permit.

a. Except as set forth in Section 2.50.070 and above, the entire fee for phased developments or subdivisions shall be paid when the first (1) building permit is issued by the County, or (2) improvement plan is approved by the County or Agency, whichever occurs first. (WAO-0069 § 1, 2007)

#### **2.50.040 Responsibility of Agency Engineer.**

The Agency Engineer shall review and approve trunk drainage plans and administer the fee and credit program. The Sacramento County Municipal Services Agency shall keep records of the payments of fees and charges established by this Chapter for each parcel for which a fee is charged. (WAO-0069 § 1, 2007)

#### **2.50.050 Zone Fee Rates.**

The Fee Plan is incorporated herein by reference. In accordance with said Fee Plans, the following fees shall apply for the development or new construction of property

within Zones 11A, 11B, and 11C:

A. Schedule A, B, and C as used in the 1996 Water Agency Code Title 2 shall be combined and henceforth called Schedule A. The fee for Zone 11A, 11B, and 11C shall be as listed in Schedule A, found in Appendix 1 of the Fee Plan.

B. The fee for parks, cemeteries, libraries, and other developments not listed on Schedule A shall be based on measured impervious area where all existing, proposed and future buildings and hard surface areas at 90%, and graded drained grass areas at 20%.

C. To encourage peak flow detention in sports fields, if a proposed school or park can show that it will attenuate at least one half of the volume of the 100-year 24-hour design storm (greater than the pipe design flow) the fees for those acres of the site may be reduced by 50%. This shall be determined on a case-by-case basis, subject to approval by the Director. When a park or sports field facility is proposed in a regional detention basin, there shall be no drainage fees for that area.

D. Additions to buildings, structures, or other site improvements in existence prior to April 8, 1965: Per Appendix 1, Schedule "A" for additional impervious surfaces and required setback and planter areas as determined by the Zoning Code. The fee shall not exceed the fee computed for the net area of the site.

E. For changes in the use of a parcel of land the fee shall be computed at the rate required for the new use, less the amount of any drainage fees that have been previously paid for the parcel. In the event the fee previously paid exceeds the fee required for the proposed use, no refund of the difference shall be made.

F. Land that was developed prior to the creation or expansion of Zone 11, or sub-zones of Zone 11, shall be treated as if the fee were paid. E.g.: if a residential RD2 development built in 1960 is to be reconstructed as apartments, the developer must only pay the fee for apartments minus the fee for RD2 residential.

G. Fees shall be updated based on the fee inflation curve provided in the Fee Plan.

H. Fees shall be based on net acres of a parcel with 40-foot street right of way. For example, if the project fronts a thoroughfare, the width of the right of way less 20 feet on each side shall pay no drainage fee. (WAO-0069 § 1, 2007)

#### **2.50.060 Exemptions.**

No fees are required to be paid for the following development or new construction of property within Zones 11A, 11B, or 11C:

A. Agricultural buildings and structures on parcels of property zoned AR5(+), A-20, A-80, AG-20, AG-40, AG-80, AG-160, UR, or IR.

B. Excavation of aggregates; provided the site is graded to retain all storm water.

C. Reconstruction of a structure destroyed by fire, earthquake or other natural disaster, unless a change in land use or zoning occurs.

D. The placement of a mobile home or travel trailer if a use permit has been issued by the County for a mobile home or travel trailer as an accessory dwelling for persons in need of care and supervision pursuant to Title 3, Chapter 1, Article 4, Section 301-51 of the Zoning Code.

E. Construction of an accessory structure such as: a barn, storage shed, or

in-laws quarters.

F. Any new permit for a single family home on a legally recorded parcel of real property 0.20 acre to five acres, as measured pursuant to section 2.50.050(H), where the final map was recorded prior to the effective date of this Code (August 16, 2004 will pay a reduced drainage fee as shown on the fee schedule for each Zone.

G. Reclamation of aggregate mining pits shall be exempt from paying fees and receiving credits under this Title, if:

1. The County approves the development of a project involving the reclamation of an existing aggregate mining pit;

2. No flows enter the reclamation area from off-site including a 0.5% (200-year) storm event;

3. The developer constructs, to the satisfaction and approval of the Agency, a detention basin in the lowest part of the mining pit and a storm water pump station;

4. The basin and pumps are of adequate size and configuration (to the satisfaction and approval of the Agency) to optimize natural and beneficial functions, storm water quality, infiltration and evaporation;

5. The pump discharges to an adjacent existing river, creek, stream or storm drain system;

6. The pumps are configured to automatically discontinue discharging during high flows in the existing river, creek, stream or storm drain system; and

7. The basin is sized to adequately store peak runoff from the project, to the satisfaction and approval of the Director, allowing design capacity of the on-site piped storm drain system and flood protection in agreement with County Improvement Standards.

H. Nothing in this Chapter shall exempt a party from the requirement to pay other mitigation fees as required by this Title and the Fee Plan. (WAO-0069 § 1, 2007)

#### **2.50.070 Deferment of Fees.**

A. When only a portion of a site is being developed, the Agency Engineer may defer that portion of the fees due on the undeveloped portion of the site provided:

1. The undeveloped portion of the site is larger than one half (0.5) acre;

2. The fees due shall not be less than the cost of any new trunk drainage facilities, as provided in a credit agreement, required to be constructed pursuant to the County Improvement Standards;

3. The property owner executes a Deferral Agreement with the Agency for phased development wherein the property owner agrees to pay fees prior to development of any part of the remaining portion of the site, and that such fees shall be determined based upon the methods and rates in effect at the time of development of each phase; and

B. School Districts may pay any required fees in five equal annual payments, upon the following terms and conditions:

1. First payment is paid at the time the building permit is issued or improvement plans are approved, whichever occurs first;

2. No new drainage facilities are required to immediately serve the property; and

3. A written agreement is executed between the school district and the Agency wherein the school district agrees to pay in accordance with the provisions of this section.

C. When frontage improvements are placed at the option of the property owner and not as a requirement of the County or Agency, then the Agency Engineer may defer fees and charges until improvements impairing the perviousness of the surface are constructed. (WAO-0069 § 1, 2007)

**2.50.075 Deferment or Waiver of Drainage Fees for Low or Very Low Income Residential Development Projects.**

In addition to the circumstances set forth in Section 2.50.070, upon application and approval pursuant to the provisions of Chapter 2.70, the Drainage Fees for Zone 11A, 11B or 11C shall be deferred or waived and said fees subsequently paid and collected for qualified residential projects pursuant to the provisions of Chapter 2.70. (WAO-0069 § 1, 2007)

**2.50.080 Annual Fee Schedule Adjustment.**

A. On March 1st of each year, or as soon thereafter as possible, the Agency Engineer shall revise the fee rates set forth in Schedule "A" of Appendix 1 as follows:

1. In January of each year, the Agency Engineer shall compute a "mean" index for construction costs by averaging the following two numbers: that year's January 1 construction cost index for 20 U.S. Cities and that year's January 1 construction cost index for San Francisco as determined by that year's January issue of the Engineering News Record magazine.

a. If the average of these two indexes equals the prior year's average, Schedule "A" of Appendix 1 shall not be adjusted.

b. If the average of the two indexes does not equal the prior year's average, then an adjustment factor shall be computed by dividing the average of the two indexes by the prior year's average. This adjustment factor shall then be multiplied by each fee rate set forth in Schedule "A" of Appendix 1. The results shall constitute the adjusted Schedule "A" of Appendix 1.

2. The fee rates set forth in Schedules "A" of Appendix 1 for 2013 shall be multiplied by said update factor to determine the new fee rates.

B. The new fee rates shall be rounded to the nearest one dollar (\$1.00).

C. The revised Schedules shall be published on January 30th of each year, or as soon thereafter as possible, in a newspaper of general circulation published in the County of Sacramento. The revised Schedules shall take effect and be in full force on and after thirty (30) days from the date of its publication. Copies of said revised Schedules shall be available in the office of the Agency Engineer. (WAO-0084 § 1, 2014; WAO-0080 § 1, 2013; WAO-0079 § 1, 2011; WAO-0076 § 1, 2011; WAO-0075 § 1, 2010; WAO-0073 § 1, 2009; WAO-0069 § 1, 2007)

## **CHAPTER 2.55 CREDITS FOR DRAINAGE FACILITIES**

### **Sections:**

2.55.010	Authorization of Credits
2.55.020	Amount of Credits
2.55.030	Procedure for Credits
2.55.040	Special Provisions
2.55.050	Apportionment of Credits
2.55.055	Assignment of Credit Agreements
2.55.060	Annual Credit Schedule Adjustment

### **2.55.010 Authorization of Credits.**

A. Credits are authorized whenever drainage facilities are constructed, which

1. are part of the Fee Plan of a zone of the Agency,
2. were designed to serve a watershed area of thirty acres or greater,
3. were required by the Agency in connection with development or new construction, and
4. were constructed pursuant to improvement plans approved by the Agency Engineer, then such person may be entitled to a credit against any fees or charges due pursuant to Chapter 2.50 of this Code, subject to the provisions of this Title.

B. This section shall apply to all fees or charges due pursuant to Chapter 2.50 of this Title except the Zone 11A Beach Stone Lake (BSL) Mitigation fee.

C. No credit will be allowed for facilities that are not permanent facilities, as defined by this Title. (WAO-0069 § 1, 2007)

### **2.55.020 Amount of Credits.**

A. Unless otherwise set forth in this Title, the amount of credits authorized for the construction of drainage facilities shall be computed from the unit base costs shown in Schedule "D" of Appendix 2 to this Title.

B. Credits shall be based upon the least expensive permanent installation consistent with County Improvement Standards, the applicable Fee Plan, and with other applicable policies or regulations adopted by the Board of Directors of the Agency or Board of Supervisors of the County.

C. Except as set forth in paragraph (D), credits shall be based on the rates in effect on the date fees or charges are paid. All credits shall be totaled and rounded to the nearest dollar.

D. Under unusual circumstances of construction, the Board of Directors may authorize credits which are greater than or less than those costs set forth in Schedule "D" of Appendix 2. Whenever the Agency Engineer or any other person requests such an adjustment of authorized credit amounts, such request shall be submitted in writing to the Board, together with bids, data and/or other facts in support of the request. (WAO-0069 § 1, 2007)

### **2.55.030 Procedure for Credits.**

A. Any person desiring credits for the construction of drainage facilities shall, prior to approval of improvement plans for the drainage facilities, execute an agreement

with the Agency authorizing tentative credits ("credit agreement"). Credit agreements in an amount in excess of \$100,000 must be approved by the Board of Directors. Credit agreements in an amount of \$100,000 or less may be approved by the Agency Engineer.

B. Tentative credits shall be allocated prior to the acceptance of drainage facilities, so that they may be subtracted from fees at the time fees are paid.

C. Credits shall be adjusted as necessary at the time the facilities are accepted by the Agency.

D. Upon final field acceptance of the drainage facilities, the Agency Engineer shall determine the as-built quantities and shall correct the credits as necessary.

E. The person receiving tentative credits shall agree that if the facilities are not accepted by the Agency, all tentative credits allocated shall be reimbursed to the Agency within 60 days of notice of non-acceptance of the drainage facilities.

F. The person receiving tentative credits shall further agree that if tentative credits allocated exceed the final credits, the excess amount shall be reimbursed to the Agency within 60 days of notice of such amount. (WAO-0069 § 1, 2007)

#### **2.55.040 Special Provisions.**

A. Credits for drainage facilities in reclaimed floodplain areas shall not exceed the credits that would otherwise be required for a standard gravity drainage system.

B. Credits for the costs of constructing levees, floodwalls, dams and other similar protective works (not including channel excavation) necessary to reclaim floodplain shall not be authorized.

C. No credits shall be allowed for constructing drainage pump plants.

D. Credits for drainage facilities financed by assessment district will be allowed for a pro rata portion of those incidental expenses of the assessment district which would be ordinary expenses of constructing such facilities, provided they are not incidental and peculiar to an assessment proceeding. Such incidental expenses for which credit will not be allowed will include, but not be limited to, attorney's fees, assessment district description, preparation of proceedings and assessments, printing of bonds, and other County Treasurer's expenses.

E. Credits Available for Storm Water Quality.

1. Credits shall be issued for excavation costs associated with storm water treatment by creating storm water quality features in the bottom of a channel. However, no credits shall be authorized for real estate costs associated with such a facility.

2. Credits shall be issued for basin excavation and appurtenant inlet/outlet structures for storm water quality treatment in detention basins when the storm water quality volume is at the bottom of a regional flood control basin.

3. Credits shall not be issued for on-site grassy swales, basins and other proprietary devices or for pump stations associated with storm water quality treatment.

(WAO-0069 § 1, 2007)

#### **2.55.050 Apportionment of Credits.**

A. Except as set forth in this section, credits shall only be applied against fees and charges due as a result of development or new construction on the parcel(s) served by the trunk drainage facilities for which the credits are given. Credits may not

be apportioned to other parcels after the credit agreement is signed.

B. Credits may only be apportioned to other parcels if the Agency Engineer determines:

1. Title to the parcels are held by the individual(s) or firm(s) who are signatory to the credit agreement;

2. The specific apportionment of each parcel is described in the credit agreement; and

3. The parcel or parcels to which such credits are to be apportioned are served by the drainage facilities for which credits are authorized;

C. When credits are apportioned, the credit amounts shall be based on the rates in effect on the date improvement plans are approved for the parcel to which credits have been apportioned. Inflation of credits shall be per the inflation curve, found in Appendix 7 of the Fee Plan. (WAO-0069 § 1, 2007)

#### **2.55.055 Assignment of Credit Agreements.**

Credit balances may be assigned to another party by use of an Assignment of Drainage Credits Agreement. Credits run with the land, making assignment of the drainage credit agreements necessary whenever undeveloped land is subdivided and/or sold. In order for a person or entity (not a party to an original credit agreement) to receive credits, the Assignment of Drainage Credits Agreement shall include the following:

A. Date of the agreement;

B. Legal names of assignee and assignor;

C. The parcel number and specific dollar amount of the credits that are being signed; and

D. Indemnification of the Agency by the assignor, should disagreement over the terms of the assignment arise. (WAO-0069 § 1, 2007)

#### **2.55.060 Annual Credit Schedule Adjustment.**

Schedule D shall be revised annually in accordance with the following. The revised unit prices shall not be applied to existing credit agreements.

A. On March 1st of each year, or as soon thereafter as possible, the Agency Engineer shall revise Schedule "D" of Appendix 2 using the Engineering News Record Cost Construction Index method as given in Section 2.50.080(A).

B. Those items in Schedule D whose unit price costs are adjusted shall be rounded to the nearest one cent (\$0.01).

C. The revised Schedules shall be published on January 30th of each year, or as soon thereafter as possible, in a newspaper of general circulation published in the County of Sacramento. The revised Schedules shall take effect and be in full force on and after thirty (30) days from the date of its publication. Copies of said revised Schedules shall be available in the office of the Agency Engineer. (WAO-0084 § 2, 2014; WAO-0080 § 2, 2013; WAO-0079 § 2, 2011; WAO-0076 § 2, 2011; WAO-0075 § 1, 2010; WAO-0073 § 2, 2009; WAO-0069 § 1, 2007)

## **CHAPTER 2.60**

### **REIMBURSEMENT AGREEMENTS FOR FACILITIES**

Sections:

2.60.010	Criteria for Reimbursement
2.60.020	Procedure for Reimbursement
2.60.030	Reimbursement Agreements
2.60.040	Assessment District
2.60.050	Payment of Reimbursements

#### **2.60.010      Criteria for Reimbursement.**

Except where specifically excluded, whenever credits are authorized for the construction of drainage facilities pursuant to Chapter 2.55, and the credit amount exceeds the amount of the fees due pursuant to Chapter 2.50, the Agency shall reimburse the person entitled to such credits in accordance with the provisions of this chapter. (WAO-0069 § 1, 2007)

#### **2.60.020      Procedure for Reimbursement.**

Excess credits shall only be reimbursed pursuant to the terms of a reimbursement agreement executed by the Agency and the person entitled to such credits. (WAO-0069 § 1, 2007)

#### **2.60.030      Reimbursement Agreements.**

A. Reimbursements shall be made pursuant to Section 2.60.050 and the reimbursement agreement shall include the following terms and conditions:

1. The amount of excess credit to be reimbursed;
2. A copy of the executed Credit Agreement as an attachment;
3. An accounting of the fees paid and credits issued;
4. A letter evidencing field acceptance for creditable trunk drainage facilities with as-built quantities.

B. The credit balance shall be backdated according to the inflation curve (Appendix 7 of the Fee Plan) and interest on the unpaid balance shall be paid annually in December at the Interest Rate for the prior fiscal year. Interest shall not begin to accrue, however, until ninety (90) days after the drainage facilities are accepted by the Agency.

C. The reimbursement agreement may only be assigned by a written amendment to the agreement executed by the Agency Engineer, the assignor(s) and the assignee(s).

D. Excess credits shall not be reimbursed until all fees and charges required by Chapter 2.50 have been paid for all parcels on which credit is sought, unless specifically authorized by the Agency Engineer.

E. The Agency Engineer may approve a reimbursement agreement with the same party, or an assignee as allowed pursuant to Chapter 2.55, if the amount of the reimbursement does not vary from the amount of the credit agreement by an increase of more than ten percent (10%). Credit amounts exceeding a ten percent (10%) increase to the original credit agreement, must be reconciled by an executed amendment to the



original credit agreement before the Agency may enter into a Reimbursement Agreement and make a reimbursement. (WAO-0069 § 1, 2007)

**2.60.040      Assessment District.**

If the construction of major facilities is financed by an assessment district and where the person, firm or corporation seeking reimbursement has deposited cash into the incidental expense special deposit trust fund established for the financing of the assessment district, reimbursement may be allowed provided all provisions of this chapter have been met. The reimbursable amount shall be the lesser of the amount of the cash deposit or the amount by which the allowable credits for construction exceed any required fees as specifically described in the credit agreement. (WAO-0069 § 1, 2007)

**2.60.050      Payment of Reimbursements.**

When a project is accepted and a Reimbursement Agreement is executed, the payments due under that reimbursement agreement shall be made as follows, notwithstanding any provisions or Board approved agreements to the contrary:

A.      Reimbursement Agreements in an amount less than or equal to \$100,000 shall be paid by the Agency within one hundred twenty (120) days of the executed Reimbursement Agreement.

B.      Reimbursement Agreements in an amount greater than \$1,000,000 shall be paid in equal annual amounts, over 10-years, fully amortized with interest.

C.      Reimbursement Agreements in an amount less than \$1,000,000 shall be paid in annual payments \$100,000.

D.      If funds are not available when reimbursement is due, as determined by the Director, payments shall be postponed to the following year with interest accumulated. (WAO-0069 § 1, 2007)

**CHAPTER 2.70**  
**DEFERRAL OR WAIVER OF DRAINAGE FEES FOR LOW OR VERY LOW INCOME**  
**AFFORDABLE HOUSING DEVELOPMENT PROJECTS**

Sections:

2.70.005	Title
2.70.010	Purpose
2.70.020	Application
2.70.030	Definitions
2.70.040	Fee Deferral Program
2.70.050	Fee Waiver Program
2.70.060	Deferral and Waiver Program
2.70.070	Deferral, Waiver and Subordination Agreements
2.70.080	Fee Waiver Cap
2.70.090	Interest
2.70.100	Fee Increase
2.70.110	Recordation Costs
2.70.120	Fee Deferral/Waiver Application and Administrative Processing Fees

**2.70.005 Title.**

This chapter shall be known and cited as the “Deferral or Waiver of Drainage Fees for Low or Very Low Income Affordable Housing Development Projects.” (WAO-0072 § 5, 2008)

**2.70.010 Purpose.**

The Board desires to encourage the construction of residential projects which will provide units with affordable rents or affordable housing costs for low and very low income households in the County of Sacramento. The Board finds that the early payment of certain impact fees for affordable residential housing development creates a barrier to such development and desires, by the adoption of this ordinance, to ease such barrier by deferring the time for payment of certain fees. To create further incentive to construct residential projects for very low income households the Board wishes to waive the payment of certain fees for a set number of units that will provide affordable rents or affordable housing costs for very low income households. The Board finds that this deferral/waiver program is consistent with the policies and goals of the County of Sacramento Housing Element and necessary for the health and welfare of the County’s residents. (WAO-0072 § 6, 2008; WAO-0069 § 1, 2007)

**2.70.020 Application.**

In addition to the circumstances set forth in Section 2.50.070 of Chapter 2.50, upon application and approval pursuant to Section 2.70.040, 2.70.050, or 2.70.060 of this Chapter, the Drainage Fees for Zone 11A, 11B, or 11C shall be paid and collected for Qualified Residential Projects pursuant to the provisions of this Chapter. (WAO-0072 § 6, 2008; WAO-0069 § 1, 2007)

### **2.70.030 Definitions.**

A. "Agency Engineer" means the Director of the Sacramento County Department of Water Resources of the Sacramento County Municipal Services Agency or his or her designee.

B. "Affordable Housing Cost" refers to the definition contained in Health & Safety Code section 50052.5, including, but not limited to, cost limits for low and very low households in owner-occupied housing, as further defined in Title 25 of the California Code of Regulations.

C. "Affordable Rent" refers to the definition contained in Health & Safety Code section 50053, including, but not limited to, cost limits for low and very low households in rental housing, as further defined in Title 25 of the California Code of Regulations.

D. "Agreement" means the deferral or waiver agreement or a single agreement for both as described in Section 2.70.070 of this Chapter.

E. "Applicant" means the owner or owners of record of the real property for which a fee deferral or fee waiver or combination fee deferral and waiver is sought pursuant to this Chapter.

F. "Certification Letter" means a written certification from SHRA that a project is a Qualified Residential Project".

G. "Low Income Households" refers to the definition contained in Health & Safety Code Section 50079.5, including but not limited to an income limit of 80 percent of area median income, adjusted for family size and revised annually.

H. "Qualified Residential Project" means a residential development project which shall include:

1. At least 10% of units with Affordable Rents or Affordable Housing Costs for Very Low Income Households, or

2. At least 49% of units with Affordable Rents or Affordable Housing Costs for Low Income Households.

I. "Release from SHRA" means a written release submitted from SHRA to the Agency Engineer which (1) verifies that the buyer or renter has met the income qualifications as set forth in this Section or (2) verifies a multi-family residential project has received a State of California Tax Credit Allocation Committee final cost certification or similar certification from another financing entity or that the renter has met the income qualifications as set forth in this Section.

J. "SHRA" means the Sacramento Housing and Redevelopment Agency.

K. "Very Low Income Households" refers to the definition contained in Health & Safety Code Section 50105, including but not limited to an income limit of 50 percent of area median income, adjusted for family size and revised annually. (WAO-0072 § 6, 2008; WAO-0069 § 1, 2007)

### **2.70.040 Fee Deferral Program.**

A. Application. A Qualified Residential Project may file an application with the Sacramento County Water Agency to request deferral of any of those fees enumerated in Section 2.70.020 of this Chapter. The specific percentage of Low or Very Low Income units, or both, to be offered in a residential development project must be certified by SHRA and included in the fee deferral application prior to the acceptance thereof.

B. Ten Percent Down Payment. At the time of building permit issuance, the Applicant shall pay ten percent (10%) of the amount of all fees included in the application request for each individual lot for which a building permit is sought. Said payment shall be in addition to any and all required fee deferral application and administrative processing fees.

C. Security – Deed of Trust. Security for the deferral of fees pursuant to this Chapter shall be in the form of a promissory note secured by a deed of trust encumbering each parcel of record owned by the Applicant that is included in the Qualified Residential Project. The promissory note and deed of trust shall be in a form satisfactory to the Agency Engineer and approved by the County Counsel. Said deed of trust shall be secondary only to deeds of trust associated with acquisition or construction financing and to any regulatory agreement executed with a governmental agency for purposes of providing housing for low income households and very low income households. Said deed of trust shall be recorded prior to issuance of building permits. Provided, however, to allow timely construction in event of unanticipated consequences, an Applicant may pay one hundred percent (100%) of fees to obtain issuance of building permits. Thereafter, within six (6) months of Applicant's payment of fees and upon fulfillment of all other requirements of this Section, the Applicant shall be eligible for refund of ninety percent (90%) of the fees so paid with such ninety percent (90%) deferred and payable in accordance with the fee deferral Agreement.

D. Other Requirements. All of the following requirements must be satisfied prior to approval of a fee deferral:

1. submittal to the Sacramento County Water Agency of a complete application, including a Certification Letter and a preliminary title report;
2. deposit of all application and administrative fees pursuant to Section 2.70.120;
3. recordation of the deed of trust pursuant to subsection (C); and
4. execution and recordation of a deferral Agreement.

E. Single-Family Deferral Period (24 Months), Interest Penalties. Fees that are approved for deferral for a single-family residential project pursuant to this Chapter shall be due and payable at the close of escrow of each individual lot within the project. The maximum fee deferral period for any and all lots within a single-family residential project is twenty-four (24) months from the date of the recordation of the Agreement and deed of trust. If not paid within the twenty-four (24) month period, interest penalties shall apply pursuant to Section 2.70.090 and payment of the fees secured by the deed of trust shall be undertaken pursuant to the provisions set forth in the executed Agreement.

F. Multi-Family Deferral Period (24 Months), Interest Penalties. Fees that are approved for deferral for a multi-family residential project pursuant to this Chapter shall be due and payable upon the close of permanent loan financing. The maximum fee deferral period is twenty-four (24) months from the date of the recordation of the Agreement and deed of trust. If not paid within the twenty-four (24) month period, interest penalties shall apply pursuant to Section 2.70.090 and payment of the fees secured by the deed of trust shall be undertaken pursuant to the provisions set forth in the executed Agreement.

G. Partial Reconveyances. For a single family residential project, a partial

release (reconveyance) from the deed of trust per individual unit shall be executed by the Water Agency upon receipt of written request from the title company handling the escrow of said unit and receipt of the Release from SHRA. For multifamily residential projects, a release from the deed of trust shall be executed by the Water Agency upon receipt of written request from the title company handling the permanent loan financing and receipt of the Release from SHRA.

H. Failure to Provide Affordable Housing. Notification to the Agency Engineer by SHRA of failure of a single or multi-family residential project to sell or rent the percentages of Affordable Rents or Affordable Housing Costs for Very Low Income Households or Low Income Households for which a fee deferral was approved pursuant to this Chapter shall result in the imposition of interest penalties calculated from the date of recordation of the fee deferral Agreement pursuant to Section 2.70.090 to the date of payment of the fees secured by the deed of trust pursuant to the provisions set forth in the executed Agreement

I. Deferral Non-Transferable. The approval of a fee deferral pursuant to this Chapter for a Qualified Residential Project shall not be transferable to another project regardless of whether the Applicant is the same for both projects or whether the other project is also a Qualified Residential Project.

J. Mixed Affordable and Market-Rate Projects. In the event that a single-family Qualified Residential Project plans to sell or rent units both at market rate and for Low Income Households, the Applicant shall submit a copy of the tentative or final subdivision or parcel map for said single-family Qualified Residential Project identifying all units for which a deferral is sought pursuant to this Chapter. The tentative or final subdivision or parcel map shall be submitted with the fee deferral application. Prior to final map recordation, subsequent one-to-one changes of the identification of market rate and Low Income household units on the tentative subdivision or parcel map shall require prior written approval of the Agency Engineer and shall be permitted only if the same deed of trust encumbers both of the lots for which the change is requested and provided that the percentage of Low Income Household units as set forth in the fee deferral application for said single-family Qualified Residential Project and the accompanying Certification Letter is not increased or decreased. Final map recordation of the tentative subdivision map shall be required to be in substantial conformance with the entire tentative subdivision map per Government Code Section 66442. Subsequent to final map recordation, one-for-one changes shall require prior written approval of the Agency Engineer and shall be permitted only if the same deed of trust encumbers both of the lots for which the change is requested and provided that the percentage of Low Income Household units as set forth in the fee deferral application for the entire single-family Qualified Residential Project and the accompanying Certification Letter is not increased or decreased. (WAO-0072 § 6, 2008; WAO-0069 § 1, 2007)

#### **2.70.050 Fee Waiver Program.**

A. Ten Percent Very Low Income Households. Only a Qualified Residential Project which a Certification Letter indicates includes at least ten percent (10%) of units with Affordable Rents or Affordable Housing Costs for Very Low Income Households shall be eligible for waiver of any of those fees enumerated in Section 2.70.020. Said fees shall be waived in an amount proportional to the percentage of units affordable to

Very Low Income Households. The Certification Letter shall specify the Very Low Income percentage for each individual project and shall be included in the fee waiver application prior to acceptance thereof.

B. Security – Deed of Trust. Security shall be required for the fee waiver applications for the sole purpose of ensuring a method of recovery of those fees waived, in the event a residential development project fails to provide the percentages of Affordable Rents or Affordable Housing Costs for Very Low Income Households for which a waiver was sought. Said security shall be in the form of a promissory note secured by a deed of trust encumbering each parcel of record owned by the Applicant that is included in the Qualified Residential Project. Said deed of trust shall be recorded for all development fees for which a waiver is requested pursuant to this Chapter. The promissory note and deed of trust shall be in a form satisfactory to the Agency Engineer and approved by the County Counsel. Said deed of trust shall be secondary only to deeds of trust associated with acquisition or construction financing and to any regulatory agreement executed with a governmental agency for purposes of providing housing for low income households and very low income households. Said deed of trust shall be recorded prior to issuance of building permits. Provided, however, to allow timely construction in the event of unanticipated consequences, an Applicant may pay one hundred percent (100%) of fees to obtain issuance of building permits. Thereafter, upon approval of the Agency Engineer and upon execution and recordation of the fee waiver Agreement and deed of trust, the Applicant may be eligible for refund of the fees so paid, which shall thereafter be subject to the terms of the fee waiver Agreement.

C. Annual Cap. All fee waiver applications shall be subject to the cap provisions set for the in Section 2.70.080. No fee waiver applications will be accepted if the cap, as set forth in Section 2.70.080, has been reached for the fiscal year in which a fee waiver application is submitted. No waiting lists will be maintained by the Sacramento County Water Agency.

D. Other Requirements. All of the following requirements must be satisfied prior to approval of a fee waiver:

1. submittal to the Sacramento County Water Agency of a complete application, including a Certification Letter and a preliminary title report;
2. deposit of all application and administrative fees pursuant to Section 2.70.120;
3. recordation of the deed of trust pursuant to subsection (B); and
4. execution and recordation of a waiver Agreement

E. Partial Reconveyances. For a single family Qualified Residential Project, a partial release (reconveyance) from the deed of trust per individual unit shall be executed by the SCWA upon receipt of written request from the title company handling the escrow of said unit and receipt of the Release from SHRA. For multifamily Qualified Residential Projects, a release from the deed of trust shall be executed by the SCWA upon receipt of written request from the title company handling the permanent loan financing and receipt of the Release from SHRA.

F. Failure to Provide Very Low Income Housing. Notification to the Agency Engineer by SHRA of failure of any single or multi-family residential project to provide the percentages of Affordable Rents or Affordable Housing Costs for Very Low Income Households for which a fee waiver was sought pursuant to this Chapter shall result in

the imposition of interest penalties calculated from the date of recordation of the fee waiver Agreement and deed of trust pursuant to Section 2.70.090 to the date of payment of the fees secured by the deed of trust pursuant to the provisions set forth in the executed Agreement.

G. Waiver Non-Transferable. The approval of a fee waiver pursuant to this Chapter for a Qualified Residential Project shall not be transferable to another project regardless of whether the Applicant is the same for both projects or whether the other project is also a Qualified Residential Project.

H. Waiver Compliance Period (24 Months). A fee waiver shall be valid for a maximum twenty-four (24) months from the date of recordation of the fee waiver Agreement and deed of trust. If the Agency Engineer does not receive either of the following by the last day of the twenty-four (24) month period, all fees shall be due and payable pursuant to the provisions of the fee waiver Agreement and shall be subject to the interest provisions of Section 2.70.090: 1) a Release from SHRA, or 2) notification from SHRA that the Qualified Residential Project continues under construction with an estimated completion date within an additional twelve (12) month period. If the later notification from SHRA is provided to the Agency Engineer, a Release from SHRA must subsequently be provided to the Agency Engineer not later than the last day of the additional twelve (12) month period to avoid all fees becoming due and payable with the imposition of interest pursuant to the fee waiver Agreement and the interest provisions of Section 2.70.090.

I. Mixed Very Low Income and Market-Rate Housing. In the event that a single-family Qualified Residential Project plans to sell or rent units both at market rate and for Very Low Income Households, the Applicant shall submit a copy of the tentative or final subdivision or parcel map for said single-family Qualified Residential Project identifying all units for which a waiver is sought pursuant to this Chapter. The tentative or final subdivision or parcel map shall be submitted with the fee waiver application. Prior to final map recordation, subsequent one-for-one changes of the identification of market rate and Very Low Income Household units on the tentative subdivision or parcel map shall require prior written approval of the Agency Engineer and shall be permitted only if the same deed of trust encumbers both of the lots for which the changes is requested and provided that the percentage of Very Low Income Household units as set forth in the fee waiver application for said single-family Qualified Residential Project and the accompanying Certification Letter is not increased or decreased. Final map recordation of the tentative subdivision map shall be required to be in substantial conformance with the entire tentative subdivision map per Government Code Section 66442. Subsequent to final map recordation, one-for-one changes shall require prior written approval of the Agency Engineer and shall be permitted only if the same deed of trust encumbers both of the lots for which the change is requested and provided that the percentage of Very Low Income Household units as set forth in the fee waiver application for the entire single-family Qualified Residential Project and the Certification Letter is not increased or decreased. (WAO-0072 § 6, 2008; WAO-0069 § 1, 2007)

## **2.70.060 Deferral and Waiver Program.**

A. Percentage of Very Low and Low Income Households. A Qualified Residential Project which a Certification Letter indicates includes at least ten percent

(10%) of units with Affordable Rents or Affordable Housing Costs for Very Low Income Households; or at least forty-nine percent (49%) of units with Affordable Rents or Affordable Housing Costs for Low Income Households, of which at least ten percent (10%) of said units are with Affordable Rents or Affordable Housing Costs for Very Low Income Households, may file an application with the Sacramento County Water Agency to request a combination of deferral and waiver of any of those fees enumerated in Section 2.70.020 of this Chapter. The specific percentage of types of units to be offered in a residential development project must be specified in the Certification Letter and included in the fee deferral and waiver application prior to acceptance thereof. Only residential development projects for which a Certification Letter is received by the Sacramento County Water Agency directly from SHRA may apply for a fee waiver under this Section in combination with a fee deferral. An application requesting both fee deferral and waiver shall be subject to all provisions set forth in this Chapter. Pursuant to Section 2.70.070, a single Agreement shall be entered into by an Applicant requesting both deferral and waiver of fees for one project.

B. Security – Deed of Trust. Security in the form of a deed of trust shall be provided in the same manner as provided in Section 2.70.040(C) and Section 2.70.050(B) of this Chapter.

C. Single Family Projects. For a fee deferral and waiver for a single-family Qualified Residential Project, the Applicant shall submit a copy of the tentative or final subdivision or parcel map for said single-family Qualified Residential Project identifying each unit for which a deferral is sought and each unit for which a waiver is sought. In the event that the single-family Qualified Residential Project includes units offered at market rate, these units shall also be identified on said tentative or final subdivision or parcel map. The tentative or final subdivision or parcel map shall be submitted with the fee deferral and waiver application. Prior to final map recordation, subsequent one-for-one changes of the identification of units on the tentative subdivision or parcel map shall require prior written approval of the Agency Engineer and shall be permitted only if the same deed of trust encumbers both of the lots for which the change is requested and provided that the percentage of Very Low Income Household units and Low Income Household units as set forth in the fee deferral and waiver application for said single-family Qualified Residential Project and the accompanying Certification Letter is not increased or decreased. Final map recordation of the tentative subdivision map shall be required to be in substantial conformance with the entire tentative subdivision map per Government Code Section 66442. Subsequent to final map recordation, one-for-one changes require prior written approval of the Agency Engineer and shall be permitted only if the same deed of trust encumbers both of the lots for which the change is requested and provided that the percentage of Low Income and Very Low Income Household units as set forth in the fee deferral and waiver application for the entire single-family Qualified Residential Project and the accompanying Certification Letter is not increased or decreased.

D. Failure to Provide Very Low Income Housing. Notification to the Agency Engineer by SHRA of failure of any single or multi-family residential project to provide the percentages of Affordable Rents or Affordable Housing Costs for Low Income and Very Low Income Households for which a fee deferral and waiver was sought pursuant to this Chapter shall result in the imposition of interest penalties calculated from the date



of recordation of the fee deferral and waiver Agreement and deed of trust pursuant to Section 2.70.090 to the date of payment of the fees secured by the deed of trust pursuant to the provisions set forth in the executed Agreement.

E. No Conversion of Waiver to Deferral. Upon execution of the fee deferral and waiver Agreement, an Applicant who fails to provide the percentage of Affordable Rents or Affordable Housing Costs for Very Low Income Households in either a single or multi-family project for which a fee waiver is sought in combination with a fee deferral request shall not be permitted to subsequently request a fee deferral for any portion of the units that no longer qualify for a waiver of fees. Notwithstanding the foregoing, upon approval of the Agency Engineer, deferrals may be converted to waivers if the requirements for waivers are met.

F. Deferral and Waiver Non-Transferable. The approval of a fee deferral and waiver for a Qualified Residential Project shall not be transferable to another project regardless of whether the Applicant is the same for both projects or whether the other project is also a Qualified Residential Project.

G. Deferral and Waiver Compliance Period (24 Months). Fee deferral and waiver approvals shall be valid for a maximum twenty-four (24) months from the date of recordation of the fee deferral and waiver Agreement and deed of trust. If the Agency Engineer does not receive either of the following by the last day of the twenty-four (24) month period, all fees shall be due and payable pursuant to the provisions of the fee deferral and waiver Agreement and shall be subject to the interest provisions of Section 2.70.090: 1) a Release from SHRA, or 2) notification from SHRA that the Qualified Residential Project continues under construction with an estimated completion date within an additional twelve (12) month period. If the latter notification from SHRA is provided to the Agency Engineer, a Release from SHRA must subsequently be provided to the Agency Engineer not later than the last day of the additional twelve (12) months period to avoid all fees becoming due and payable with the imposition of interest pursuant to the fee waiver Agreement and the interest provisions of Section 2.70.090. (WAO-0072 § 6, 2008; WAO-0069 § 1, 2007)

#### **2.70.070 Deferral, Waiver and Subordination Agreements.**

Upon verification by the Agency Engineer of receipt of a complete application, the Applicant shall enter into a deferral or waiver Agreement or a single Agreement for both with the Water Agency in a form satisfactory to the Agency Engineer and approved by the County Counsel. Such Agreement shall, at a minimum, be site specific and provide for the enforcement of the provisions of this Chapter and shall be recorded with the Sacramento County Recorder's Office. A single Agreement shall be entered into for each project whether or not the Applicant is the same for multiple projects. In addition, the Applicant shall execute a separate subordination agreement for each encumbrance or deed of trust other than one which secures repayment of acquisition or construction financing and other than for a regulatory agreement with a governmental agency for purposes of providing housing for low income households and very low income households existing at the time of execution of the deferral or waiver or deferral and waiver Agreement. Authority to execute these agreements on behalf of the Water Agency is hereby delegated to the Agency Engineer, subject to approval of the County Counsel as to form. (WAO-0072 § 6, 2008; WAO-0069 § 1, 2007)

#### **2.70.080 Fee Waiver Cap.**

A. The total number of fee waivers to be approved by the Sacramento County Water Agency shall be capped annually at 200 dwelling units or five percent (5%) of the number of dwelling units for which residential building permits for new construction were issued in the SCWA Zone 11 area of the County in the previous fiscal year, whichever is greater. Calculation of the annual number of dwelling units shall be based on the County's fiscal year.

B. For purposes of calculation of the cap, the date of the Certification Letter shall determine in which fiscal year the dwelling units for a particular Qualified Residential Project will be included. For the sole purpose of calculation of the cap, SHRA may, with the prior approval of the Agency Engineer, substitute a Certification Letter for a new Qualified Residential Project for another Qualified Residential Project which already has a Certification Letter on file with the Sacramento County Water Agency only if this substitution occurs prior to the execution of the fee waiver Agreement or fee deferral and waiver Agreement for the Qualified Residential Project already on file with the Sacramento County Water Agency. No substitutions whatsoever shall occur after execution of the fee waiver Agreement.

C. Failure to reach the cap in a particular fiscal year shall not result in a rollover of the surplus dwellings units to the next fiscal year.

D. A Qualified Residential Project which does not execute the waiver or deferral and waiver Agreement within the fiscal year for which it has qualified under the cap, may, with prior written notification to the Agency Engineer, roll-over the Certification Letter until the end of the subsequent fiscal year. The rollover shall not be counted to the subsequent fiscal year calculation of the cap. No additional extensions shall be permitted. Failure of a Qualified Residential Project to execute the waiver or deferral and waiver Agreement within the extension period of time provided for in this Section shall result in the purging of the Certification Letter for said project from the Sacramento County Water Agency files. Ensuing requests for a fee waiver for the same project shall require the re-submittal of new documentation, including a new application and Certification Letter and payment of new application and administrative fees. Re-submittal shall be given no priority over new applications for a fee waiver and shall be subject to the provisions of the cap set forth in this Section in the same manner as new applications.

E. Failure of a particular Applicant to satisfy the requirements set forth in this Section for the Fee Waiver Program subsequent to recordation of a waiver Agreement or deferral and waiver Agreement shall not result in the replacement of those dwelling units into the pool of dwelling units available pursuant to the cap in a particular fiscal year. (WAO-0072 § 6, 2008; WAO-0069 § 1, 2007)

#### **2.70.090 Interest.**

A. For Qualified Residential Projects, which have been approved for a deferral of fees pursuant to this Chapter, no interest shall accrue during the twenty-four (24) months immediately following recordation of the Agreement and deed of trust. However, in the event that the Applicant fails to provide the percentage of Low or Very Low Income units or rentals as stated in the fee deferral application, an interest penalty equal to the annual rate of interest earned by the Treasurer of the County of

Sacramento on the investment of pooled funds on that amount of disqualified deferred fees, computed from the date of recordation of the Agreement, shall be assessed and shall be due and payable pursuant to the provisions of the Agreement.

B. For Qualified Residential Projects, which have been approved for a waiver of fees or a combination deferral and waiver of fees pursuant to this Chapter, no interest shall accrue during the twenty-four (24) months immediately following recordation of the Agreement and deed of trust. In the event that an Applicant fails to provide the percentage of Low or Very Low Income units approved in the fee waiver application or fee deferral and waiver application, an interest penalty equal to the annual rate of interest earned by the Treasurer of the County of Sacramento on the investment of pooled funds on that amount of disqualified waived or deferred and waived fees, computed from the date of recordation of the fee waiver Agreement or fee deferral and waiver Agreement and deed of trust, shall be assessed and shall be due and payable pursuant to the provisions of the Agreement.

C. If SHRA provides notification to the Agency Engineer not later than the last day of the above-referenced twenty-four (24) month period that the Qualified Residential Project continues under construction with an estimated completion date within an additional twelve (12) months, the above-referenced twenty-four (24) month period shall be extended to completion of construction or for an additional twelve (12) months, which is earlier. (WAO-0072 § 6, 2008; WAO-0069 § 1, 2007)

#### **2.70.100 Fee Increase.**

Fees which qualify for a fee deferral or waiver or a combination fee deferral and waiver shall not be subject to fee increases which may occur from the date of recordation of the Agreement to the end of the maximum deferral or waiver compliance period permitted under this Chapter. However, subsequent applications for the same Qualified Residential Project shall be subject to the fee rate in effect at the time of submittal of the subsequent application. (WAO-0072 § 6, 2008; WAO-0069 § 1, 2007)

#### **2.70.110 Recordation Costs.**

All cost of recordation of documents required pursuant to this Chapter shall be paid by the Applicant. (WAO-0072 § 6, 2008; WAO-0069 § 1, 2007)

#### **2.70.120 Fee Deferral/ Waiver Application and Administrative Processing Fees.**

A non-refundable fee deferral/waiver application fee as follows is hereby established and shall be paid at the time of application for a fee deferral or fee waiver or fee deferral and waiver pursuant to this Chapter for the purpose of funding the costs of administering the fee deferral/waiver program established by this Chapter. These fees may from time to time be revised by resolution of the Board of Directors to recover costs of administering the program. The Agency Engineer may utilize an application form combined with other local governmental agencies which have enacted identical or substantially similar programs which are administered by the County and for which County acts as fiscal agent. The fee shall be \$1,000.00 for one governmental agency included in the application, and the fee shall increase \$275.00 for each additional governmental agency included in the application. (WAO-0072 § 6, 2008; WAO-0069 § 1, 2007)

**CHAPTER 2.75**  
**PLACER COUNTY DRY CREEK FAIR SHARE FEES**

Section(s):

2.75.010 Placer County Dry Creek Fair Share Fees

**2.75.010 Placer County Dry Creek Fair Share Fees.**

A. Developments in the Linda Creek Watershed shall, Prior to improvement plan approval or recordation of the final map, whichever occurs first, pay a fair share contribution to the costs of: delineating wetlands, preparing a drainage master plan, acquiring right-of-way for and constructing flood control detention, and providing environmental mitigation for drainage improvements, as determined in the drainage master plan for that watershed. The fair share contribution shall be that amount shown on the Fee Schedule in Appendix 1 of the Fee Plan.

B. Development in the Dry Creek Watershed flowing toward Placer County prior to improvement plan approval or recordation of the final map, whichever occurs first, shall pay the drainage fee as identified in the Placer County Dry Creek Watershed Flood Control Plan. The amount of this fee shall be the amount shown on the Fee Schedule in Appendix 1 of the Fee Plan.

C. This fee shall be adjusted annually, pursuant to Section 2.50.080 of this Title.

D. Development in drainage sheds of the Natomas East Main Drainage Canal and its Tributaries shall, prior to improvement plan approval or recordation of the final map, whichever occurs first, pay the drainage fee as indicated on Fee Schedule, Appendix 1 of the Fee Plan. (WAO-0069 § 1, 2007)

## **CHAPTER 2.80**

### **VINEYARD SPRINGS SUPPLEMENTAL DRAINAGE FEE**

#### **Sections:**

2.80.005	Findings of Fact
2.80.010	Purpose
2.80.020	Definitions
2.80.030	Establishment and Administration of Vineyard Springs Supplemental Drainage Mitigation Fund
2.80.040	Payment of Supplemental Drainage Development Fee
2.80.050	Payment of Development Fees
2.80.060	Adoption of the Vineyard Springs Drainage Fee Study
2.80.070	Establishment of Supplemental Drainage Fees
2.80.080	Calculation of Development Fees
2.80.090	Alternative Method and Compliance with Other Laws
2.80.100	Credit of Fees
2.80.110	Amount of Credits
2.80.120	Procedure for Credits
2.80.130	Annual Fee and Credit Schedule Adjustment
2.80.140	Reimbursement Agreements
2.80.150	Procedure for Reimbursement
2.80.160	Fee Study

#### **2.80.005 Findings of Fact.**

A. The Sacramento County Board of Supervisors adopted the Vineyard Springs Comprehensive Plan ("VSCP") Public Facilities Financing Plan on June 7, 2000, and estimated \$20.5 million in drainage facilities required for the VSCP area. Many of these facilities are funded by Zone 11A of the Sacramento County Water Agency; however a Supplemental Drainage Fee is required to fund various appurtenances that are not provided for in the current Zone 11A fee structure.

B. The Board hereby finds that the development and construction within the VSCP Area will result in coverage of land with impervious surfaces, including, but not limited to, pavements, building roofs, driveways and parking areas. The reduction in the pervious land area and more efficient drainage due to construction of storm drains and channel improvements will result in a reduction of the infiltration of storm rainfall, causing an increase in the flow rate of storm water runoff, an increase in the volume of storm water runoff for certain storm events, and storm water quality degradation.

C. A number of the drainage facilities required to be constructed to conform to the approved drainage studies of the Vineyard Springs Comprehensive Plan and Florin Vineyard Gap Community Plan, while technically Trunk Drainage Facilities in that they serve a watershed area of thirty (30) acres or greater, are nevertheless beyond the scope of anticipated Zone 11A drainage infrastructure funding and are therefore ineligible for payment from Zone 11A ("Non-Zone 11A Drainage Facilities"). The Non-Zone 11A Drainage Facilities that are ineligible for payment from Zone 11A are identified in the Vineyard Springs Drainage Fee Study. Such Non-Zone 11A Drainage Facilities may be eligible for payment to be authorized and funded by the supplemental

drainage fee adopted herein.

D. In order to pay certain costs associated with Non-Zone 11A Drainage Facilities required by the Drainage Master Plan Update and the Clean Water Act Section 404 Permit, a Vineyard Springs Supplemental Drainage Impact Fee was adopted by the Sacramento County Water Agency Board of Directors on July 15, 2003, with this Chapter being subsequently added on August 5, 2003. Subsequent drainage analyses, changes in federal permitting requirements, and approval of adjacent plan areas of North Vineyard Station and Florin Vineyard Gap support revisions to the drainage cost estimate.

E. The Board hereby finds that the development described in the VSCP will require construction of the drainage facilities described in the Supplemental Fee Study. (WAO-0090 § 2, 2015; WAO-0070 § 1, 2007; WAO-0069 § 1, 2007)

#### **2.80.010 Purpose.**

A. The Sacramento County General Plan requires that areas chosen for urban expansion shall be capable of being provided within a reasonable period of time with an adequate level of public facilities, including drainage facilities.

B. The General Plan further requires the preparation of a plan that identifies a mechanism for financing those facilities necessary to serve urban development in areas designated for urban expansion. The general plan also contains additional policies for providing adequate drainage facilities.

C. The purpose of this Chapter is to implement the General Plan requirements set forth in subdivisions (A) and (B) of this Section and to use the authority in Article XI, Section 7 of the California Constitution by imposing development fees to fund the estimated cost of certain drainage facilities and services the need for which is directly or indirectly generated by the type and level of development proposed for the Vineyard Springs Supplemental Fee Plan Area.

D. It is also the purpose of this Chapter to require that adequate provision is made for developer financed drainage facilities within the Vineyard Springs Supplemental Fee Plan Area prior to approval of certain plans and permits within said area. (WAO-0090 § 3, 2015; WAO-0069 § 1, 2007)

#### **2.80.020 Definitions.**

A. "Acreage" means the gross acreage of any property within the Vineyard Springs Supplemental Fee Plan Area minus the acreage of major drainage channels, which cannot be developed.

B. "Administrator" means the Administrator of the Sacramento County Municipal Services Agency.

C. "Agency" means the Sacramento County Water Agency.

D. "Agency Engineer" means the Director of the Sacramento County Water Resources Department of the Sacramento County Municipal Services Agency or his or her designee.

E. "Board" means the Board of Directors of the Sacramento County Water Agency.

F. "Building Permit" means the permit issued or required for the construction or improvement of new or additional square footage for any structure pursuant to and as defined by the Sacramento County Building Code.

G. "Costs" means amounts spent, or authorized to be spent, in connection with the planning, financing, acquisition and development of a facility including, without limitation, the cost of land, construction, engineering, administration, and consulting fees.

H. "County" means the County of Sacramento.

I. "Drainage Facilities" means those public facilities designated in the Vineyard Springs Supplemental Fee Plan.

J. "Estimated Cost" means the cost of constructing a facility based upon the unit costs for each construction item plus a fixed percentage of 20% for inspection, materials testing, design and construction survey, engineering and administration set forth in the Supplemental Drainage Fee.

K. "Improvement Plan" means a plan for private or public improvements which are to be accepted for maintenance by the Agency or the County, and which is prepared in accordance with the requirements of the latest edition of the County of Sacramento Standard Construction Specifications and the County of Sacramento Improvement Standards.

L. "Planning Director" means the Director of the Sacramento County Department of Community Development, or successor department thereto.

M. "Supplemental Drainage Fee" means the fee required by this Chapter to be a condition on changes of land use zones and to be collected upon approval of building permits within the Vineyard Springs Supplemental Fee Plan Area.

N. "Vineyard Springs Public Facilities Financing Plan" means the plan, including any amendments thereto, adopted by resolution by the Sacramento County Board of Supervisors for the financing of designated facilities to serve the Vineyard Springs PFFP area, including, but not limited to, a designation of those facilities to be constructed with the development fees collected pursuant to this Chapter, the schedule for commencement of construction, the estimated cost of constructing the facilities, and the total number of acres within the Vineyard Springs PFFP area.

O. "Vineyard Springs Public Facilities Financing Plan Area" means all property located within the geographic area comprising the Vineyard Springs PFFP area. This area is bounded on the west by Bradshaw Road, on the south by Calvine Road, on the east by Excelsior Road, and on the north by Gerber Road. A legal description of this property is on file with the Clerk of the Board of Supervisors and is by this reference incorporated herein.

P. "Vineyard Springs Drainage Fee Study" means the study, including any amendments thereto, adopted by the Board for the financing of designated drainage facilities to serve the Vineyard Springs Supplemental Fee Plan Area, including, but not limited to a designation of those facilities to be constructed with the development fees collected pursuant to this Chapter, the approximate schedule for commencement of construction, the estimated cost of constructing the facilities and the total number of acres affected within the Vineyard Springs Supplemental Fee Plan Area.

Q. "Vineyard Springs Comprehensive Plan Drainage Master Plan" means the Final Drainage Master Plan report dated June 22, 1999, including any amendments thereto, and included by reference in the Vineyard Springs PFFP.

R. "Vineyard Springs Supplemental Drainage Fund" means that special interest-bearing trust fund established pursuant to Section 2.80.030.

S. “Vineyard Springs Supplemental Fee Plan Area” means the property within the area defined and described in the Vineyard Springs Drainage Fee Study. (WAO-0090 § 4, 2015; WAO-0072 § 7, 2008; WAO-0069 § 1, 2007)

#### **2.80.030 Establishment and Administration of Vineyard Springs Supplemental Drainage Mitigation Fund.**

A. The drainage fee was established in fiscal year 2004-05 by the Agency as a special interest-bearing fund entitled the Vineyard Springs Supplemental Drainage Fund. All drainage development fees collected pursuant to this Chapter shall be placed in said fund and shall be expended solely to pay the costs of drainage facilities located within the Vineyard Springs Supplemental Fee Plan Area, downstream on Upper Laguna Creek from Bradshaw Road to Calvine Road, and at the proposed detention site on Upper Laguna Creek in the Triangle Rock mining pit as identified in the Updated VSCP Drainage Fee Study dated June 2007 and on the upper reach of Gerber Creek as described in the 2015 Engineer’s Report for the Vineyard Springs Supplemental Drainage Fee (Zone 11W).

B. The Vineyard Springs Supplemental Drainage Fund shall be a financial component of Zone 11A of the Sacramento County Water Agency, and shall be known as Zone 11W.

C. Any fund or funds required to be established and maintained herein may be established and maintained in the accounting records either as an account or fund, and may, for the purpose of such accounting records, any audits thereof and any reports or statements with respect thereto, may be treated either as an account or fund; but all such records with respect to such fund shall be at all times maintained in accordance with sound accounting practice.

D. Any excess fees remaining after construction of all drainage facilities described in the Vineyard Springs Drainage Fee Study shall remain in the fund for use in geomorphologic and environmental remediation work on Upper Laguna Creek upstream of Calvine Road and on Gerber Creek. (WAO-0090 § 5, 2015; WAO-0070 § 2, 2007; WAO-0069 § 1, 2007)

#### **2.80.040 Payment of Supplemental Drainage Development Fee.**

All fees required by this Chapter shall be paid prior to or concurrently with the (1) issuance of a building permit or (2) approval of improvement plans by the Agency, whichever occurs first. (WAO-0069 § 1, 2007)

#### **2.80.050 Payment of Development Fees.**

A. The fees imposed pursuant to this Chapter shall be paid by the property owner to the Agency in an amount calculated pursuant to section 2.80.080. The fees shall be calculated at the time of approval of improvement plans and shall be paid upon approval of improvement plans. For projects that are subject to building permits, but not improvement plan approval, the fees shall be both calculated and paid upon issuance of the building permits.

B. For property for which the development fees established by this Chapter were previously paid pursuant to this Section or pursuant to an interim fee agreement adopted by the Board at the time of improvement plan approval, said development fees already collected shall not be refunded for the purpose of later payment at time of



building permit approval. Adjustments to said fees pursuant to the terms of such interim fee agreements shall be provided. (WAO-0069 § 1, 2007)

**2.80.060 Adoption of the Vineyard Springs Drainage Fee Study.**

A. The Board of Directors shall by resolution adopt the Vineyard Springs Drainage Fee Study.

B. With the exception of facilities approved by the Agency Engineer for construction by a property owner pursuant to Section 2.80.110, all facilities shall be constructed in accordance with the schedule established in the Vineyard Springs Drainage Fee Study adopted by the Board.

C. Within one hundred and eighty (180) days after the last day of the fiscal year, the Agency shall make available to the public the information required by Government Code section 66006.

D. The Board shall review the Vineyard Springs Drainage Fee Study at least every five years, or more often if it deems it appropriate, and make any finding required by Government Code section 66001. The Board may amend the fee by resolution at its discretion. (WAO-0090 § 6, 2015; WAO-0069 § 1, 2007)

**2.80.070 Establishment of Supplemental Drainage Fees.**

A separate development fee is hereby established for supplemental drainage facilities within the Vineyard Springs Supplemental Fee Plan Area. The foregoing drainage fees shall apply uniformly throughout the Vineyard Springs Supplemental Fee Plan Area based on increased percentage of impervious area at rates listed in Schedule W of the Vineyard Springs Drainage Fee Study. (WAO-0090 § 6, 2015; WAO-0069 § 1, 2007)

**2.80.080 Calculation of Development Fees.**

A. The development fees set forth in Section 2.80.040 shall be calculated in accordance with Schedule W of the Vineyard Springs Drainage Fee Study.

B. Unless otherwise set forth in this Chapter, the fee shall be recalculated each year based on the method described in Section 2.50.080 of this Title. (WAO-0090 § 6, 2015; WAO-0069 § 1, 2007)

**2.80.090 Alternative Method and Compliance with Other Laws.**

This Chapter is intended to establish a supplemental method for funding the cost of certain facilities and services the need for which will be generated by the level and type of development proposed in the Vineyard Springs Supplemental Fee Plan Area. The provisions of this Chapter shall not be construed to limit the power of the Board to impose any other fees or exactions or to continue to impose existing ones, on development within the Vineyard Springs Supplemental Fee Plan Area, but shall be in addition to any other requirements which the Board is authorized to impose, or has previously imposed, as a condition of approving plans, rezonings or other entitlements within the Vineyard Springs Supplemental Fee Plan Area pursuant to state and local laws. In particular, individual property owners shall remain obligated to fund, construct, and/or dedicate the improvements, public facilities and other exactions required by, but not limited to: (a) the Sacramento County Department of Municipal Services Improvement Standards; (b) the Quimby Act (Government Code section 66477 et seq.) and implementing ordinances (Chapter 22.40 of the Sacramento County Code); (c)

school impact fees (Government Code sections 65970 et seq.) and implementing ordinances (Chapter 16.50 of the Sacramento County Code); and other drainage fees imposed by this code. (WAO-0090 § 6, 2015; WAO-0069 § 1, 2007)

#### **2.80.100 Credit of Fees.**

A. A property owner may be entitled to a credit against any fees or charges due pursuant to this Chapter if the following conditions are met: (1) the property owner has constructed drainage facilities or performed environmental mitigation which was required as part of the Vineyard Springs Supplemental Drainage Fee Study; and (2) such facilities were designed to serve a watershed area of thirty acres or greater; and (3) such facilities were required by the Agency in connection with development or new construction within the Supplemental Fee Plan Area; and (4) such facilities were constructed pursuant to improvement plans approved by the Agency Engineer.

B. The credit allowed pursuant to this Section shall be allowed against the fees required to be paid as described in Section 2.80.040 hereof. No credit allowed pursuant to this Section shall be transferred. (WAO-0090 § 6, 2015; WAO-0069 § 1, 2007)

#### **2.80.110 Amount of Credits.**

The amount of credits authorized for the construction of drainage facilities shall be computed for each category of work in the manner described below and as further described in the Vineyard Springs Drainage Fee Study.

A. The unit prices and credit schedule as described in the Vineyard Springs Drainage Fee Study set the credits available for the following activities, and no additional compensation is allowed.

1. Riparian Enhancement and Landscaping. Credits will be issued for linear creek landscaping and basin perimeter landscaping.

2. Basin Perimeter Landscaping. Credits will be issued for construction of basin perimeter landscaping.

3. Erosion Control. Credits will be issued for construction of erosion control.

4. Linear Water Quality Features. Credits will be issued for construction of linear water quality features.

5. Drainage Right of Way Acquisition. Credits will be issued for acquisition of drainage right of way.

B. The following items are compensated in accordance with Chapter 2.55 and its Schedule D unit prices as indicated on Schedule W of the Vineyard Springs Drainage Fee Study, and no additional compensation is allowed.

1. Trails and Drainage Maintenance Access. Credits will be issued for construction of trails in accordance with Chapter 2.55 and Schedule D.

2. Creek Trail Crossings. Credits will be issued for construction of trail crossings.

3. Low Flow Driveway Crossings. Credits will be issued for construction of driveway crossings.

4. Construct Temporary Weir. Credits will be issued for construction of the temporary weir at the G46 Basin. (WAO-0090 § 11, 2015; WAO-0070 § 3, 2007; WAO-0069 § 1, 2007)

### **2.80.120 Procedure for Credits.**

A. Any person desiring credits for the construction of drainage facilities shall, prior to approval of improvement plans for the drainage facilities, execute an agreement with the Agency authorizing tentative credits ("credit agreement"). The Board of Directors must approve credit agreements in an amount in excess of \$100,000. The Agency Engineer may approve credit agreements in an amount of \$100,000 or less.

B. Tentative credits may be allocated prior to execution of the Credit Agreement, in order to subtract credits from fees at the time fees are due.

C. For Credit Agreements based on acquisition of real estate, credits may be issued upon transfer of title to the County or where applicable, other government agency or park district (in accordance with the Preserve Management Agreement) and conditioned upon recordation of a drainage easement. Costs are limited to the amounts provided in the Value Study as described in the Vineyard Springs Drainage Fee Study, plus annual adjustments, in accordance with this Chapter. The Value Study may be updated as the Agency deems necessary, and adjustments to the fee and credit schedule shall be revised accordingly. The acceptance of a drainage easement will generally occur when the improvement plans for the trunk drainage facility are approved, though earlier acceptance may occur at the discretion of the Agency.

D. For Credit Agreements based on endangered species mitigation, credits may be issued upon approval of improvement plans, payment of the mitigation fee or upon transfer of title.

E. For Credit Agreements for construction of drainage facilities, upon final field acceptance of drainage facilities, the as-built quantities shall be determined and the credits shall be corrected as necessary. The person receiving tentative credits shall agree that, if tentative credits allocated exceed the final credits, the excess amount shall be reimbursed to the Agency within 60 days of notice of such amount.

F. The person receiving tentative credits shall agree that if the facilities are not accepted by the Agency, all tentative credits allocated shall be reimbursed to the Agency within 60 days of notice of non-acceptance of the drainage facilities.

G. Apportionment of Credits. Except as set forth in this Section, credits shall only be applied against fees and charges due as a result of development or new construction on the parcel(s) served by the trunk drainage facilities for which the credits are given. Credits may not be assigned to other parcels after the credit agreement is signed.

H. Credits may only be apportioned to other parcels, within the text of a credit agreement, if the Agency Engineer determines:

1. Title to the parcels are held by the individual(s) or firm(s) who are signatory on the credit agreement;
2. Specific proportioning per parcel is described in the credit agreement;
3. The parcel(s) or parcels to which such credits are to be apportioned must be served by the drainage facilities for which credits are authorized;
4. Each property owner is signatory on the credit agreement.

I. When credits are apportioned, the credit amounts shall be based on the rates in effect on the date improvement plans are approved for the parcel to which credits have been apportioned.

J. Assignment of credit agreements. Credit balances may be assigned to a

future buyer of undeveloped land by use of an Assignment of Drainage Credits Agreement. Credits run with the land, so assignment of the drainage credit agreement is necessary whenever undeveloped land is subdivided and sold. This Agreement shall include the following: Date of the agreement; Legal names of assignee and assignor; the parcel number and specific dollar amount of the credits that are being assigned; and indemnification of the County by the assignor. (WAO-0090 § 6, 2015; WAO-0069 § 1, 2007)

**2.80.130 Annual Fee and Credit Schedule Adjustment.**

This fee and the unit prices for credits, as indicated in Section 2.80.110, shall be adjusted annually per Sections 2.50.080 and 2.55.060 of this Title. (WAO-0069 § 1, 2007)

**2.80.140 Reimbursement Agreements.**

Reimbursement shall conform to the following requirements:

- A. A reimbursement agreement shall be prepared and approved in accordance with Sections 2.60.030 and 2.60.040 of this Title.;
- B. Payment of reimbursement shall be as described in Section 2.60.050 of this Title;
- C. If adequate funds do not exist in the Vineyard Springs Supplemental Drainage Fund, reimbursement payments shall wait for development progress and corresponding fee revenue.
- D. If ample funds are available in the Zone 11W fund, reimbursement may be accelerated when allowed by the terms approved by the Agency Engineer. (WAO-0090 § 6, 2015; WAO-0069 § 1, 2007)

**2.80.150 Procedure for Reimbursement.**

Excess credits shall only be reimbursed pursuant to the terms of a reimbursement agreement executed by the Agency and the person entitled to such credits. (WAO-0069 § 1, 2007)

**2.80.160 Fee Study.**

The Vineyard Springs Supplemental Drainage Fee Study is hereby made a part of this Chapter serving to clarify and define the fee and credit program. (WAO-0090 § 14, 2015)

## **CHAPTER 2.81**

### **NORTH VINEYARD STATION SUPPLEMENTAL DRAINAGE FEE**

#### **Sections:**

2.81.005	Findings of Fact
2.81.010	Purpose
2.81.020	Definitions
2.81.030	Establishment and Administration of North Vineyard Station Supplemental Drainage Fund
2.81.040	Imposition of North Vineyard Station Supplemental Drainage Fee
2.81.050	Payment of Development Fees
2.81.060	Adoption and Compliance with Schedule of North Vineyard Station Public Facilities Financing Plan
2.81.070	Establishment of Supplemental Drainage Fees
2.81.080	Calculation of Development Fees
2.81.090	Alternative Method and Compliance with Other Laws
2.81.100	Credit of Fees
2.81.110	Credits - Measurement and Payment
2.81.120	Procedure for Credits
2.81.130	Annual Fee and Credit Schedule Adjustment
2.81.140	Reimbursement Agreements
2.81.150	Excess Funds
2.81.160	Fee Study

#### **2.81.005 Findings of Fact.**

A. On November 4, 1998, the Sacramento County Board of Supervisors approved Resolution No. 98-1338 titled "Resolution of the Board of Supervisors of the County of Sacramento, State of California, Amending the North Vineyard Station Portion of the Vineyard Community Plan and Adopting the North Vineyard Station Specific Plan" ("NVSSP").

B. As part of the NVSSP planning process, on behalf of certain specific developers, MacKay & Soms Civil Engineers, Inc. prepared a Drainage Master Plan dated January 30, 1998. Therein a Preferred Drainage Plan was identified. In connection therewith a Capital Improvement Program and Financing Strategy was also developed which identified cost estimates for the proposed "backbone" infrastructure along with potential funding sources. Thereafter, certain project proponents determined that it was not financially feasible to construct features in the Preferred Drainage Plan and therefore evaluated phasing alternatives which included pumping of stormwater from newly constructed detention basins to unimproved channels on an interim basis (a policy that was at that time prohibited within the NVSSP area) thereby deferring construction of improved drainage channels until sufficient development had occurred to generate sufficient drainage impact fee revenues to fund construction of the deferred drainage facilities. That phased plan of drainage facilities construction was thereupon incorporated into the North Vineyard Station Specific Plan Drainage Master Plan Update and Phasing report dated January 2003 prepared by Wood Rodgers, Inc. (the "Drainage Master Plan Update") in order to update the 1998 version of the Preferred Drainage

Master Plan for the NVSSP area. Accordingly, and in order to accommodate project proponents within the NVSSP area, the Drainage Master Plan Update was thereafter adopted by the Sacramento County Board of Supervisors on November 10, 2004, as part of its North Vineyard Station Specific Plan Public Facilities Financing Plan ("PFFP") prepared by Economic & Planning Systems, Inc. The Drainage Master Plan Update specified a phased sequence of development including issuance of required permits and the order of completing construction of specific drainage elements which were thereafter to be accepted by named public agencies. In 2015, the NVSSP Supplemental Drainage Fee Study was revised to modify phased construction sequence and increase the area of Zone 11N to envelope portions of Florin Vineyard Gap Community Plan. The NVSSP Supplemental Drainage Fee will be periodically updated and adopted.

C. The PFFP included estimated costs of constructing drainage facilities required by the Drainage Master Plan Update.

D. The PFFP provided that the costs of constructing the drainage facilities required by the Drainage Master Plan Update would be paid by the Sacramento County Water Agency from drainage development impact fees.

E. The NVSSP area is within the boundaries of the Sacramento County Water Agency's Zone 11A which administers a broad based drainage development impact fee program devoted solely to paying allowed construction costs of Trunk Drainage Facilities.

F. A number of the drainage facilities required to be constructed by the Drainage Master Plan Update, while technically Trunk Drainage Facilities in that they serve a watershed area of thirty acres or greater, are nevertheless beyond the scope of anticipated Zone 11A drainage infrastructure funding and are therefore ineligible for payment from Zone 11A ("Non-Zone 11A Drainage Facilities"). The Non-Zone 11A Drainage Facilities that are ineligible for payment from Zone 11A are identified in the North Vineyard Station Specific Plan Supplemental Drainage Fee Study which is attached and incorporated herein by this reference. Such Non-Zone 11A Drainage Facilities may be eligible for payment to be authorized and funded by the supplemental drainage fee adopted herein. Additionally, with regard to detention basin drainage facilities within the NVSSP area, while these may be eligible for Zone 11A payment, such payment from Zone 11A shall be limited to the level of compensation authorized by Zone 11A's payment program. Therefore, to the extent that additional compensation is payable for such detention basin facilities, all such additional compensation beyond that authorized and funded by the Zone 11A payment program shall be authorized and funded by the supplemental drainage fee program adopted herein.

G. In order to pay certain allowed construction costs of such Trunk Drainage Facilities which are not paid under the Zone 11A program but are required by the Drainage Master Plan Update and the Clean Water Act Section 404 Permit, the initial NVSSP Supplemental Drainage Impact Fee was adopted by the Sacramento County Water Agency Board of Directors on September 20, 2005, as Chapter 2.81 of the Sacramento County Water Agency Code, and was based upon the North Vineyard Station Specific Plan [Supplemental] Drainage Fee Study it approved on September 13, 2005 by WA-2612. The fee study is periodically updated in accordance and compliance with California Government Code 66001, et seq.

H. A new estimate of drainage right-of-way land values was approved by the Sacramento County Water Agency Board of Directors on August 10, 2010, and staff was directed to prepare a proposed update to the NVSSP Supplemental Drainage Impact Fee recognizing such changed values and other costs including Army Corps of Engineers permit requirements and various appurtenant facilities related to the phased nature of the drainage development program.

I. A Supplemental Drainage Fee is required in order to enable funding of those drainage facilities required to be constructed by the Drainage Master Plan Update but which are ineligible for funding by Zone 11A of the Sacramento County Water Agency.

J. The Board hereby finds that the development and construction within the NVSSP Area will result in coverage of land with impervious surfaces, including, but not limited to, pavements, building roofs, driveways and parking areas. The reduction in the pervious land area and more efficient drainage due to construction of storm drains and channel improvements will result in a reduction of the infiltration of storm rainfall, causing an increase in the flow rate of storm water runoff, an increase in the volume of storm water runoff for certain storm events, disruption of aquatic habitat, and storm water quality degradation.

K. The Board hereby finds that the development described in the NVSSP will require construction of the drainage facilities described in the Drainage Master Plan Update. (WAO-0089 § 1, 2015; WAO-0078 § 1, 2011; WAO-0069 § 1, 2007)

#### **2.81.010 Purpose.**

A. The Sacramento County General Plan requires that areas chosen for urban expansion shall be capable of being provided within a reasonable period of time with an adequate level of public facilities, including drainage facilities.

B. The General Plan further requires the preparation of a plan that identifies a mechanism for financing those facilities necessary to serve urban development in areas designated for urban expansion. The general plan also contains additional policies for supporting funding of adequate drainage facilities and the use of developer dedications and developer impact fees and other means to pay for acceptable levels of public service.

C. The purpose of this Chapter is to implement the General Plan requirements set forth in subdivisions (A) and (B) of this section and to use the authority in Article XI, Section 7 of the California Constitution by imposing a supplemental development impact fee to fund the estimated cost of certain Trunk Drainage Facilities and services, the need for which is directly or indirectly generated by the type and level of development proposed in the NVSSP area and the PFFP, as it may be amended from time to time.

D. It is also the purpose of this Chapter to require that adequate provision is made for developer financed drainage facilities within the NVSSP area as a condition to any rezoning and prior to approval of certain plans and permits within said NVSSP area. (WAO-0078 § 1, 2011 ; WAO-0069 § 1, 2007)

#### **2.81.020 Definitions.**

Except as expressly stated otherwise, the terms defined in Sacramento County Water Agency Code, Chapter 2.10 shall have the same meanings when used herein.

- A. "Board" means the Board of Directors of the Sacramento County Water Agency.
- B. "Costs" means amounts spent, or authorized to be spent, in connection with the planning, financing, acquisition and development of a facility including, without limitation, the cost of land, construction, engineering, administration, and consulting fees.
- C. "County" means the County of Sacramento.
- D. "NVSSP Drainage Facilities" means those public drainage facilities designated to be acquired, constructed and conveyed according to the schedule and as set forth in the Drainage Master Plan Update, as the same may be amended from time to time, and the NVSSP Supplemental Drainage Fee Study for this Supplemental Drainage Fee, as the same may be amended from time to time.
- E. "Drainage Master Plan" means the Drainage Master Plan report by Wood-Rodgers Engineering, dated January 2003, including any amendments thereto, and included by reference in the North Vineyard Station PFFP.
- F. "Improvement Plan" means the site plan of property proposed for development showing all required improvements that must be approved by the Municipal Services Agency pursuant to Chapter 12.03 of the Sacramento County Code prior to the issuance of a building permit for the property.
- G. "North Vineyard Station Supplemental Drainage Fee Facilities" (also "Non-Zone 11A Drainage Facilities" and the additional compensation authorized for such detention basin facilities beyond that authorized and funded by the Zone 11A payment program) means those NVSSP Drainage Facilities that are Trunk Drainage Facilities, costs for which are not included in the Zone 11A drainage impact fee program, and limited to those specifically described in the NVSSP Supplemental Drainage Fee Study as updated from time to time.
- H. "North Vineyard Station Specific Plan (NVSSP) Supplemental Drainage Fee Study" means the study, including any amendments thereto, adopted by the Board for the financing of NVSSP Supplemental Drainage Fee Facilities.
- I. "North Vineyard Station Specific Plan (NVSSP), Public Facilities Financing Plan (PFFP)" means plan, including any amendments thereto, adopted by resolution by the Sacramento County Board of Supervisors on November 10, 2004, for the financing of designated facilities to serve the North Vineyard Station PFFP area, including, but not limited to, a designation of those facilities to be constructed with the development fees collected pursuant to this Chapter, the schedule for commencement of construction, the estimated cost of constructing the facilities, and the total number of developable acres within the North Vineyard Station PFFP area.
- J. "North Vineyard Station Public Facilities Financing Plan Area" means all property located within the geographic area comprising the North Vineyard Station PFFP area. The NVSSP is approximately 1578 acres in size and is bounded by Florin Road on the north, Gerber Road on the south, the extension of Vineyard Road on the east, and Elder Creek (west side, top of channel) which roughly constitutes the western border. A legal description of this property is on file with the Clerk of the Board of Supervisors and is by this reference herein incorporated.
- K. "North Vineyard Station Supplemental Drainage Fund" means that special interest-bearing fund established pursuant to Section 2.81.030.



- L. "NVSSP" Abbreviation for the North Vineyard Station Specific Plan Area.
- M. "PFFP" Abbreviation for the North Vineyard Station Public Facilities Finance Plan as approved by the Sacramento County Board of Supervisors November 10, 2004.
- N. "Schedule D" – Credit unit prices listed for Zone 11A creditable facilities, as updated annually.
- O. "Supplemental Drainage Fee" means the fee required by this Chapter to be a condition on changes of land use zones and to be collected upon approval of building permits within the North Vineyard Station PFFP area.
- P. "Value/Valuation Study" – Valuation Study for North Vineyard Station Community Plan prepared by Pattison & Associates, Inc., dated May 27, 2009. The basis for real estate valuation in this Fee Plan and is hereby agreed to be reasonable. The Valuation Study may be updated and approved by the Board from time to time
- Q. "Zone 11A" – A zone of the Sacramento County Water Agency, in which the North Vineyard Station Plan Area lies, established for the development of Trunk Drainage Facilities, and includes the Zone 11A Fee Plan and Engineer's Report as periodically updated and adopted. (WAO-0089 § 2, 2015; WAO-0078 § 1, 2011; WAO-0072 § 8, 2008; WAO-0069 § 1, 2007)

#### **2.81.030 Establishment and Administration of North Vineyard Station Supplemental Drainage Fund.**

- A. There is hereby created by the Sacramento County Water Agency a special interest-bearing fund entitled the North Vineyard Station Supplemental Drainage Fund. All drainage development impact fees collected pursuant to this Chapter shall be placed in said fund and shall be expended by the Agency, or its successor, solely to pay the costs of NVSSP Supplemental Drainage Fee Facilities.
- B. The North Vineyard Station Supplemental Drainage Fund shall be a discrete financial component of Zone 11A of the Sacramento County Water Agency. The fund is isolated for the purposes of this Chapter 2.81.
- C. Any fund or funds required to be established and maintained herein may be established and maintained in the accounting records either as an account or fund, and may, for the purpose of such accounting records, any audits thereof and any reports or statements with respect thereto, be treated either as an account or fund. All such records with respect to such fund shall be at all times maintained in accordance with sound accounting practice.
- D. Any excess fees remaining after construction of all drainage facilities described in the North Vineyard Station Supplemental Drainage Fee shall remain in the fund for use in geomorphologic and environmental remediation work on Elder Creek and Gerber Creek watershed. (WAO-0089 § 3, 2015; WAO-0078 § 1, 2011; WAO-0069 § 1, 2007)

#### **2.81.040 Imposition of North Vineyard Station Supplemental Drainage Fee.**

Approval of any change in land use designation shall be subject to payment of the development impact fees established by this Chapter, unless otherwise determined by the Board of Supervisors. Issuance of any building permit or improvement plan shall be conditioned upon payment of the North Vineyard Station Supplemental Drainage Fee. All fees established by this Chapter shall be paid prior to or concurrently with the

(1) issuance of a building permit or (2) approval of improvement plans by the County, whichever occurs first. (WAO-0078 § 1, 2011; WAO-0069 § 1, 2007)

**2.81.050 Payment of Development Fees.**

A. The fees imposed pursuant to this Chapter shall be paid by the property owner to the Agency in an amount calculated pursuant to section 2.81.080. The fees shall be both calculated and paid upon approval of Improvement Plans using the fee schedule then current. For projects that are subject to building permits, but not Improvement Plan approval, the fees shall be both calculated and paid upon issuance of the building permits.

B. For property for which the development fees established by this Chapter were previously paid pursuant to this Section or pursuant to an interim fee agreement adopted by the Board at the time of improvement plan approval, said development fees already collected shall not be refunded for the purpose of later payment at time of building permit approval. Adjustments to said fees pursuant to the terms of such interim fee agreements shall be provided. (WAO-0089 § 4, 2015; WAO-0078 § 1, 2011; WAO-0069 § 1, 2007)

**2.81.060 Adoption and Compliance with Schedule of North Vineyard Station Public Facilities Financing Plan.**

A. The Board of Directors shall by resolution adopt the NVSSP Supplemental Drainage Fee Study.

B. With the exception of facilities approved by the Agency Engineer for construction by a property owner pursuant to section 2.81.110, all facilities shall be constructed in accordance with the schedule established in the NVSSP Supplemental Drainage Fee Study adopted by the Board.

C. Within one hundred eighty (180) days after the last day of the fiscal year, the Agency shall make available to the public the information required by Government Code section 66006.

D. The Board shall review the NVSSP Supplemental Drainage Fee Study at least every five years, or more often if it deems it appropriate, and make any finding required by Government Code section 66001. The Board may amend the fee by resolution at its discretion. (WAO-0089 § 4, 2015; WAO-0078 § 1, 2011; WAO-0069 § 1, 2007)

**2.81.070 Establishment of Supplemental Drainage Fees.**

A separate development impact fee is hereby established for supplemental drainage facilities within the North Vineyard Station Specific Plan Area. (WAO-0078 § 1, 2011; WAO-0069 § 1, 2007)

**2.81.080 Calculation of Development Fees.**

A. The development impact fees set forth in sections 2.81.040 shall be as shown on the fee schedule for the North Vineyard Station Supplemental Drainage Fee.

B. The fees and credits will be adjusted annually.

C. The supplemental drainage development impact fee is based in part upon on the following components: the North Vineyard Station PFFP, Real Estate Valuation Study by Pattison & Associates, construction costs provided by MacKay and Soms Engineering, and environmental costs provided by ECORP. (WAO-0089 § 4, 2015; WAO-0078 § 1, 2011; WAO-0069 § 1, 2007)

### **2.81.090 Alternative Method and Compliance with Other Laws.**

This Chapter is intended to establish a supplemental method for funding the cost of certain facilities and services the need for which will be generated by the level and type of development proposed in the North Vineyard Station PFFP area. The provisions of this Chapter shall not be construed as limiting the power of the Board to impose any other fees or exactions or to continue to impose existing ones, on development within the North Vineyard Station PFFP area, but shall be in addition to any other requirements which the Board is authorized to impose, or has previously imposed, as a condition of approving plans, re-zoning or other entitlements within the North Vineyard Station PFFP area pursuant to state and local laws. In particular, individual property owners shall remain obligated to fund, construct, and/or dedicate the improvements, public facilities and other exactions required by, but not limited to: (a) the Sacramento County Municipal Services Agency Improvement Standards; (b) the Quimby Act (Government Code section 66477 et seq.) and implementing ordinances (Chapter 22.40 of the Sacramento County Code); (c) school impact fees (Government Code sections 65970 et seq.) and implementing ordinances (Chapter 16.50 of the Sacramento County Code); and (d) other drainage fees imposed by this Code. The construction of facilities by a private owner pursuant to this Chapter shall be performed and contracted for only as required by law including, but not limited to, compliance with the Sacramento County Standard Construction Specifications, Sacramento County Improvements Standards, and requirements for public works, if applicable to the particular facility. (WAO-0078 § 1, 2011; WAO-0069 § 1, 2007)

### **2.81.100 Credit of Fees.**

A. In accordance with the provisions of Chapter 2.55 of Title 2 of the Sacramento Water Agency Code, a property owner may be entitled to a credit against any fees or charges due pursuant to this Chapter if the following conditions are met: (1) the property owner has constructed drainage facilities or performed environmental mitigation which was required as part of the NVSSP Supplemental Drainage Fee Study; (2) such facilities were Trunk Drainage Facilities designed to serve a watershed area of thirty acres or greater; (3) such facilities were required by the Agency in connection with development or new construction within the NVSSP Area; and (4) in the case of constructed facilities, such facilities were constructed pursuant to Improvement Plans approved by the Agency Engineer.

B. The credit allowed pursuant to this section shall be allowed against the fees required to be paid as described in Section 2.81.040 hereof. No credit allowed pursuant to this section shall be transferred to other parcels.

C. As explained herein above, the increased cost of the land component associated with the storm water detention basins, as provided in the NVSSP Supplemental Drainage Fee Study, shall be compensated with a credit agreement against NVSSP Supplemental Drainage Fees.

D. The Sacramento County Water Agency will authorize only tentative credits for drainage land value becoming effective Credit Agreements after the field accepted improvements of detention basins, open space, or channel on that land. (WAO-0089 § 4, 2015; WAO-0078 § 1, 2011; WAO-0069 § 1, 2007)

### **2.81.110 Credits – Measurement and Payment.**

In accordance with the provisions of Chapter 2.55 of Title 2 of the Sacramento Water Agency Code, upon application to do so from the property owner or authorized agent, the Sacramento County Water Agency may issue Credit Agreements for completion of North Vineyard Station Supplement Drainage Fee Facilities as listed below.

A. Riparian Landscaping and Enhancement shall be per the plan developed by ECORP. Riparian Landscaping as approved by the US Army Corps of Engineers and any subsequent amendments– Credits will be based on trees and shrubs planted, including irrigation and all appurtenances pursuant to the planting plan paid at unit price per each. Riparian Enhancement – Credits will be paid at unit price measured and paid per lineal foot of channel (measured at the center of the 2-year water surface) and per lineal foot of basin perimeter (measured at the water 100-year surface). There shall be no additional allowance for irrigation, establishment, or replanting.

B. Erosion Control - Credits for all erosion control and stabilization measures needed to establish the riparian landscaping and enhancements and the hydroseeding (paid by Zone 11A, Schedule D) will be based on actual cost not to exceed the amount listed on the credit schedule per lineal foot of channel (measured at the center of the 2-year water surface)

C. Lineal Water Quality Features – Credits will be lump sum as listed on Schedule N and only at those designated reaches of Elder and Gerber Creek.

D. Low Flow Driveway Crossing - Credits will be only at those designated reaches of Elder and Gerber Creek paid at unit prices listed on Schedule D.

E. Box Culvert - Credits will be paid at unit price per Schedule D for structural concrete, only, located at those designated sites on Elder and Gerber Creek.

F. Temporary Pump Station - Credits will be lump sum, verified actual cost, not to exceed the amounts listed on Schedule N, and only at those designated detention basins.

G. Remove Temporary Pump Stations – Credits will be lump sum verified actual cost not to exceed the amounts listed on Schedule N, and only at those designated detention basins. The pumps shall be the property of The Sacramento County Water Agency.

H. Construct Temporary Weirs – Credits will be per Schedule D, not to exceed the amount provided on Schedule N.

I. Channel Land - Credits will be no more than the amount shown for Channel Land on Schedule N and no additional amount shall be allowed. See also special provision below. Channel land will be measured from the future top of bank to top of bank or the future 100-year floodplain whichever is wider.

J. Channel Buffer Land – Credits will be no more than the amount shown for channel buffer land on Schedule N and the

K. Additional Amount for Basin Land - Credits will be no more than the amount shown on the Basin Land Schedule N. There is a cost share on flood detention basins with Zone 11A regional drainage impact fee program. Valuation of the Zone 11A share will be determined at the time of the Credit Agreement and may not exceed what is allowed in Chapter 2.40.

L. Right of Way Acquisition Assistance – Credits will be based on actual

costs not to exceed amounts shown on Schedule N.

M. Engineering – Credit will be 8% of the credit provided for above listed constructed items only, as shown on Schedule N.

N. Special provision regarding land valuation - Twice the area of all seasonal wetlands and vernal pools being taken and requiring off-site mitigation, as described in the text and exhibits of the US Army Corps of Engineers Section 404 Clean Water Act Permit for the drainage master plan and any amendments, shall be dedicated at no value. There is no value applied to land that was encumbered by a drainage easement prior to November 10, 2004 Plan adoption. The value is reduced for land that falls within other easements such as powerlines, gas lines, or sewer lines. There is no value for drainage corridor at existing or proposed roadway crossings. For various other reasons, value of land may be less than the amounts posted in Schedule N, as determined by the County Real Estate Division, and credits will be issued accordingly. The Agency will only accept land when, where and if it suits the Agency at the sole discretion of the Agency. Nothing in this Title shall be considered as promising a land value credit agreement, amount, or reimbursement schedule. (WAO-0089 § 4, 2015; WAO-0078 § 1, 2011; WAO-0069 § 1, 2007)

#### **2.81.120 Procedure for Credits.**

A. Any person desiring credits for the items listed in Section 2.81.110 shall, prior to approval of improvement plans, make application for and execute an agreement with the Agency authorizing tentative credits ("credit agreement"). Credit agreements in amounts in excess of \$100,000 require prior approval of the Board. Credit agreements in amounts of \$100,000 or less may be approved by the Agency Engineer.

B. Tentative credits may be allocated prior to execution of the Credit Agreement, in order to subtract credits from fees at the time fees are due. The person receiving tentative credits shall agree that, if tentative credits allocated exceed the final credits, the excess amount shall be reimbursed to the Agency within 60 days of notice of such amount.

C. Credit Agreements based on value of drainage right of way may be issued at the pleasure of the Agency upon transfer of title to the County or to Southgate Recreation and Park District (in accordance with the Preserve Management Agreement) and conditioned upon recordation of a drainage easement. Costs are limited to the amounts provided in the Value Study, attached as an exhibit to the NVSSP Supplemental Drainage Fee Study, plus annual adjustments, per Section 2.81.130. The Value Study may be updated as the Agency might deem necessary, and adjustments to the fee and credit schedule would revise accordingly by Board adoption. The timing of acceptance of the drainage easement will generally occur when the improvement plans for the trunk drainage facility are approved, earlier acceptance may occur at the discretion of the Agency.

D. Credit Agreements based on endangered species mitigation planning and design may be issued upon approval of study, plan, payment of the mitigation fee or upon transfer of title; costs must be specifically demonstrated and the maximum allowable credit is as listed on Schedule N.

E. The person receiving tentative credits shall agree that if the facilities are not accepted by the Agency, all tentative credits allocated shall be reimbursed to the Agency within 60 days of notice of non-acceptance of the facilities.

F. Apportionment of Credits. Except as set forth in this section, credits shall only be applied against NVSSP Supplemental Drainage Fees and charges due as a result of development or new construction on the parcel(s) served by the trunk drainage facilities for which the credits are given. Credits may not be assigned or apportioned to other parcels (other than child parcels) after the credit agreement is signed.

G. Credits may only be apportioned to other parcels, within the text of a credit agreement, if the Agency Engineer:

H. Is provided with evidence that title to the parcel(s) is held by the individual(s) or firm(s) who are requesting credits;

I. Determines that specific proportioning per parcel is adequately described in the credit agreement;

J. Determines that the parcel(s) to which such credits are to be apportioned are served by the facilities for which credits are authorized; and

K. Determines that each property owner is signatory on the credit agreement.

L. When credits are apportioned, the credit amounts shall be based on the amounts, listed on Schedule N, in effect on the date improvement plans are approved, plus adjustments up or down in accordance with 2.81.130.

M. Assignment of credit agreements. Credit balances may be assigned to a future buyer of undeveloped land by use of an Assignment of Drainage Credits Agreement. Credits run with the land, so assignment of the drainage credit agreement is necessary whenever undeveloped land is subdivided and sold. This Agreement shall include the following: date of the agreement; legal names of assignee and assignor; the parcel number and specific dollar amount of the credits that are being assigned; and indemnification of the County by the assignor. Use the assignment template found at Appendix 8 of the Zone 11 Fee Plan.

N. The creditable amounts are limited to the amount in the Credit Agreement as approved by the Board, and OWNER shall acknowledge that, notwithstanding any available credits, 20.00% of each fee obligation shall be paid in cash (accounting for the contingency, program administration, and right of way administration engineering and environmental items listed in the fee plan) at the time of permit issuance or improvement plan approval, whichever occurs first. (WAO-0089 § 4, 2015; WAO-0078 § 1, 2011; WAO-0069 § 1, 2007)

### **2.81.130 Annual Fee and Credit Schedule Adjustment.**

A. This fee and the unit prices for credits, including the real estate values, shall be revised annually, up or down, by the Engineering News Record Construction Cost Index, pursuant to Sections 2.50.080 and 2.55.060. No other adjustments shall be allowed. (WAO-0089 § 4, 2015; WAO-0078 § 1, 2011; WAO-0069 § 1, 2007)

### **2.81.140 Reimbursement Agreements.**

Reimbursement shall conform to the following requirements:

A. A reimbursement agreement shall be prepared and approved in accordance with Sections 2.60.030 and 2.60.040 of this Title.

B. Payment of reimbursements shall be as described in Section 2.60.050 of this Title.

C. If funds do not exist in the NVSSP Supplemental Drainage Fund, developer shall receive reimbursement when fee revenue is available.

D. If funds are available, reimbursement may be accelerated when allowed by the terms approved by the Agency Engineer.

E. Section 2.60.040 provisions apply when a bond district is used for trunk drainage. (WAO-0089 § 4, 2015; WAO-0078 § 1, 2011; WAO-0069 § 1, 2007)

#### **2.81.150 Excess Funds.**

This Fee Plan has a sum of necessary contingency funds that may lead to some fund balance at the conclusion of development of the facilities. It is agreed that it is inappropriate to repay these funds to the individual property owners after final maps are recorded and lots are sold. Therefore, subject to approval of the Sacramento County Water Agency Board, these funds would remain available for other flood control, storm water quality, clean water, erosion control, or environmental mitigation within the Elder and Gerber Creek Watershed. (WAO-0078 § 1, 2011; WAO-0069 § 1, 2007)

#### **2.81.160 Fee Study.**

The North Vineyard Station Supplemental Drainage Fee Study is hereby made a part of this chapter serving to clarify and define the fee and credit program. (WAO-0078 § 1, 2011; WAO-0069 § 1, 2007)

## **CHAPTER 2.85**

### **DEFERRAL OF CERTAIN RESIDENTIAL IMPACT FEES**

Sections:

2.85.010	Title
2.85.020	Purpose
2.85.030	Applicable Fee Programs
2.85.040	Definitions
2.85.050	Fee Deferral Program
2.85.060	Interest
2.85.070	Fee Increases
2.85.080	Fee Deferral Application and Administrative Processing Fees
2.85.090	Recordation Costs
2.85.100	Sunset Provision

**2.85.010 Title.**

This Chapter shall be known and cited as the Deferral of Certain Residential Impact Fees. (WAO-0069 § 1, 2007)

**2.85.020 Purpose.**

The Board of Directors of the Sacramento County Water Agency desires to encourage the construction of residential developments within the Sacramento County Water Agency. The Board of Directors finds that the early payment of certain impact fees for residential development creates a barrier to such development and desires, by the adoption of this Chapter, to ease such barrier by deferring the time for payment of certain fees. (WAO-0069 § 1, 2007)

**2.85.030 Applicable Fee Programs.**

Notwithstanding any other provision of this or other ordinance, upon application and approval pursuant to Section 2.85.050 of this Chapter, a qualified residential project shall pay and the following fees shall be collected pursuant to the provisions of this Chapter:

The Zone 40 Water fees except to the extent that such fees are ordinarily collected at other than issuance of a building permit. (WAO-0069 § 1, 2007)

**2.85.040 Definitions.**

A. ADMINISTRATOR means the Administrator of the Municipal Services Agency of the County of Sacramento or his or her designee.

B. APPLICANT means the owner or owners of record of the real property for which a fee deferral is sought pursuant to this Chapter. (WAO-0069 § 1, 2007)

**2.85.050 Fee Deferral Program.**

A. A residential development project may file an application with the Sacramento County Municipal Services Agency to request deferral of any of those fees enumerated in Section 2.85.030 of this Chapter.



B. At the time of building permit issuance, the applicant shall pay ten percent (10%) of the amount of all fees included in the application request for each individual lot for which a building permit is sought. Said payment shall be in addition to any and all required fee deferral application and administrative processing fees.

C. Deferral of fees pursuant to this Chapter shall be acknowledged by a recordable memorandum or other writing satisfactory to the Administrator and approved by the County Counsel. Said memorandum shall be recorded prior to issuance of building permits.

D. All of the following requirements must be satisfied prior to approval of a fee deferral: (1) submittal to the Public

Works Agency of a complete application; (2) deposit of all fees pursuant to Section 2.80.080; and (3) recordation of memorandum pursuant to subsection (C).

E. Fees that are approved for deferral for a single-family residential project pursuant to this Chapter shall be due and payable at the close of escrow of each individual lot within the project. The maximum fee deferral period for any and all lots within a single-family residential project is fifteen (15) months from the date of issuance of permits subject to fee deferral. If not paid within the maximum fee deferral period, interest penalties shall apply pursuant to Section 2.85.060 and payment of the fees deferred shall be undertaken pursuant to the provisions set forth in the executed memorandum agreement entered into for the subject property pursuant to subsection (C).

F. Fees that are approved for deferral for a multi-family residential project pursuant to this Chapter shall be due and payable upon the close of permanent loan financing. The maximum fee deferral period is fifteen (15) months from the date of issuance of permits subject to fee deferral. If not paid within the maximum fee deferral period, interest penalties shall apply pursuant to Section 2.85.060 and payment of the fees deferred shall be undertaken pursuant to the provisions set forth in the executed agreement entered into for the subject property pursuant to subsection (C).

G. The approval of a fee deferral pursuant to this Chapter for a residential project shall not be transferable to another project regardless of whether the applicant is the same for both projects or whether the other project is also a qualified residential project. (WAO-0069 § 1, 2007)

#### **2.85.060 Interest.**

A. For residential projects, which have been approved for a deferral of fees pursuant to this Chapter, no interest shall accrue during the period of deferral; provided, however, that in the event fees are not paid at the time required by this ordinance, a penalty equal to the annual rate of interest earned by the Treasurer of the County of Sacramento on the investment of pooled funds on that amount of disqualified deferred fees, computed from the date of execution of the deferral agreement to the time of payment, shall be due and payable. (WAO-0069 § 1, 2007)

#### **2.85.070 Fee Increases.**

Deferred fees shall be paid on the rate or rates applicable at time of payment.  
(WAO-0069 § 1, 2007)

**2.85.080 Fee Deferral Application and Administrative Processing Fees.**

A non-refundable administrative processing fee of \$275.00 is hereby established for payment at the time of each individual building permit issuance for the purpose of funding the costs of administering the fee deferral program established by this Chapter. These fees may from time to time be amended by resolution of the Board of Directors. In the event such fees are also paid for deferral of County of Sacramento fees, no additional application or processing fees shall be paid pursuant to this section. (WAO-0069 § 1, 2007)

**2.85.090 Recordation Costs.**

All costs of recordation of documents required pursuant to this Chapter shall be paid by the applicant. (WAO-0069 § 1, 2007)

**2.85.100 Sunset Provision.**

Unless reenacted by the Board of Directors, this Chapter shall be of no force and effect beyond thirty-six months from its effective date of October 19, 2001. (WAO-0069 § 1, 2007)

# North Vineyard Station Supplemental Drainage

## Zone 11N Fee and Credit Schedule

### SCHEDULE N

Effective  
March 3,  
2025

#### CREDITS

Riparian Enhancement Landscaping (Channel) [1]	\$87.90	/LF
Riparian Enhancement Landscaping (Basin perimeter) [1]	\$20.35	/LF
Erosion Control (Channel) [2]	\$15.50	/LF
Lineal Water Quality Features [3]	\$7,743	/EA
Low Flow Crossing [4]		
Box Culvert [4]		
Temporary Pump Station [5]	\$334,548	/EA
Remove Temp Pump Station [6]	\$123,906	/EA
Construct Temporary Weir at Detention Basin E24B		
Construct Temporary Weir at Detention Basin E24A		
Construct Temporary Weir at Detention Basin G41		

#### Real Estate Acquisition:

Channel easement in existing and future 100-yr floodplain (top of bank future channel)	\$71,731	/AC
Preserve channel buffer above top of bank [7] [8] [9]	\$179,325	/AC
Detention Basin (unencumbered), less Zone 11 A credit [7] [8] [9]	\$24,388	/AC
Preserve buffer encumbered by aerial utility easement	\$71,729	/AC
Channel easement (top of bank) encumbered by easement for underground utility	\$8,965	/AC
Preserve buffer encumbered by easement for underground utility	\$45,190	/AC

#### FEES per acre\* [use straight line interpolation]

Residence on 2.0 acre or larger parcel	\$0	/AC
Residence on 1.0 acre	\$24,675	/AC
Residence on 0.50 acre	\$26,173	/AC
Residence on 0.25 acre	\$30,222	/AC
Residence on 0.20 acre	\$31,612	/AC
Residence on 0.14 acre	\$35,808	/AC
Residence on 0.10 acre	\$36,893	/AC
Residential RD20 to RD30	\$37,775	/AC
Commercial (office/retail)	\$41,668	/AC
School Campus	\$35,808	/AC
Sports Field	\$0	/AC
Impervious Areas of Park	\$0	/AC

**NOTICE:** 20.00% of the fee obligation must be paid in cash and credits cannot be used.

#### Footnotes:

\* Acreage, over which fee is applied, is calculated same as Zone 11 per Section 2.50.050(H)

1. Credit amount shall be the least of actual cost or unit price shown in this fee plan

2. Jute mat or equivalent (hydroseed is Zone 11A on Schedule D)

3. Credit for fine grading and erosion work at non-trunk inline water quality as shown on landscape plan

4. Credit amount shall be the least of Schedule D unit price or total shown in this fee plan for each feature

5. Credit amount shall be the least of actual cost or unit price shown in this fee plan

6. Credit amount shall be actual cost or unit price shown in this fee plan

7. Maximum land value credit if not encumbered (e.g. by existing easement, vernal pool, wetland)

8. Assuming Zone 11A maximum obligation of \$100,000 per acre (2004), ENR inflated to \$ 154,935 /AC

9. Credit calculation for buffer and basin land encumbered by wetlands, requiring on-site mitigation per Corps permit, will be less zero dollars or the unit price shown less the actual off-site mitigation cost, whichever is greater.



**Vineyard Springs Supplemental Drainage Fee****Zone 11W Fee and Credit Schedule****SCHEDULE W**Effective March 3,  
2025**FEE SCHEDULE**

Residence on 1 acre	\$16,467	/AC
Residence on 0.5 acre	\$16,961	/AC
Residence on 0.2 acre	\$19,918	/AC
Residence on 0.12 acre	\$21,777	/AC
Residential on RD20 to RD30	\$24,183	/AC
Commercial and Parking Lots	\$26,743	/AC
Public School Campus	\$20,874	/AC
Active Park	\$0	/AC
Open Space	\$0	/AC

**NOTES**

Interpolate between above listed fees based on development density in same manner as Zone 11A fee

Area over which fee is applied is calculated in same manner as Zone 11A fee

**CREDITS**

Riparian Enhancement Landscaping (Channel) [1]	\$88	/LF
Riparian Enhancement Landscaping (Basin Perimeter) [1]	\$19	/LF
Erosion Control [2]	\$14	/LF
Lineal Water Quality Features [3]	\$7,744	/EA
Trails and Drainage Maintenance Access		
Creel Trail Crossings		
Low Flow Crossings [4]		
Temporary Weir at G46 Basin		
Truck Haul [5]		
Real Estate Acquisition [6],[7] --		
Channel Easement in Future Channel Floodplain (from/to top of bank)	\$71,731	/AC
Upland Buffer (unincumbered)	\$179,328	/AC
Water Quality Basin Land (unincumbered) [8]	\$179,328	/AC
Basin and Channel Preserve (encumbered by aerial easement)	\$71,731	/AC
Channel (encumbered by underground utility easement)	\$8,967	/AC
Basin and Channel Preserve (encumbered by underground and arial easements)	\$45,190	/AC

**NOTES**

1. Credit amount shall be least of amounts listed on the schedule or actual cost
2. Jute mat or equivalent (hydroseed is paid by Zone 11A)
3. Credit for fine grading and erosion work at non-trunk inline water quality as shown on landscape plan
4. Credit amount shall be least of Schedule D unit prices or amount shown on Table 1
5. Price per cubic yard if material is excavated for the benefit of Water Resources and cannot be scraper hauled to a fill site (in addition to Zone 11A, Schedule D credit amount)
6. Credit amount for land shall be the least of listed values or valuation by County Real Estate Division
7. Land value will be reduced by the cost of wetlands that are being mitigated (off-site) by this fee plan
8. Only for water quality basins serving more watershed than lands controlled by the developer receiving the credits

APPENDIX 1					
DRAINAGE FEE SCHEDULE "A"		Fee Schedule Effective March 3, 2025			
ZONE 11A REDUCED FEES (per acre)					
	March 2025 Zone 11A Fee for LAGUNA WEST, LAKESIDE, ELLIOTT RANCH SOUTH (per acre)	March 2025 Zone 11A Fee for Laguna Business Park (Laguna Oaks, Parkside), Calvine-99 SPA (per acre)			
LAND USE					
Raw Land and Open Space	\$0	\$0			
Road Right-of-Way, greater than 40' [1]	\$0	\$0			
Residence on 5.0 acres(+)	\$0	\$0			
Equation[2]					
Residence on 3.5 acres	\$488	\$680			
Equation[2]					
Residence on 2.0 acres	\$852	\$1,188			
Equation[2]					
Residence on 1.0 acre	\$1,705	\$2,377			
Equation[2]					
Residence on 0.50 acre	\$3,413	\$4,754			
Equation[2]					
Residence on 0.25 acre	\$6,823	\$9,506			
Equation[2]					
Residence on 0.20 acre	\$8,529	\$11,883			
Equation[2]					
Residence on 0.14 acre	\$8,646	\$12,118			
Equation[2]					
Residence on 0.10 acre	\$8,823	\$12,472			
Equation[2]					
Residential RD20 to RD30	\$9,275	\$13,443			
Mobilehome Park	\$9,727	\$14,416			
Industrial	\$10,177	\$15,388			
Commercial (office/retail)	\$10,628	\$16,360			
Parking Lot	\$10,628	\$16,360			
Public School Campus [3]	\$7,021	\$10,078			
School Campus with detention	\$7,021	\$10,078			
Sports Field graded with field drains	\$2,843	\$3,799			
Sports Field no piped field drains	\$2,843	\$3,799			
Sports Field with detention	\$2,843	\$3,799			
Impervious areas of park	\$10,628	\$16,360			
[1] The fees are calculated based on the net parcel area plus 20 feet of road width.					
That is, a 1.00 acre parcel fronting 300 feet of a thoroughfare shall pay fees based on					
43560sf + (300' x 20') = 1.138 acre					
[2] Equation- use straight line interpolation.					
[3] Public Schools pay one time as they don't necessarily return to county for additional building permits.					



APPENDIX 1					
DRAINAGE FEE SCHEDULE "A"			Fee Schedule Effective March 3, 2025		
ZONE 11B FEES (per acre)					
LAND USE	March 2025 Zone 11B Fee (per acre)	March 2025 Fee for Parcels Recorded before 8/16/2004 (per acre)			
Raw Land and Open Space	\$0	\$0			
Road Right-of-Way, greater than 40' [1]	\$0	\$0			
Residence on 5.0 acres(+)	\$0	\$0			
Equation [4]					
Residence on 3.5 acres	\$4,811	\$942			
Equation [4]					
Residence on 2.0 acres	\$9,625	\$1,649			
Equation [4]					
Residence on 1.0 acre	\$12,834	\$3,294			
Equation [4]					
Residence on 0.50 acre	\$13,114	\$6,592			
Equation [4]					
Residence on 0.25 acre	\$14,333	\$13,183			
Equation [4]					
Residence on 0.20 acre	\$14,704	\$14,615			
Equation [4]					
Residence on 0.14 acre	\$15,184	\$15,093			
Equation [4]					
Residence on 0.10 acre	\$16,480	\$16,382			
Equation [4]					
Residential RD20 to RD30	\$17,587	\$17,481			
Mobilehome Park	\$19,023	\$18,908			
Industrial	\$19,023	\$18,908			
Commercial (office/retail)	\$19,271	\$19,156			
Parking Lot	\$19,271	\$19,156			
Public School Campus [5]	\$15,184	\$15,093			
School Campus with detention [2]	\$7,591	\$7,549			
Sports Field graded with field drains	\$12,834	\$12,757			
Sports Field no piped field drains	\$4,811	\$4,784			
Sports Field with detention [2]	\$2,405	\$2,391			
Impervious areas of park [2]	\$19,271	\$19,156			
[1] The fees are calculated based on the net parcel area plus 20 feet of road width. That is, a 1.00 acre parcel fronting 300 feet of a thoroughfare shall pay fees based on $43560sf + (300' \times 20') = 1.138 \text{ acre}$					
[2] Pursuant to Section 2.50.050, a school or park that detains greater than 50% of the peak flow volume, at the discretion of Water Resources, may reduce the fee by 50%.					
[3] Pursuant to Section 2.50.060 the fee is reduced for parcels recorded prior to adoption of this Fee Plan. RD5 and larger lots are adjusted to 2003 fee plus 20%.					
[4] Equation- use straight line interpolation.					
[5] Public Schools pay one time as they don't necessarily return to county for additional building permits.					

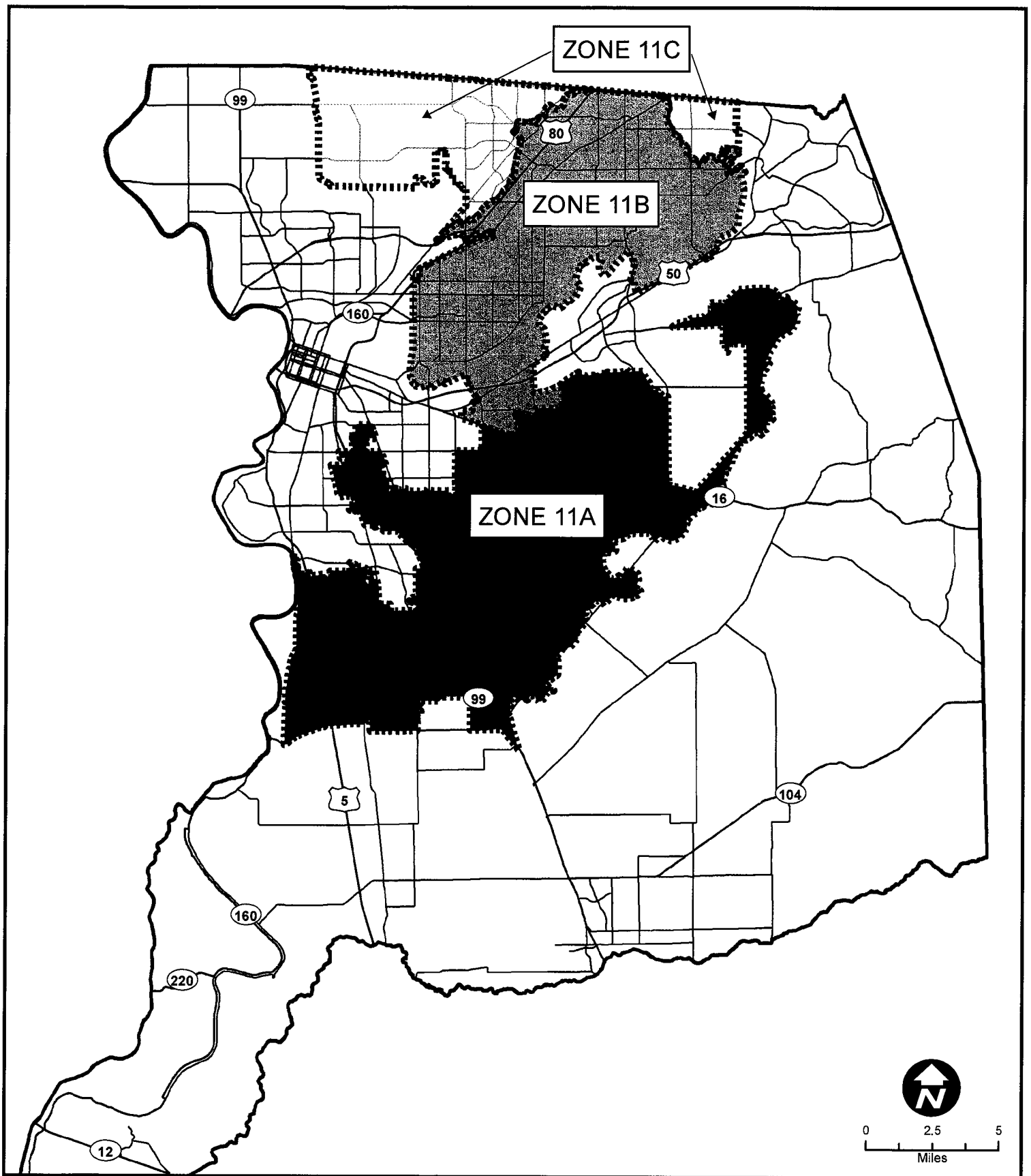
APPENDIX 1					
DRAINAGE FEE SCHEDULE "A"		Fee Schedule Effective March 3, 2025			
ZONE 11C FEES (per acre)					



<b>APPENDIX 2</b>		
<b>Zone 11 Credit Schedule</b>		<b>pg 1 of 2</b>
<b>Schedule D</b>	<b>Effective March 3, 2025</b>	
<b>Storm Drain Pipe [1]:</b>		
12"	\$47.49	per lf
15"	\$53.00	per lf
18"	\$61.01	per lf
21"	\$69.48	per lf
24"	\$76.15	per lf
27"	\$88.29	per lf
30"	\$90.89	per lf
33"	\$106.76	per lf
36"	\$111.18	per lf
42"	\$152.18	per lf
48"	\$175.18	per lf
54"	\$186.00	per lf
60"	\$207.30	per lf
66"	\$264.18	per lf
72"	\$305.80	per lf
84"	\$305.80	per lf
96"	\$305.80	per lf
<b>Manhole Size [2]:</b>		
48"	\$4,487.44	per ea
60"	\$6,529.96	per ea
72"	\$8,058.13	per ea
84"	\$9,409.19	per ea
96"	\$11,580.55	per ea
108"	\$12,335.92	per ea
Saddle Manhole	\$5,790.27	per ea
<b>4" thick Concrete Channel Lining</b>	<b>\$10.52</b>	<b>per sf</b>
<b>Fencing and Gates:</b>		
3' high post + cable	\$16.74	per lf
Pipe gate	\$4,523.65	per ea
6' high wrought iron with gates	\$32.59	per lf
6' chain link fence with gates	\$19.73	per lf
4' chain link fence with gates	\$18.24	per lf
Signs 16sf or smaller	\$365.27	per ea
Signs >16sf	\$547.93	per ea
<b>Miscellaneous metal (handrails, headwall racks, and flap gates)</b>	<b>\$7.38</b>	<b>per lb</b>



<b>APPENDIX 2</b>		
<b>Zone 11 Credit Schedule</b>		<b>pg 2 of 2</b>
<b>Schedule D</b>	<b>Effective March 3, 2025</b>	
<b>Channel excavation [3]</b>	<b>\$5.67</b>	<b>per cy</b>
<b>Fine grading channel/basin bottom and sides</b>	<b>\$0.00</b>	<b>per sf</b>
<b>Basin excavation [3]</b>	<b>\$5.33</b>	<b>per cy</b>
<b>Erosion Control Riprap [4]:</b>		
Class 1 backing rock	\$54.29	per ton
Class 2 backing rock	\$57.90	per ton
1/4 ton	\$63.33	per ton
Cobbles	\$57.90	per ton
<b>GeoWeb - rock weir</b>	<b>\$56.62</b>	<b>per ton</b>
<b>Access and Maintenance Roads:</b>		
1" thick asph conc	\$0.66	per sf
1" thick aggr base	\$0.41	per sf
1" thick Decomposed Granite	\$0.53	per sf
Geotextile fabric	\$0.29	per sf
<b>Repair Surfaces:</b>		
Asphalt concrete patch paving	\$12.69	per sf
Hydroseed	\$2,536.69	per acre
<b>Miscellaneous Concrete [5]:</b>		
Junction Box	\$1,510.89	per cy
Headwall	\$1,510.89	per cy
Stairway	\$1,510.89	per cy
Flat pad	\$904.72	per cy
Ramp	\$904.72	per cy
Driveway	\$904.72	per cy
Weir Structure	\$904.72	per cy
<b>Notes:</b>		
[1] Smaller pipe sizes are often used for basin outlets		
[2] Manhole unit price is complete including rim and lid		
[3] Same unit price regardless of method of transport		
[4] Riprap class is based on Caltrans Specifications		
[5] Concrete unit price includes rebar, structure excavation and backfill,		
sub-base material and grading		



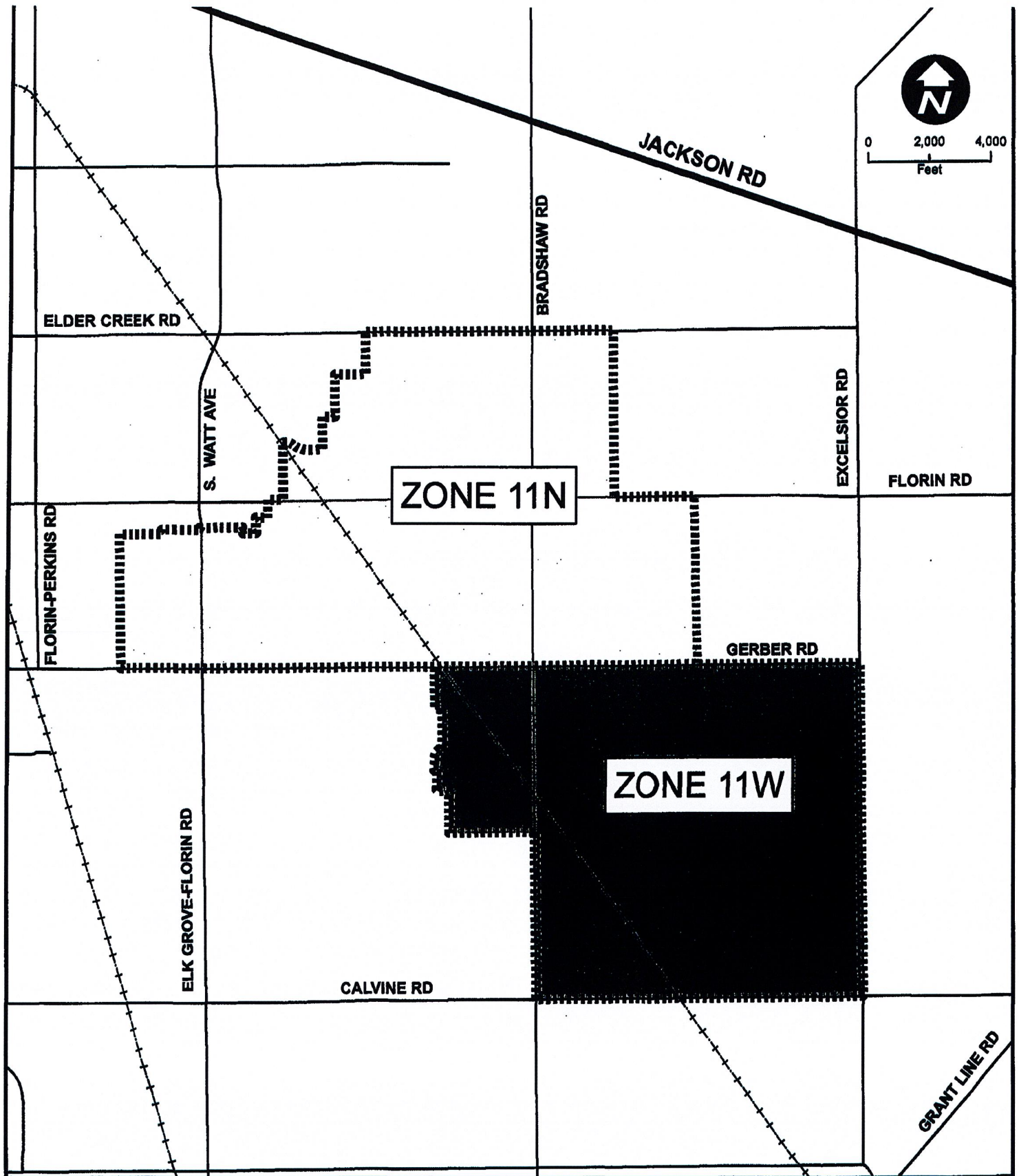
COUNTY OF SACRAMENTO  
SACRAMENTO COUNTY WATER AGENCY  
ZONE 11A, 11B, AND 11C



Department of Water Resources

GIS by: Mike Durkee

Date: January 2022



COUNTY OF SACRAMENTO  
SACRAMENTO COUNTY WATER AGENCY  
ZONE 11N AND 11W

SACRAMENTO  
COUNTY

Department of Water Resources

GIS by: S.REHMAN

Date: JANUARY 2016



History of Zone 11 Drainage Fee per Acre								Accumulated inflator since beginning					
	Zone 11A		Zone 11B		Zone 11C			Inflator			since beginning		
	RD5	Commercial	RD5	Commercial	RD5	Commercial		11A	11B	11C	11A	11B	11C
4/8/1965	\$ 1,010	\$ 1,100	\$ 1,010	\$ 1,100	\$ 1,010	\$ 1,100		0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
8/28/1971	\$ 1,180	\$ 1,460	\$ 1,180	\$ 1,460	\$ 1,180	\$ 1,460		32.73%	32.73%	32.73%	132.73%	132.73%	132.73%
5/19/1975	\$ 1,360	\$ 1,630	\$ 1,360	\$ 1,630	\$ 1,360	\$ 1,630		11.64%	11.64%	11.64%	144.37%	144.37%	144.37%
3/15/1976	\$ 1,500	\$ 1,810	\$ 1,500	\$ 1,810	\$ 1,500	\$ 1,810		11.04%	11.04%	11.04%	155.41%	155.41%	155.41%
12/29/1976	\$ 1,400	\$ 1,810	\$ 1,400	\$ 1,810	\$ 1,400	\$ 1,810		0.00%	0.00%	0.00%	155.41%	155.41%	155.41%
3/1/1977	\$ 1,450	\$ 1,980	\$ 1,450	\$ 1,980	\$ 1,450	\$ 1,980		9.39%	9.39%	9.39%	164.81%	164.81%	164.81%
3/1/1978	\$ 1,600	\$ 2,060	\$ 1,600	\$ 2,060	\$ 1,600	\$ 2,060		4.04%	4.04%	4.04%	168.85%	168.85%	168.85%
3/1/1979	\$ 1,850	\$ 2,250	\$ 1,850	\$ 2,250	\$ 1,850	\$ 2,250		9.22%	9.22%	9.22%	178.07%	178.07%	178.07%
3/1/1980	\$ 2,000	\$ 2,450	\$ 2,000	\$ 2,450	\$ 2,000	\$ 2,450		8.89%	8.89%	8.89%	186.96%	186.96%	186.96%
3/1/1981	\$ 2,250	\$ 2,740	\$ 2,250	\$ 2,740	\$ 2,250	\$ 2,740		11.84%	11.84%	11.84%	198.80%	198.80%	198.80%
3/1/1982	\$ 2,258	\$ 2,980	\$ 2,258	\$ 2,980	\$ 2,258	\$ 2,980		8.76%	8.76%	8.76%	207.55%	207.55%	207.55%
3/1/1983	\$ 2,450	\$ 2,980	\$ 2,450	\$ 2,980	\$ 2,450	\$ 2,980		0.00%	0.00%	0.00%	207.55%	207.55%	207.55%
3/1/1984	\$ 2,550	\$ 3,070	\$ 2,550	\$ 3,070	\$ 2,550	\$ 3,070		3.02%	3.02%	3.02%	210.57%	210.57%	210.57%
3/1/1985	\$ 2,550	\$ 3,070	\$ 2,550	\$ 3,070	\$ 2,550	\$ 3,070		0.00%	0.00%	0.00%	210.57%	210.57%	210.57%
3/1/1986	\$ 2,550	\$ 3,080	\$ 2,550	\$ 3,080	\$ 2,550	\$ 3,080		0.33%	0.33%	0.33%	210.90%	210.90%	210.90%
3/1/1987	\$ 2,700	\$ 3,280	\$ 2,700	\$ 3,280	\$ 2,700	\$ 3,280		6.49%	6.49%	6.49%	217.39%	217.39%	217.39%
3/1/1988	\$ 2,800	\$ 3,390	\$ 2,800	\$ 3,390	\$ 2,800	\$ 3,390		3.35%	3.35%	3.35%	220.75%	220.75%	220.75%
3/1/1989	\$ 2,825	\$ 3,430	\$ 2,825	\$ 3,430	\$ 2,825	\$ 3,430		1.18%	1.18%	1.18%	221.93%	221.93%	221.93%
3/1/1990	\$ 2,900	\$ 3,530	\$ 2,900	\$ 3,530	\$ 2,900	\$ 3,530		2.92%	2.92%	2.92%	224.84%	224.84%	224.84%
5/17/1990	\$ 3,335	\$ 4,060	\$ 3,335	\$ 4,060	\$ 3,335	\$ 4,060		15.01%	15.01%	15.01%	239.86%	239.86%	239.86%
3/1/1991	\$ 3,400	\$ 4,140	\$ 3,400	\$ 4,140	\$ 3,400	\$ 4,140		1.97%	1.97%	1.97%	241.83%	241.83%	241.83%
3/1/1992	\$ 3,500	\$ 4,250	\$ 3,500	\$ 4,250	\$ 3,500	\$ 4,250		2.66%	2.66%	2.66%	244.48%	244.48%	244.48%
3/1/1993	\$ 3,600	\$ 4,350	\$ 3,600	\$ 4,350	\$ 3,600	\$ 4,350		2.35%	2.35%	2.35%	246.84%	246.84%	246.84%
3/1/1994	\$ 3,750	\$ 4,530	\$ 3,750	\$ 4,530	\$ 3,750	\$ 4,530		4.14%	4.14%	4.14%	250.98%	250.98%	250.98%
3/1/1995	\$ 3,800	\$ 4,590	\$ 3,800	\$ 4,590	\$ 3,800	\$ 4,590		1.32%	1.32%	1.32%	252.30%	252.30%	252.30%
3/3/1996	\$ 8,600	\$ 12,816	\$ 6,825	\$ 10,364	\$ 6,825	\$ 10,364		179.22%	125.80%	125.80%	431.52%	378.10%	378.10%
3/10/1997	\$ 8,750	\$ 13,060	\$ 6,950	\$ 10,560	\$ 6,950	\$ 10,560		1.90%	1.89%	1.89%	433.42%	379.99%	379.99%
5/4/1998	\$ 8,950	\$ 13,380	\$ 7,100	\$ 10,800	\$ 7,100	\$ 10,800		2.30%	2.27%	2.27%	435.72%	382.26%	382.26%
5/3/1999	\$ 9,150	\$ 13,640	\$ 7,250	\$ 11,020	\$ 7,250	\$ 11,020		2.10%	2.04%	2.04%	437.81%	384.30%	384.30%
4/1/2000	\$ 9,200	\$ 13,750	\$ 7,300	\$ 11,110	\$ 7,300	\$ 11,110		0.81%	0.82%	0.82%	438.62%	385.11%	385.11%
4/1/2001	\$ 9,800	\$ 14,580	\$ 7,750	\$ 11,790	\$ 7,750	\$ 11,790		6.04%	6.12%	6.12%	444.66%	391.23%	391.23%
4/1/2002	\$ 10,050	\$ 15,010	\$ 8,000	\$ 12,140	\$ 8,000	\$ 12,140		2.95%	2.97%	2.97%	447.60%	394.20%	394.20%
3/1/2003	\$ 10,150	\$ 15,100	\$ 8,050	\$ 12,210	\$ 8,050	\$ 12,210		0.60%	0.58%	0.58%	448.20%	394.78%	394.78%
2004 update *	\$ 12,552	\$ 16,778	\$ 8,568	\$ 11,229	\$ 12,084	\$ 15,749		23.67%	6.43%	50.11%	471.87%	401.21%	444.89%

\* Note: prior to 2004 update, use comparison of commercial fee to inflate (historical method). After update compare the residential RD5 (closest to average 42% impervious area).