



**M E M O R A N D U M**  
**COMMUNITY DEVELOPMENT RESOURCE AGENCY**  
**ENGINEERING AND SURVEYING DIVISION**  
County of Placer

TO: Board of Supervisors DATE: December 15, 2020

FROM: Steve Pedretti, Agency Director

BY: Claudia Wade, Engineering Manager

SUBJECT: Implementation of the Placer Vineyards Specific Plan Fee Program

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**ACTION REQUESTED**

1. Adopt an ordinance to amend Placer County Code Chapter 15 to add Article 15.85 entitled the Placer Vineyards Specific Plan Fee Program.

**BACKGROUND**

This ordinance was previously introduced during the Board of Supervisors meeting on December 1, 2020. No changes have been made to the ordinance from the version introduced to the Board. The ordinance will amend Placer County Code Chapter 15 to add Article 15.85 entitled the Placer Vineyards Specific Plan Fee Program. On the same date, the Board adopted a resolution that approved the Placer Vineyards Fee Program Report for the establishment of the Placer Vineyards Specific Plan fee, fee schedules, and other related requirements and set the initial amount of the fee. Staff now requests the Board adopt the ordinance.

**ENVIRONMENTAL IMPACT**

This proposed administrative activity is exempt from California Environmental Quality Act (CEQA) review pursuant to CEQA Guidelines section 15061(b)(3), and is not a project pursuant to CEQA Guidelines section 15378 since it is an organizational activity that results in the creation of a funding mechanism for the PVSP. An environmental impact report for the PVSP was certified on July 16, 2007 (State Clearinghouse No. 1999062020), and addendums to the report were approved on September 11, 2012, January 6, 2015, July 12, 2016, and November 8, 2016.

**FISCAL IMPACT**

There is no fiscal impact to the County by adoption of the PVSP Fee Program. All costs associated with the Fee Report and ongoing administration will be reimbursed by the PVSP property owners and through PVSP fee collections. Each PVSP Fee component contains a 2% administrative allocation to fund staff or consultant time to administer the program.

**ATTACHMENT**

Attachment A: Ordinance amending County Code Chapter 15, Article 15.85, establishing the Placer Vineyards Specific Plan Fee Program

# ATTACHMENT A

## Before the Board of Supervisors County of Placer, State of California

**In the matter of:** An Ordinance  
To Amend Placer County Code Chapter 15 to  
add Article 15.85 entitled the Placer Vineyards  
Specific Plan Fee Program

Ordinance No.: \_\_\_\_\_

Introduced: \_\_\_\_\_

The following Ordinance was duly passed by the Board of Supervisors of the County of Placer  
at a regular meeting held on \_\_\_\_\_, by the following vote:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

\_\_\_\_\_  
Chair, Board of Supervisors

Attest:

\_\_\_\_\_  
Clerk of said Board

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THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER, STATE OF CALIFORNIA,  
DOES HEREBY ORDAIN AS FOLLOWS:

**SECTION 1:** That Placer County Code Chapter 15 is hereby amended to add Article 15.85 to be entitled "Placer Vineyards Specific Plan Fee Program" and to read as set forth in Exhibit "A", which exhibit is hereby incorporated herein by reference as if set forth in full.

**SECTION 2:** This ordinance shall take effect and be in full force sixty (60) days after the date of its passage. The Clerk is directed to publish this ordinance, or a summary thereof, within fifteen (15) days in accordance with government code section 25124.

Attached: Exhibit "A"

## EXHIBIT A

### ARTICLE 15.85 PLACER VINEYARDS SPECIFIC PLAN FEE PROGRAM.

**Section 15.85.010 Intent.** The Placer Vineyards Specific Plan (“PVSP”) fee program is a specific development impact fee program applicable only within the PVSP boundaries. The PVSP fee program identifies and imposes a PVSP fee upon every building permit issued, or permit for other entitlement if no building permit is involved, to a participating owner or constructing entity, as long as said building permit, or entitlement, is not exempt pursuant to Section 15.85.040, within the PVSP for the purposes of funding the construction of facilities and services herein described that are necessary to serve the PVSP.

#### **Section 15.85.020 Definitions.**

For purposes of this article, the following definitions shall apply:

“Board” means the Placer County board of supervisors.

“Constructing entity” or “constructing entities” or “constructing owner” means those participating property owners who have advance-funded and constructed PVSP facilities identified in the PVSP impact fee program report and herein under the infrastructure county facilities plan area component (Section 15.85.030).

“Discretionary land use entitlement” means an application for an entitlement that requires the county or its hearing body or bodies to exercise discretion in acting upon said application.

“Improvements” means those backbone infrastructure improvements for roadway, sanitary sewer, potable water, recycled water, storm drainage and parks facilities, public land acquisition costs, supplemental sheriff facilities, transit facilities, dry utilities, as more particularly described in the PVSP impact fee program report.

“Impact fee program report” means the “Placer Vineyards Specific Plan Development Impact Fee Program Report” prepared by Development Planning & Financing Group, Inc., and any amendments thereto.

“Non-participating owner” or “non-participating owners” means real property owners within the boundaries of the PVSP who are not, as of the effective date of this article, a signatory to the PVSP D.A.

“Participating owner” or “participating owners” means the land owners who are signatories to the PVSP D.A. as of the date of enactment of this article or who subsequently become a “participating owner” by filing an application for a discretionary land use entitlement within the PVSP that is either consistent with the PVSP or seeks

an amendment to the PVSP and which requires discretion by the county and/or its hearing body or bodies to act on said application.

“PVSP” means the Placer Vineyards Specific Plan, adopted by the board through Resolution No. 2007-232 and amended by Resolution No. 2015-013 and as may be further amended by the board of supervisors.

“PVSP D.A.” means the Amended and Restated Development Agreement by and between the County of Placer and various participating property owners within the Placer Vineyards Specific Plan.

“Special planning area” means the area defined in Policy 3.22 of the Placer Vineyards Specific Plan.

**Section 15.85.030 PVSP fee adoption, fee components, external revenue, adjustment and payment.**

- A. Adoption. The PVSP fee is hereby established for the purposes articulated in this article. The initial dollar amount of the PVSP fee shall be set by resolution of the Board following a public hearing and consistent with the impact fee program report. The PVSP fee established by this article is in addition to any other fees or charges required by law, as a condition of approval of development of the PVSP or pursuant to the PVSP D.A. The PVSP fee is applicable to the entire boundaries of the PVSP as approved by the Board in 2007 and as maybe subsequently amended, except as otherwise exempted below.
  
- B. PVSP Fee Components. As more particularly detailed in the impact fee program report, the PVSP fee is calculated based on the following five components:
  - 1. Infrastructure County Facilities Plan Area Component.  
The infrastructure facilities component will fund the following:
    - a. Roadway facilities: Design and development of transportation backbone infrastructure and facilities serving the PVSP.
    - b. Sanitary sewer facilities: Design and development of required improvements or expansions to existing sanitary sewer facilities to accommodate future demands from PVSP development.
    - c. Storm drainage facilities: Design and development of required improvements or expansions to storm drainage facilities to accommodate future demands from PVSP development.
    - d. Potable Water: Design and development of required improvements or expansions to existing potable water facilities to accommodate future demands from PVSP development.
    - e. Recycled Water: Design and development of required improvements or expansions to existing recycled water facilities to accommodate future demands from PVSP development.

- f. Dry Utilities/Joint Trench: Design and development of required improvements or expansions to dry utilities and required joint trenches to accommodate future demands from PVSP development.
- g. Right-of-Way: Purchase of right-of-way land on non-participating owner's property and off-site properties necessary for the construction of backbone infrastructure required by the county, as well as other acquisition costs, relocation assistance, demolition, SB1210, and escrow funds to accommodate future demands from PVSP development.
- h. Environmental Mitigation: Environmental mitigation of property affected by installation of the backbone infrastructure to include mitigation costs associated with impacts both inside and outside the right-of-way, to accommodate future demands from PVSP development.
- i. Administrative Component: The administrative component is intended to cover the county's cost in implementing, administering and updating the PVSP fee program and represents two percent of the infrastructure component of the PVSP fee amount.

## 2. Supplemental County Facilities Component.

The supplemental county facilities fee component will fund the following:

- a. Supplemental Sheriff Facilities: Payment of the PVSP development's proportionate share, as defined in the impact fee program study report, of new sheriff facilities to serve new residential and nonresidential development in the PVSP.
- b. Transit Facilities: Payment for the PVSP development's proportionate share, as defined in the impact fee program study report, of new transit facilities to serve new residential and nonresidential developments in the PVSP.
- c. Administrative Component: The administrative component is intended to cover the county's cost in implementing, administering, and updating the PVSP fee program and represents two percent of the supplemental county facilities component of the PVSP fee amount.

## 3. Neighborhood Parks Component.

The neighborhood parks fee component will fund the following, until such time that a PVSP park agency requests otherwise:

- a. Park Facilities: Payment for the design and development of all neighborhood parks, private parks, class I paths, multipurpose trails, open space, and any other improvements within the PVSP to be owned by the park agency, to accommodate future demands from PVSP development.
- b. Neighborhood Parks In-Lieu Fee: Proportionate share of a 20.4 park-in-lieu fee for parkland acquisition provided by the project. The in-lieu fees shall be kept separate from the neighborhood parks fee component and may be used for projects undertaken by the park agency, through a joint use agreement with a school district, or through a reimbursement agreement.
- c. Administrative Component: The administrative component is intended to cover the county's cost in implementing, administering, and updating the PVSP fee program and represents two percent of the neighborhood parks component of

the PVSP fee amount, which includes the administration of the neighborhood parks in-lieu-fee.

4. Community Parks Component.

The community parks fee component will fund the following:

- a. Community Park Facilities: Payment for the design and development of the multi-purpose community center, high school pool, middle school gym, field lighting, park shop/corporation yard, and two large community parks, to accommodate future demands from PVSP development.
- b. Administrative Component: The administrative component is intended to cover the county's cost in implementing, administering, and updating the PVSP Fee Program and represents two percent of the community parks component of the PVSP fee amount.

5. Sacramento County Improvements Fee

The Sacramento County improvements fee component will fund the following:

- a. Sacramento County Transportation Network: Improvements outlined in the Placer County 2007 Memorandum of Understanding with Sacramento County infrastructure identified in the Placer Vineyards Specific Plan EIR mitigation measures 4.7-6a, 4.7-6b, 4.7-16a, and 4.7-16b, the Placer Vineyards properties are required to provide a fair share contribution to Sacramento County transportation improvements to mitigate the impacts of such development on the County of Sacramento's transportation network. Pending a formal agreement between Placer and Sacramento Counties listing the mitigating transportation improvements and fair share contribution thereto required from the Placer Vineyards development (as such agreement is contemplated by these mitigation measures), the Sacramento County Improvement Fee included under this PVSP Fee Program is being based initially on those Plan EIR mitigation measures that are included for funding under the current list of improvements in the Sacramento County Transportation Development Fee ("SCTDF") program.
- b. Administrative Component: The administrative component is intended to cover the county's cost in implementing, administering, and updating the PVSP fee program and represents two percent of the Sacramento County improvements fee component of the PVSP fee amount.

- C. External Revenue. If an outside revenue event or additional revenues not accounted for in the impact fee program report, are generated for improvements outlined in the impact fee program report, those funds shall be deposited in the PVSP fee program component that included the improvement. These excess funds will be used in two ways, and the priority will be i) pay outstanding reimbursements, and 2) use funds to off-set any future fee program increases. For funds received from development outside of the PVSP boundary for recreational features, the fees shall be placed in the Community Park Fee component and shall not be used to offset fee program inflationary adjustments or be used to pay outstanding reimbursements unless specified in an executed reimbursement agreement. See impact fee program report for detailed information.

- D. Initial Amount of the PVSP Fee, Annual Adjustment, Updates.
1. Initial Amount. The initial amount of the PVSP fee shall be set by resolution adopted by the Board following a public hearing and consistent with applicable state laws, the PVSP D.A. and the impact fee program report.
  2. Adjustment. The amount of the PVSP fee shall be adjusted annually and shall be calculated based on the difference between the most currently available index and the index amount for the same month of the previous year, using the average percent change in the San Francisco and 20-City Average Construction Cost Index (CCI) as reported in the Engineering News Record.
  3. Updates. The PVSP fee program will be subject to periodic updates if the county determines it necessary to reflect changes in developable land, actual costs for construction of Improvements or changes in facilities costs difference from the CCI Inflation factor.
  4. Five Year Review. The fifth fiscal year following the first deposit into the fee account or fund and every five years thereafter, the County must review the PVSP Fee Fund and make findings demonstrating a reasonable relationships exists between the use, type of public facility, and fee amount.
- E. Payment. The PVSP fee shall be due and payable in full at each building permit issuance or permit for other entitlement if no building permit is involved. Fee deferrals and/or waivers are not available for the PVSP fee.

**Section 15.85.040. Exemptions.**

- A. Public Agency. Property that is owned by a public agency will be exempt from the PVSP fee program. This includes all federal and state agencies, public school districts, the county park agency, etc. until such community plan designation and underlying zoning are changed to a private use.
- B. Residential Development. Once the PVSP fee is paid with respect to a residential development, the PVSP fee shall not thereafter be required to be paid in connection with the issuance of any building permit to remodel, reconstruct, replacement or expand the same residential development, provided there is no increase in the number of dwelling units.
- C. Commercial Development. Once the PVSP fee is paid with respect to a non-residential development, the PVSP fee shall not thereafter be required to be paid in connection with the issuance of any building permit to remodel, reconstruct, replace or install tenant improvements within such development that does not increase the amount of square footage for such development upon which the PVSP fee was based.
- D. Non-participating owner Property. Ministerial permits issued to a non-participating owner are not subject to the PVSP fee.
- E. PVSP Special Planning Area. Until such time as the special planning area (SPA) property is rezoned to Special Plan Land-PVSP, it will not be subject to the PVSP infrastructure fee and the PVSP Sacramento County improvements fee. The SPA will not be included in the allocation of costs for the PVSP neighborhood park fee, PVSP community park fee or the PVSP supplemental county facilities fee.



Properties within the SPA that are rezoned to Special Plan Land-PVSP will be added into the PVSP infrastructure fee and PVSP Sacramento County improvements fee at that time.

**Section 15.85.050 PVSP Fee Fund.**

A PVSP fee fund, for each of the five components, shall be established with the county auditor. The fund shall bear interest at the rates available for county funds of this or similar type. Interest earned from moneys in the fund shall be allocated to the fund and allocated to its corresponding component.

**Section 15.85.060 PVSP Reimbursements and Credits.**

A. Scope. Subject to the limitations identified in subsection B, PVSP fee program reimbursements will be available to a constructing entity or participating owner who has funded eligible facilities, as identified in the impact fee program study report, or advanced funds to construct those improvements identified in the impact fee program study report. A constructing entity or participating owner may first obtain fee credits, for the infrastructure and neighborhood parks components' dollar amount obligation as identified in the impact fee program study report, by converting the fee reimbursements to fee credits for use by the constructing entity or participating owner. The application of fee credits against the PVSP infrastructure fee will be limited to fifty (50) percent of the PVSP infrastructure fee after the seven thousandth (7,000<sup>th</sup>) residential unit. The ability to apply fee credits against the other components of the fee program will not be limited by this seven thousand (7,000) residential unit threshold. For any amount of reimbursement not converted to fee credits, the constructing entity or participating owner must await cash reimbursement from fee revenue collections from other fee payers who have not advance-funded their proportional share of the PVSP fee program costs. The constructing entity or participating owner can use the fee credits on any real property owned by the constructing entity or participating owner within the PVSP boundaries. Fee credits cannot be transferred to property outside of the PVSP boundaries.

To obtain fee credits and reimbursements, a constructing entity or participating owner must enter into a fee credit and/or reimbursement agreement with the county. Reimbursements will be paid only after the county accepts the facility improvements and subject to available funds in the PVSP fee fund. No county general fund or other operating funds shall be used to reimburse a constructing entity or participating owner under this PVSP fee program.

B. CFD. If a constructing entity or participating owner finances and constructs an Improvement that is financed by a community facilities district (CFD) within the PVSP, the constructing entity or participating owner may request a fee credit but not fee reimbursement. Fee credits would be based on the amount of financing provided for the infrastructure improvements by the CFD that would have otherwise been funded by the fee component of the PVSP fee program, up to, but not in excess of, the amount that will be funded by the infrastructure and neighborhood

parcs component of the PVSP fee program by the properties within an established CFD.

C. Fee Reimbursement.

1. Agreement. Subject to subsection A, a fee reimbursement agreement, in a form acceptable to the county counsel, may be entered into between the county and each constructing entity or participating owner in connection with the financing and construction of Improvements identified in the impact fee program report. The agreement will include provisions for bonding, completion and acceptance of the improvements, warranties, priority for reimbursement based on relative calendar year priority of the fee reimbursement agreement consistent with the impact fee program report, provisions to allow fee reimbursements to be converted to credits that can be applied against the infrastructure and neighborhood parks component of the PVSP fee within a constructing owner's property within the PVSP area and other provisions relating to reimbursement and administration of the PVSP fee program. Reimbursements for Dry Utilities and Cal Am infrastructure shall be administered as referenced in the impact fee program report.
2. Cash Reimbursements. Fee reimbursements that are not converted to fee credits will be subject to reimbursement from the PVSP cash flows, when available, on a first in-first out basis. (See subsection G.) The county is only required to provide cash reimbursements when sufficient funds are available in the PVSP fee fund.
3. The administrative fee collected as part of each of the components of the PVSP fee program shall not be subject to reimbursement.

D. Fee Credit.

1. Agreement. A fee credit agreement, in a form acceptable to the county counsel, may be entered into between the county and each constructing entity or participating owner in connection with fee credits. A combined reimbursement and fee credit agreement, in a form acceptable to the county counsel, may be entered into. Fee Credits for Dry Utilities and Cal Am infrastructure shall be administered as referenced in the impact fee program report.
2. The fee credits may be used to offset other PVSP fee payments due for development within the PVSP boundaries. Fee credits cannot be used to offset any other fee payment obligations, as identified in the PVSP D.A. or conditions of approval as required for development within the PVSP and cannot be transferred to developments outside of the PVSP boundaries.
3. The administrative fee collected as part of each of the components of the PVSP fee program shall not be included in the calculation of or subject to fee credit.

- E. Hold Harmless. Since the PVSP fee is for the benefit of the participating owners in the PVSP area, pursuant to Section 6.1 of the PVSP D.A., the participating owners shall protect, defend, indemnify and hold harmless the county and its officers, agents and employees from any and all claims and/or causes of action for any loss or damage related to PVSP fee program reimbursement or credit.

- F. This section does not preclude or prevent a constructing entity or participating owner from seeking reimbursement from development areas outside of the PVSP boundaries for advance private funding and construction of Improvements or for oversizing improvements. Reimbursements for these will be handled through the appropriate county fee program, reimbursement agreement or developer cost-sharing agreement.
  
- G. Priority on Cash Reimbursements. Cash reimbursements will be paid on a first in-first out basis based on the effective date of the fee reimbursement agreement in any calendar year. The calendar year priority will be determined by the effective date of the fee reimbursement agreement. If two such agreements have the same effective date in the same calendar year, reimbursements will be paid out pro rata to each constructing entity or participating owner based on the relative amount of fee reimbursements owed to each constructing entity or participating owner. The County is only required to provide cash reimbursements when sufficient funds are available in the PVSP fee fund. The Riolo Vineyard Specific Plan development that has built the sewer lift station and force main contained within the PVSP Fee Program will be eligible for reimbursements under the same conditions and priority as a Placer Vineyards participating owner.

**Section 15.85.070 PVSP Fee Program Appeal.**

The PVSP fee program is enacted pursuant to the PVSP D.A. Accordingly, during the time the PVSP D.A., or any subsequent or amended or additional PVSP D.A. is in effect, the PVSP fee program may not be repealed by any participating owner, but may be challenged. Fee challenges shall be limited to correcting technical errors in the impact fee program report or calculation of fees for a property. See the PVSP impact fee program report for requirements and procedures associated with submitting a fee challenge. After the terms of all applicable PVSP D.A.'s have run, the PVSP Impact Fee Program will remain in full force and effect and can only be repealed by an action of the Board.

