

**Sacramento County Water Agency Code
Title 4**

WATER SUPPLY DEVELOPMENT

Chapters:

- 4.05 Purpose
- 4.10 Definitions
- 4.15 Zone Formation
- 4.20 Financial Provisions
- 4.25 Master Plan
- 4.30 Major Facilities Project Plan
- 4.35 Improvement Plans
- 4.40 Land Interests
- 4.45 Fees and Charges
- 4.50 Credits
- 4.55 Reimbursement Agreements
- 4.60 Appeals
- 4.70 Miscellaneous Provisions
- 4.75 Deferral or Waiver of Water Fees for Low or Very Low
Income Affordable Housing Development Projects

Schedules:

- Schedule A
- Appendix No. 1
- Schedule C

CHAPTER 4.05 PURPOSE

Section:

4.05.010 Purpose

4.05.010 Purpose.

An adequate and continuous supply of potable water is necessary for the health, safety and general welfare of the residents and visitors within the geographical boundaries of the Sacramento County Water Agency. Through the adoption of this Title which encourages the proper placement and construction of Major Facilities utilized in the Wholesale Supply of Water, an adequate and continuous water supply can be reasonably assured. It is only equitable that the beneficiaries of these Major Facilities contribute to this construction in the form of fees, charges or credits. It is the further purpose of this Title to establish schedules for water development fees, charges and credits as authorized by the Sacramento County Water Agency Act, section 4.4, and adopted pursuant to Government Code sections 66000 et seq.

It is also the intent of the Board of Directors of the Sacramento County Water Agency that the proper distribution of Surface Water is realized so as to replenish and stabilize groundwater levels. As a result, groundwater quality degradation, land subsidence and other adverse impacts from groundwater overdraft will be minimized if not eliminated. (WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

CHAPTER 4.10 DEFINITIONS

Sections:

4.10.010	Definitions
4.10.015	Accessory Dwelling Unit
4.10.020	Agency
4.10.030	Agency Act
4.10.040	Agency Engineer
4.10.050	Agency Project
4.10.060	Board
4.10.070	Commercial Service
4.10.090	Equivalent Dwelling Unit or EDU
4.10.100	Improvement Plan
4.10.110	Major Facilities
4.10.115	Major Facilities Project Plan
4.10.120	Master Plan
4.10.130	Meter
4.10.135	Multi-Family Service
4.10.140	Open Space Service
4.10.142	Park Service
4.10.144	Public School Service
4.10.150	Single Family Residence
4.10.155	Single Family Service
4.10.170	Surface Water
4.10.175	Surface Water Component Fee
4.10.180	Transmission Main
4.10.185	Unit
4.10.190	Water Consumption Needs
4.10.200	Water Distribution System
4.10.210	Water Supply System
4.10.220	Wholesale Supply of Water
4.10.230	Zone

4.10.010 Definitions.

As used in this Title, the following terms shall be ascribed the following meanings: (WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

4.10.015 Accessory Dwelling Unit.

An attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons on the same parcel as a single-family residence. Includes efficiency units and manufactured homes. (WAO-0098 § 5, 2020)

4.10.020 Agency.

The Sacramento Water Agency. (WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

4.10.030 Agency Act.

The Sacramento County Water Agency Act found commencing at West's Water Code – Appendix § 66-1 and Deering's Water Uncodified Act § 6730a. (WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

4.10.040 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 § 9, 2008; WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

4.10.050 Agency Project.

A general system of works as shown on a Major Facilities Project Plan approved by the Agency. (WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

4.10.060 Board.

The Board of Directors of the Agency. (WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

4.10.070 Commercial Service.

Water service to nonresidential premises including, but not limited to, businesses, manufacturing plants, processing plants, industrial buildings, stores, hotels, motels, rest homes, private schools, government buildings and office buildings. Excludes public schools, parks, and open space. (WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

4.10.090 Equivalent Dwelling Unit or EDU.

A unit of measure for assigning financial responsibility for water service based on comparative benefit and projected water use. 1.0 is the EDU for a Single Family Residence. (WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

4.10.100 Improvement Plan.

A general plan prepared by a registered civil engineer which not only details the wholesale Water Supply System for the parcels to which the Improvement Plan is applicable, but also details all other site improvements and utilities for those parcels. (WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

4.10.110 Major Facilities.

Includes storage reservoirs, pumping plants, Transmission Mains, water treatment plants, groundwater wells and other such facilities utilized in the Wholesale Supply of Water and which are parts of the Master Plan of the Zone. (WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

4.10.115 Major Facilities Project Plan.

A precise plan prepared by a registered civil engineer which sufficiently details the location and size of the wholesale water supply facility and appurtenances so that unit prices may be applied to the quantities obtained therefrom to determine a preliminary estimate of the probable cost of the work delineated by the Major Facilities Project Plan. (WAO-0071 § 1, 2008)

4.10.120 Master Plan.

The single comprehensive plan for each Zone, or any part thereof, adopted by the Board pursuant to Section 4.4 of the Agency Act and consisting of development policies, objectives, principles, standards and plan proposals for the Wholesale Supply of Water to the entire Zone included in the plan. (WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

4.10.130 Meter.

Any device, mechanical or otherwise, approved by the Agency Engineer for measuring the quantity of water delivered for Single Family, Multi-Family, Commercial, Open Space, Park, or Public School Service. (WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

4.10.135 Multi-Family Service.

Water service to attached multi-family residential premises. (WAO-0101 § 1, 2023; WAO-0071 § 1, 2008)

4.10.140 Open Space Service.

Water service that is not Single Family Service, Multi-Family Service, Commercial Service, Park Service, or Public School Service. Open Space Service includes, but is not limited to, landscape corridor irrigation, landscape irrigation not within a public school or park, crop irrigation, and livestock watering. (WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

4.10.142 Park Service.

Water service to a public or private park, including but not limited to landscaping, playing fields, buildings, common areas, park roads, and parking lots. (WAO-0071 § 1, 2008)

4.10.144 Public School Service.

Water service to a public school, including but not limited to landscaping, playing fields, buildings, common areas, school roads, and parking lots. (WAO-0071 § 1, 2008)

4.10.150 Single Family Residence.

A habitable dwelling Unit designated for residential occupancy by one family. (WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

4.10.155 Single Family Service.

Water service to detached single-family residential premises. (WAO-0101 § 2, 2023; WAO-0071 § 1, 2008)

4.10.170 Surface Water.

All water above the earth's surface or otherwise obtainable from a stream, a body of water such as a lake, surface tributaries and other contributory sources which are subject to the permit and license system administered by the State Water Resources Control Board. (WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

4.10.175 Surface Water Component Fee.

The portion of a water development fee allocated to fund the wholesale supply of Surface Water for conjunctive use and to fund projects that stabilize the central groundwater basin. (WAO-0071 § 1, 2008)

4.10.180 Transmission Main.

A pipe system with transmission pipes of 12-inch diameter or larger for raw water and 16-inch diameter or larger for potable water to which no individual hydrant, fire protection service, Single Family Service, Multi-Family Service, Commercial Service, Open Space Service, Park Service, or Public School Service connections of any size are attached. (WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

4.10.185 Unit.

A habitable dwelling designed for residential occupancy by one family. (WAO-0071 § 1, 2008)

4.10.190 Water Consumption Needs.

The amount of water required for domestic purposes (e.g., drinking, cleaning, personal hygiene, waste disposal, cooking, sprinkling of lawns and gardens), commercial purposes (e.g., manufacturing, landscape irrigation, recreation) and agricultural purposes (e.g., crop irrigation, livestock watering), but not including water required for fire protection purposes. (WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

4.10.200 Water Distribution System.

That portion of a Water Supply System other than Major Facilities. (WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

4.10.210 Water Supply System.

An arrangement of water treatment, transmission, storage or pumping facilities and appurtenances used for the delivery of potable water. (WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

4.10.220 Wholesale Supply of Water.

The delivery of water to retail purveyors of water. (WAO-0069 § 1, 2007)

4.10.230 Zone.

An area designated within Sacramento County created by the Agency 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-0071 § 1, 2008; WAO-0069 § 1, 2007)

CHAPTER 4.15 ZONE FORMATION

Sections:

- 4.15.010 Zone Formation
- 4.15.020 Auditor-Controller Notification

4.15.010 Zone Formation.

The formation of any Zone shall meet the requirements of Section 1.1 of the Agency Act and any other applicable law. (WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

4.15.020 Auditor-Controller Notification.

Upon the adoption by the Board of a resolution of intention to form a Zone, the Agency Engineer shall notify the Sacramento County Auditor-Controller of this Board adoption. (WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

CHAPTER 4.20 FINANCIAL PROVISIONS

Sections:

4.20.010	Fund Establishment
4.20.020	Funds Deposited
4.20.030	Lawful Purpose
4.20.040	Budget Control and Financial Requirements
4.20.050	Budget

4.20.010 Fund Establishment.

Upon receipt of notice of the Board adoption of a resolution of intention to form a Zone, the Sacramento County Auditor-Controller shall establish an appropriate fund for this Zone. (WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

4.20.020 Funds Deposited.

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 of the Zone to and from which such fees, charges, revenues, taxes, assessments, and other receipts are related or derived. (WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

4.20.030 Lawful Purpose.

Except as restricted by this Title or other applicable laws, all moneys in the fund of a particular Zone shall be used for any lawful purpose reasonably related to the Wholesale Supply of Water for that Zone except that, upon approval of the Board, moneys declared by the Agency Engineer to be temporary surplus in the fund of one Zone may be loaned to the fund of another Zone. Any such inter-Zone loans shall be repaid within a period not to exceed ten years from the date of the loan. (WAO-0102 § 1, 2024; WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

4.20.040 Budget Control and Financial Requirements.

The fund of each Zone shall be subject to such budget control and other financial requirements that may now or hereafter be required by applicable law including administrative rules and regulations set forth by the State Controller for special districts. (WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

4.20.050 Budget.

The Agency Engineer shall annually prepare a budget for each Zone in the form and manner required for special districts. (WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

CHAPTER 4.25 MASTER PLAN

Sections:

- 4.25.010 Master Plan
- 4.25.020 Board Adoption and Public Hearing
- 4.25.030 Public Notice
- 4.25.040 Time and Place

4.25.010 Master Plan.

For each Zone, there shall be a Master Plan. The Master Plan and any amendments thereto shall be prepared by the Agency Engineer and shall be consistent with applicable laws, applicable federal and state standards and guidelines, and policies adopted by the Board. (WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

4.25.020 Board Adoption and Public Hearing.

A Master Plan and any amendments thereto shall not be implemented unless adopted by the Board following a public hearing. (WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

4.25.030 Public Notice.

Notice of the public hearing 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 for which the proposed Master Plan has been prepared. If there is no such newspaper, then publication of the notice shall be undertaken by posting the notice for two consecutive weeks prior to the hearing in five public places designated by the Board and within the Zone for which the proposed Master Plan has been prepared. (WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

4.25.040 Time and Place.

The notice shall set forth the time and place of the public hearing and shall state that a copy of the proposed Master Plan may be reviewed in the office of the Clerk of the Board and in the office of the Agency Engineer. (WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

CHAPTER 4.30 MAJOR FACILITIES PROJECT PLAN

Sections:

- 4.30.010 Major Facilities Project Plan
- 4.30.020 Plan Approval
- 4.30.030 Plan Consistency
- 4.30.040 Written Notification of Decision

4.30.010 Major Facilities Project Plan.

Improvement and construction of a Major Facility within a Zone shall be in accordance with a Major Facilities Project Plan. Major Facilities Project Plans for the improvement or construction of a Major Facility for a particular Zone may be proposed to the Agency by any interested owner of real property within the particular Zone or may be proposed by the Agency Engineer. (WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

4.30.020 Plan Approval.

Major Facilities Project Plans shall not be implemented unless approved by the Agency Engineer. The Agency Engineer shall have 30 days from his receipt of the proposed Major Facilities Project Plan and any additional information requested by the Agency Engineer in which to approve, conditionally approve or deny the proposed Major Facilities Project Plan. (WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

4.30.030 Plan Consistency.

The decision to approve, conditionally approve or deny a proposed Major Facilities Project Plan shall be based on whether the proposed Major Facilities Project Plan is consistent with applicable laws, the applicable Zone Master Plan, the applicable General Plan (Sacramento County, City of Elk Grove, or City of Rancho Cordova), the Sacramento County Improvement Standards, the Sacramento County Standard Construction Specifications and policies and design criteria established by the Agency Engineer and conforming to applicable American Water Works Association standards, applicable standards adopted by State of California agencies, applicable federal Environmental Protection Agency guidelines, and other relevant standards and guidelines. This decision shall also be based on a determination as to whether the proposed Major Facilities Project Plan is consistent with Board policies and other Major Facilities Project Plans within the same Zone. (WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

4.30.040 Written Notification of Decision.

The Agency Engineer shall notify the proponent of the Major Facilities Project Plan of the approval, conditional approval or denial of the proposed Major Facilities Project Plan. This notification shall be in writing and shall state the reasons for the decision. (WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

CHAPTER 4.35 IMPROVEMENT PLANS

Sections:

- 4.35.010 Improvement Plans
- 4.35.020 Plan Approval and Consistency
- 4.35.030 Written Notification of Decision

4.35.010 Improvement Plans.

Construction of any portion of a Water Supply System shall be in accordance with an Improvement Plan. A Water Supply System proposed in an Improvement Plan shall not be implemented unless approved by the Agency Engineer. The Agency Engineer shall have 30 days from his receipt of the Water Supply System proposal included in the Improvement Plan and any additional information requested by the Agency Engineer in which to approve, conditionally approve or deny the Water Supply System proposal included in the Improvement Plan. (WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

4.35.020 Plan Approval and Consistency.

The decision to approve, conditionally approve or deny a Water Supply System proposal included in an Improvement Plan shall be based on whether the Water Supply System proposal is consistent with applicable laws, the applicable Zone Master Plan, the applicable General Plan (Sacramento County, City of Elk Grove, or City of Rancho Cordova), the Sacramento County Improvement Standards, the Sacramento County Standard Construction Specifications and policies and design criteria established by the Agency Engineer and conforming to applicable American Water Works Association standards, applicable standards adopted by State of California agencies, applicable federal Environmental Protection Agency guidelines, and other relevant standards and guidelines. This decision shall also be based on a determination as to whether the Water Supply System proposal is consistent with Board policies and other Improvement Plans within the same Zone. (WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

4.35.030 Written Notification of Decision.

The Agency Engineer shall notify the proponent of the Water Supply System of the approval, conditional approval or denial of the proposal. This notification shall be in writing and shall state the reasons for the decision. (WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

CHAPTER 4.40 LAND INTERESTS

Sections:

- 4.40.010 Easements
- 4.40.020 Condemnation
- 4.40.030 Credits for Major Facilities Land Acquisitions
- 4.40.040 Credit Agreement for Land Acquisitions
- 4.40.050 Use of Authorized Credits

4.40.010 Easements.

The Agency Engineer may, when deemed necessary to insure an adequate water supply and distribution for a particular Zone, require the granting of an easement to the Agency. The granting of said easement may also be imposed by the County of Sacramento or the Agency:

- A. As a condition of a conditional use permit, a variance, or a rezoning agreement;
- B. As a condition of approval of an Improvement Plan;
- C. As a condition of approval of a Major Facilities Project Plan;
- D. As a condition of approval of a final map.

(WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

4.40.020 Condemnation.

In the event any person, firm or corporation wishes to proceed with a portion of ultimate improvements of Major Facilities in advance of the Agency's construction schedule, the Agency hereby declares its willingness to condemn necessary rights of way which cannot be obtained through negotiation by such person, firm or corporation. The person, firm or corporation requesting such condemnation shall pay all costs and expenses thereof, including attorney fees and litigation costs. The Agency Engineer shall require a cash deposit to pay the estimated costs and expenses of such condemnation, and shall require payment of all costs and expenses in excess of the cash deposit. (WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

4.40.030 Credits for Major Facilities Land Acquisitions.

A. The Agency Engineer may authorize credits to offset Water Development Fees in lieu of cash compensation to land owners for the appraised value of land being acquired by the Agency for construction of Major Facilities.

B. "Water Development Fees", for purposes of this Chapter are the following fees as identified in Schedule "A" of Appendix No. 1 of this Title:

- 1) the Single Family Service fee due at building permit issuance for single family residential developments;
- 2) the Multi-Family Service fee (excluding any irrigation EDU service fees) due at improvement plan approval for multi-family developments; and
- 3) the acreage development fee due at improvement plan approval for commercial developments.

(WAO-0082 § 2, 2013)

4.40.040 Credit Agreement for Land Acquisitions.

Credits authorized pursuant to this Chapter shall be itemized and the credit area shall be defined in a written credit agreement executed by the parties and incorporated in a purchase and sale agreement. Credits shall not be available until the Agency takes title to the real property being acquired. (WAO-0082 § 2, 2013)

4.40.050 Use of Authorized Credits.

Credits authorized pursuant to this Chapter may not, when combined with any other authorized Title 4 credits, be applied to offset more than 50% of the amount of the Water Development Fees due for the parcel. (WAO-0082 § 2, 2013)

CHAPTER 4.45 FEES AND CHARGES

Sections:

4.45.010	Fees and Charges
4.45.020	Schedule A of Appendix No. 1
4.45.030	Acreage Standby Fee
4.45.040	Single Family Service Fee
4.45.045	Multi-Family, Open Space, Park, and Public School Service Fee
4.45.050	Commercial Service Fee
4.45.055	Surface Water Component Fee for Private Wells
4.45.057	Payment of All Fees
4.45.060	Expiration of Building Permit
4.45.070	Use of Fees
4.45.080	Record of Fees
4.45.090	Rounded Fees
4.45.100	Accessory Dwelling Unit Service Fee

4.45.010 Fees and Charges.

Water development fees shall consist of the following:

- A. Acreage Standby Fee;
- B. Commercial Service Fee;
- C. Single Family Service Fee;
- D. Multi-Family Service Fee;
- E. Open Space Service Fee;
- F. Park Service Fee;
- G. Public School Service Fee;
- H. Surface Water Component Fee for Private Wells; or
- I. Accessory Dwelling Unit Service Fee.

The applicable water development fees shall be in addition to any other condition of approval or requirement for the new development, such as construction of or payment towards service mains, connections or other non-Major Facilities within the development. (WAO-0098 § 6, 2020; WAO-0092 § 22, 2015; WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

4.45.020 Schedule A of Appendix No. 1.

Water development fees shall be in the amounts and payable as set forth in Schedule A of Appendix No. 1 of this Title.

Schedule A shall be as shown until at least February 28, 2006. Beginning March 1, 2006, Schedule A fees may be adjusted by the Agency Engineer effective March 1 of each year as set forth in Schedule A of Appendix 1. (WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

4.45.030 Acreage Standby Fee.

The Board may impose an acreage standby fee on a particular parcel. This acreage standby fee shall be imposed only where the Board concludes that Single Family, Multi-Family, Commercial, Open Space, Park, or Public School Service will be

required for that parcel subsequent to the completion of an Agency Project benefiting that parcel. The acreage standby fee shall not exceed an annual amount of ten percent (10%) of the water development fee that would be required were Single Family, Multi-Family, Commercial, Open Space, Park, or Public School Service to be provided contemporaneously with the completion of the Agency Project benefiting that parcel. (WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

4.45.040 Single Family Service Fee.

The Single Family Service Fee shall be in the amount established by Schedule A of Appendix No. 1 of this Title. It shall be paid in up to two (2) installments: (i) the first installment shall be paid prior to approval of an Improvement Plan; (ii) the second installment shall be paid prior to issuance of a building permit or connection to a Water Distribution System supplied by wholesale water from the Agency, whichever occurs first. The first installment amount shall not be available for credits pursuant to Chapter 4.50.

Where a Transmission Main is available for service to a parcel, the Single Family Service Fee shall be paid and, upon payment, the real property owner shall connect to a Water Distribution System supplied by that Transmission Main with wholesale water from the Agency.

Where a Transmission Main is not available for service, the Agency Engineer may defer payment of the Single Family Service Fee until a Transmission Main is available. Notwithstanding the foregoing, all such developments of Single Family Residences in Zone 40 that are served by new private wells where a Transmission Main is not available and for which a tentative map or a parcel map is approved after the effective date of the Surface Water Component Fee, shall pay the Surface Water Component Fee described in Section 4.45.055 of this Title. (WAO-0102 § 2, 2024; WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

4.45.045 Multi-Family, Open Space, Park, and Public School Service Fee.

The Multi-Family Service Fee, Open Space Service Fee, Park Service Fee and Public School Service Fee shall be in the amounts established by Schedule A of Appendix No. 1 of this Title. Such fees shall be paid in full prior to approval of an Improvement Plan. (WAO-0071 § 1, 2008)

4.45.050 Commercial Service Fee.

The Commercial Service Fee shall be in the amount established by Schedule A of Appendix No. 1 of this Title. That portion of the Commercial Service Fee attributable to acreage shall be paid in full prior to approval of an Improvement Plan. The balance of the Commercial Service Fee shall be paid as established by Schedule A of Appendix No. 1 or prior to connection to a Water Distribution System supplied by wholesale water from the Agency, whichever occurs first. (WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

4.45.055 Surface Water Component Fee for Private Wells.

The Surface Water Component Fee for Private Wells shall be in the amount established by Schedule A of Appendix No. 1 of this Title and shall apply to developments in Zone 40 served by new private wells for which a tentative map or a

parcel map is approved after the effective date of this fee. It shall be paid prior to issuance of a building permit. (WAO-0071 § 1, 2008)

4.45.057 Payment of All Fees.

No property shall be connected to the Agency's Water Distribution System until all water development fees imposed by this Title 4 are paid. (WAO-0071 § 1, 2008)

4.45.060 Expiration of Building Permit.

If a building permit expires, those water development fees previously paid in relation thereto shall not be refunded. If a new building permit is subsequently sought for the same parcel, a water development fee shall be paid prior to issuance of a new permit. The amount of the water development fee shall be the current water development fee less the prior amount paid. (WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

4.45.070 Use of Fees.

Water development fees collected pursuant to this Title for a particular Zone shall not be used for maintenance or operation expenses of Major Facilities. (WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

4.45.080 Record of Fees.

The Agency Engineer shall keep accurate records concerning the collection of water development fees. Such records shall set forth the amount of water development fees paid for each parcel of land, building, or improvement within each Zone in Sacramento County. (WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

4.45.090 Rounded Fees.

Water development fees shall be rounded to the nearest dollar. (WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

4.45.100 Accessory Dwelling Unit Service Fee.

The Accessory Dwelling Unit Service Fee shall be in the amount established by Schedule A of Appendix No. 1 of this Title and shall be paid in full prior to issuance of a building permit. The fee shall be waived if an Accessory Dwelling Unit meets the criteria for waiver established by Schedule A of Appendix No. 1 of this Title. (WAO-0098 § 7, 2020)

CHAPTER 4.50 CREDITS

Sections:

4.50.010	Credit for Construction of Major Facilities
4.50.020	Competitive Bid Process
4.50.030	Acreage Standby Credit
4.50.040	Apportionment of Credit
4.50.050	Water Development Fee Credit
4.50.060	Divided Parcel Credit
4.50.070	Designated Construction
4.50.090	Public Financing District Credits

4.50.010 Credit for Construction of Major Facilities.

Upon application by the property owner or his authorized representative, the Agency Engineer may authorize credit for the construction of any Major Facilities in lieu of payment of all, or a portion of the water development fees required by this Title 4. If authorized, such credit shall be recognized only by prior written agreement between the parties, based upon the provisions herein after stated.

A. **Transmission Mains.** The amount of credit for construction of Transmission Mains shall be computed solely upon the quantity of Transmission Pipe Size actually installed using the base cost per foot shown in Schedule C of Appendix No. 1, plus eight (8) percent of that amount. The eight percent (8%) of the allowable credit is an offset for engineering costs. Competitive bidding or actual costs shall not be used as a basis for the credit determination. Credit for change orders shall be limited to an adjustment of creditable quantities to reflect actual final installed quantities. Credit shall not be allowed for other change orders or claims.

B. **Plants, Tanks, Wells and Pumps.** The amount of credit for construction of groundwater treatment plants, water storage tanks, groundwater wells and associated pumping plants shall equal the actual cost of construction as determined under a construction contract awarded by the competitive bid process described in section 4.50.020 herein plus eight (8) percent of this actual cost as an offset for engineering costs. This credit shall be allowed only if the construction of the groundwater treatment plant, water storage tank, groundwater well or pumping plant is required by the Agency Engineer to assure an adequate interim or secondary water supply, and only if the actual cost of construction is the result of a competitive bidding process that is consistent with competitive bidding and prevailing wage requirements of the Public Contracts Code and Labor Code that would be imposed on the Agency if it was contracting for the construction.

C. **Other Major Facilities.** The amount of credit for construction of other Major Facilities not listed in paragraphs A or B of this Section shall equal the actual cost of construction as determined under a construction contract awarded by the competitive bid process described in section 4.50.020 herein plus eight (8) percent of this actual cost as an offset for engineering costs. This credit shall be allowed only if the actual cost of construction is the result of a competitive bidding process that is consistent with competitive bidding and prevailing wage requirements of the Public Contracts Code and

Labor Code that would be imposed on the Agency if it was contracting for the construction.

D. Notwithstanding any provision herein to the contrary, credit shall not be allowed for costs incurred for the purpose of accelerating a development schedule, unless required by the Agency, and then, only if the amount of such credit is approved by the Agency Engineer prior to doing the work.

E. Credit shall not be allowed for additional costs incurred when the proximate cause is an action or inaction of the owner, developer, or his representative, including but not limited to delays, lost productivity, change orders, and claims.

F. When credit is authorized using Schedule C, the amount of credit shall be computed by totaling all of the actual quantities installed using the rates in Schedule C of Appendix No. 1 in effect at the time of approval, by all approving authorities, of the Improvement Plan for construction of the Major Facility, then rounded to the nearest dollar.

Schedule C shall be shown until at least February 28, 2006. Beginning March 1, 2006, Schedule C fees may be adjusted by the Agency Engineer effective March 1 of each year as set forth in Schedule C of Appendix No. 1. (WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

4.50.020 Competitive Bid Process.

Credit for actual cost when authorized herein shall only be allowed if:

A. A Project is advertised and awarded in the same manner and subject to the same laws and regulations as if the Agency was advertising and awarding the project, including but not limited to compliance with the California Labor and Public Contracts Codes, and incorporation into the construction contract documents the County of Sacramento's Standard Construction Specifications then in effect. Projects shall be advertised for a minimum of thirty (30) days and shall not be advertised for bidding prior to approval of the improvements plans by the Agency and any other applicable approving authorities. Project bids shall not include schedule acceleration or acceleration alternatives; and

B. All real property interests necessary to complete delivery of the Major Facilities to the Agency have been transferred to Agency, or the appropriate entity. (WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

4.50.030 Acreage Standby Credit.

Credit shall be allowed in lieu of payment for acreage standby fees. (WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

4.50.040 Apportionment of Credit.

Credit for Major Facilities shall be uniformly apportioned among the parcels for which the Major Facilities were approved at the time of installation. (WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

4.50.050 Water Development Fee Credit.

Credits allowed pursuant to this Title shall be applied toward a maximum of 50% of the amount of the water development fees due for the real property to which the credit is apportioned exclusive of Open Space Service fees. Allowable costs of

construction of Major Facilities which exceed the amount of water development fee credits allowed in this section shall be reimbursed in accordance with Chapter 4.55. (WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

4.50.060 Divided Parcel Credit.

Where credit is allowed pursuant to this Title and apportioned to a particular parcel that is to be divided, the credit shall be apportioned uniformly among the divided parcels. (WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

4.50.070 Designated Construction.

Unless otherwise determined by the Board, an owner of real property within the Zone shall construct any Major Facility shown by the Master Plan to be designated for construction on that real property. (WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

4.50.090 Public Financing District Credits.

Credits for Major Facilities financed by an assessment district, community facilities (Mello Roos) district, special tax district, or similar public infrastructure financing may be allowed by the Agency Engineer. The owner of the property shall immediately notify Agency of any proposal to provide funding for construction of Major Facilities by a public infrastructure financing entity. The Agency may, at its sole discretion, redetermine and reassign credits for water development fees based on the amount of public funding thereby provided.

Any credit allowed shall be for a pro rata portion of those incidental expenses of the public infrastructure financing entity which are considered by the Board to be the ordinary expenses for construction of Major Facilities, and which are not incidental to and peculiar to the public infrastructure financing entity. Such incidental expenses for which credit shall not be allowed include, but are not limited to, attorney fees, preparation of legal descriptions, preparation of documents, all expenses related to the sale of bonds, and other County Treasurer's and Infrastructure Finance Section staff's expenses. (WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

CHAPTER 4.55 REIMBURSEMENT AGREEMENTS

Sections:

- 4.55.010 Reimbursement Agreements
- 4.55.020 Public Financing District Reimbursements

4.55.010 Reimbursement Agreements.

Where allowable costs of construction of Major Facilities as determined by Chapter 4.50 exceed the amount of any water development fee credits allowed by Chapter 4.50, then in that event the amount of such exceedance shall be reimbursed by the Agency to the entity which constructed the Major Facilities; provided:

- A. The Major Facilities were constructed pursuant to plans approved by the Agency Engineer prior to commencement of any construction.
- B. The construction was not financed by a public infrastructure financing entity.
- C. Fee requirements, allowable credits and reimbursable amounts all have been determined consistent with this Title.
- D. The person seeking reimbursement has paid all fees required by this Title.
- E. The reimbursement request was submitted in writing to the Agency Engineer prior to the final approval of an Improvement Plan, or where no Improvement Plan is filed, prior to commencement of any construction.
- F. A written reimbursement agreement has been executed by the party who executed the subdivision agreement with the County of Sacramento, City of Elk Grove, or City of Rancho Cordova. Where no subdivision map is to be filed and before the time the Improvement Plans for the real property are approved by the Sacramento County Municipal Services Agency, the City of Elk Grove, or the City of Rancho Cordova, the written reimbursement agreement shall be executed by the owner of the real property where the construction of the Major Facilities will occur.
- G. The written reimbursement agreement shall set forth the terms, conditions, amount of reimbursement and time frame for reimbursement including no prepayment penalties and interest per annum at the net County of Sacramento treasury pool rate for the prior fiscal year on the unpaid balance with interest not beginning to accrue until sixty (60) days have passed from the date construction is accepted by the County of Sacramento or the Agency and from the date of receipt by Agency of releases of liens, claims, and encumbrances on the Major Facilities, a reimbursement invoice for an amount consistent with the terms of the reimbursement agreement, and all documents necessary to substantiate the actual costs.
- H. The Board has approved the written reimbursement agreement.
- I. The amount of the reimbursement for Transmission Mains shall be based upon the rates in Schedule C of Appendix No. 1 in effect at the time of approval by all approving authorities of the Improvement Plan for construction of the Major Facility.

(WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

4.55.020 Public Financing District Reimbursements.

If reimbursement is sought from the Agency for the construction of Major Facilities financed by an assessment district, community facilities (Mello Roos) district,

special tax district, or any similar public infrastructure financing entity, then any reimbursement from the Agency due there from shall be paid solely to the assessment district, community facilities (Mello Roos) district, special tax district, or any similar public infrastructure financing entity, or its successor, and not to the person constructing or causing the construction of the project. At no cost to the Agency, the person claiming entitlement to reimbursement shall have the entire burden of establishing to the Agency's complete satisfaction that the project is not constructed as a project of an assessment district, community facilities (Mello Roos) district, special tax district, or any similar public infrastructure financing entity. At no cost to the Agency, such Agency satisfaction may include, by way of illustration and not limitation, reimbursement conditioned upon indemnification, bond, mediation, judicial interpleader, and payment of Agency's actual attorney's fees. Notwithstanding the foregoing, the Agency Engineer may determine, in his sole reasonable discretion, that reimbursement may be made to the property owner who constructed the Major Facilities.

If the construction of Major Facilities is financed by a public infrastructure financing entity 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 Section 4.55.010 except 4.55.010(B) are met. The reimbursable amount shall be the lesser of the amount of the cash deposit or the amount by which the allowable costs for construction exceed the amount of any water development fee credits allowed by Chapter 4.50. (WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

CHAPTER 4.60 APPEALS

Sections:

4.60.010	Appeals
4.60.015	Appeal Fee
4.60.017	Notice of Appeal and Hearing
4.60.020	Burden of Proof
4.60.030	Proof of Consistency
4.60.040	Adjustments to Credits
4.60.050	Notices

4.60.010 Appeals.

In the event that an owner of real property within a Zone is aggrieved by the decision of the Agency Engineer in the computation of a fee, charge, credit or reimbursement amount, or by the disapproval of a Major Facilities Project Plan or a Water Supply System proposal included in an Improvement Plan, or by conditions imposed for approval of a Major Facilities Project Plan or a Water Supply System proposal included in an Improvement Plan, or by reason of other requirements imposed pursuant to this Title, the owner may appeal to the County Engineer of Sacramento County. Any such appeal shall be in writing, shall state the specific reasons therefore and grounds asserted for relief, and shall be filed with the County Engineer of Sacramento County within fifteen (15) days from the date of the action from which he is appealing. If an appeal is not filed within the time or in the manner prescribed above, the right of review of the action against which the complaint is made shall be deemed to have been waived. (WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

4.60.015 Appeal Fee.

The Board of Directors shall by resolution adopt and, from time to time, amend a fee for the filing of appeals. Such fee shall be for the sole purpose of defraying costs incurred for the administration of appeals. The fee for an appeal shall be paid at the time of and with the filing of an appeal. No appeal shall be deemed valid unless the prescribed fee has been paid. (WAO-0071 § 1, 2008)

4.60.017 Notice of Appeal and Hearing.

The County Engineer of Sacramento County shall set a hearing of such appeal to be held within sixty (60) days from the date of receipt of said appeal. The County Engineer of Sacramento County shall notify the appellant, the Agency Engineer and the officer or agent whose determination is the subject of the appeal of the hearing date and place at least 10 days prior to the scheduled hearing date. The appeal hearing shall be conducted for the purpose of determining whether the appeal should be granted. It shall review the entire proceeding or proceedings relating to the act or decision being appealed, de novo, and may make any result in any order deemed just and equitable. The hearing may be continued from time to time. At the conclusion of the hearing a written decision which either grants or denies the appeal shall be issued containing findings of fact and conclusions. The written decision shall be filed with the County

Engineer of Sacramento County. The County Engineer of Sacramento County shall serve such decision on the appellant and the Agency Engineer. The decision shall become final upon the date of its filing and service thereof as herein above stated. (WAO-0071 § 1, 2008)

4.60.020 Burden of Proof.

When the appeal is based upon the disapproval of a Major Facilities Project Plan or a Water Supply System proposal included in an Improvement Plan, or by conditions imposed for approval of a Major Facilities Project Plan or a Water Supply System proposal included in an Improvement Plan, the appellant shall prove by clear and convincing evidence that the denial or the conditions attached to the approval of the Major Facilities Project Plan or Water Supply System proposal will cause undue hardship on the appellant, will prevent him from making a reasonable use of the property, or will interfere with facilities necessary for an adequate and continuous water supply. (WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

4.60.030 Proof of Consistency.

If a Major Facilities Project Plan or a Water Supply System proposal included in an Improvement Plan was denied because implementation of the proposed plan would prove inconsistent with applicable laws, the applicable Zone Master Plan, the General Plan of Sacramento County, the Sacramento County Improvement Standards, the Sacramento County Standard Construction Specifications, Board policies or other similar plans within the same Zone, the appellant, in addition to any other requirement of this Section, shall prove by clear and convincing evidence that the proposed plan is not so inconsistent. (WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

4.60.040 Adjustments to Credits.

In unusual circumstances and upon a showing of good cause related to construction conditions, and upon a favorable decision at the completion of the appeal process stipulated in this section, allowable credits may be adjusted as determined to be fair and equitable. (WAO-0071 § 1, 2008)

4.60.050 Notices.

A. Except as otherwise specifically set forth, any notice authorized or required by this Title 4 shall be deemed to have been filed, served and effective for all purposes on the date when it is personally delivered in writing to the party to whom it is directed or deposited in the United States mail, first class postage prepaid, and addressed to the party to whom it is directed.

B. Except as otherwise specifically set forth, whenever a provision in this Title 4 requires a public hearing to be conducted, notice of the time, date, place and purpose of the hearing shall be published at least once not later than ten (10) calendar days in advance of the date of commencement of the hearing in a newspaper of general circulation which is published within the County of Sacramento. (WAO-0071 § 1, 2008)

CHAPTER 4.70 MISCELLANEOUS PROVISIONS

Sections:

4.70.010	Fees Forwarded
4.70.020	Accidental Fire or Disaster
4.70.030	Mobile Home or Travel Trailer
4.70.040	Effective Date
4.70.050	Other Agreements
4.70.060	Title Validity
4.70.070	Title Effective Date
4.70.080	Discontinuance of Service

4.70.010 Fees Forwarded.

In the event that an assessment district is formed for the construction and financing of Major Facilities, upon Board approval any fees previously collected by the Agency to finance the same facilities shall be forwarded to the assessment district and shall be credited against the assessment on the property for which the fees were initially required. (WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

4.70.020 Accidental Fire or Disaster.

The Agency Engineer may waive any fees due and payable where a building permit is being issued for a building to replace one destroyed by accidental fire or other accidental disaster. This Section shall not operate to waive any fees due and payable by reason of change in land use or type of water service. (WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

4.70.030 Mobile Home or Travel Trailer.

In those circumstances where a use permit is issued for a mobile home or travel trailer as an accessory dwelling where there is a need of close supervision of a relative who is handicapped pursuant to Title 3, Chapter 1, Article 4, Section 301-51 of the Zoning Code, the Agency Engineer may waive any fees otherwise due under this Title as a result of the installation of said mobile home or travel trailer. (WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

4.70.040 Effective Date.

The Agency Engineer is authorized from time to time to promulgate and enforce such rules and regulations consistent with the purposes, intent and express terms of this Title as he deems necessary to implement such purposes, intent and express terms. No rules or regulations promulgated by the Agency Engineer 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 Board. (WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

4.70.050 Other Agreements.

The Agency may enter into a written agreement with any district, mutual water company or public utility as defined in Section 216 of the Public Utilities Code provided that any portion of the district, mutual company or public utility lies within the geographical boundaries at the time the particular Zone to which the agreement applies

is formed and provided further that the district, mutual water company, or public utility is presently a public water purveyor. The agreement shall define the respective rights and obligations of the Agency and the district, mutual water company or public utility in conjunction with the applicability of this Title. (WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

4.70.060 Title Validity.

In the event that any part of this Title is found to be illegal, invalid or unenforceable pursuant to the applicable laws, the other parts of this Title shall remain valid. (WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

4.70.070 Title Effective Date.

This Title shall become operative on and after October 25, 1986, as the same from time to time may be amended. (WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

4.70.080 Discontinuance of Service.

The Agency may disconnect water service from a property connected to the water system of the Agency, or to the water system of a water purveyor receiving wholesale water from the Agency, for which payment of a water development fee is delinquent for a period exceeding ninety (90) days after the date of notification that the water development fee is due and payable, regardless of the location of the property within the wholesale or retail service area of the Agency, to prevent use of a water service until such time as the water development fee is paid. A water service shall not be disconnected until the water purveyor, Agency, or municipality assigned responsibility to collect the water development fee on behalf of the Agency has been given notice that the water development fee is delinquent and has made a diligent attempt to collect said fee. (WAO-0071 § 1, 2008)

CHAPTER 4.75
DEFERRAL OR WAIVER OF WATER FEES FOR LOW OR VERY LOW INCOME
AFFORDABLE HOUSING DEVELOPMENT PROJECTS

Sections:

4.75.005	Title
4.75.010	Purpose
4.75.020	Application Fee Program
4.75.030	Definitions
4.75.040	Fee Deferral Program
4.75.050	Fee Waiver Program
4.75.060	Deferral and Waiver Program
4.75.070	Deferral, Waiver and Subordination Agreements
4.75.080	Fee Waiver Cap
4.75.090	Interest
4.75.100	Fee Increase
4.75.110	Recordation Costs
4.75.120	Fee Deferral/Waiver Application and Administrative Processing Fees

4.75.005 Title.

This chapter shall be known and cited as the “Deferral or Waiver of Water Fees for Low or Very Low Income Affordable Housing Development Projects.” (WAO-0072 § 10, 2008)

4.75.010 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 Chapter, 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 § 10, 2008)

4.75.020 Applicable Fee Programs.

Notwithstanding any other provision of this Code, upon application and approval pursuant to Sections 4.75.040, 4.75.050 and 4.75.060, a Qualified Residential Project shall pay and the following Zone 40 water development fees imposed pursuant to Chapter 4.45 shall be collected pursuant to the provisions of this Chapter:

- A. Zone 40 Single Family Service Fee;
- B. Zone 40 Multi-Family Service Fee;
- C. Zone 40 Commercial Service Fee;

- D. Zone 40 Open Space Service Fee; and
- E. Zone 40 Laguna South Recycled Water Facilities Fee.

(WAO-0072 § 10, 2008)

4.75.030 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 500253, 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 4.75.070 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 § 10, 2008)

4.75.040 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 4.75.020 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 promissory note and 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 may 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 4.75.120;
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 4.75.090 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 4.75.090 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 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 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.

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 4.75.0790 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 § 10, 2008)

4.75.050 Fee Waiver Program.

A. Ten Percent Very Low Income Households. Only a Qualified Residential

Project, as defined in Section 4.75.030 (H) for which a Certification Letter indicates includes at least ten percent (10%) of units with Affordable Rents for Affordable Housing Costs for Very Low Income Households shall be eligible for waiver of any of those fees enumerated in Section 4.75.020. 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 promissory note and 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, 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 4.75.080. No fee waiver applications will be accepted if the cap, as set forth in Section 4.75.080, 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 4.75.120;
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 4.75.090 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 4.75.090: 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) 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 4.75.090.

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 § 10, 2008)

4.75.060 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 4.75.020 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 4.75.070, 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 4.75.040(C) and Section 4.75.050 (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 4.75.090 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) 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 4.75.090: 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) month period to avoid all fees becoming due and payable with the imposition of interest pursuant to the fee deferral and waiver Agreement and the provisions of Section 4.75.090. (WAO-0072 § 10, 2008)

4.75.070 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 § 10, 2008)

4.75.080 Fee Waiver Cap.

A. The total number of fee waivers to be approved by the Sacramento County Water Agency shall be capped annually at 100 dwelling units or five percent (5%) of the number of dwelling units for which residential building permits for new construction were issued in the Sacramento County Water Agency Zone 40 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, for which a Certification Letter has been received, which does not execute the fee 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 § 10, 2008)

4.75.090 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) month period of deferral for single-family Qualified Residential Projects and the twenty-four (24) months immediately following the 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, whichever is earlier. (WAO-0072 § 10, 2008)

4.75.100 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 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 § 10, 2008)

4.75.110 Recordation Costs.

All cost of recordation of documents required pursuant to this Chapter shall be paid by the Applicant. (WAO-0072 § 10, 2008)

4.75.120 Fee Deferral/ Waiver Application and Administrative Processing Fees.

A non-refundable fee deferral/waiver application fee of 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 § 10, 2008)

**SACRAMENTO COUNTY WATER AGENCY
APPENDIX NO. 1 TO TITLE 4
SCHEDULE A - WATER DEVELOPMENT FEES**

Schedule A fees may be adjusted by the Agency Engineer effective March 1 of each year as follows:

I. ZONE 40

1. 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 shall be determined by resort to the appropriate January issue of the Engineering News Record magazine or its most equivalent alternative. The average of these two indexes shall be calculated and if it equals the prior year's average, Schedule A shall not be adjusted.

2. 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 that was in effect on the date of the adoption of this Title. The results shall constitute the adjusted Schedule A.

Water development fees stipulated below to be paid in cash may be paid in cash or in another form of immediately available funds.

A. RATE PER EDU - \$21,524.00

B. EDU Assignments: (For Single Family Service, Multi-Family Service, Commercial Service, Open Space Service, Park Service, and Public School Service based upon size of service necessary for Water Consumption Needs.)

- a. 1" service and smaller shall be assigned 1.0 EDU's.
- b. 1-1/2" service shall be assigned 2.3 EDU's.
- c. 2" service shall be assigned 4.0 EDU's.
- d. 3" service shall be assigned 9.0 EDU's.
- e. 4" service shall be assigned 16.0 EDU's.
- f. 6" service shall be assigned 36.0 EDU's.
- g. Service size determined by reference to the Sacramento County Improvement Standards. Other size EDU assignments shall be determined by the Agency Engineer subject to Board approval.

C. CALCULATION OF ACREAGE – The acreage area used in the calculation of the water development fees in paragraphs F, G, H, and I of this schedule shall be based on gross acreage, minus non-irrigated acreage solely of the following: County and City rights-of-way, lined channels, and water quality detention basins.

D. SINGLE FAMILY SERVICE FEES (Water service to detached single-family residential premises.)

1. The water development fee for Single Family Service shall be as follows:
 - a. The fee for Single Family Service 1" or smaller with lot sizes up to 5,500 square feet shall be based in part on a fixed fee and in part on the square footage of the lot as follows:
 $(75\% \times \text{Rate per 1 EDU}) + (25\% \times \text{Rate per 1 EDU} \times \text{Area of the single-family lot in sq. ft}/5500 \text{ sq. ft})$. Lot size shall be the gross parcel size where there is one dwelling unit per parcel. The calculation of lot size in other cases shall be determined by Agency.
 - b. The fee for Single Family Service 1" or smaller with lot sizes larger than 5,500 square feet shall be the Rate for 1 EDU (i.e., \$21,399).
 - c. The fee for Single Family Service larger than 1" shall be the rate per 1 EDU multiplied by the applicable EDU assignment set forth in Section 2B, above.
2. The water development fee for Single Family Service shall be payable as follows:
 - a. Fifteen percent (15%) of the total water development fee shall be payable in cash prior to approval of Improvement Plans. The Agency Engineer may determine, on an annual basis, to limit this initial payment to a maximum of \$200,000 where 15% of the total water development fee exceeds \$200,000. The Agency Engineer's determination shall be published in a manner reasonably calculated to provide notice to payors of the fee.
 - b. The balance of the water development fee due plus any approved increases made since the initial portion of the water development fee was paid shall be paid at the time of issuance of building permits.

E. MULTI-FAMILY SERVICE FEES (Water service to attached multi-family residential premises.)

1. The water development fee for Multi-Family Service shall be the rate per 1 EDU multiplied by the applicable EDU assignment as set forth in the EDU Assignments above.

2. The fee for attached townhomes and similar projects may be calculated as a Single-Family Service Fee if each unit is to have its own service.
3. The total water development fee for service shall be paid in cash prior to the approval of an Improvement Plan.

F. COMMERCIAL SERVICE FEES (Water service to nonresidential premises including, but not limited to, businesses, manufacturing plants, processing plants, industrial buildings, stores, hotels, motels, rest homes, private schools, government buildings and office buildings. Excludes public schools, parks, and open space.)

1. The water development fee for Commercial Service shall be the rate per EDU multiplied by the applicable EDU assignment as set forth above.
2. The water development fee for acreage shall be \$11,951.00 per acre.
3. Acreage shall be based on the lot size, not the developed area.
4. The water development fee for acreage shall be paid in cash prior to the approval of an Improvement Plan.
5. The water development fee for building services shall be paid in cash at the time of issuance of building permits. If a project does not require a building permit, the water development fee for Commercial Services shall be paid in cash prior to approval of an Improvement Plan.
6. The water development fee for irrigation services shall be in accordance with Open Space Service as set forth below and shall be paid in cash prior to approval of an Improvement Plan.

G. OPEN SPACE SERVICE FEES (Water service that is not Single Family, Multi-Family, Commercial, Park, or Public School Service. Open Space Service includes, but is not limited to, landscape corridor irrigation, landscape irrigation not within a public school or park, crop irrigation, and livestock watering.)

1. The water development fee for Open Space Service shall be the rate per EDU multiplied by the applicable EDU assignment as set forth above.
2. The water development fee for acreage which will receive Open Space Service shall be \$2,314.00 per acre.
3. The total water development fee for services and acreage shall be paid in cash prior to the approval of an Improvement Plan.

H. PARK SERVICE FEES (Water service to a public or private park, including but not limited to landscaping, playing fields, buildings, common areas, park roads, and parking lots.)

1. The water development fee for Park Service shall be the rate per EDU multiplied by the applicable EDU assignment as set forth above.
2. The water development fee for acreage shall be \$4,749.00 per acre.
3. The water development fee for Park Service shall be payable as follows:
 - a. Parks 10 Acres and Less: The total water development fee for services and acreage shall be paid in cash prior to the Agency approval of an Improvement Plan for a road adjacent to a park.
 - b. Parks Larger than 10 Acres: The total water development fee for services and acreage shall be paid in cash prior to the Agency approval of a park plan (landscape plan) stamped by a registered landscape architect.

I. PUBLIC SCHOOL SERVICE FEES (Water service to a public school, including, but not limited to, landscaping, playing fields, buildings, common areas, school roads, and parking lots.)

1. The water development fee for Public School Service shall be the rate per EDU multiplied by the applicable EDU assignment as set forth above.
2. The water development fee for acreage shall be \$7,914.00 per acre.
3. The total water development fee for services and acreage shall be paid in cash prior to the approval of an Improvement Plan.

J. SURFACE WATER COMPONENT FEE - DEVELOPMENTS SERVED BY PRIVATE WELLS

1. Developments in Zone 40 served by new private wells, for which a tentative map or parcel map is approved after the effective date of this fee, (March 22, 2008) shall pay the Surface Water Component Fee in cash prior to issuance of a building permit.
2. Residential Lots: The water development fee shall be 78.6% of 1 EDU per lot.
3. Commercial Lots: The water development fee shall be 78.6% of the EDU assignment listed in the Commercial Service section of this schedule and shall be based on the size of Commercial Service determined in the Agency New Service Request and Cross Connection Control Form.

4. Prior to future connection to a water system supplied by wholesale water from the Agency, the remaining 21.4% shall be paid in cash based upon the fee in effect at the time of connection and the number of EDU's of the actual service sizes.

K. ACCESSORY DWELLING UNIT SERVICE FEES (Water Service to a residential dwelling unit which provides complete independent living facilities on the same parcel as a Single Family Residence.)

1. The water development fee for Accessory Dwelling Unit Service shall apply to Accessory Dwelling Units that are (a.) larger than 1,200 square feet, or (b.) equipped with a separate water service connection to a Water Distribution System supplied by wholesale water from the Agency.

The water development fee for Accessory Dwelling Unit Service shall be determined in accordance with Paragraph D, above, for Single Family Service Fees.

The water development fee for Accessory Dwelling Unit Service shall be paid prior to issuance of a building permit.

2. The Accessory Dwelling Unit Service Fee shall be waived if all of the following are true of an Accessory Dwelling Unit:
 - a. It is 1,200 square feet or less; and
 - b. It is not equipped with a separate water service connection to a Water Distribution System. (WAO-0098 § 8, 2020)

II. ZONE 50

1. The purpose of the Water Development Fee is to provide for the payment of connection fees (City Fee) to the City of Sacramento for the share of capital costs for firm capacity in the City's pumping, diversion, treatment, storage and transmission facilities that will be used to provide wholesale and/or wheeled water service to Zone 50.
2. The Water Development Fee will be the sum of the EDU Fee and the Acreage Fee along with a 5% administration charge.
3. A fixed charge of \$354/acre and \$25/EDU will be added to pay for the Zone 50 Water Supply Master Plan updates.

Determination of development fees will be as follows:

Acreage fee = City Fee (\$/MGD)*0.00181MGD/acre + \$354/acre

$$\text{EDU fee} = \text{City Fee (\$/MGD)} * 0.00013 \text{MGD/EDU} + \$25/\text{EDU}$$

Water development fees stipulated below to be paid in cash may be paid in cash or in another form of immediately available funds.

A. RATE PER EDU - \$1,161.00

B. EDU Assignments: (For Single Family Service, Multi-Family Service, Commercial Service, and Open Space Service based upon size of service necessary for Water Consumption Needs.)

- a. 1" service and smaller shall be assigned 1.0 EDU.
- b. 1-1/2" service shall be assigned 2.3 EDU's.
- c. 2" service shall be assigned 4.0 EDU's.
- d. 3" service shall be assigned 9.0 EDU's.
- e. 4" service shall be assigned 16.0 EDU's.
- f. 6" service shall be assigned 36.0 EDU's.
- g. Other size EDU assignments shall be determined by the Agency Engineer subject to Board approval.

C. CALCULATION OF ACREAGE – The acreage area used in the calculation of the water development fees in this schedule shall be based on gross acreage, minus non-irrigated acreage solely of the following: County and City rights-of-way, lined channels, and water quality detention basins.

D. SINGLE FAMILY SERVICE FEES

1. The water development fee for Single Family Service shall be the rate per EDU multiplied by the applicable EDU assignment as set forth above.
2. The total water development fee for Single Family Service shall be paid in cash prior to the approval of an Improvement Plan.

E. MULTI-FAMILY SERVICE FEES

1. The water development fee for Multi-Family Service shall be calculated at the rate of 0.75 EDU per Unit.

2. The total water development fee for Multi-Family Service shall be paid in cash prior to the approval of an Improvement Plan.

F. COMMERCIAL SERVICE FEES

1. The water development fee for Commercial Service shall be the rate per EDU multiplied by the applicable EDU assignment as set forth above.
2. The water development fee for acreage shall be \$16,163.00 per acre.
3. Acreage shall be based on the lot size, not the developed area.
4. The total water development fee for services and acreage shall be paid in cash prior to the approval of an Improvement Plan.

G. OPEN SPACE SERVICE FEES – For purposes of Zone 50, Service that is not Single Family, Multi-Family, or Commercial including but not limited to landscape irrigation, crop irrigation, livestock watering, and park or parkway irrigation shall be Open Space Service.

1. The water development fee for Open Space Service shall be the rate per EDU multiplied by the applicable EDU assignment as set forth above.
2. The water development fee for acreage which will receive Open Space Service shall be \$16,163.00 per acre.
3. The total water development fee for services and acreage shall be paid in cash prior to the approval of an Improvement Plan.

(WAO-0102 § 3, 2024; WAO-0101 § 3, 2023; WAO-0094 § 1, 2018; WAO-0087 § 1, 2014; WAO-0072 § 12, 2008; WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

SCHEDULE C – CREDITS FOR TRANSMISSION MAINS

Schedule C credits may be adjusted by the Agency Engineer effective March 1 of each year as follows:

A. 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 shall be determined by resort to the appropriate January issue of the Engineering News Record magazine or its most equivalent alternative. The average of these two indexes shall be calculated and if it equals the prior year's average, Schedule C 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 C that was in effect on the date of the adoption of this Title. The results shall constitute the adjusted Schedule C.

CREDIT ITEM	UNIT	UNIT CREDIT
TRANSMISSION MAIN PIPELINES (Notes 6 & 7)		
12-inch Pipe (undeveloped areas)	lineal foot	\$141.30
12-inch Pipe (under existing pavement)	lineal foot	\$255.60
16-inch Pipe (undeveloped areas)	lineal foot	\$187.80
16-inch Pipe (under existing pavement)	lineal foot	\$317.80
18-inch Pipe (undeveloped areas)	lineal foot	\$215.30
18-inch Pipe (under existing pavement)	lineal foot	\$361.20
20-inch Pipe (undeveloped areas)	lineal foot	\$233.00
20-inch Pipe (under existing pavement)	lineal foot	\$370.90
24-inch Pipe (undeveloped areas)	lineal foot	\$284.10
24-inch Pipe (under existing pavement)	lineal foot	\$411.00
30-inch Pipe (undeveloped areas)	lineal foot	\$391.60
30-inch Pipe (under existing pavement)	lineal foot	\$518.40

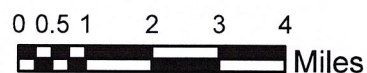
36-inch Pipe (undeveloped areas)	lineal foot	\$479.90
36-inch Pipe (under existing pavement)	lineal foot	\$614.70
42-inch Pipe (undeveloped areas)	lineal foot	\$570.00
42-inch Pipe (under existing pavement)	lineal foot	\$716.00
48-inch Pipe (undeveloped areas)	lineal foot	\$671.10
48-inch Pipe (under existing pavement)	lineal foot	\$846.20
54-inch Pipe (undeveloped areas)	lineal foot	\$892.70
54-inch Pipe (under existing pavement)	lineal foot	\$1,075.70
60-inch Pipe (undeveloped areas)	lineal foot	\$1,040.00
60-inch Pipe (under existing pavement)	lineal foot	\$1,228.00
66-inch Pipe (undeveloped areas)	lineal foot	\$1,211.90
66-inch Pipe (under existing pavement)	lineal foot	\$1,417.20

CREDIT ITEM	UNIT	UNIT CREDIT
BUTTERFLY VALVES		
12-inch Butterfly Valve Assembly	each	\$5,136.00
16-inch Butterfly Valve Assembly	each	\$8,026.00
18-inch Butterfly Valve Assembly	each	\$9,632.00
20-inch Butterfly Valve Assembly	each	\$11,074.00
24-inch Butterfly Valve Assembly	each	\$15,249.00
30-inch Butterfly Valve Assembly	each	\$29,051.00
36-inch Butterfly Valve Assembly	each	\$35,154.00
42-inch Butterfly Valve Assembly	each	\$48,316.00
48-inch Butterfly Valve Assembly	each	\$73,518.00
54-inch Butterfly Valve Assembly	each	\$114,131.00
60-inch Butterfly Valve Assembly	each	\$154,097.00
66-inch Butterfly Valve Assembly	each	\$173,040.00
IN-LINE BLOW OFF ASSEMBLIES		
4-inch In-Line Blow Off Assembly	each	\$11,397.00
6-inch In-Line Blow Off Assembly	each	\$19,423.00
8-inch and Larger In-Line Blow Off Assembly	each	\$25,202.00
ARV ASSEMBLIES		
1-inch ARV Assembly (Std Dwg 8-14A)	each	\$5,619.00
2-inch ARV Assembly (Std Dwg 8-14B)	each	\$8,667.00
3-inch ARV Assembly	each	\$11,556.00
MISC. CREDIT ITEMS		
Bore & Jack 12"- 20" Transmission Mains (Note 4)	lineal foot	\$1,350.00
Bore & Jack 24" - 36" Transmission Mains (Note 4)	lineal foot	\$1,909.00
Bore & Jack 42"- 66" Transmission Mains (Note 4)	lineal foot	\$2,669.00
Cathodic Protection System (Anodes), Per Foot of Protected Pipeline	lineal foot	\$7.80
Check Valve Station (12 to 24-inch)	each	\$42,217.00
Traffic Control (Unpaved Areas Only), Per Foot of Pipeline (Note 5)	lineal foot	\$15.90
NOTES:		
1. Credit for Transmission Mains includes but is not limited to: pipes, fittings, tie-in's, temporary blow off valves, locating wire stations, bedding, backfill,		

restrained joints, thrust blocks, etc.
2. Costs for traffic control and pavement restoration are included in the unit credit for Transmission Mains under existing pavement.
3. <u>Under Existing Pavement</u> - Transmission Mains constructed under existing pavement. <u>Undeveloped Areas</u> - Transmission Mains constructed in conjunction with new roads or properties, typically in raw land. <u>Unpaved Areas</u> - Transmission Mains constructed adjacent to existing paved roadways where removal of existing pavement is not necessary.
4. Credit for bore & jack includes the cost of the Transmission Main pipe. Credit is not applicable to bore & jack under wetlands for purposes of accelerating a project.
5. Credit item is applicable to Transmission Main segments located adjacent to existing paved roadways where traffic control measures are required by the transportation authority.
6. Potable water Transmission Mains are 16" in diameter and larger.
7. Raw Water Transmission Mains are 12" in diameter and larger.

(WAO-0071 § 1, 2008; WAO-0069 § 1, 2007)

This map illustrates the Zone 40 Boundary in San Jose, California. The boundary is shown as a shaded area, primarily following the course of Highway 50 (San Jose-Santa Clara Freeway) and Highway 99 (San Jose-Santa Clara Freeway). The map includes numerous street names, such as Del Paso Rd, Northgate Blvd, and Highway 50. A scale bar at the bottom indicates distances from 0 to 4 miles, and a north arrow is located in the bottom right corner.



COUNTY OF SACRAMENTO
SACRAMENTO COUNTY WATER AGENCY

