

**AMENDMENT NO.3 TO
DRAINAGE FEE COLLECTION, RIGHT OF WAY, AND MAINTENANCE AGREEMENT
BETWEEN CITY OF BRENTWOOD AND CONTRA COSTA COUNTY
FLOOD CONTROL AND WATER CONSERVATION DISTRICT FOR
DRAINAGE AREAS 104, 105, 106, 109, AND 130**

Effective on _____, 2019, the Contra Costa County Flood Control and Water Conservation District, a flood control district existing under the laws of the State of California, hereinafter referred to as "DISTRICT," and the City of Brentwood, a municipal corporation, hereinafter referred to as "CITY," enter into this Amendment No. 3 ("Third Amendment") to the Drainage Fee Collection, Right of Way, and Maintenance Agreement Between City of Brentwood and Contra Costa County Flood Control and Water Conservation District for Drainage Areas 104, 105, 106, 109, and 130.

RECITALS

- A. Effective on April 14, 1992, the DISTRICT and the CITY entered into a Drainage Fee Collection, Right of Way and Maintenance Agreement ("Agreement"), pursuant to a drainage plan providing for the installation of needed drainage facilities in Drainage Areas 30B, 30C, 52A, 52B, 52C, 52D, 104, 105, and 106 and Regional Drainage Facilities within incorporated and unincorporated areas of the CITY. In 1994, the DISTRICT's Board of Directors adopted Resolution No. 94/634 to establish Drainage Area 109, and it adopted Ordinance 94/75 establishing fees for Drainage Area 109. Lands within the CITY are within Drainage Area 109. However, the Agreement was not subsequently amended to incorporate Drainage Area 109.
- B. On September 11, 2007, the DISTRICT's Board of Directors adopted Resolution No. 2007/493 ordering the establishment Drainage Area 130, which replaced Drainage Areas 104, 105, and 106. The DISTRICT adopted Drainage Fee Ordinance No. 2007-06 for Drainage Area 130 fees and repealed Drainage Areas 104, 105, and 106. Since the formation of Drainage Area 130 in 2007, the CITY has been collecting Drainage Area 130 fees. However, the Agreement was not subsequently amended to incorporate this change.
- C. In 2011, the Agreement was amended to modify the right of way maintenance requirements for DISTRICT Basin No. 2. In 2016, the Agreement was amended a second time to modify the right of way maintenance requirements for DISTRICT Basin No. 3/4.
- D. The DISTRICT and the CITY desire to enter into this Third Amendment to amend the Agreement to: (1) reflect the formation of Drainage Area 109; (2) reflect the replacement of Drainage Areas 104, 105, and 106 with Drainage Area 130; and (3) authorize the CITY to collect Drainage Area 109 and 130 fees going back to the formation of those drainage areas.

AMENDMENT

Now, therefore, the DISTRICT and the CITY agree to amend the Agreement, as previously amended, as follows:

- 1. **Drainage Area Fee Collection.** The CITY has been collecting drainage area fees for Drainage Areas 109 and 130 in accordance with the Agreement since those drainage areas were formed in 1994 and 2007, respectively. The DISTRICT and the CITY hereby agree to ratify the CITY's collection of those drainage area fees at all times prior to the Effective Date.
- 2. **Purpose.** Section 2 (Purpose) of the Agreement is deleted in its entirety and replaced with new Section 2 to read as follows:

"2. PURPOSE

In accordance with Sections 12.2 and 12.3 of the Contra Costa County Flood Control and Water Conservation District Act (Chapter 63 of West's Appendix to the Water Code), the DISTRICT has adopted drainage plans providing for the installation of needed drainage facilities in Drainage Areas 30B, 30C, 52A, 52B, 52C, 52D, 109, and 130, and the DISTRICT has adopted ordinances establishing drainage fees to finance such facilities within those drainage areas. Copies of those ordinances are attached hereto together as Exhibit "A". The areas encompassed by the ordinances contain lands within the jurisdictional limits of the CITY. In consideration of the fact that the CITY will benefit from the installation of the drainage facilities to be financed by the drainage fees, the DISTRICT and the CITY agree as provided in this Agreement."

3. **Exhibit A.** Exhibit "A" to the Agreement is deleted in its entirety and replaced with new Exhibit "A" attached hereto. New Exhibit "A" includes all ordinances establishing DISTRICT drainage fees imposed within Drainage Areas 30B, 30C, 52A, 52B, 52C, 52D, 109, and 130.

Each remaining term of the Agreement, as previously amended, remains unchanged and in full force and effect.

CONTRA COSTA COUNTY FLOOD
CONTROL AND WATER CONSERVATION
DISTRICT

CITY OF BRENTWOOD

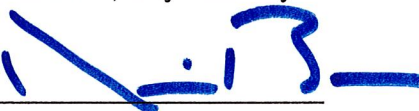
By: _____
Brian Balbas, Chief Engineer

By:  _____
Gustavo "Bus" Vina, City Manager

Approved as to form:
Sharon L. Anderson, County Counsel

Approved as to form:
Damien Brower, City Attorney

By: _____
Deputy County Counsel

By:  _____

ORDINANCE NO. 98-56

**AN ORDINANCE OF THE
CONTRA COSTA COUNTY FLOOD CONTROL
AND
WATER CONSERVATION DISTRICT
ESTABLISHING DRAINAGE FEES IN THE
CONTRA COSTA COUNTY FLOOD CONTROL
AND
WATER CONSERVATION DISTRICT
DRAINAGE AREA 30B**

The Board of Supervisors of Contra Costa County as the Governing Body of the Contra Costa County Flood Control and Water Conservation District does ordain as follows:

SECTION 1 Ordinance No. 92-18 of the Contra Costa County Flood Control and Water Conservation District is hereby repealed.

SECTION 2 The Board hereby enacts the following as the Drainage Fee Ordinance for Drainage Area 30B.

SECTION I DRAINAGE PLAN. The drainage plan and map entitled "Drainage Area 30B, Boundary Map and Amended Drainage Plan," dated November, 1988, on file with the Clerk of the Board of Supervisors, is adopted as the drainage plan for the Contra Costa County Flood Control and Water Conservation District Drainage Area 30B pursuant to Sections 12.2 and 12.3 of the Contra Costa County Flood Control and Water Conservation District Act (Chapter 63 of West's Appendix of the Water Code.).

SECTION II FINDINGS. This Board finds and determines that said drainage area has inadequate drainage facilities; that future subdivision and development of property within said drainage area will have a significant adverse impact on existing and future developments; that development of property within the drainage area, with its resultant increase in impervious surfaces, will require the construction of facilities described in the drainage plan; that the fees herein provided to be charged are uniformly applied on a square foot of impervious surface basis and fairly apportioned within said drainage area on the basis of benefits conferred on property upon which additional impervious surfaces in said drainage area are constructed; that the estimated total of all fees collectible hereunder does not exceed the estimated total costs of all drainage facilities shown on the drainage plan or included in the Engineer's Report; and that the drainage facilities planned are in addition to existing drainage facilities already serving the drainage area at the time of the adoption of the drainage plan.

SECTION III EXEMPTIONS. The fee shall not be required for the following: 1) to replace a structure destroyed or damaged by fire, flood, winds or other acts of God, provided the resultant structure has the same, or less impervious surface as the original structure; 2) To modify structures or other impervious surfaces, provided the amount of ground coverage is not increased by more than 500 square feet; 3) To convey land to a government agency, public entity, public utility, or abutting property owner where a new building lot or site is not created as a result of the conveyance; or 4) Any lot or property for which drainage fees have been fully paid previously.

SECTION IV. FEE DEFERMENT. On lots greater than two acres in size, the property owner can defer the payment of the fee on the portion of the lot in excess of two acres that is not a required part of the pending development. The deferment of fee is conditional on the property owners granting, as collateral, the development rights to the Board of Supervisors for said area of deferred fee until such time as the fee is paid.

SECTION V. BUILDING PERMITS. Except as permitted under Section III and IV, the Contra Costa County or the city official having jurisdiction shall not issue any building permit for construction within the drainage area until the required drainage fee has been paid. For initial construction the fee shall be as set for the in Section VII. For single family residential swimming pools on lots for which the drainage fee has not been paid, the fee shall be \$458 per pool. For other construction, modifications or replacements to an existing facility that cause an increase in impervious surface, including, but not limited to, driveways, walks patios, etc., the amount of net increase in impervious surface shall be subject to a fee of \$0.52 per square foot, but not to exceed the amount required under Section VII.

SECTION VI SUBDIVISIONS. Except as permitted under Sections III and IV, the subdivider shall pay the drainage fee on the entire proposed subdivision or on each individual unit for which a final or parcel map is filed prior to recordation of said map. Town house, condominium, and cluster housing type subdivisions creating individual lots less than 4,000 square feet shall be treated as multifamily residential and the lot size used in determining the "square feet of land per unit" shall be the lot size prior to subdividing. Except as noted above, the fee for all other subdivisions shall be calculated on an individual lot basis. The fee amount shall be as set forth in Section VII.

SECTION VII. FEE SCHEDULE

	Measure	Building Permit	Subdivision
Commercial/Industrial/Downtown office	Acre	\$21,382.00	\$22,968.00
Office (Medium)	Acre	\$18,324.00	\$20,477.00
Office (Light)	Acre	\$15,334.00	\$17,284.00
Multifamily residential (Including Mobile Home Parks)			
Less than 2,500 sq. ft of land per unit	Acre	\$16,848.00	\$16,848.00
2,500 to 2,999 "	Unit	\$998.00	\$998.00
3,000 to 3,999 "	Unit	\$1,144.00	\$1,144.00
4,000 to 4,999 "	Unit	\$1,331.00	\$1,331.00
5,000 to 5,999 "	Unit	\$1,523.00	\$1,523.00
6,000 to 6,999 "	Unit	\$1,710.00	\$1,710.00
7,000 to 7,999 "	Unit	\$1,892.00	\$1,892.00
8,000 + "	Unit	\$1,986.00	\$1,986.00
Single Family Residential:			
4,000 to 4,999 sq. ft. of land per unit	Unit	\$1,398.00	\$2,241.00
5,000 to 5,999 "	Unit	\$1,461.00	\$2,334.00
6,000 to 6,999 "	Unit	\$1,523.00	\$2,428.00
7,000 to 7,999 "	Unit	\$1,586.00	\$2,522.00
8,000 to 9,999 "	Unit	\$1,679.00	\$2,657.00
10,000 to 13,999 "	Unit	\$1,866.00	\$2,927.00
14,000 to 19,999 "	Unit	\$2,178.00	\$3,369.00
20,000 to 29,999 "	Unit	\$2,693.00	\$4,040.00
30,000 to 39,999 "	Unit	\$3,343.00	\$4,825.00

	Measure	Building Permit	Subdivision
40,000+" "		\$4009.00	\$5,558.00
Agricultural:			
Under 10% of lot impervious		Exempt	
More than 10% of lot impervious	Acre	\$20,384	

On single family lots, barns and sheds in excess of 400 square feet and tennis and sports courts shall not be considered as incidental residential facilities included in the above fee schedule. The drainage fee for the portion of these facilities in excess of 400 square feet shall be calculated using the square foot fee in Section V, and it shall be in addition to the above fee amounts.

For the purpose of this ordinance, subject to Section VI, lot size shall be (1) for existing lots, that land shown on the latest equalized assessment roll as a lot; or (2) for new subdivision lots, that land shown on the final or parcel map as a lot. The fee amounts under "Single Family Residential" shall apply to lots containing only one dwelling unit. For multifamily residential (including mobile home parks) the "square feet of land per unit" shall be the quotient obtained by dividing the lot size in square feet by the number of dwelling units proposed to be on the lot.

SECTION VIII. FEE PAYMENT. The official having jurisdiction may accept cash or check, or, when authorized by the District's Chief Engineer, other consideration such as actual construction of a part of the planned drainage facilities by the applicant or his principal. All fees collected hereunder shall be distributed into the appropriate accounts. \$0.35 of each \$0.52 collected will be deposited in the County Treasury to the account of the drainage facilities fund established for the drainage area. The remaining \$0.17 of each \$0.52 will be deposited into the Flood Control Zone 1 fund to be used for improvements in the Marsh Creek Regional Improvement Plan. Monies in said funds shall be expended solely for land acquisition, construction, engineering, administration, repair maintenance and operation or reimbursement for the same, in whole or in part, of planned drainage facilities within the drainage area, or the Marsh Creek Regional Improvement Plan. Said monies may also be used to reduce the principal or interest of any indebtedness of the drainage area, or the Flood Control Zone 1 fund.

SECTION IX. CREDIT. Drainage fees previously paid shall be credited as follows:

- A Where drainage fees have been paid under a former drainage fee ordinance based on acreage, fees shall not be required under Section VII for any part of the total area for which the fee was paid, except in the case of a resubdivision.
- B Where drainage fees have been paid under this ordinance or another drainage fee ordinance based on impervious surface, fees shall not be required under Section VII for the total impervious surface area for which the fee was paid. However, fees shall be payable under Section VII for any additional impervious surface area.
- C Where drainage fees have been paid other than pursuant to an adopted drainage fee ordinance, the dollar amount of the fee paid for the development site in question shall be credited against the fees payable under Section VII.

SECTION X. REVIEW OF FEES. Project cost estimates shall be reviewed every year that this ordinance is in effect. The fee schedule shall be adjusted annually on January 1 to account for inflation using the Engineering News Record Construction Cost Index. Such adjustment shall not require further notice or public hearing.

SECTION XI. EFFECTIVE DATE. This ordinance becomes effective 60 days after passage, and within 15 days of passage shall be published once with the name of supervisors voting for and against it in the Brentwood News, a newspaper published in this area.

PASSED AND ADOPTED ON 12-18-98, by the following vote:

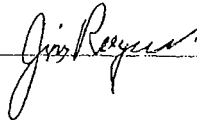
AYES: SUPERVISORS UILKEMA, GERBER, DESAULNIER, CANCIAMILLA and ROGERS

NOES: NONE

ABSENT: NONE

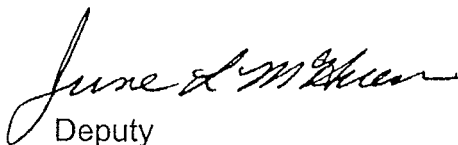
ABSTAIN: NONE

Chair of the Board



ATTEST: PHIL BATCHELOR
Clerk of the Board of Supervisors
and County Administrator

By:


Deputy

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10/22/98

Effective 2-14-90

ORDINANCE NO. 98-57

**AN ORDINANCE OF THE
CONTRA COSTA COUNTY FLOOD CONTROL
AND
WATER CONSERVATION DISTRICT
ESTABLISHING DRAINAGE FEES IN THE
CONTRA COSTA COUNTY FLOOD CONTROL
AND
WATER CONSERVATION DISTRICT
DRAINAGE AREA 30C**

The Board of Supervisors of Contra Costa County as the Governing Body of the Contra Costa County Flood Control and Water Conservation District does ordain as follows:

SECTION 1 Ordinance No. 87-70 of the Contra Costa County Flood Control and Water Conservation District is hereby repealed.

SECTION 2 The Board hereby enacts the following as the Drainage Fee Ordinance for Drainage Area 30C.

SECTION I DRAINAGE PLAN. The drainage plan and map entitled "Drainage Area 30C, Boundary Map and Amended Drainage Plan," dated April, 1987, on file with the Clerk of the Board of Supervisors, is adopted as the drainage plan for the Contra Costa County Flood Control and Water Conservation District Drainage Area 30C pursuant to Sections 12.2 and 12.3 of the Contra Costa County Flood Control and Water Conservation District Act (Chapter 63 of West's Appendix of the Water Code.).

SECTION II FINDINGS. This Board finds and determines that said drainage area has inadequate drainage facilities; that future subdivision and development of property within said drainage area will have a significant adverse impact on existing and future developments; that development of property within the drainage area, with its resultant increase in impervious surfaces, will require the construction of facilities described in the drainage plan; that the fees herein provided to be charged are uniformly applied on a square foot of impervious surface basis and fairly apportioned within said drainage area on the basis of benefits conferred on property upon which additional impervious surfaces in said drainage area are constructed; that the estimated total of all fees collectible hereunder does not exceed the estimated total costs of all drainage facilities shown on the drainage plan or included in the Engineer's Report; and that the drainage facilities planned are in addition to existing drainage facilities already serving the drainage area at the time of the adoption of the drainage plan.

SECTION III EXEMPTIONS. The fee shall not be required for the following: 1) to replace a structure destroyed or damaged by fire, flood, winds or other acts of God, provided the resultant structure has the same, or less impervious surface as the original structure; 2) To modify structures or other impervious surfaces, provided the amount of ground coverage is not increased by more than 500 square feet; 3) To convey land to a government agency, public entity, public utility, or abutting property owner where a new building lot or site is not created as a result of the conveyance; or 4) Any lot or property for which drainage fees have been fully paid previously.

SECTION IV. FEE DEFERMENT. On lots greater than two acres in size, the property owner can defer the payment of the fee on the portion of the lot in excess of two acres that is not a required part of the pending development. The deferment of fee is conditional on the property owners granting, as collateral, the development rights to the Board of Supervisors for said area of deferred fee until such time as the fee is paid.

SECTION V. BUILDING PERMITS. Except as permitted under Section III and IV, the Contra Costa County or the city official having jurisdiction shall not issue any building permit for construction within the drainage area until the required drainage fee has been paid. For initial construction the fee shall be as set for the in Section VII. For single family residential swimming pools on lots for which the drainage fee has not been paid, the fee shall be \$370 per pool. For other construction, modifications or replacements to an existing facility that cause an increase in impervious surface, including, but not limited to, driveways, walks patios, etc., the amount of net increase in impervious surface shall be subject to a fee of \$0.42 per square foot, but not to exceed the amount required under Section VII.

SECTION VI SUBDIVISIONS. Except as permitted under Sections III and IV, the subdivider shall pay the drainage fee on the entire proposed subdivision or on each individual unit for which a final or parcel map is filed prior to recordation of said map. Town house, condominium, and cluster housing type subdivisions creating individual lots less than 4,000 square feet shall be treated as multifamily residential and the lot size used in determining the "square feet of land per unit" shall be the lot size prior to subdividing. Except as noted above, the fee for all other subdivisions shall be calculated on an individual lot basis. The fee amount shall be as set forth in Section VII.

SECTION VII. FEE SCHEDULE

	Measure	Building Permit	Subdivision
Commercial/Industrial/Downtown office	Acre	\$17,270.00	\$18,551.00
Office (Medium)	Acre	\$14,800.00	\$16,539.00
Office (Light)	Acre	\$12,385.00	\$13,960.00
Multifamily residential (Including Mobile Home Parks)			
Less than 2,500 sq. ft of land per unit	Acre	\$13,608.00	\$13,608.00
2,500 to 2,999 "	Unit	\$806.00	\$806.00
3,000 to 3,999 "	Unit	\$924.00	\$924.00
4,000 to 4,999 "	Unit	\$1,075.00	\$1,075.00
5,000 to 5,999 "	Unit	\$1,230.00	\$1,230.00
6,000 to 6,999 "	Unit	\$1,381.00	\$1,381.00
7,000 to 7,999 "	Unit	\$1,528.00	\$1,528.00
8,000 + "	Unit	\$1,604.00	\$1,604.00
Single Family Residential:			
4,000 to 4,999 sq. ft. of land per unit	Unit	\$1,129.00	\$1,810.00
5,000 to 5,999 "	Unit	\$1,180.00	\$1,885.00
6,000 to 6,999 "	Unit	\$1,230.00	\$1,961.00
7,000 to 7,999 "	Unit	\$1,281.00	\$2,037.00
8,000 to 9,999 "	Unit	\$1,356.00	\$2,146.00
10,000 to 13,999 "	Unit	\$1,507.00	\$2,364.00
14,000 to 19,999 "	Unit	\$1,759.00	\$2,721.00
20,000 to 29,999 "	Unit	\$2,175.00	\$3,263.00
30,000 to 39,999 "	Unit	\$2,700.00	\$3,897.00

	Measure	Building Permit	Subdivision
40,000+ " "	Unit	\$3,238.00	\$4,489.00
Agricultural:			
Under 10% of lot impervious		Exempt	
More than 10% of lot impervious	Acre	\$16,464.00	

On single family lots, barns and sheds in excess of 400 square feet and tennis and sports courts shall not be considered as incidental residential facilities included in the above fee schedule. The drainage fee for the portion of these facilities in excess of 400 square feet shall be calculated using the square foot fee in Section V, and it shall be in addition to the above fee amounts.

For the purpose of this ordinance, subject to Section VI, lot size shall be (1) for existing lots, that land shown on the latest equalized assessment roll as a lot; or (2) for new subdivision lots, that land shown on the final or parcel map as a lot. The fee amounts under "Single Family Residential" shall apply to lots containing only one dwelling unit. For multifamily residential (including mobile home parks) the "square feet of land per unit" shall be the quotient obtained by dividing the lot size in square feet by the number of dwelling units proposed to be on the lot.

SECTION VIII. FEE PAYMENT. The official having jurisdiction may accept cash or check, or, when authorized by the District's Chief Engineer, other consideration such as actual construction of a part of the planned drainage facilities by the applicant or his principal. All fees collected hereunder shall be distributed into the appropriate accounts. \$0.25 of each \$0.42 collected will be deposited in the County Treasury to the account of the drainage facilities fund established for the drainage area. The remaining \$0.17 of each \$0.42 will be deposited into the Flood Control Zone 1 fund to be used for improvements in the Marsh Creek Regional Improvement Plan. Monies in said funds shall be expended solely for land acquisition, construction, engineering, administration, repair maintenance and operation or reimbursement for the same, in whole or in part, of planned drainage facilities within the drainage area, or the Marsh Creek Regional Improvement Plan. Said monies may also be used to reduce the principal or interest of any indebtedness of the drainage area, or the Flood Control Zone 1 fund.

SECTION IX. CREDIT. Drainage fees previously paid shall be credited as follows:

- A Where drainage fees have been paid under a former drainage fee ordinance based on acreage, fees shall not be required under Section VII for any part of the total area for which the fee was paid, except in the case of a resubdivision.
- B Where drainage fees have been paid under this ordinance or another drainage fee ordinance based on impervious surface, fees shall not be required under Section VII for the total impervious surface area for which the fee was paid. However, fees shall be payable under Section VII for any additional impervious surface area.
- C Where drainage fees have been paid other than pursuant to an adopted drainage fee ordinance, the dollar amount of the fee paid for the development site in question shall be credited against the fees payable under Section VII.

SECTION X. REVIEW OF FEES. Project cost estimates shall be reviewed every year that this ordinance is in effect. The fee schedule shall be adjusted annually on January 1 to account for inflation using the Engineering News Record Construction Cost Index. Such adjustment shall not require further notice or public hearing.

SECTION XI. EFFECTIVE DATE. This ordinance becomes effective 60 days after passage, and within 15 days of passage shall be published once with the name of supervisors voting for and against it in the Brentwood News, a newspaper published in this area.

PASSED AND ADOPTED ON 12-15-98, by the following vote:

AYES: SUEPRVISORS GERBER, DESAULNIER, CANCIAMILLA AND ROGERS

NOES: NONE

ABSENT: NONE

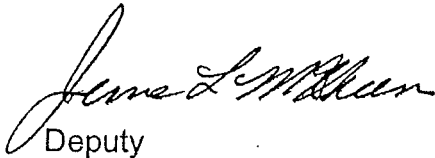
ABSTAIN: NONE

Chair of the Board



ATTEST: PHIL BATCHELOR
Clerk of the Board of Supervisors
and County Administrator

By:


Deputy

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10/22/98

ORDINANCE NO. 92- 6

AN ORDINANCE AMENDING ORDINANCE NO. 90-37
OF THE CONTRA COSTA COUNTY FLOOD CONTROL
AND
WATER CONSERVATION DISTRICT
RELATING TO DRAINAGE FEES WITHIN
CONTRA COSTA COUNTY FLOOD CONTROL
AND
WATER CONSERVATION DISTRICT
DRAINAGE AREA 52A

24 = 58,534,670
17 = 41,463,490
41 M.D. 4/17/97
52A

The Board of Supervisors of Contra Costa County as the governing body of the Contra Costa County Flood Control and Water Conservation District ordains as follows:

SECTION I. Section I of Ordinance No. 90-37 is amended to read as follows:

SECTION I. DRAINAGE PLAN. The drainage plan and map entitled "Drainage Area 52A, Boundary Map and Drainage Plan", dated June, 1979, was adopted as the drainage plan for the Contra Costa County Flood Control and Water Conservation District Drainage Area 52A pursuant to Sections 12.2 and 12.3 of the Contra Costa County Flood Control and Water Conservation District Act (Chapter 63 of West's Appendix to the Water Code). Said drainage plan is hereby amended as set forth in the "Drainage Area 52A, Boundary Map and Amended Drainage Plan" dated June, 1991.

EFFECTIVE
4/28/92

SECTION II. Section V of Ordinance No. 90-37 is amended to read as follows:

SECTION V. BUILDING PERMITS. Except as permitted under Section III and IV, the Contra Costa County or the city official having jurisdiction shall not issue any building permit for construction within the drainage area until the required drainage fee has been paid. For initial construction the fee shall be as set forth in Section VII. For single family residential swimming pools on lots for which the drainage fee has not been paid, the fee shall be ~~\$349~~ per pool. For other construction, modifications or replacements to an existing facility that cause an increase in impervious surface, including but not limited to driveways, walks, patios etc., the amount of net increase in impervious surface shall be subject to a fee of \$0.41 per square foot, but not to exceed the amount required under Section VII.

Pool = 349.00

SECTION III. Section VII of Ordinance No. 90-37 is amended to read as follows:

SECTION VII. FEE SCHEDULE

	<u>Building Permit</u>	<u>Subdivision</u>
<u>Commercial/Industrial/Downtown Office</u>	\$16,860/acre	\$18,110/acre
<u>Office (Medium):</u>	\$14,450/acre	\$16,145/acre
<u>Office (Light):</u>	\$12,090/acre	\$13,630/acre

Multifamily Residential (Including Mobile Home Parks):

Less than 2,500 sq. ft. of land per unit	\$13,285/acre	\$13,285/acre
2,500 to 2,999 " "	\$785/unit	\$785/unit
3,000 to 3,999 " "	\$900/"	\$900/"
4,000 to 4,999 " "	\$1,050/"	\$1,050/"
5,000 to 5,999 " "	\$1,200/"	\$1,200/"
6,000 to 6,999 " "	\$1,350/"	\$1,350/"
7,000 to 7,999 " "	\$1,490/"	\$1,490/"
8,000 + " "	\$1,565/"	\$1,565/"

Single Family Residential:

	<u>Building Permit</u>	<u>Subdivision</u>
4,000 to 4,999 sq. ft. of land per unit	\$1,105/unit	\$1,765/unit
5,000 to 5,999 " "	\$1,150/"	\$1,840/"
6,000 to 6,999 " "	\$1,200/"	\$1,915/"
7,000 to 7,999 " "	\$1,250/"	\$1,990/"
8,000 to 9,999 " "	\$1,325/"	\$2,095/"
10,000 to 13,999 " "	\$1,470/"	\$2,310/"
14,000 to 19,999 " "	\$1,720/"	\$2,655/"
20,000 to 29,999 " "	\$2,125/"	\$3,185/"
30,000 to 39,999 " "	\$2,635/"	\$3,805/"
40,000 + " "	\$3,160/"	\$4,385/"

Agricultural:

Under 10% of lot impervious	Exempt
More than 10% of lot impervious	\$16,075/acre of developed portion

On single family lots, barns and sheds in excess of 400 square feet and tennis and sports courts shall not be considered as incidental residential facilities included in the above fee schedule. The drainage fee for the portion of these facilities in excess of 400 square feet shall be calculated using the square foot fee in Section V, and it shall be in addition to the above fee amounts.

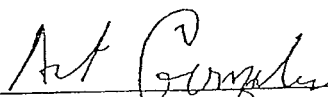
For the purpose of this ordinance, subject to Section VI, lot size shall be: (1) for existing lots, that land shown on the latest equalized assessment roll as a lot; or (2) for new subdivision lots, that land shown on the final or parcel map as a lot. The fee amounts under "Single Family Residential" shall apply to lots containing only one dwelling unit. For multifamily residential (including mobile home parks) the "square feet of land per unit" shall be the quotient obtained by dividing the lot size in square feet by the number of dwelling units proposed to be on the lot.

PASSED AND ADOPTED by the City Council of the City of Brentwood, at its regular meeting of April 28, 1992, by the following vote:

AYES: Councilmembers Guise, DeMartini, Doheney and Mayor Gonzales

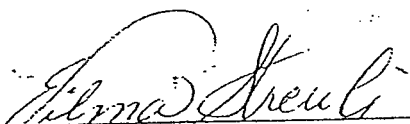
NOES: None

ABSENT: Councilmember Morrill



Arthur Gonzales, Mayor

Attest:



Vilma R. Streuli, City Clerk

ORDINANCE NO. 92/ 711

AN ORDINANCE OF THE
CONTRA COSTA COUNTY FLOOD CONTROL
AND
WATER CONSERVATION DISTRICT
ESTABLISHING DRAINAGE FEES IN THE
CONTRA COSTA COUNTY FLOOD CONTROL
AND
WATER CONSERVATION DISTRICT
DRAINAGE AREA 52B

17 = 43.58870
22 = 56.410290
39

52 B

The Board of Supervisors of Contra Costa County as the Governing Body of the Contra Costa County Flood Control and Water Conservation District does ordain as follows:

SECTION 1. Ordinance No. 90-38 of the Contra Costa County Flood Control and Water Conservation District is hereby repealed.

SECTION 2. The Board hereby enacts the following as the Drainage Fee Ordinance for Drainage Area 52B:

SECTION I. DRAINAGE PLAN. The drainage plan and map entitled "Drainage Area 52B, Boundary Map and Drainage Plan", dated February, 1979, on file with the Clerk of the Board of Supervisors, is adopted as the drainage plan for the Contra Costa County Flood Control and Water Conservation District Drainage Area 52B pursuant to Sections 12.2 and 12.3 of the Contra Costa County Flood Control and Water Conservation District Act (Chapter 63 of West's Appendix to the Water Code). Said drainage plan is hereby amended as set forth in "Drainage Area 52B, Boundary Map and Amended Drainage Plan" dated October, 1991.

SECTION II. FINDINGS. This Board finds and determines that said drainage area has inadequate drainage facilities; that future subdivision and development of property within said drainage area will have a significant adverse impact on existing and future developments; that development of property within the drainage area, with its resultant increase in impervious surfaces, will require the construction of facilities described in the drainage plan; that the fees herein provided to be charged are uniformly applied on a square foot of impervious surface basis and fairly apportioned within said drainage area on the basis of benefits conferred on property upon which additional impervious surfaces in said drainage area are constructed; that the estimated total of all fees collectible hereunder does not exceed the estimated total costs of all drainage facilities shown on the drainage plan or included in the Engineer's Report; and that the drainage facilities planned are in addition to existing drainage facilities already serving the drainage area at the time of the adoption of the drainage plan.

SECTION III. EXEMPTIONS. The fee shall not be required for the following: 1) To replace a structure destroyed or damaged by fire, flood, winds or other act of God, provided the resultant structure has the same, or less impervious surface as the original structure; 2) To modify structures or other impervious surfaces, provided the amount of ground coverage is not increased by more than 100 square feet; 3) To convey land to a government agency, public entity, public utility, or abutting property owner where a new building lot or site is not created as a result of the

12/19/92

39/12

Pool-332

conveyance; or 4) Any lot or property for which drainage fees have been fully paid previously.

SECTION IV. FEE DEFERMENT. On lots greater than two acres in size, the property owner can defer the payment of the fee on the portion of the lot in excess of two acres that is not a required part of the pending development. The deferment of fee is conditional on the property owners granting, as collateral, the development rights to the Board of Supervisors for said area of deferred fee until such time as the fee is paid.

SECTION V. BUILDING PERMITS. Except as permitted under Section III and IV, the Contra Costa County or the city official having jurisdiction shall not issue any building permit for construction within the drainage area until the required drainage fee has been paid. For initial construction the fee shall be as set forth in Section VII. For single family residential swimming pools on lots for which the drainage fee has not been paid, the fee shall be \$332 per pool. For other construction, modifications or replacements to an existing facility that cause an increase in impervious surface, including but not limited to driveways, walks, patios etc., the amount of net increase in impervious surface shall be subject to a fee of \$0.39 per square foot, but not to exceed the amount required under Section VII.

SECTION VI. SUBDIVISIONS. Except as permitted under Sections III and IV, the subdivider shall pay the drainage fee on the entire proposed subdivision or on each individual unit for which a final or parcel map is filed prior to recordation of said map. Town house, condominium, and cluster housing type subdivisions creating individual lots less than 4,000 square feet shall be treated as multifamily residential and the lot size used in determining the "square feet of land per unit" shall be the lot size prior to subdividing. Except as noted above, the fee for all other subdivisions shall be calculated on an individual lot basis. The fee amount shall be as set forth in Section VII.

SECTION VII. FEE SCHEDULE	<u>Building Permit</u>	<u>Subdivision</u>
<u>Commercial/Industrial/Downtown Office</u>	\$16,035/acre	\$17,225/acre
<u>Office (Medium):</u>	\$13,745/acre	\$15,360/acre
<u>Office (Light):</u>	\$11,500/acre	\$12,965/acre
<u>Multifamily Residential (Including Mobile Home Parks):</u>		
Less than 2,500 sq. ft. of land per unit	\$12,635/acre	\$12,635/acre
2,500 to 2,999 " "	\$750/unit	\$750/unit
3,000 to 3,999 " "	\$860/"	\$860/"
4,000 to 4,999 " "	\$1,000/"	\$1,000/"
5,000 to 5,999 " "	\$1,145/"	\$1,145/"
6,000 to 6,999 " "	\$1,285/"	\$1,285/"
7,000 to 7,999 " "	\$1,420/"	\$1,420/"
8,000 + " "	\$1,490/"	\$1,490/"
<u>Single Family Residential:</u>		
4,000 to 4,999 sq. ft. of land per unit	\$1,050/unit	\$1,680/unit
5,000 to 5,999 " "	\$1,095/"	\$1,750/"
6,000 to 6,999 " "	\$1,145/"	\$1,820/"
7,000 to 7,999 " "	\$1,190/"	\$1,890/"
8,000 to 9,999 " "	\$1,260/"	\$1,995/"

10,000 to 13,999	"	"	\$1,400/"	\$2,195/"
14,000 to 19,999	"	"	\$1,635/"	\$2,525/"
20,000 to 29,999	"	"	\$2,020/"	\$3,030/"
30,000 to 39,999	"	"	\$2,510/"	\$3,620/"
40,000 +	sq. ft. of land per unit		\$3,005/"	\$4,170/"

Agricultural:

Under 10% of lot impervious

Exempt

More than 10% of lot impervious

\$15,290/acre of developed portion

On single family lots, barns and sheds in excess of 400 square feet and tennis and sports courts shall not be considered as incidental residential facilities included in the above fee schedule. The drainage fee for the portion of these facilities in excess of 400 square feet shall be calculated using the square foot fee in Section V, and it shall be in addition to the above fee amounts.

For the purpose of this ordinance, subject to Section VI, lot size shall be: (1) for existing lots, that land shown on the latest equalized assessment roll as a lot; or (2) for new subdivision lots, that land shown on the final or parcel map as a lot. The fee amounts under "Single Family Residential" shall apply to lots containing only one dwelling unit. For multifamily residential (including mobile home parks) the "square feet of land per unit" shall be the quotient obtained by dividing the lot size in square feet by the number of dwelling units proposed to be on the lot.

SECTION VIII. FEE PAYMENT. The official having jurisdiction may accept cash or check, or, when authorized by the District's Chief Engineer, other consideration such as actual construction of a part of the planned drainage facilities by the applicant or his principal. All fees collected hereunder shall be distributed into the appropriate accounts. ~~\$0.22 of each \$0.39 collected~~ ^{Sub} will be deposited in the County Treasury to the account of the drainage facilities fund established for the drainage area. The remaining \$0.17 of each \$0.39 will be deposited into the Flood Control Zone 1 fund to be used for improvements in the Marsh Creek Regional Improvement Plan. Monies in said funds shall be expended solely for land acquisition, construction, engineering, administration, repair maintenance and operation or reimbursement for the same, in whole or in part, of planned drainage facilities within the drainage area, or the Marsh Creek Regional Plan. Said monies may also be used to reduce the principal or interest of any bonded indebtedness of the drainage area, or the Flood Control Zone 1 fund.

SECTION IX: CREDIT. Drainage fees previously paid shall be credited as follows:

- a) Where drainage fees have been paid under a former drainage fee ordinance based on acreage, fees shall not be required under Section VII for any part of the total area for which the fee was paid, except in the case of a resubdivision.
- b) Where drainage fees have been paid under this ordinance or another drainage fee ordinance based on impervious surface, fees shall not be required under Section VII for the total impervious surface area for which the fee was paid. However, fees shall be payable under Section VII for any additional impervious surface area.
- c) Where drainage fees have been paid other than pursuant to an adopted drainage fee ordinance, the dollar amount of the fee paid for the development site in question shall be credited against the fees payable under Section VII.

H.1

SECTION X. EFFECTIVE DATE. This ordinance becomes effective 60 days after passage, and within 15 days of passage shall be published once with the names of supervisors voting for and against it in the "Brentwood News," a newspaper published in this area.

PASSED AND ADOPTED ON October 20, 1992, by the following vote:

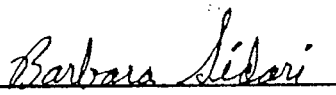
AYES: Supervisors Powers, Torlakson and McPeak

NOES: None

ABSENT: Supervisors Fahden and Schroder


Chair of the Board

ATTEST: PHIL BATCHELOR, Clerk of the
Board of Supervisors and
County Administrator

By 
Deputy

JRF:kd
c:\DA\DA52B.Ord

20.2

ORDINANCE NO. 2001-09

AN ORDINANCE OF THE
CONTRA COSTA COUNTY FLOOD CONTROL
AND
WATER CONSERVATION DISTRICT
ESTABLISHING DRAINAGE FEES IN THE
CONTRA COSTA COUNTY FLOOD CONTROL
AND
WATER CONSERVATION DISTRICT
DRAINAGE AREA 52C

The Board of Supervisors of Contra Costa County as the Governing Body of the Contra Costa County Flood Control and Water Conservation District does ordain as follows:

SECTION I DRAINAGE PLAN. The drainage plan and map entitled "Drainage Area 52C, Boundary Map and Drainage Plan, Amendment No. 2," dated March 2001, on file with the Clerk of the Board of Supervisors, is adopted as the drainage plan for the Contra Costa County Flood Control and Water Conservation District Drainage Area 52C pursuant to Sections 12.2 and 12.3 of the Contra Costa County Flood Control and Water Conservation District Act (Chapter 63 of West's Appendix of the Water Code.)

SECTION II FINDINGS. This Board finds and determines that said drainage area has inadequate drainage facilities; that future subdivision and development of property within said drainage area will have a significant adverse impact on existing and future developments; that development of property within the drainage area, with its resultant increase in impervious surfaces, will require the construction of facilities described in the drainage plan; that the fees herein provided to be charged are uniformly applied on a square foot of impervious surface basis and fairly apportioned within said drainage area on the basis of benefits conferred on property upon which additional impervious surfaces in said drainage area are constructed; that the estimated total of all fees collectible hereunder does not exceed the estimated total costs of all drainage facilities shown on the drainage plan or included in the Engineer's Report; and that the drainage facilities planned are in addition to existing drainage facilities already serving the drainage area at the time of the adoption of the drainage plan.

SECTION III EXEMPTIONS. The fee shall not be required for the following: 1) to replace a structure destroyed or damaged by fire, flood, winds or other acts of God, provided the resultant structure has the same, or less impervious surface as the original structure; 2) To modify structures or other impervious surfaces, provided the amount of

ground coverage is not increased by more than 100 square feet; 3) To convey land to a government agency, public entity, public utility, or abutting property owner where a new building lot or site is not created as a result of the conveyance; or 4) Any lot or property for which drainage fees have been fully paid previously.

SECTION IV. FEE DEFERMENT. On lots greater than two acres in size, the property owner can defer the payment of the fee on the portion of the lot in excess of two acres that is not a required part of the pending development. The deferment of fee is conditional on the property owners granting, as collateral, the development rights to the Board of Supervisors for said area of deferred fee until such time as the fee is paid.

SECTION V. BUILDING PERMITS. Except as permitted under Section III and IV, the Contra Costa County or the city official having jurisdiction shall not issue any building permit for construction within the drainage area until the required drainage fee has been paid. For initial construction the fee shall be as set for the in Section VII. For single family residential swimming pools on lots for which the drainage fee has not been paid, the fee shall be \$704.00 per pool. For other construction, modifications or replacements to an existing facility that cause an increase in impervious surface, including, but not limited to, driveways, walks patios, etc., the amount of net increase in impervious surface shall be subject to a fee of \$.80 per square foot, but not to exceed the amount required under Section VII.

SECTION VI SUBDIVISIONS. Except as permitted under Sections III and IV, the subdivider shall pay the drainage fee on the entire proposed subdivision or on each individual unit for which a final or parcel map is filed prior to recordation of said map. Town house, condominium, and cluster housing type subdivisions creating individual lots less than 4,000 square feet shall be treated as multifamily residential and the lot size used in determining the "square feet of land per unit" shall be the lot size prior to subdividing. Except as noted above, the fee for all other subdivisions shall be calculated on an individual lot basis. The fee amount shall be as set forth in Section VII.

SECTION VII. FEE SCHEDULE

	Measure	Building Permit	Subdivision
Commercial/Industrial/Downtown office	Acre	32,896.00	35,336.00
Office (Medium)	Acre	28,192.00	31,504.00
Office (Light)	Acre	23,592.00	26,592.00
Multifamily residential (Including Mobile Home Parks)			
Less than 2,500 sq. ft of land per unit	Acre	25,920.00	25,920.00
2,500 to 2,999 "	Unit	1,536.00	1,536.00
3,000 to 3,999 "	Unit	1,760.00	1,760.00
4,000 to 4,999 "	Unit	2,048.00	2,048.00
5,000 to 5,999 "	Unit	2,344.00	2,344.00
6,000 to 6,999 "	Unit	2,632.00	2,632.00
7,000 to 7,999 "	Unit	2,912.00	2,912.00
8,000 + "	Unit	3,056.00	3,056.00
Single Family Residential:			
4,000 to 4,999 sq. ft. of land per unit	Unit	2,152.00	3,448.00
5,000 to 5,999 "	Unit	2,248.00	3,592.00
6,000 to 6,999 "	Unit	2,344.00	3,736.00
7,000 to 7,999 "	Unit	2,440.00	3,880.00
8,000 to 9,999 "	Unit	2,584.00	4,088.00
10,000 to 13,999 "	Unit	2,872.00	4,504.00
14,000 to 19,999 "	Unit	3,352.00	5,184.00
20,000 to 29,999 "	Unit	4,144.00	6,216.00
30,000 to 39,999 "	Unit	5,144.00	7,424.00
40,000+ " "	Unit	6,168.00	8,553.00
Agricultural:			
Under 10% of lot impervious		Exempt	
More than 10% of lot impervious	Acre	23,592.00	

On single family lots, barns and sheds in excess of 400 square feet and tennis and sports courts shall not be considered as incidental residential facilities included in the above fee schedule. The drainage fee for the portion of these facilities in excess of 400 square feet shall be calculated using the square foot fee in Section V, and it shall be in addition to the above fee amounts.

For the purpose of this ordinance, subject to Section VI, lot size shall be (1) for existing lots, that land shown on the latest equalized assessment roll as a lot; or (2) for new subdivision lots, that land shown on the final or parcel map as a lot. The fee amounts under "Single Family Residential" shall apply to lots containing only one dwelling unit.

For multifamily residential (including mobile home parks) the "square feet of land per unit" shall be the quotient obtained by dividing the lot size in square feet by the number of dwelling units proposed to be on the lot.

SECTION VIII. FEE PAYMENT. The official having jurisdiction may accept cash or check, or, when authorized by the District's Chief Engineer, other consideration such as actual construction of a part of the planned drainage facilities by the applicant or his principal. All fees collected hereunder shall be distributed into the appropriate accounts. \$0.74 of each \$0.80 collected will be deposited in the County Treasury to the account of the drainage facilities fund established for the drainage area. The remaining \$0.06 of each \$0.80 will be deposited into the Flood Control Zone 1 fund to be used for improvements in the Marsh Creek Regional Improvement Plan. Monies in said funds shall be expended solely for land acquisition, construction, engineering, administration, repair, maintenance and operation or reimbursement for the same, in whole or part, of planned drainage facilities within the drainage area, or the Marsh Creek Regional Improvement Plan. Said monies may also be used to reduce the principal or interest of any indebtedness of the drainage area, or the Flood Control Zone 1 fund.

SECTION IX. CREDIT. Drainage fees previously paid shall be credited as follows:

- A Where drainage fees have been paid under a former drainage fee ordinance based on acreage, fees shall not be required under Section VII for any part of the total area for which the fee was paid, except in the case of a resubdivision.
- B Where drainage fees have been paid under this ordinance or another drainage fee ordinance based on impervious surface, fees shall not be required under Section VII for the total impervious surface area for which the fee was paid. However, fees shall be payable under Section VII for any additional impervious surface area.
- C Where drainage fees have been paid other than pursuant to an adopted drainage fee ordinance, the dollar amount of the fee paid for the development site in question shall be credited against the fees payable under Section VII.

SECTION X. REVIEW OF FEES. Project cost estimates shall be reviewed every year that this ordinance is in effect. The fee schedule shall be adjusted annually on January 1 to account for inflation using the Engineering News Record Construction Cost Index. Such adjustment shall not require further notice or public hearing.

SECTION XI. EFFECTIVE DATE. This ordinance becomes effective 60 days after passage, and within 15 days of passage shall be published once with the name of supervisors voting for and against it in the ~~Brendwood News~~, a newspaper published in this area.
Ledger Dispatch

PASSED AND ADOPTED ON ^{May 08, 2001}, by the following vote:

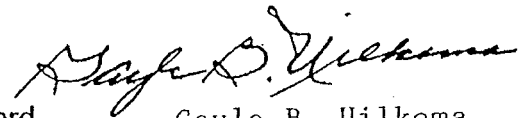
AYES: Supervisors Gioia, Gerber, DeSaulnier, Glover, Uilkema

NOES: None

ABSENT: None

ABSTAIN: None

Chair of the Board



Gayle B. Uilkema

ATTEST: John Sweeten
Clerk of the Board of Supervisors
and County Administrator
May 08, 2001

By: Deputy

ORDINANCE NO. 2006-52
AN ORDINANCE OF THE
CONTRA COSTA COUNTY FLOOD CONTROL
AND
WATER CONSERVATION DISTRICT
ESTABLISHING DRAINAGE FEES IN THE
CONTRA COSTA COUNTY FLOOD CONTROL
AND
WATER CONSERVATION DISTRICT
DRAINAGE AREA 52D

The Board of Supervisors of Contra Costa County as the Governing Body of the Contra Costa County Flood Control and Water Conservation District does ordain as follows:

SECTION 1: Ordinance No. 2001-20 of the Contra Costa County Flood Control and Water Conservation District is hereby repealed.

SECTION 2: The Board hereby enacts the following as the Drainage Fee Ordinance for Drainage Area 52D.

SECTION I—DRAINAGE PLAN. The drainage plan and map entitled "Drainage Area 52D, Boundary Map and Revised Drainage Plan," dated **October 9, 2001**, on file with the Clerk of the Board of Supervisors, is adopted as the drainage plan for the Contra Costa County Flood Control and Water Conservation District Drainage Area 52D pursuant to Sections 12.2 and 12.3 of the Contra Costa County Flood Control and Water Conservation District Act (Chapter 63 of West's Appendix of the Water Code).

SECTION II—FINDINGS. This Board finds and determines that said drainage area has inadequate drainage facilities; that future subdivision and development of property within said drainage area will have a significant adverse impact on existing and future developments; that development of property within the drainage area, with its resultant increase in impervious surfaces, will require the construction of facilities described in the drainage plan; that the fees herein provided to be charged are uniformly applied on a square foot of impervious surface basis and fairly apportioned within said drainage area on the basis of benefits conferred on property upon which additional impervious surfaces in said drainage area are constructed; that the estimated total of all fees collectible hereunder does not exceed the estimated total costs of all drainage facilities shown on the drainage plan; and that the drainage facilities planned are in addition to existing drainage facilities already serving the drainage area at the time of the adoption of the drainage plan.

SECTION III—EXEMPTIONS. The fee shall not be required for the following: 1) To replace a structure destroyed or damaged by fire, flood, winds or other acts of God, provided the resultant structure has the same, or less impervious surface as the original structure; 2) To modify structures or other impervious surfaces, provided the amount of ground coverage is not increased by more than 100 square feet; 3) To convey land to a government agency, public entity, public utility, or abutting property owner where a new building lot or site is not created as a result of the conveyance; or 4) Any lot or property for which drainage fees have been fully paid previously.

SECTION IV—FEE DEFERMENT. On lots greater than two acres in size, the property owner can defer the payment of the fee on the portion of the lot in excess of two acres that is not a required part of the pending development. The deferment of fee is conditional on the property owner's granting, as collateral, the development rights to the Board of Supervisors for said area of deferred fee until such time as the fee is paid.

SECTION V—BUILDING PERMITS. Except as permitted under Section III and IV, the Contra Costa County or the city official having jurisdiction shall not issue any building permit for construction within the drainage area until the required drainage fee has been paid. For initial construction, the fee shall be as set forth in Section VII. For single-family residential swimming pools on lots for which the drainage fee has not been paid, the fee shall be **\$959** per pool. For other construction, modifications or replacements to an existing facility that cause an increase in impervious surface, including, but not limited to, driveways, walks patios, etc., the amount of net increase in impervious surface shall be subject to a fee of **\$1.05** per square foot, but not to exceed the amount required under Section VII.

SECTION VI—SUBDIVISIONS. Except as permitted under Sections III and IV, the subdivider shall pay the drainage fee on the entire proposed subdivision or on each individual unit for which a final or parcel map is filed prior to recordation of said map. Town house, condominium, and cluster housing type subdivisions creating individual lots less than 4,000 square feet shall be treated as multifamily residential and the lot size used in determining the "square feet of land per unit" shall be the lot size prior to subdividing. Except as noted above, the fee for all other subdivisions shall be calculated on an individual lot basis. The fee amount shall be as set forth in Section VII.

SECTION VII—FEE SCHEDULE

		Unit Measure	Building Permit	Subdivision
Commercial/Industrial/Downtown Office		Acre	\$43,175	\$46,380
Office (Medium)		Acre	\$37,000	\$41,350
Office (Light)		Acre	\$30,965	\$34,900
Multifamily Residential (Including Mobile Home Parks)				
Less Than 2,500	sq. ft. of land per unit	Acre	\$34,020	\$34,020
2,500–2,999	sq. ft. of land per unit	Unit	\$2,015	\$2,015
3,000–3,999	sq. ft. of land per unit	Unit	\$2,310	\$2,310
4,000–4,999	sq. ft. of land per unit	Unit	\$2,690	\$2,690
5,000–5,999	sq. ft. of land per unit	Unit	\$3,075	\$3,075
6,000–6,999	sq. ft. of land per unit	Unit	\$3,455	\$3,455
7,000–7,999	sq. ft. of land per unit	Unit	\$3,820	\$3,820
8,000 +	sq. ft. of land per unit	Unit	\$4,010	\$4,010

SECTION VII—FEE SCHEDULE (continued)

	Unit Measure	Building Permit	Subdivision	
Single-Family Residential				
4,000–4,999	sq. ft. of land per unit	Unit	\$2,825	\$4,525
5,000–5999	sq. ft. of land per unit	Unit	\$2,950	\$4,715
6,000–6,999	sq. ft. of land per unit	Unit	\$3,075	\$4,905
7,000–7,999	sq. ft. of land per unit	Unit	\$3,205	\$5,095
8,000–9,999	sq. ft. of land per unit	Unit	\$3,390	\$5,365
10,000–13,999	sq. ft. of land per unit	Unit	\$3,770	\$5,910
14,000–19,999	sq. ft. of land per unit	Unit	\$4,400	\$6,805
20,000–29,999	sq. ft. of land per unit	Unit	\$5,440	\$8,160
30,000–39,999	sq. ft. of land per unit	Unit	\$6,750	\$9,745
40,000 +	sq. ft. of land per unit	Unit	\$8,095	\$11,225
Agricultural				
Impervious Surface Area Under 10% of Lot		Exempt		
Impervious Surface Area More than 10% of Lot	Acre	\$41,165		

On single-family lots, barns and sheds in excess of 400 square feet and tennis and sports courts shall not be considered as incidental residential facilities included in the above fee schedule. The drainage fee for the portion of these facilities in excess of 400 square feet shall be calculated using the square foot fee in Section V, and it shall be in addition to the above fee amounts.

For the purpose of this ordinance, subject to Section VI, lot size shall be (1) for existing lots, that land shown on the latest equalized assessment roll as a lot; or (2) for new subdivision lots, that land shown on the final or parcel map as a lot. The fee amounts under "Single-Family Residential" shall apply to lots containing only one dwelling unit. For multifamily residential (including mobile home parks) the "square feet of land per unit" shall be the quotient obtained by dividing the lot size in square feet by the number of dwelling units proposed to be on the lot.

SECTION VIII—FEE PAYMENT. The official having jurisdiction may accept cash or check, or when authorized by the District's Chief Engineer, other consideration, such as actual construction of a part of the planned drainage facilities by the applicant or his principal. All fees collected hereunder shall be paid into the County Treasury to the account of the drainage facilities fund established for the drainage area.

Monies collected for the drainage area shall be expended solely for land acquisition, construction, engineering, administration, repair, maintenance and operation or reimbursement for the same, in whole or in part, of planned drainage facilities within the drainage area. Said monies may also be used to reduce the principal or interest of any bonded indebtedness of the drainage area.

SECTION IX—CREDIT FOR PREVIOUS PAYMENT OF FEES. Drainage fees previously paid shall be credited as follows:

- A. Where drainage fees have been paid under a former drainage fee ordinance based on acreage, fees shall not be required under Section VII for any part of the total area for which the fee was paid, except in the case of a resubdivision.
- B. Where drainage fees have been paid under this ordinance or another drainage fee ordinance based on impervious surface, fees shall not be required under Section VII for the total impervious surface area for which the fee was paid. However, fees shall be payable under Section VII for any additional impervious surface area.
- C. Where drainage fees have been paid other than pursuant to an adopted drainage fee ordinance, the dollar amount of the fee paid for the development site in question shall be credited against the fees payable under Section VII.

SECTION X—REVIEW OF FEES. Project cost estimates shall be reviewed every year that this ordinance is in effect. Those fees established by this ordinance shall on January 1 of each year be automatically increased from the amount then applicable by the percentage change in the *Engineering News Record's* Construction Cost Index for the San Francisco Bay Area for the 12-month period ending with the September index of the immediately preceding calendar year.

SECTION XI—EFFECTIVE DATE. This ordinance becomes effective 60 days after passage, and within 15 days of passage shall be published once with the name of supervisors voting for and against it in the Contra Costa Times, a newspaper published in this area.

PASSED AND ADOPTED ON 12/19, 2006, by the following vote:

AYES: SUPERVISORS PIEPHO, UILKEMA,
GLOVER, AND GIOIA

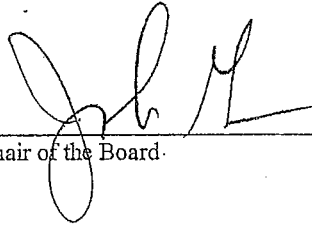
NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

DISTRICT IV SEAT VACANT

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.



Chair of the Board

ATTESTED: December 19, 2006

JOHN CULLEN, Clerk of the Board of Supervisors and County Administrator

By K. Smilani, Deputy

Accounting

ORDINANCE NO. 94/ 75

AN ORDINANCE OF THE
CONTRA COSTA COUNTY FLOOD CONTROL
AND
WATER CONSERVATION DISTRICT
ESTABLISHING DRAINAGE FEES IN THE
CONTRA COSTA COUNTY FLOOD CONTROL
AND
WATER CONSERVATION DISTRICT
DRAINAGE AREA 109

The Board of Supervisors of Contra Costa County as the governing body of the Contra Costa County Flood Control and Water Conservation District does ordain as follows:

SECTION I. DRAINAGE PLAN. The drainage map entitled "Drainage Area 109, Boundary Map," dated July 1994, on file with the Clerk of the Board of Supervisors, is adopted as the drainage boundary map for the Contra Costa County Flood Control and Water Conservation District Drainage Area 109 pursuant to Sections 12.2 and 12.3 of the Contra Costa County Flood Control and Water Conservation District Act (Chapter 63 of West's Appendix to the Water Code).

SECTION II. FINDINGS. This Board finds and determines that said drainage area has inadequate drainage facilities; that future subdivision and development of property within said drainage area will have a significant adverse impact on existing and future developments; that development of property within the drainage area, with its resultant increase in impervious surfaces, will require the construction of facilities such as those described in the engineer's report; that the fees herein provided to be charged are uniformly applied on a square foot of impervious surface basis and fairly apportioned within said drainage area on the basis of benefits conferred on property upon which additional impervious surfaces in said drainage area are constructed; that the estimated total of all fees collectible hereunder does not exceed the estimated total costs of all representative drainage facilities described in the engineer's report; and that the drainage facilities anticipated are in addition to existing drainage facilities already serving the drainage area at the time of the adoption of the drainage plan.

SECTION III. EXEMPTIONS. The fee shall not be required for the following: 1) To replace a structure destroyed or damaged by fire, flood, winds or other act of God, provided the resultant structure has the same, or less impervious surface as the original structure; 2) To modify structures or other impervious surfaces, provided the amount of ground coverage is not increased by more than 100 square feet; 3) To convey land to a government agency, public entity, public utility, or abutting property owner where a new building lot or site is not created as a result of the conveyance; or 4) Any lot or property for which drainage fees have been fully paid previously.

SECTION IV. FEE DEFERMENT. On lots greater than two acres in size, the property owner can defer the payment of the fee on the portion of the lot in excess of two acres that is not a required part of the pending development. The deferment of fee is conditional on the property owners granting, as collateral, the development rights to the Board of Supervisors for said area of deferred fee until such time as the fee is paid.

SECTION V. BUILDING PERMITS. Except as permitted under Section III and IV, the Contra Costa County or the city official having jurisdiction shall not issue any building permit for construction within the drainage area until the required drainage fee has been paid. For initial construction the fee shall be as set forth in Section VII. For single family residential swimming pools on lots for which the drainage fee has not been paid, the fee shall be \$310 per pool. For other construction, modifications or replacements to an existing facility that cause an increase in impervious surface, including but not limited to driveways, walks, patios etc., the amount of net increase in

\$ 310 / . 35/2

impervious surface shall be subject to a fee of **\$0.35** per square foot, but not to exceed the amount required under Section VII.

SECTION VI. SUBDIVISIONS. Except as permitted under Sections III and IV, the subdivider shall pay the drainage fee on the entire proposed subdivision or on each individual unit for which a final or parcel map is filed prior to recordation of said map. Town house, condominium, and cluster housing type subdivisions creating individual lots less than 4,000 square feet shall be treated as multifamily residential and the lot size used in determining the "square feet of land per unit" shall be the lot size prior to subdividing. Except as noted above, the fee for all other subdivisions shall be calculated on an individual lot basis. The fee amount shall be as set forth in Section VII.

SECTION VII. FEE SCHEDULE

<u>Development Type</u>	<u>Building Permit</u>	<u>Subdivision</u>
<u>Commercial/Industrial/Downtown Office</u>	\$14,390/acre	\$15,460/acre
<u>Office (Medium):</u>	\$12,335/acre	\$13,785/acre
<u>Office (Light):</u>	\$10,320/acre	\$11,635/acre
<u>Multifamily Residential (Including Mobile Home Parks):</u>		
Less than 2,500 sq. ft. of land per unit	\$11,340/acre	\$11,340/unit
2,500 to 2,999 sq. ft. of land per unit	\$ 670/unit	\$ 670/unit
3,000 to 3,999 sq. ft. of land per unit	\$ 770/unit	\$ 770/unit
4,000 to 4,999 sq. ft. of land per unit	\$ 895/unit	\$ 895/unit
5,000 to 5,999 sq. ft. of land per unit	\$ 1,025/unit	\$ 1,025/unit
\$1,335/unit 6,000 to 6,999 sq. ft. of land per unit	\$ 1,150/unit	\$ 1,150/unit
7,000 to 7,999 sq. ft. of land per unit	\$ 1,275/unit	\$ 1,275/unit
8,000 + sq. ft. of land per unit	\$ 1,335/unit	\$ 1,335/unit
<u>Single Family Residential:</u>		
4,000 to 4,999 sq. ft. of land per unit	\$ 940/unit	\$ 1,510/unit
5,000 to 5,999 sq. ft. of land per unit	\$ 985/unit	\$ 1,570/unit
6,000 to 6,999 sq. ft. of land per unit	\$ 1,025/unit	\$ 1,635/unit
7,000 to 7,999 sq. ft. of land per unit	\$ 1,070/unit	\$ 1,700/unit
8,000 to 9,999 sq. ft. of land per unit	\$ 1,130/unit	\$ 1,790/unit
10,000 to 13,999 sq. ft. of land per unit	\$ 1,255/unit	\$ 1,970/unit
14,000 to 19,999 sq. ft. of land per unit	\$ 1,465/unit	\$ 2,270/unit
20,000 to 29,999 sq. ft. of land per unit	\$ 1,815/unit	\$ 2,720/unit
30,000 to 39,999 sq. ft. of land per unit	\$ 2,250/unit	\$ 3,250/unit
40,000 + sq. ft. of land per unit	\$ 2,700/unit	\$ 3,740/unit
<u>Agricultural:</u>		
Under 10% of lot impervious	EXEMPT	EXEMPT
More than 10% of lot impervious	\$ 13,720/acre of developed portion	

Single family lots, barns and sheds in excess of 400 square feet and tennis and sports courts shall not be considered as incidental residential facilities included in the above fee schedule. The drainage fee for the portion of these facilities in excess of 400 square feet shall be calculated using the square foot fee in Section V, and it shall be in addition to the above fee amounts.

For the purpose of this ordinance, subject to Section VI, lot size shall be: (1) for existing lots, that land shown on the latest equalized assessment roll as a lot; or (2) for new subdivision lots, that land shown on the final or parcel map as a lot. The fee amounts under "Single Family Residential" shall apply to lots containing only one dwelling unit. For multifamily residential (including mobile home parks) the "square feet of land per unit" shall be the quotient obtained by dividing the lot size in square feet by the number of dwelling units proposed to be on the lot.

SECTION VIII. FEE PAYMENT. The official having jurisdiction may accept cash or check, or, when authorized by the District's Chief Engineer, other consideration such as actual construction of a part of the planned drainage facilities by the applicant or his principal. All fees collected hereunder shall be deposited to the County Treasury to the account of the drainage facilities fund established for the drainage area. Monies in said fund shall be expended solely for land acquisition, construction, engineering, administration, repair maintenance and operation or reimbursement for the same, in whole or in part, of planned drainage facilities within the drainage area or to reduce the principal or interest of any bonded indebtedness of the drainage area.

SECTION IX: CREDIT. Drainage fees previously paid shall be credited as follows:

- a) Where drainage fees have been paid under a former drainage fee ordinance based on acreage, fees shall not be required under Section VII for any part of the total area for which the fee was paid, except in the case of a resubdivision.
- b) Where drainage fees have been paid under this ordinance or another drainage fee ordinance based on impervious surface, fees shall not be required under Section VII for the total impervious surface area for which the fee was paid. However, fees shall be payable under Section VII for any additional impervious surface area.
- c) Where drainage fees have been paid other than pursuant to an adopted drainage fee ordinance, the dollar amount of the fee paid for the development site in question shall be credited against the fees payable under Section VII.

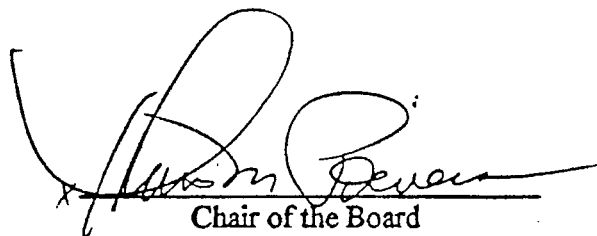
SECTION X. EFFECTIVE DATE. This ordinance becomes effective 60 days after passage, and within 15 days of passage shall be published once with the names of supervisors voting for and against it in the "Brentwood News," a newspaper published in this area.

PASSED AND ADOPTED ON December 20, 1994, by the following vote:

AYES: Supervisors Smith, Bishop, DeSaulnier, Torlakson and Powers

NOES: None

ABSENT: None



Chair of the Board

ATTEST: PHIL BATCHELOR, Clerk of the
Board of Supervisors and
County Administrator

By: Barbara Sidari
Deputy

ORDINANCE NO. 2007-06

AN ORDINANCE OF THE
CONTRA COSTA COUNTY FLOOD CONTROL
AND
WATER CONSERVATION DISTRICT
ESTABLISHING DRAINAGE FEES IN THE
CONTRA COSTA COUNTY FLOOD CONTROL
AND
WATER CONSERVATION DISTRICT
DRAINAGE AREA 130

The Board of Supervisors of Contra Costa County as the Governing Body of the Contra Costa County Flood Control and Water Conservation District does ordain as follows:

SECTION I—DRAINAGE PLAN. The drainage plan and map entitled "Drainage Area 130, Boundary Map and Drainage Plan," dated **January 29, 2007**, on file with the Clerk of the Board of Supervisors, is adopted as the drainage plan for the Contra Costa County Flood Control and Water Conservation District Drainage Area 130 pursuant to Sections 12.2 and 12.3 of the Contra Costa County Flood Control and Water Conservation District Act (Chapter 63 of West's Appendix of the Water Code).

SECTION II—FINDINGS. This Board finds and determines that said drainage area has inadequate drainage facilities; that future subdivision and development of property within said drainage area will have a significant adverse impact on existing and future developments; that development of property within the drainage area, with its resultant increase in impervious surfaces, will require the construction of facilities described in the drainage plan; that the fees herein provided to be charged are uniformly applied on a square foot of impervious surface basis and fairly apportioned within said drainage area on the basis of benefits conferred on property upon which additional impervious surfaces in said drainage area are constructed; that the estimated total of all fees collectible hereunder does not exceed the estimated total costs of all drainage facilities shown on the drainage plan; and that the drainage facilities planned are in addition to existing drainage facilities already serving the drainage area at the time of the adoption of the drainage plan.

SECTION III—EXEMPTIONS. The fee shall not be required for the following: 1) To replace a structure destroyed or damaged by fire, flood, winds or other acts of God, provided the resultant structure has the same, or less impervious surface as the original structure; 2) To modify structures or other impervious surfaces, provided the amount of ground coverage is not increased by more than 100 square feet; 3) To convey land to a government agency, public entity, public utility, or abutting property owner where a new building lot or site is not created as a result of the conveyance; or 4) Any lot or property for which drainage fees have been fully paid previously.

SECTION IV—FEE DEFERMENT. On lots greater than two acres in size, the property owner can defer the payment of the fee on the portion of the lot in excess of two acres that is not a required part of the pending development. The deferment of fee is conditional on the property owner's granting, as collateral, the development rights to the Board of Supervisors for said area of deferred fee until such time as the fee is paid.

SECTION V—BUILDING PERMITS. Except as permitted under Section III and IV, the Contra Costa County or the city official having jurisdiction shall not issue any building permit for construction within the drainage area until the required drainage fee has been paid. For initial construction, the fee shall be as set forth in Section VII. For single-family residential swimming pools on lots for which the drainage fee has not been paid, the fee shall be **\$493** per pool. For other construction, modifications or replacements to an existing facility that cause an increase in impervious surface, including, but not limited to, driveways, walks, patios, etc., the amount of net increase in impervious surface shall be subject to a fee of **\$0.56** per square foot, but not to exceed the amount required under Section VII.

SECTION VI—SUBDIVISIONS. Except as permitted under Sections III and IV, the subdivider shall pay the drainage fee on the entire proposed subdivision or on each individual unit for which a final or parcel map is filed prior to recordation of said map. Town house, condominium, and cluster housing type subdivisions creating individual lots less than 4,000 square feet shall be treated as multifamily residential and the lot size used in determining the "square feet of land per unit" shall be the lot size prior to subdividing. Except as noted above, the fee for all other subdivisions shall be calculated on an individual lot basis. The fee amount shall be as set forth in Section VII.

SECTION VII—FEE SCHEDULE

		Unit Measure	Building Permit	Subdivision
Commercial/Industrial/Downtown Office		Acre	\$23,027	\$24,735
Office (Medium)		Acre	\$19,734	\$22,053
Office (Light)		Acre	\$16,514	\$18,614
Multifamily Residential (Including Mobile Home Parks)				
Less Than 2,500	sq. ft. of land per unit	Acre	\$18,144	\$18,144
2,500–2,999	sq. ft. of land per unit	Unit	\$1,075	\$1,075
3,000–3,999	sq. ft. of land per unit	Unit	\$1,232	\$1,232
4,000–4,999	sq. ft. of land per unit	Unit	\$1,434	\$1,434
5,000–5,999	sq. ft. of land per unit	Unit	\$1,641	\$1,641
6,000–6,999	sq. ft. of land per unit	Unit	\$1,842	\$1,842
7,000–7,999	sq. ft. of land per unit	Unit	\$2,038	\$2,038
8,000 +	sq. ft. of land per unit	Unit	\$2,139	\$2,139

SECTION VII—FEE SCHEDULE (Continued)

		Unit Measure	Building Permit	Subdivision
Single-Family Residential				
4,000–4,999	sq. ft. of land per unit	Unit	\$1,506	\$2,414
5,000–5,999	sq. ft. of land per unit	Unit	\$1,574	\$2,514
6,000–6,999	sq. ft. of land per unit	Unit	\$1,641	\$2,615
7,000–7,999	sq. ft. of land per unit	Unit	\$1,708	\$2,716
8,000–9,999	sq. ft. of land per unit	Unit	\$1,809	\$2,862
10,000–13,999	sq. ft. of land per unit	Unit	\$2,010	\$3,153
14,000–19,999	sq. ft. of land per unit	Unit	\$2,346	\$3,629
20,000–29,999	sq. ft. of land per unit	Unit	\$2,901	\$4,351
30,000–39,999	sq. ft. of land per unit	Unit	\$3,601	\$5,197
40,000 +	sq. ft. of land per unit	Unit	\$4,318	\$5,986
AGRICULTURAL				
Impervious Surface Area Under 10% of Lot			Exempt	
Impervious Surface Area More than 10% of Lot		Acre	\$21,954	

On single-family lots, barns and sheds in excess of 400 square feet and tennis and sports courts shall not be considered as incidental residential facilities included in the above fee schedule. The drainage fee for the portion of these facilities in excess of 400 square feet shall be calculated using the square foot fee in Section V, and it shall be in addition to the above fee amounts.

For the purpose of this ordinance, subject to Section VI, lot size shall be (1) for existing lots, that land shown on the latest equalized assessment roll as a lot; or (2) for new subdivision lots, that land shown on the final or parcel map as a lot. The fee amounts under "Single-Family Residential" shall apply to lots containing only one dwelling unit. For multifamily residential (including mobile home parks) the "square feet of land per unit" shall be the quotient obtained by dividing the lot size in square feet by the number of dwelling units proposed to be on the lot.

SECTION VIII—FEE PAYMENT. The official having jurisdiction may accept cash or check, or when authorized by the District's Chief Engineer, other consideration, such as actual construction of a part of the planned drainage facilities by the applicant or his principal. All fees collected hereunder shall be paid into the County Treasury to the account of the drainage facilities fund established for the drainage area.

Monies in said fund shall be expended solely for land acquisition, construction, engineering, administration, repair, maintenance and operation or reimbursement for the same, in whole or in part, of planned drainage facilities within the drainage area. Said monies may also be used to reduce the principal or interest of any bonded indebtedness of the drainage area.

SECTION IX—CREDIT FOR PREVIOUS PAYMENT OF FEES. Drainage fees previously paid shall be credited as follows:

- A. Where drainage fees have been paid under a former drainage fee ordinance based on acreage, fees shall not be required under Section VII for any part of the total area for which the fee was paid, except in the case of a resubdivision.
- B. Where drainage fees have been paid under this ordinance or another drainage fee ordinance based on impervious surface, fees shall not be required under Section VII for the total impervious surface area for which the fee was paid. However, fees shall be payable under Section VII for any additional impervious surface area.
- C. Where drainage fees have been paid other than pursuant to an adopted drainage fee ordinance, the dollar amount of the fee paid for the development site in question shall be credited against the fees payable under Section VII.

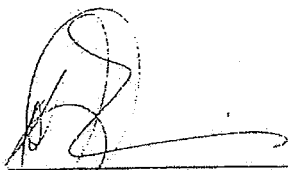
SECTION X—REVIEW OF FEES. Project cost estimates shall be reviewed every year that this ordinance is in effect. Those fees established by this ordinance shall on January 1 of each year be automatically increased or decreased from the amount then applicable by the percentage change in the *Engineering News Record's* Construction Cost Index for the 12-month period ending with the September index of the immediately preceding calendar year.

SECTION XI—EFFECTIVE DATE. This ordinance becomes effective 60 days after passage, and within 15 days of passage, shall be published once with the name of supervisors voting for and against it in the Contra Costa Times, a newspaper published in this area.

PASSED AND ADOPTED ON 9-11, 2007, by the following vote:

AYES: GIOIA, ULKEMA, BONILLA, GLOVER, & PIEPHO
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.


Chair of the Board

ATTESTED: September 11, 2007

JOHN CULLEN, Clerk of the Board of Supervisors and County Administrator

By K Sinclair, Deputy