

SCC NO. 1645

AN ORDINANCE OF THE SACRAMENTO COUNTY CODE AMENDING CERTAIN SECTIONS OF CHAPTER 16.81, TITLE 16 OF THE SACRAMENTO COUNTY CODE RELATING TO THE NORTH VINEYARD STATION SPECIFIC PLAN DEVELOPMENT IMPACT FEE PROGRAM 2019 UPDATE

The Board of Supervisors of the County of Sacramento, State of California,
ordains as follows:

SECTION 1. Section 16.81.020 of Chapter 16.81, Title 16, of the Sacramento County Code is amended to read as follows:

16.81.020 Definitions.

A. "Accessory Dwelling Unit" means a separate single-family dwelling subordinate to primary dwelling unit occupying the same parcel that is allowed subject to compliance with the requirements of the Sacramento County Zoning Code.

B. "Acreage" means the gross acreage of any property within the NVSSP Area minus the acreage of the major street right-of-way of those standard arterials or standard thoroughfares having a right-of-way width of seventy-two (72) feet or more as designated in the Major Street and Highway Plan, Circulation Element or Diagram of the Sacramento County General Plan which are located on such property and minus the acreage of major SMUD or PG & E electrical transmission line easements, railroad rights-of-way, parkways, wetlands, detention basins, and major drainage channels which cannot be developed or other areas that cannot be developed subject to the Administrator's discretion.

C. "Administrator" means the Deputy County Executive of the Public Works and Infrastructure Agency.

D. "Age Restricted" means a residential subsection, townhouse, or multifamily development designated as a senior or elderly housing project under applicable State or Federal law and subject to restrictions as to the age of one or more residents of each of the units.

E. "Agency" means the Public Works and Infrastructure Agency.

F. "Ag-res Accessory Dwelling Unit" means an Accessory Dwelling Unit to be constructed that is attached to or detached from, a primary residence on a parcel zoned AR1, AR2, AR5, AR10, AG20 or AG80 and existing on or before the original effective date of the ordinance which enacted this chapter.

G. "Board" means the Board of Supervisors of the County of Sacramento.

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

I. "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 costs of land, construction and inspection, engineering, administration, and consulting fees.

J. "County" means the County of Sacramento.

K. "CSCDA" means the California Statewide Communities Development Authority.

L. "Development Impact Fee" means the fee levied by this chapter upon the approval of Building Permits within the NVSSP Area.

M. "Development Unit" means dwelling unit equivalent for Residential Development or square foot for Nonresidential Development.

N. "Dwelling Unit Equivalent Factor" means the financial responsibility for Facilities of a specific land use zone in the Sacramento County Zoning Code compared to the financial responsibility for the same Facilities of one acre of land zoned for one single-family detached dwelling unit per acre.

O. "Estimated Cost" means the cost of constructing a facility as set forth in the NVSSP Development Impact Fee Program Nexus Study. For Facilities that are under design or construction, the Estimated Costs are based on the engineer's estimates and for the rest of programmed Facilities, the Estimated Costs are based upon the unit cost for each construction item plus a fixed percentage for right-of-way, inspection, environmental document, design and construction survey, engineering and contingencies.

P. "Facilities" means those public facilities designated in the NVSSP Development Impact Fee Program Nexus Study.

Q. "Nonresidential Development" means a subdivision map, parcel map, or permit for the original construction, grading or installation of construction other than single-family detached homes, single-family attached homes, duplexes, town homes, condominiums, apartments, manufactured homes and mobile homes.

R. "North Vineyard Station Specific Plan (NVSSP) Area" means all property located within those geographic areas as depicted in Figure 1 attached to the ordinance codified in this chapter and incorporated herein by reference. Figure 1 is on file with the Special Districts Section of the Public Works and Infrastructure Agency and is by this reference incorporated herein.

S. "NVSSP Administration Fund" means that special interest-bearing trust fund established pursuant to Section 16.81.040.

T. "NVSSP -Development Impact Fee Program Nexus Study (Fee Program)" means the plan, including any amendments thereto, adopted by resolution by the Board for financing of designated Facilities within the NVSSP Area, including, but not limited to, a designation of those Facilities to be constructed with the Development Impact Fees collected pursuant to this chapter, the schedule for commencement of construction, the Estimated Cost of construction of the Facilities and the total number of dwelling unit equivalents within the NVSSP Area.

U. "NVSSP Frontage Lane Fund" means that special interest-bearing trust fund established pursuant to Section 16.81.060.

V. "NVSSP Park Fund" means that special interest-bearing trust fund established pursuant to Section 16.81.050.

W. "NVSSP Roadway Fund" means that special interest-bearing trust fund established pursuant to Section 16.81.070.

X. "NVSSP Transit Fund" means that special interest-bearing trust fund established pursuant to Section 16.81.080.

Y. "Planning Director" means the Director of Planning and Environmental Review.

Z. "Program Fee" means the Development Impact Fee per Development Unit for a particular category of Facilities. The Program Fee per dwelling unit equivalent is calculated by dividing the total program Costs for a particular category of Facilities by the total number of dwelling unit equivalents identified in the NVSSP Fee Program for the particular category.

AA. "Residential Development" means a subdivision map, parcel map, or permit for the original construction, grading or installation of single-family detached homes, single-family attached homes, duplexes, town homes, condominiums, apartments, manufactured homes and mobile homes.

BB. "SCIP" means the Statewide Community Infrastructure Program of the CSCDA.

CC. "Vacant Parcel" means a parcel with a tax assessor code of vacant residential and which is zoned AR1, AR2, AR5, AR10, AG20 or AG80.

SECTION 2. Section 16.81.090 of Chapter 16.81, Title 16, of the Sacramento County Code is amended to read as follows:

16.81.090 Exemption for Existing Vacant Parcels.

The NVSSP Fee Program Development Impact Fees shall not be applied to Vacant Parcels within the NVSSP Area existing on or before the original effective date of the ordinance which enacted this chapter. Vacant Parcels which are created subsequent to the effective date of the ordinance shall be subject to the NVSSP Fee Program Development Impact Fees.

SECTION 3. Section 16.81.091 of Chapter 16.81, Title 16, of the Sacramento County Code is amended to read as follows:

16.81.091 Exemption for Ag-res Accessory Dwelling Units.

The NVSSP Fee Program Development Impact Fees shall not be applied to Ag-res Accessory Dwelling Units within the NVSSP Area.

SECTION 4. Section 16.81.140 of Chapter 16.81, Title 16, of the Sacramento County Code is amended to read as follows:

16.81.140 Calculation of Development Impact Fees.

A. For Residential Development, the Development Impact Fees per dwelling unit set forth in Sections 16.81.100 and 16.81.110 with the exception of the NVSSP administration fee shall be calculated pursuant to the following formula:

$$F = \text{sum of } (A \times D) \times P / N$$

Where:

F = the Development Impact Fee for each applicable category of public facilities to be paid for each dwelling unit by the owner of property for which the permits described in Section 16.81.100 are proposed for approval; and

A = the Acreage proposed for development for each land use zone(s); and

D = the Dwelling Unit Equivalent Factor(s) for the land use zone(s) included in the development; and

P = Program Fee per dwelling unit equivalent as shown in the NVSSP Fee Program; and

N = number of dwelling units within the development.

B. For Nonresidential Development, the Development Impact Fees per Building Permit set forth in Sections 16.81.100 and 16.81.110 with the exception of the NVSSP administration fee shall be calculated pursuant to the following formula:

$$F = S \times P$$

Where:

F = The Development Impact Fee for each category of public facilities to be paid for each Building Permit by the owner of property for which permits described in Section 16.81.100 are proposed for approval; and

S = the floor area in additional square feet of the buildings proposed to be constructed, improved, or relocated to the parcel of real property by issuance of a Building Permit; and

P = Program Fee per square foot as shown in the NVSSP Fee Program.

C. For Residential and Nonresidential Development, the administration fee per Building Permit set forth in Sections 16.81.100 and 16.81.110 shall be calculated pursuant to the following formula:

$$F = T \times 4\%$$

Where:

F = the NVSSP administration fee to be paid for each dwelling unit for Residential Development, or for each Building Permit for Nonresidential

Development, by the owner of property for which permits described in Section 16.81.100 are proposed for approval; and

T = the sum of the Development Impact Fees for all category of public facilities to be paid for each dwelling unit for Residential Development, or for each Building Permit for Nonresidential Development, before any applicable credits pursuant to Section 16.81.160, 16.81.170 or 16.81.180 are applied, by the owner of property for which a change in land use zone has been approved or the permits described in Section 16.81.100 are proposed for approval.

D. The Development Impact Fees shall be paid by the property owner in the amount as calculated pursuant to subsections A, B, and C of this section for the categories of Development Impact Fees established by Section 16.81.130, which are applicable.

E. For the purpose of calculating NVSSP Development Impact Fees pursuant to subsections A, B, C and D of this section for properties with an approved use permit which significantly changes the underlying use of the site, the Planning Director is hereby authorized to determine the land use zone which corresponds most directly to the use and density.

F. For the purpose of calculating NVSSP Development Impact Fees pursuant to subsections A, B, C, and D of this section for Building Permits for dwelling units not associated with a recorded residential subsection, Nonresidential Development, or multiple-family development, or for land use categories not included in this chapter, the Planning Director is hereby authorized to determine the appropriate land use zone which corresponds most directly to the use and density.

G. For the purpose of calculating NVSSP Development Impact Fees pursuant to subsections A, B, C, and D of this section for properties with the use of mini-storage regardless of the underlying land use designation, the Development Impact Fees shall be calculated as if the property is located in an M1 land use zone.

H. For the purpose of calculating NVSSP Development Impact Fees pursuant to subsections A, B, C, and D of this section for service stations, the floor area in additional square feet of the buildings proposed to be constructed, improved, or relocated from outside of the NVSSP Area shall include the square footage underneath all canopies.

I. For the purpose of calculating NVSSP Development Impact fees pursuant to subsections A, B, C, and D of this section for Age Restricted development, the roadway, the frontage lane and the park Development Impact Fees per dwelling unit set forth in Sections 16.81.100 and 16.81.110 shall be calculated as follows:

1. The roadway Development Impact Fee per dwelling unit, and frontage lane Development Impact Fee per dwelling unit shall be calculated pursuant to the following formula:

$$F = \text{sum of } (A \times 0.34 \times D) \times P / N$$

Where:

F = the roadway and frontage lane Development Impact Fees to be paid for each dwelling unit by the owner of property for which the permits described in Section 16.81.100 are proposed for approval; and

A = the Acreage proposed for development for each land use zone(s); and

D = the Dwelling Unit Equivalent Factor(s) for the land use zone(s) included in the development; and

P = roadway and frontage lane Program Fees per dwelling unit equivalent as shown in the NVSSP Fee Program; and

N = number of dwelling units within the development.

2. The park Development Impact Fee per dwelling unit shall be calculated pursuant to the following formula:

$$F = \text{sum of } (A \times 0.69 \times D) \times P / N$$

Where:

F = the park Development Impact Fee to be paid for each dwelling unit by the owner of property for which permits described in Section 16.81.100 are proposed for approval.

A = the Acreage proposed for development for each land use zone(s); and

D = the Dwelling Unit Equivalent Factor(s) for the land use zone(s) included in the development; and

P = park Program Fee per dwelling unit equivalent as shown in the NVSSP Fee Program; and

N = number of dwelling units within the development.

SECTION 5. Section 16.81.150 of Chapter 16.81, Title 16, of the Sacramento County Code is amended to read as follows:

16.81.150 Establishment of Dwelling Unit Equivalent Factor for Land Uses Within the NVSSP Public Facilities Financing Plan Area.

A. The Dwelling Unit Equivalent (DUE) Factors for property within the NVSSP Area are based on the Fee Program.

B. The DUE Factors utilized to calculate the roadway Development Impact Fees and frontage lane Development Impact Fees shall be as follows:

Land Use Zones	DUE Factor
AR-5	0.20
AR-2	0.50
AR-1	1.00
RD-1	1.00
RD-2	2.00
RD-3	2.80
RD-4	3.50
RD-5	4.10
RD-6	4.90
RD-7	5.70
RD-9	6.50
RD-10	7.20
RD-20	10.20
BP	13.50
LC	16.30

C. The DUE Factors utilized to calculate the park Development Impact Fees shall be as follows:

Land Use Zones	DUE Factor
AR-5	0.20
AR-2	0.50
AR-1	1.00
RD-1	1.00
RD-2	2.00
RD-3	2.90
RD-4	3.70
RD-5	4.50
RD-6	5.40
RD-7	6.30
RD-9	6.64
RD-10	7.40
RD-20	11.70
BP	3.20
LC	2.50

D. The DUE Factors utilized to calculate the transit Development Impact Fee shall be as follows:

Land Use Zones	DUE Factor
AR-5	0.20
AR-2	0.50
AR-1	1.00
RD-1	1.00

Land Use Zones	DUE Factor
RD-2	2.00
RD-3	2.90
RD-4	3.60
RD-5	4.10
RD-6	4.90
RD-7	5.50
RD-9	11.00
RD-10	12.20
RD-20	38.10
BP	36.90
LC	52.80

SECTION 6. Section 16.81.155 is added to Chapter 16.81, Title 16, of the Sacramento County Code to read as follows:

16.81.155 Credit for the Replacement of Existing Structures.

A. Any replacement or reconstruction (no change in use) of any residential unit that was removed from the same parcel of real property by authorized demolition or relocation to another parcel, accidental destruction or natural disaster during the four years preceding the applicant's filing for the Building Permit shall be exempted from the Development Impact Fees. However, if the residential units(s) replaced or reconstructed exceeds the documented total number of the residential unit(s) removed, the excess units are subject to the Development Impact Fees.

B. Any replacement or reconstruction (no change in use) of any nonresidential structure that was removed from the same parcel of real property by authorized demolition or relocation to another parcel, accidental destruction or natural disaster during the four years preceding the applicant's filing for the Building Permit shall be exempted from the Development Impact Fees. However, if the building(s) replaced or reconstructed exceeds the documented total floor area of the building(s) removed, the excess square footage is subject to the Development Impact Fees.

C. If a residential and/or nonresidential structure is replaced with a structure under an alternative land use, then the Planning Director is hereby authorized to evaluate the land use zone corresponding to the removed and replacement structures and determine the appropriate fee adjustment to reflect the different use factors of the original and new structures.

D. For purposes of subsections A, B and C of this section, the definition of the same parcel of real property encompasses the newly created parcel resulted from a lot line adjustment, parcel map or final map where the original structure(s) is/are situated.

E. For purposes of subsections A, B and C of this section, the burden of proof of the date of demolition, relocation or destruction of the original structure(s) shall be on the applicant. In the case of demolition, the date of demolition shall be defined as the date of issuance of the demolition permit.

SECTION 7. Section 16.81.160 of Chapter 16.81, Title 16, of the Sacramento County Code is amended to read as follows:

16.81.160 Credit/Reimbursement for the Construction of, Dedication of Right-of-Way for, and Advanced Funding of, Roadway and Frontage Lane Facilities.

A. Upon application by the property owner or authorized agent, the Administrator may at his or her discretion enter into a credit / reimbursement agreement, pursuant to this section, authorizing the construction of, dedication of right-of-way (ROW) for and/or advanced funding of any roadway or frontage lane Facilities, or portions thereof, designated in the NVSSP Fee Program in lieu of all, or a portion of, the roadway or frontage lane Development Impact Fees required by this chapter. The agreement shall set forth the amount to be credited or reimbursed, the time and manner in which credits are applied or payments are to be made, and shall require reimbursement only from the applicable NVSSP Roadway or NVSSP Frontage Lane Funds, and/or the fund established through SCIP, if applicable.

B. The total amount eligible for credit or reimbursement for the Facilities constructed by private development shall be the actual cost of constructing the facility including Costs such as engineering design, design surveys, construction surveys, construction inspection and materials testing, ROW and contingency, up to the Estimated Cost as set forth in the NVSSP Fee Program at the time of project acceptance or as set forth in subsection N of this section, if applicable.

C. At the time of the execution of the agreement, the estimated amount eligible for credit or reimbursement for such construction or advancement of funds will be set at the Estimated Cost of the facility as contained in the NVSSP Fee Program in effect at the time, including, but not limited to, unit prices, quantities and project descriptions.

D. The construction of any facility authorized by this section must be accepted by the Agency prior to reimbursement or credit, or, in the case of a credit, the property owner shall post security for the complete performance of the construction in a form acceptable to the Administrator and the County Counsel, prior to credit being given and issuance of any Building Permit, pursuant to Sections 16.81.100 and 16.81.110.

E. Credits shall be given for up to seventy (70) percent of the amount of the otherwise applicable roadway Development Impact Fee and ninety (90) percent of the amount of the otherwise applicable frontage lane Development Impact Fee. A minimum of thirty (30) percent of the roadway Development Impact Fee and ten (10) percent of the frontage lane Development Impact Fee shall be paid and reserved for the engineering, environmental review and construction of the County priority projects within the NVSSP Fee Program roadway and frontage lane capital improvement plans. The County priority projects are determined by the County's latest Transportation Improvement and Program Guide (TIPG).

F. Where the amount of the credit is greater than seventy (70) percent of the otherwise applicable roadway Development Impact Fee or ninety (90) percent of the otherwise applicable frontage lane Development Impact Fee, the property owner shall

be paid the difference only from the applicable NVSSP Roadway or NVSSP Frontage Lane Funds pursuant to subsection I of this section.

G. In the case where the property owner (1) advances funds towards engineering, environmental review and/or construction of County-constructed projects; or (2) constructs a project that is included in the County's latest TIPG (TIPG Project), the property owner shall be eligible for credit that exceeds seventy (70) percent of the roadway Development Impact Fee and/or ninety (90) percent of the frontage land Development Impact Fee up to one hundred (100) percent of the amount of the otherwise applicable roadway and/or frontage lane Development Impact Fees. If the total funds advanced and/or cost of constructing a TIPG project under this subsection, together with other eligible credits authorized under this Section, exceed one hundred (100) percent of the otherwise applicable aggregate roadway and/or frontage lane Development Impact Fee obligations, the property owner shall be reimbursed the amount in excess of the one hundred (100) percent pursuant to subsection I of this section. The amount of the credit in excess of seventy (70) percent of the otherwise applicable roadway Development Impact Fee or ninety (90) percent of the otherwise applicable frontage lane Development Impact Fee shall not exceed the amount the property owner advanced and/or expended on the TIPG project pursuant to this subsection.

H. Upon acceptance of the improvement, the County shall verify the actual cost of the project. If: (1) the actual project cost is less than the estimated cost contained in the agreement, the difference between the actual cost of the project and the estimated cost contained in the agreement shall be applied to lower any remaining credits or be paid to the County by the property owner if no credits are available. If there is reimbursement due to the property owner, such difference shall be deducted from the reimbursement amount; (2) the actual project cost is more than the Estimated Cost contained in the agreement, no additional credit or reimbursement will be authorized unless the Estimated Cost in the NVSSP Fee Program in effect at the time of the project acceptance or as set forth in subsection N of this section, if applicable, is greater than the estimated cost contained in the agreement due to annual adjustments or periodic updates to the Fee Program, in which case, the difference between the estimated cost contained in the agreement and the lesser of the actual project cost or the Estimated Cost contained in the NVSSP Fee Program in effect at the time of the project acceptance or as set forth in subsection N of this section, if applicable, will be applied to increase any future available credits or be reimbursed by the County to the property owner pursuant to subsection I of this section; (3) Notwithstanding the foregoing, if within a two year time period, a property owner constructs two or more roadway Facilities, County may allocate the difference calculated pursuant to subsection (H)(1) above of one roadway facility project to another of the roadway facility projects if the actual cost of such roadway facility project exceeds its Estimated Costs contained in the NVSSP Fee Program at the time of acceptance of the project or as set forth in subsection N of this section, if applicable; and (4) Notwithstanding the foregoing, if within a two year time period, a property owner constructs two or more frontage lane Facilities, County may allocate the difference calculated pursuant to subsection (H)(1) above of one frontage lane project to another of the frontage lane project if the actual cost of such frontage lane facility project exceeds its Estimated Costs contained in the

NVSSP Fee Program at the time of acceptance of the project or as set forth in subsection N of this section, if applicable.

I. Any eligible amount to be provided to the property owner for the construction of, ROW dedication for, or advanced funding of the roadway and/or frontage lane Facilities identified in the NVSSP Fee Program as set forth in subsections A, B, C, D, E, F, G and H of this section that is not credited to the property owner shall be reimbursed to the property owner on a first-come first-served basis based on the acceptance date of the improvement or the date of advancement of the funds and further subject to the availability of funds in the NVSSP Fee Program Roadway or Frontage Lane Funds and after reimbursement to County for County funded projects. Notwithstanding the foregoing, if such amount is for a facility that is also funded by a community facilities district the reimbursement will be subject to the limitations set forth in subsection J of this section.

J. Reimbursement of any Facilities designated in the NVSSP Fee Program that are also funded by a community facilities district shall only be made to the community facilities district that funded the facility.

K. By entering into a credit/reimbursement agreement, a property owner is not relieved of the obligation to pay the Development Impact Fees in the manner and amount specified by this chapter.

L. If the Administrator enters into an agreement authorized by subsection A of this section, the agreement shall provide that: (1) The general fund of the County is not liable for payment of any obligations arising from the agreement; (2) the credit or taxing power of the County is not pledged for the payment of any obligations arising from the agreement; (3) the landowner shall not compel the exercise of the County taxing power or the forfeiture of any of its property to satisfy any obligations arising from the agreement; and (4) the obligation arising from the agreement is not a debt of the County, nor a legal or equitable pledge, charge, lien, or encumbrance, upon any of its property, or upon any of its income, receipts, or revenues, and is payable only from the Development Impact Fees deposited in the applicable NVSSP Roadway Fund or Frontage Lane Fund, and/or the fund established through SCIP, if applicable.

M. Property owner or his or her authorized agent shall apply for credit or reimbursement as set forth in this section no later than four years after the roadway and/or frontage project is constructed and accepted. Property owner shall waive the right of reimbursement for construction Costs payable under this section when the reimbursement is not applied for within said four-year limitation.

N. Notwithstanding the foregoing, for the list of projects included below, if the acceptance date of the project is prior to October 21, 2019, the total amounts eligible for roadway and/or frontage lane credit or reimbursement shall be the actual cost of the improvements up to the Estimated Cost as set forth in the NVSSP Fee Program in effect as of October 21, 2019.

1. Florin Road and Hedge Avenue 2x2 Intersection Improvement (R4.4a)
2. Waterman Road and Gerber Road intersection and Waterman Road Improvements between Gerber Road and CCTC RR Crossing associated with Vineyard Creek Unit 4 (R34 and R7.3.1 including frontage lane)
3. Bradshaw Road and Alder Creek Drive Signal (R58)

4. Florin Road Improvement between CCTC RR (Project Boundary) and Waterman Road (R3.3) including Crossing at Elder Creek (R3.12) and any associated frontage lane. Florin Road (offsite) between Elk Grove Florin Road to project boundary (CCTC RR Crossing) (R3.2)
5. Waterman Road Improvement between CCTC RR Crossing and Florin Road (R7.3.2 including frontage lane). Traffic signal at Florin Road and Waterman Road (R29a)
6. Gerber Road at Gerber Creek Crossing (R.12)

SECTION 8. Section 16.81.170 of Chapter 16.81, Title 16, of the Sacramento County Code is amended to read as follows:

16.81.170 Credit/Reimbursement for Construction of Park and Recreation Facilities.

A. Upon application by the property owner or his or her authorized agent, the park facilities provider, the Southgate Recreation and Park District, may authorize the construction of any park and recreation Facilities, or portions thereof, at the time and as designated in the NVSSP Fee Program in lieu of all, or a portion of, the park improvement Development Impact Fee required by this chapter and may enter into a credit agreement pursuant to subsections B, C, D and E of this section or may enter into a reimbursement agreement pursuant to subsections F, G and H of this section. If so authorized, the credit to be provided to the property owner shall be equal to the Estimated Cost of the facility as set forth in the NVSSP Fee Program in effect at the time when the facility is accepted by the parks facilities provider, including, but not limited to, unit prices, quantities and project descriptions. The construction of any facility authorized by this section must first be approved by the park facilities provider, the Southgate Recreation and Park District or otherwise authorized by said park facilities provider, and the security for the complete performance of the construction is posted in a form acceptable to the said park facilities provider, prior to credit being given and issuance of any Building Permit, pursuant to Sections 16.81.100 and 16.81.110.

B. Credit shall be given for up to ninety (90) percent of the amount of the otherwise applicable park improvement Development Impact Fee. A minimum of ten (10) percent of the park improvement Development Impact Fee shall be paid and reserved for the preliminary engineering, and environmental review and construction of the Southgate Recreation and Park District constructed improvements.

C. Where the amount of the credit is less than the amount of the otherwise applicable park improvement Development Impact Fee, the property owner must pay the difference as set forth in Section 16.81.110.

D. Where the amount of the credit is greater than the amount of the Development Impact Fee, the property owner shall be paid the difference only from the applicable NVSSP Park Fund after the project is accepted by the park facilities provider subject to the availability of funds in the NVSSP Park Fund.

E. If the parks facilities provider and a property owner agree, the property owner may receive a credit against the park improvement Development Impact Fee for land dedication in an amount up to the cost of land for the applicable facilities as set

forth in the NVSSP Fee Program in effect at the time of the land dedication and not to exceed the value of property conveyed to the provider as determined by the park facilities provider.

F. Upon application by the property owner or authorized agent, the park facilities provider, the Southgate Recreation and Park District, may enter into a reimbursement agreement authorizing the construction of any park Facilities, or portions thereof, designated in the NVSSP Fee Program. The agreement shall set forth the amount to be reimbursed, the time and manner in which payments are to be made, and shall require reimbursement only from the applicable NVSSP Park Fund, and/or the fund established through SCIP, if applicable.

G. The construction of any park Facilities authorized by this section must be accepted by the park facilities provider prior to reimbursement. The timing of the reimbursement shall be further subject to the availability of funds in the NVSSP Park Fund. The amount of reimbursement shall be the Estimated Cost of the facility as set forth in the NVSSP Fee Program in effect at the time of the facility is accepted by the parks facilities provider.

H. By entering into a reimbursement agreement, a property owner is not relieved of the obligation to pay the Development Impact Fees in the manner and amount specified by this chapter.

SECTION 9. Section 16.81.180 of Chapter 16.81, Title 16, of the Sacramento County Code is amended to read as follows:

16.81.180 Credit/Reimbursement for Construction of Transit Facilities.

A. Upon application by the property owner or authorized agent, the Sacramento Regional Transit District may enter into a credit/reimbursement agreement, pursuant to this section, authorizing the construction of any transit Facilities, or portions thereof, at the time and as designated in the NVSSP Fee Program in lieu of all, or a portion of, the transit Development Impact Fee required by this chapter. If so authorized, the credit to be provided to the property owner shall be equal to the Estimated Cost of the facility as set forth in the NVSSP Fee Program in effect at the time when the facility is accepted by the Sacramento Regional Transit District, including, but not limited to, unit prices, quantities and project descriptions. The construction of any facility authorized by this section must first be approved by the Sacramento Regional Transit District and the security for the complete performance of the construction is posted in a form acceptable to the Sacramento Regional Transit District, prior to credit being given and issuance of any Building Permit, pursuant to Sections 16.81.100 and 16.81.110.

B. Where the amount of the credit is less than the amount of the otherwise applicable transit Development Impact Fee, the property owner must pay the difference as set forth in Section 16.81.110.

C. Where the amount of the credit is greater than the amount of the Development Impact Fee, the property owner shall be reimbursed the difference only from the NVSSP Transit Fund after the project is accepted by the Sacramento Regional

Transit District and further subject to the availability of funds in the NVSSP Transit Fund.

D. If the transit facilities provider and a property owner agree, the property owner may receive a credit against the transit Development Impact Fee for land dedication in an amount up to the cost of land for the applicable facilities as set forth in the NVSSP Fee Program in effect at the time of the land dedication and not to exceed the value of property conveyed to the provider as determined by the Sacramento Regional Transit.

SECTION 10. This ordinance was introduced and the title thereof read at the regular meeting of the Board of Supervisors on August 6, 2019, and on August 20, 2019, further reading was waived by the unanimous vote of the Supervisors present.

This ordinance shall take effect and be in full force on and after sixty days (60) days from the date of its passage; and 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 Supervisors 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 Supervisor Frost, seconded by Supervisor Kennedy, the foregoing ordinance was passed and adopted by the Board of Supervisors of the County of Sacramento, State of California, this 20th day of August, 2019, by the following vote, to wit:

AYES: Supervisors Frost, Peters, Serna, Kennedy

NOES: None

ABSENT: Supervisor Nottoli

ABSTAIN: None

RECUSAL: None
(PER POLITICAL REFORM ACT (§ 18702.5.))



Pat O'Rourke

Chair of the Board of Supervisors
of Sacramento County, California

ATTEST:

Florence Evans
Clerk, Board of Supervisors

1613688

In accordance with Section 25103 of the Government Code of the State of California a copy of the document has been delivered to the Chair of the Board of Supervisors, County of Sacramento on 8-20-19

By:

[Signature]

Deputy Clerk, Board of Supervisors

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AUG 20 2019

BY

Florence Evans
Clerk of the Board