

**PROVISIONS FOR THE ESTABLISHMENT OF A DEVELOPMENT IMPACT FEE TO FINANCE THE COST OF THE CENTRAL BASIN WELL PROTECTION PROGRAM**

**February 11, 2009**

**Purpose –**

- A. A purpose of the Sacramento Central Groundwater Authority (“Authority”) is to oversee the operation of any Well Protection Program that may be prescribed by the Central Sacramento County Groundwater Management Plan (“Central Basin GMP”).
- B. New development projects within the Central Basin rely on conjunctive use programs to meet their water supply needs. These programs require the construction of various capital facilities for the development of groundwater supplies and the importation of surface water supplies. While the implementation of a conjunctive use program mitigates the exclusive use of groundwater to meet new development demands, overall groundwater demand will continue to increase until it reaches the long-term sustainable yield agreed upon in the Water Forum Agreement.
- C. Protection of Sacramento County’s groundwater resource within the Central Basin and the private domestic and agricultural wells located within said Basin is of fundamental importance to the Authority.
- D. The purpose of this chapter is to use the authority in Article XI, Section 7 of the California Constitution by imposing a Development Impact Fee as a component of conjunctive use facilities within the Central Basin to fund the cost of reimbursing private domestic well and agricultural well owners for deepening or replacing an eligible well, the need for which is directly or indirectly generated by the type and level of development proposed within the Unincorporated Portion of the Central Basin, as it may be amended from time to time.

**Definitions –**

- Administrative Costs – Those costs attributed to the cost of operating and maintaining the Central Basin Well Protection Program.
- Agency – The County of Sacramento Municipal Services Agency.
- Agricultural Well – Well that is primarily used for crop and/or pasture irrigation.

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Authority – Sacramento Central Groundwater Authority (SCGA).

Board – Board of Supervisors of the County of Sacramento.

Building Permit – 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.

Central Basin - Refers to the groundwater basin underlying the area within the boundaries of the Authority (see Figure 1).

Central Basin GMP - Central Sacramento County Groundwater Management Plan, as it may be modified or amended by the Authority.

Costs – The amount spent, or authorized to be spent, in connection with the reimbursing of private domestic well and agricultural well owners for deepening or replacing an eligible well including Administrative Costs.

Development Impact Fee – The fee levied by this chapter upon approval of Building Permits within the Unincorporated Portion of the Central Basin.

Eligible Well - An Agricultural Well or Private Domestic Well that has been properly registered in accordance with the Authority’s Well Protection Program.

Private Domestic Well - Wells that produce water for domestic use within the Area of Eligibility.

SCGA Well Protection Program Development Impact Fee Program (Nexus Study) – The plan entitled “Sacramento Central Groundwater Authority Nexus Study for the Well Protection Fee” dated on or about \_\_\_\_\_ (hereinafter in some instances referred to as the Nexus Study of the SCGA Well Protection Development Impact Fee Program), including any amendments thereto, adopted by resolution by the Board for financing of the Central Basin Well Protection Program within the Unincorporated Portion of the Central Basin, including, but not limited to, a designation of those facilities that would benefit from the Development Impact Fees collected pursuant to this chapter and the Costs associated with modifying or replacing these facilities.

Unincorporated Portion of the Central Basin – All property located within those geographic areas as depicted in Figure 1 attached to this ordinance and incorporated herein by reference.

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Well Protection Fee - Fee collected to support the Central Basin Well Protection Program.

Well Protection Program - Central Basin Well Protection Program.

**Adoption of and Compliance with the SCGA Well Protection Program Development Impact Fee Program**

A. The Board shall by resolution adopt the SCGA Well Protection Program Development Fee Impact Program. The Board shall receive a report pursuant to Government Code section 66006 on the SCGA Well Protection Program Development Fee Impact Program annually and may amend it by resolution at its discretion.

B. All facilities established in the Nexus Study shall be funded pursuant to the provisions of this Chapter.

**Establishment of Development Impact Fees –**

A separate Development Impact Fee is hereby established and shall apply to all properties within the Unincorporated Portion of the Central Basin.

**Establishment and Administration of SCGA Well Protection Fund –**

A. There is hereby established by the office of the Department of Finance in the County Treasury a special interest-bearing trust fund entitled the SCGA Well Protection Program Trust Fund. All Development Impact Fees collected pursuant to this chapter shall be placed in said fund and shall be expended by the Authority, or its successor agency, solely to pay the costs of well facilities identified in the Nexus Study.

B. The SCGA Well Protection Trust Fund shall be administered by the Sacramento Central Groundwater Authority.

**Imposition of Development Impact Fees –**

No Building Permit shall be approved for property within the Unincorporated Portion of the Central Basin unless the Development Impact Fees for that property have been paid as required by this chapter.

**Payment of Development Impact Fees –**

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A. The Development Impact Fees imposed pursuant to this chapter shall be paid by the property owner to the Agency at the rates shown in the Nexus Study. The fees shall be calculated and paid upon issuance of the Building Permits.

B. For specialized development projects that do not match the fee categories summarized in the Nexus Study, the SCGA, in conjunction with the County, will review the specialized development and decide on an applicable fee based on the impact to the groundwater basin from the development.

C. For redevelopment projects, the SCGA and County staff will review redevelopment requests on a case-by-case basis. If a redevelopment project results in a change of land use on a particular parcel, the SCGA and County staff will determine the appropriate Development Impact Fees adjustment to reflect the different characteristics of the original and new land uses. If a redevelopment project demolishes an existing building and rebuilds a building of the same land use, the applicant may be eligible for a waiver by the SCGA of a portion of the Development Impact Fees.

**Exemption from Development Impact Fees –**

A. Remediation wells that are required by regulatory compliance orders and all monitoring wells are exempt from paying the Development Impact Fee.

B. Any property within the City of Sacramento that is served exclusively by the City of Sacramento’s surface water supply system is exempt from paying the Development Impact Fee.

C. Any other property within the Central Basin that is served exclusively by a surface water supply system is exempt from paying the Development Impact Fee.

**Annual Fee Adjustment –**

Beginning March 1, 2010, and thereafter each year no later than March 15, the Administrator shall authorize the adjustment of the Well Protection Fee rate as follows:

A. That year’s January 1 construction cost index for 20 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 XXXX, the Well Protection Fee shall not be adjusted.

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B. If the average of the two indexes does not equal XXXX, then an adjustment factor shall be calculated by dividing the average of the two indexes by XXXX. The new Well Protection Fee shall be calculated by multiplying the adjustment factor by the Development Impact Fee rate in place prior to the annual adjustment.

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