

**SACRAMENTO COUNTY WATER AGENCY**

**ORDINANCE NO. WAO-\_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 2.81 OF TITLE 2 OF  
THE SACRAMENTO COUNTY WATER AGENCY CODE RELATING TO  
THE NORTH VINEYARD STATION SUPPLEMENTAL DRAINAGE FEE**

The Board of Directors of the Sacramento County Water Agency ordains as follows:

SECTION 1. Sections 2.81.020, 2.81.050, 2.81.080, 2.81.100 and 2.81.150 of Chapter 2.81, Title 2, of the Sacramento County Water Agency Code are amended to read as follows:

**2.81.020 Definitions.**

- A. "Agency" means the Sacramento County Water Agency.
- B. "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.
- C. "Board" means the Board of Directors of the Sacramento County Water Agency.
- D. "Costs" means amounts spent, or authorized to be spent, in connection with the planning, financing, acquisition and development of a facility including, without limitation, the cost of land, construction, engineering, administration, and consulting fees.
- E. "County" means the County of Sacramento.
- F. "Drainage Facilities" means those trunk drainage facilities designated in the Drainage Master Plan and the Nexus Study or Drainage Fee Study for this Fee.
- G. "Drainage Master Plan" means the Drainage Master Plan report by Wood-Rodgers Engineering, dated January 2003, including any amendments thereto, and included by reference in the North Vineyard Station PFFP.
- H. "Improvement Plan" means the site plan of property proposed for development showing all required improvements that must be approved by the Municipal Services Agency pursuant to Chapter 12.03 of the Sacramento County Code prior to the issuance of a building permit for the property.
- I. "North Vineyard Station Drainage Fee Study" means the study,

including any amendments thereto, adopted by the Board for the financing of designated drainage facilities to serve the North Vineyard Station PFFP area, including, but not limited to a designation of those facilities to be constructed with the development fees collected pursuant to this Chapter, the approximate schedule for construction, the estimated cost of constructing the facilities and the total number of developable acres affected within the North Vineyard Station PFFP area.

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

K. “North Vineyard Station Public Facilities Financing Plan Area” means all property located within the geographic area comprising the North Vineyard Station PFFP area. The NVSSP is approximately 1578 acres in size and is bounded by Florin Road on the north, Gerber Road on the south, the extension of Vineyard Road on the east, and Elder Creek (west side, top of channel) which roughly constitutes the western border. A legal description of this property is on file with the Clerk of the Board of Supervisors and is by this reference herein incorporated.

L. “North Vineyard Station Supplemental Drainage Fund” means that special interest-bearing trust fund established pursuant to Section 2.81.030.

M. “NVSSP” Abbreviation for the North Vineyard Station Specific Plan Area.

N. “PFFP” Abbreviation for the North Vineyard Station Public Facilities Finance Plan as approved by the Sacramento County Board of Supervisors November 10, 2004.

O. “Schedule D” – Credit unit prices listed for Zone 11A creditable facilities, as updated annually.

P. “Supplemental Drainage Fee” means the fee required by this Chapter to be a condition on changes of land use zones and to be collected upon approval of building permits within the North Vineyard Station PFFP area.

Q. “Value/Valuation Study” – Updated Valuations Study for North Vineyard Station Community Plan prepared by Pattison & Associates, Inc. dated May 27, 2009. ~~Valuation Study for North Vineyard Station Community Plan prepared by Pattison & Associates, Inc., dated April 28, 2005 (with clarification memorandum dated May 17, 2005).~~ The basis for real estate valuation in this Fee Plan and hereby agreed to be reasonable.

R. “Zone 11A” – A zone of the Sacramento County Water Agency Title 1 and 2, in which the North Vineyard Station Plan Area lies, established for the development of trunk drainage facilities, and the Zone 11A Fee Plan and

Engineer's Report dated August 16, 2004 (and as subsequently updated).  
(WAO-0072 2008)

**2.81.050 Payment of Development Fees.**

A. The fees imposed pursuant to this Chapter shall be paid by the property owner to the Agency in an amount calculated pursuant to Section 2.81.080. The fees shall be calculated at the time of approval of improvement plans and shall be paid upon approval of improvement plans. For projects that are subject to building permits, but not improvement plan approval, the fees shall be both calculated and paid upon issuance of the building permits.

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

C. For developments that have existing executed credit agreements based upon the terms of the North Vineyard Station PFFP Valuation Study prepared and adopted in 2005, the fees shall be calculated based upon those fees in effect at the time of execution of the credit agreement, plus annual adjustment per Section 2.81.130 of this Chapter.

**2.81.080 Calculation of Development Fees.**

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

B. The fees and credits will be adjusted annually.

C. The supplemental drainage fee is based on the North Vineyard Station PFFP, Updated Real Estate Valuation Study by Pattison & Associates dated ~~April 28, 2005 (with clarification dated May 17, 2005)~~, May 27, 2009, construction costs provided by MacKay and Soms Engineering, and environmental costs provided by ECORP.

**2.81.100 Credit of Fees.**

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

B. The credit allowed pursuant to this section shall be allowed against

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

C. Acquisition of channel and associated open space corridor shall be dedicated in exchange for a credit agreement against NVSSP Supplemental Drainage Fees.

D. The increased cost of land associated with the storm water detention basins, as provided in the Fee Plan Study, shall be compensated with a credit agreement against NVSSP Supplemental Drainage Fees.

E. Credits allowed pursuant to this Chapter shall expire if not applied against fees or charges due pursuant to this Chapter upon the expiration of the United States Clean Water Act Section 404 Permit issued United States Army Corps of Engineers on May 28, 2009, Permit Number 200300245, and valid until January 31, 2019 (hereinafter "Section 404 Permit"), or any amendments or extension thereto.

**2.81.150 Procedure for Reimbursement.**

Excess credits shall only be reimbursed pursuant to the terms of a reimbursement agreement allowed per pursuant to Section 2.60.030, executed by the Agency and the person entitled to such credits. Reimbursement shall be amortized pursuant to Section 2.60.050 or until the North Vineyard Station area is fully developed. Notwithstanding anything herein to the contrary, no reimbursement shall be due or paid until sufficient Supplemental Drainage Fees have been collected.

SECTION 2. This ordinance was introduced and the title thereof read at the regular meeting of the Board of Directors on \_\_\_\_\_, and on \_\_\_\_\_ further reading was waived by the unanimous vote of the Directors present.

This ordinance shall take effect and be in full force on and after \_\_\_\_\_. Before the expiration of fifteen (15) days from the date of its passage, it shall be published once with the names of the members of the Board of Directors voting for and against the same, said publication to be made in a newspaper of general circulation published in the County of Sacramento.

On a motion by Director \_\_\_\_\_, seconded by Director

\_\_\_\_\_, the foregoing ordinance was passed and adopted by  
the Board of Directors of the Sacramento County Water Agency, State of  
California, this \_\_\_\_ day of \_\_\_\_\_ 2009, by the following vote:

AYES: Directors,

NOES: Directors,

ABSENT: Directors,

ABSTAIN: Directors,

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Agency

(SEAL)

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Chair of the Board of Directors  
of the Sacramento County Water

ATTEST:-----  
Clerk, Board of Directors