

CHAPTER 16.82

**ESTABLISHMENT OF DEVELOPMENT IMPACT FEES TO FINANCE THE COST OF
PUBLIC FACILITIES WITHIN THE SUNCREEK SPECIFIC PLAN AREA**

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16.82.010 PURPOSE.

(a) The General Plan of the City of Rancho Cordova requires that areas chosen for urban expansion shall be capable of being provided within a reasonable period of time with an adequate level of public facilities including, but not limited to, roadways, potable water, storm drainage, park corridors, and trail facilities.

(b) The General Plan further requires the preparation of a plan that identifies a mechanism for financing those facilities necessary to serve urban development in areas

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designated for urban expansion. The General Plan also contains additional policies for supporting funding and use of developer dedications, development fees, and other means to pay for an acceptable level of public facilities.

(c) The purpose of this chapter is to implement the General Plan requirements set forth in subdivisions (a) and (b) of this section and to use the authority in Article XI, Section 7 of the California Constitution by imposing development fees to fund the cost of certain public facilities, the need for which is directly or indirectly generated by the type and extent of development proposed in the City of Rancho Cordova, on which the fees will be imposed.

(d) It is the further purpose of this chapter to require that adequate provision is made for developer financed public facilities within the City of Rancho Cordova as a condition to any rezoning and prior to approval of certain permits within the City.

16.82.020 DEFINITIONS.

(a) "Area" means that geographic area established for public facilities financing purposes within the City of Rancho Cordova depicted in Figure 1 attached to this ordinance and incorporated herein by reference. A detailed map of the Area depicted on Figure 1 is on file with the City Planning Department, and such maps are incorporated by reference herein.

(b) "Building Permit" means the permit issued or required for Residential Development, Non-Residential Development, Commercial Development, or other development within the City, pursuant to and as further defined by the City of Rancho Cordova Building Code.

(c) "City" means the City of Rancho Cordova.

(d) "Costs" means amounts spent, or authorized to be spent, in connection with the planning, financing, acquisition and development of a public facility or infrastructure including, without limitation, the costs of land, construction and inspection, engineering, administration, and consulting fees.

(e) "Council" or "City Council" means the City Council of the City of Rancho Cordova.

(f) "Department" means the City of Rancho Cordova Community Development Department.

(g) "Development Impact Fee" means the fee levied by this chapter upon the approval of one or more Building Permits.

(h) "Development Unit" means a dwelling unit, for Residential Development, or square foot of building floor area, for Non-Residential Development.

(i) "Director" means the Director of the Rancho Cordova Community Development Department.

(j) "Facilities" means those public facilities designated in the SunCreek Specific Plan Development Impact Fee Program.

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(k) "Fee Resolution" means the resolution and fee schedule adopted by the City Council, as may be amended from time to time, that approves the amount of the SunCreek Specific Plan Development Impact Fees.

(l) "Improvement Plan" means the site plan of property proposed for development showing all required improvements that must be approved by the Rancho Cordova Public Works Department.

(m) "Land Use Category" means detached dwelling units, attached dwelling units, mobile homes, commercial lodging units, commercial uses, office uses, or other uses as further defined in the Fee Resolution.

(n) "Non-Residential Development" means a subdivision map, parcel map, or permit for the original construction, grading or installation of buildings other than single-family detached homes, single-family attached homes, duplexes, townhomes, condominiums, apartments, manufactured homes, and mobile homes, or improvements thereto. Non-Residential Development includes Commercial Development. Typically, Non-Residential Development consists of buildings to be occupied by retail, service, or other commercial businesses or by offices as regulated by the City of Rancho Cordova Zoning Code, but may also include buildings for use by churches, daycare centers, private schools, and other institutional uses. Mixed-use buildings consisting of both dwelling units and commercial and/or office areas will have the respective building areas treated as either Residential Development or Non-Residential Development for purposes of this chapter.

(o) "Planning Director" means the Planning Director of the City of Rancho Cordova.

(p) "Program Fee per Development Unit" means the development impact fee per Development Unit for a particular category of facilities. Such Program Fees, identified in the Fee Resolution, were established using an allocation of public facility costs, as identified in SunCreek Specific Plan Capital Improvement Plan based on land use categories identified in the SunCreek Specific Plan Development Impact Fee Program Nexus Study.

(q) "Programmed Cost" means the estimated cost of constructing a facility based upon the unit costs for each construction item plus a fixed contingency costs for engineering, permits, and construction as set forth in the SunCreek Specific Plan Capital Improvement Plan and its public facilities project cost estimates, as periodically updated and adopted by resolution of the Council.

(r) "Residential Development" means a subdivision map, parcel map, or permit for the original construction, grading or installation of dwelling units for residential use including detached and attached housing for owner or rental occupancy. For purposes of this chapter, Residential Development includes construction of or improvements to buildings or portions of buildings consisting of dwelling units constructed on sites designated Low Density Residential, Medium Density Residential, Compact Density Residential, High Density Residential, High Density Residential, Village Center or Regional Town Center as defined in the SunCreek Specific Plan.. Non-residential development permitted by right or with a use permit, constructed on sites zoned for residential use are Non-Residential Development for purposes of this chapter.

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(s) "SunCreek Capital Improvement Plan" means the projects identified and the cost estimates prepared, and as may be updated, for the public facilities identified in the SunCreek Specific Plan Development Impact Fee Nexus Study.

(t) "SunCreek Specific Plan Development Impact Fee Program" means the Fee Schedule, including any amendments thereto, adopted by resolution by the Council for financing of designated public facilities to serve the City of Rancho Cordova, including, but not limited to, a designation of those facilities to be constructed with the Development Impact Fees collected pursuant to this chapter, the priority list ("Priority List") for commencement of construction, the estimated cost of construction of the facilities and the total number of dwelling unit equivalents within the SunCreek Specific Plan Area of the City of Rancho Cordova as established.

16.82.030 ESTABLISHMENT AND ADMINISTRATION OF THE SUNCREEK SPECIFIC PLAN ONSITE ROADWAY FUND.

(a) There is hereby created a special interest-bearing account entitled the SunCreek Specific Plan Onsite Roadway Fund. All amounts collected from onsite roadway fees from the SunCreek Specific Plan Area pursuant to this chapter shall be placed in said fund and shall be expended by the City of Rancho Cordova or its successor agency solely to pay the costs identified for onsite roadways in the capital improvement plan of the SunCreek Specific Plan Development Impact Fee Program.

(b) The Onsite Roadway Fund shall be administered by the Director.

16.82.040 ESTABLISHMENT AND ADMINISTRATION OF THE SUNCREEK SPECIFIC PLAN OFFSITE ROADWAY FUND.

(a) There is hereby created a special interest-bearing account entitled the SunCreek Specific Plan Offsite Roadway Fund. All amounts collected from offsite roadway fees from the SunCreek Specific Plan Area pursuant to this chapter shall be placed in said fund and shall be expended by the City of Rancho Cordova or its successor agency solely to pay the costs identified for offsite roadways in the capital improvement plan of the SunCreek Specific Plan Development Impact Fee Program.

(b) The Offsite Roadway Fund shall be administered by the Director.

16.82.050 ESTABLISHMENT AND ADMINISTRATION OF THE SUNCREEK SPECIFIC PLAN POTABLE WATER FUND.

(a) There is hereby created a special interest-bearing account entitled the SunCreek Specific Plan Potable Water Fund. All amounts collected from potable water fees from the SunCreek Specific Plan Area pursuant to this chapter shall be placed in said fund and shall be expended by the City of Rancho Cordova or its successor agency solely to pay the costs identified for potable water facilities in the capital improvement plan of the SunCreek Specific Plan Development Impact Fee Program.

(b) The Potable Water Fund shall be administered by the Director.

16.82.060 ESTABLISHMENT AND ADMINISTRATION OF THE SUNCREEK SPECIFIC PLAN STORM DRAINAGE FUND.

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(a) There is hereby created a special interest-bearing account entitled the SunCreek Specific Plan Storm Drainage Fund. All amounts collected from storm drainage fees from the SunCreek Specific Plan Area pursuant to this chapter shall be placed in said fund and shall be expended by the City of Rancho Cordova or its successor agency solely to pay the costs identified for storm drainage facilities in the capital improvement plan of the SunCreek Specific Plan Development Impact Fee Program.

(b) The Storm Drainage Fund shall be administered by the Director.

16.82.070 ESTABLISHMENT AND ADMINISTRATION OF THE SUNCREEK SPECIFIC PLAN BACKBONE WETLAND MITIGATION FUND.

(a) There is hereby created a special interest-bearing account entitled the SunCreek Specific Plan Backbone Wetland Mitigation Fund. All amounts collected from backbone wetland mitigation fees from the SunCreek Specific Plan Area pursuant to this chapter shall be placed in said fund and shall be expended by the City of Rancho Cordova or its successor agency solely to pay the costs identified for backbone wetland mitigation costs in the capital improvement plan of the SunCreek Specific Plan Development Impact Fee Program.

(b) The Backbone Wetland Mitigation Fund shall be administered by the Director.

16.82.080 ESTABLISHMENT AND ADMINISTRATION OF THE SUNCREEK SPECIFIC PLAN PARK CORRIDORS AND TRAILS FUND.

(a) There is hereby created a special interest-bearing account entitled the SunCreek Specific Plan Park Corridors and Trails Fund. All amounts collected from park corridors and trails fees from the SunCreek Specific Plan Area pursuant to this chapter shall be placed in said fund and shall be expended by the City of Rancho Cordova or its successor agency solely to pay the costs identified for park corridors and trails facilities in the capital improvement plan of the SunCreek Specific Plan Development Impact Fee Program.

(b) The Park Corridors and Trails Fund shall be administered by the Director.

16.82.090 ESTABLISHMENT AND ADMINISTRATION OF THE SUNCREEK SPECIFIC PLAN WETLAND PRESERVE BUFFER FUND.

(a) There is hereby created a special interest-bearing account entitled the SunCreek Specific Plan Wetland Preserve Buffer Fund. All amounts collected from storm drainage fees from the SunCreek Specific Plan Area pursuant to this chapter shall be placed in said fund and shall be expended by the City of Rancho Cordova or its successor agency solely to pay the costs identified for wetland preserve buffer facilities in the capital improvement plan of the SunCreek Specific Plan Development Impact Fee Program.

(b) The Wetland Preserve Buffer Fund shall be administered by the Director.

16.82.100 ESTABLISHMENT AND ADMINISTRATION OF THE SUNCREEK SPECIFIC PLAN AREA FORMATION FUND.

(a) There is hereby created a special interest-bearing account entitled the SunCreek Specific Plan Area Formation Fund. All amounts collected from plan area formation fees from

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the SunCreek Specific Plan Area pursuant to this chapter shall be placed in said fund and shall be expended by the City of Rancho Cordova or its successor agency solely to pay the costs identified for plan area formation and implementation in the capital improvement plan of the SunCreek Specific Plan Development Impact Fee Program.

- (b) The Plan Area Formation Fund shall be administered by the Director.

16.82.110 ESTABLISHMENT AND ADMINISTRATION OF THE SUNCREEK SPECIFIC PLAN ADMINISTRATION FUND.

(a) There is hereby created a special interest-bearing account entitled the SunCreek Specific Plan Administration Fund. All amounts collected from administration fees from the SunCreek Specific Plan Area pursuant to this chapter shall be placed in said fund and shall be expended by the City of Rancho Cordova or its successor agency solely to pay the costs associated with administering the SunCreek Specific Plan Development Impact Fee Program.

- (b) The Administration Fund shall be administered by the Director.

16.82.115 ESTABLISHMENT AND ADMINISTRATION OF THE SUNCREEK SPECIFIC PLAN PARK DEVELOPMENT FUND.

(a) There is hereby created a special interest-bearing account entitled the SunCreek Specific Plan Park Development Fund. All amounts collected from park development fees from the SunCreek Specific Plan Area pursuant to this chapter or pursuant to a City Development Agreement shall be placed in said fund and shall be expended by the City of Rancho Cordova, its successor agency, or another entity designed by City, solely to pay the costs identified for plan area park development in the SunCreek Specific Plan Area.

- (b) The Administration Fund shall be administered by the Director.

16.82.120 IMPOSITION OF DEVELOPMENT IMPACT FEE.

No change in a land use zoning designation shall be approved within the SunCreek Specific Plan Area unless payment of the Development Impact Fees established by this chapter is required of the property owner as a condition of such approval. No building permit shall be approved for property within the SunCreek Specific Plan Area unless the Development Fees for that property are paid as required by this chapter. No small lot final map shall be approved unless the Plan Area Formation Fee has been paid as required by this chapter.

16.82.130 PAYMENT OF DEVELOPMENT IMPACT FEES.

The Development Impact Fees imposed pursuant to this chapter shall be paid by the property owner to the Department, in an amount calculated pursuant to Sections 16.82.150, 16.82.160, and 16.82.170. The fees shall be calculated upon the approval of subdivision maps and shall be paid upon issuance of building permits, with the exception of the Plan Area Formation Fee which shall be paid prior to final map. For projects that are subject to building permits, but not subdivision map approval, the fees shall be both calculated and paid upon issuance of the building permits.

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16.82.140 ADOPTION OF THE CAPITAL IMPROVEMENT PLAN AND COMPLIANCE WITH THE PRIORITY LIST OF SUNCREEK SPECIFIC PLAN DEVELOPMENT IMPACT FEE PROGRAM.

(a) The Council shall by resolution adopt the capital improvement plan of the SunCreek Specific Plan Development Impact Fee Program. The Council shall review the capital improvement plan not less than annually and may amend it by resolution at its discretion.

(b) With the exception of facilities approved by the Director for construction by a property owner pursuant to Section 16.82.190, all facilities shall be funded in accordance with the priority list established for the SunCreek Specific Plan Development Impact Fee Program.

16.82.150 ESTABLISHMENT OF DEVELOPMENT IMPACT FEES

(a) A separate Development Impact Fee is hereby established for each of the following categories:

1. SunCreek Specific Plan Onsite Roadway Fee.
2. SunCreek Specific Plan Offsite Roadway Fee.
3. SunCreek Specific Plan Potable Water Fee.
4. SunCreek Specific Plan Storm Drainage Fee.
5. SunCreek Specific Plan Backbone Wetland Mitigation Fee.
6. SunCreek Specific Plan Park Corridors and Trails Fee.
7. SunCreek Specific Plan Wetland Preserve Buffer Fee.
8. SunCreek Specific Plan Area Formation Fee.
9. SunCreek Specific Plan Administration Fee.
10. SunCreek Specific Plan Park Development Fee.

(b) There is hereby created the SunCreek Specific Plan Fee Area of the City of Rancho Cordova, as shown in Figure 1, attached to this ordinance, and incorporated herein by reference.

(c) The SunCreek Specific Plan Fees as listed above in Section 16.82.150(a) shall apply to all property within the SunCreek Specific Plan Fee Area.

(d) Future Areas of the SunCreek Specific Plan Development Impact Fee Program may be created as additional public facilities financing plans are implemented for remaining undeveloped adjacent to the Specific Plan Area or other areas outside of the City of Rancho Cordova that may be annexed to the City in the future.

16.82.160 CALCULATION OF DEVELOPMENT IMPACT FEES.

(a) For Single Family Residential Development and Multi-Family Residential Development, the development fees per dwelling unit set forth in Sections 16.82.120 and 16.82.130 shall be calculated pursuant to the following formula:

$$F = P$$

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Where:

F = the development fee for each category of public facilities to be paid for each dwelling unit by the owner of property for which a change in land use zone has been approved or the permits described in Section 16.82.120 are proposed for approval; and

P = Program Fee per Dwelling Unit for each category of public facilities for the type of development as shown in the SunCreek Specific Plan Development Impact Fee Program.

(b) For Non-Residential Development, the development fees per building permit set forth in Sections 16.82.120 and 16.28.130 shall be calculated pursuant to the following formula:

$$F = P \times S$$

Where:

F = the development fee for each category of public facilities to be paid for each building permit by the owner of property for which a change in land use zone has been approved or the permits described in Section 16.82.120 are proposed for approval; and

P = Program Fee per square foot of building floor area for each category of public facilities for the type of development as shown in the SunCreek Specific Plan Development Impact Fee Program.

S = the number of square feet of building floor area proposed for development.

(c) The administration fee per building permit as set forth in Sections 16.82.120 and 16.82.130 shall be calculated pursuant to the following formula:

$$F = T \times 3.0\%$$

Where:

F = the administration fee to be paid for each dwelling unit for Single Family Residential Development and Multi-Family Residential Development, or for each building permit for Non-Residential Development, by the owner of property for which a change in land use zone has been approved or the permits described in Section 16.82.120 are proposed for approval.

T = the sum of the Development Fees for all fee categories of public facilities to be paid for each dwelling unit for Single Family Residential Development and Multi-Family Residential Development, or for each building permit for Non-Residential Development, before any applicable credits pursuant to Sections 16.82.180 or 16.82.195 are applied, by the owner of property for which a change in land use zone has been approved or the permits described in Section 16.82.120 are proposed for approval.

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(d) The plan area formation fee per acre as set forth in Sections 16.82.120 and 16.82.130 shall be calculated pursuant to the following formula:

$$F = P \times A$$

Where:

F = the plan area formation fee to be paid for each final map by the owner of property for which a change in land use zone has been approved or the final map described in Section 16.82.120 are proposed for approval; and

P = Program Fee per net developable acre for Plan Area Formation for residential development and non-residential development as shown in the SunCreek Specific Plan Development Impact Fee Program

A = net developable acre excluding public and other land uses, including roads, schools, parks, detention basins, public/quasi-public parcels, wetland preserves and wetland buffers.

(e) The Development Fees shall be paid by the property owner in the amount as calculated pursuant to subdivision (a), (b), (c) and (d) of this section for the categories of facilities established by Section 16.82.150, which are applicable.

(f) For the purpose of calculating SunCreek Specific Plan Development Fees pursuant to subdivision (a), (b), (c), and (d) of this section for properties with an approved use permit which significantly changes the underlying use of the site or properties within a Special Planning Area, the Planning Director is hereby authorized to determine the EDU factors for each fee category which correspond most directly to the use and density.

(f) For the purpose of calculating SunCreek Specific Plan Development Fees pursuant to subdivision (a), (b), (c), and (d) of this section for building permits for land use categories not included in this ordinance, the Planning Director is hereby authorized to determine the EDU factors for each fee category which correspond most directly to the use and density.

16.82.170 ESTABLISHMENT OF EQUIVALENT DWELLING UNIT FACTORS FOR LAND USES WITHIN THE SUNCREEK SPECIFIC PLAN AREA.

(a) The equivalent dwelling unit factors for property within the SunCreek Specific Plan area are based on the SunCreek Specific Plan Development Impact Fee Program.

(b) The equivalent dwelling unit (EDU) factors utilized to calculate the Onsite and Offsite Roadway Development Fees shall be as follows:

Land Use Categories	EDU Factor
Low Density Residential	1.00 per unit
Medium Density Residential	1.00 per unit

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Compact Density Residential	0.78 per unit
High Density Residential	0.78 per unit
Village/Regional Town Center - Retail	1.08 per 1,000 sf
Village/Regional Town Center - Office	0.95 per 1,000 sf

(c) The equivalent dwelling unit (EDU) factors utilized to calculate the Potable Water Development Fees shall be as follows:

Land Use Categories	EDU Factor
Low Density Residential	1.00 per unit
Medium Density Residential	1.00 per unit
Compact Density Residential	0.75 per unit
High Density Residential	0.75 per unit
Village/Regional Town Center - Retail	4.00 per acre
Village/Regional Town Center - Office	4.00 per acre

(d) The equivalent dwelling unit (EDU) factors utilized to calculate the Storm Drainage Development Fees shall be as follows:

Land Use Categories	EDU Factor
Low Density Residential	0.40 per acre
Medium Density Residential	0.50 per acre
Compact Density Residential	0.70 per acre
High Density Residential	0.70 per acre
Village/Regional Town Center - Retail	0.90 per acre
Village/Regional Town Center - Office	0.90 per acre

(e) The equivalent dwelling unit (EDU) factors utilized to calculate the Wetland Mitigation, Wetland Preserve Buffer, and Plan Area Formation Development Fees shall be as follows:

Land Use Categories	EDU Factor
Low Density Residential	1.00 per unit
Medium Density Residential	1.00 per unit
Compact Density Residential	1.00 per unit
High Density Residential	1.00 per unit
Village/Regional Town Center - Retail	1.00 per acre
Village/Regional Town Center - Office	1.00 per acre

(f) The equivalent dwelling unit (EDU) factors utilized to calculate the Park Corridors and Trails Development Fees shall be as follows:

Land Use Categories	EDU Factor
Low Density Residential	2.95 per unit
Medium Density Residential	2.95 per unit
Compact Density Residential	2.03 per unit
High Density Residential	1.54 per unit

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Village/Regional Town Center - Retail	0.00 per acre
Village/Regional Town Center - Office	0.00 per acre

16.82.180 CREDIT FOR CONSTRUCTION OF SPECIFIC PLAN PUBLIC FACILITIES.

(a) Upon application by the property owner or his authorized agent, the Director may authorize the construction of any specific plan public facilities, or portions thereof, in order of priority as designated on the Priority List in the SunCreek Specific Plan Development Impact Fee Program in lieu of all, or a portion of, the Development Impact Fees required by this chapter. If so authorized, the credit toward Specific Plan Development Impact Fees to be provided to the property owner for such in lieu construction shall be equal to eighty percent (80%) of the programmed cost of the facility, as set forth in the SunCreek Specific Plan Development Impact Fee Program in effect at the time when the in lieu construction is so authorized, including, but not limited to, unit prices, quantities and project descriptions. Prior to credit being given and/or issuance of any of the approvals set forth in Section 16.82.130 (e.g., approvals of building permits, subdivisions or zoning amendments), the construction of any facility authorized by this section must either be accepted by the Department, or the property owner must post security for the complete performance of the construction in a form acceptable to the Director and the City Attorney.

(b) Upon acceptance of the completed facility and after reconciliation of the final facility costs, the remaining twenty percent (20%) of the programmed cost as designated in the SunCreek Specific Plan Development Impact Fee Program may be issued as a credit balance to the property owner that may be utilized within the City of Rancho Cordova as determined by the Director.

(c) Where the amount of the credit is less than the amount of the SunCreek Specific Plan Development Fee otherwise applicable to the development in question, the property owner must pay to the City the difference in accordance with Section 16.82.130.

(d) Where the amount of the credit is greater than the amount of the SunCreek Specific Plan Development Fee, the property owner shall be paid the difference only from the applicable SunCreek Specific Plan Fund within a reasonable time after the project is accepted by the Department pursuant to Section 16.84.120 in order of priority on the Priority List in the SunCreek Specific Plan Development Impact Fee Program when funds are available.

(e) Where a facility is proposed for construction by the property owner, the Director at his or her discretion may either (1) provide the property owner with a credit pursuant to this section or (2) enter into a reimbursement agreement with the property owner pursuant to Section 16.82.190.

16.82.190 REIMBURSEMENT FOR CONSTRUCTION OF SUNCREEK SPECIFIC PLAN PROJECTS IN ADVANCE OF THE SUNCREEK SPECIFIC PLAN DEVELOPMENT IMPACT FEE PROGRAM PRIORITY LIST SCHEDULE.

(a) Upon application by the property owner or his authorized agent, the Director may enter into a reimbursement agreement authorizing the construction of any specific plan facilities, or portions thereof, designated in the SunCreek Specific Plan Development Impact Fee

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Program. In addition to the requirements of subsection (d), the agreement shall set forth the amount to be reimbursed, the time and manner in which payments are to be made, and shall state that reimbursement by the City will only be made from the applicable SunCreek Specific Plan Fund when funds are available.

(b) The amount of reimbursement shall be the actual cost of the facility up to the programmed cost of the facility as set forth in the SunCreek Specific Plan Development Impact Fee Program in effect at the time the construction contract is awarded for that specific facility. The time of reimbursement shall be the end of the fiscal year in which the facility is scheduled for construction, based on the Priority List in the SunCreek Specific Plan Development Impact Fee Program, or as different timing is otherwise authorized by the Director.

(c) By entering into a reimbursement agreement, a property owner is not relieved of the obligation to pay the applicable SunCreek Specific Plan Development Fees in the manner and amount specified by this chapter.

(d) If the Director enters into an agreement authorized by subdivision (a) of this section, or credit agreement as authorized by Section 16.82.150(c) the agreement shall provide that: (1) The general fund of the City is not liable for payment of any obligations arising from the agreement; (2) the credit or taxing power of the City is not pledged for the payment of any obligations arising from the agreement; (3) the landowner shall not compel the exercise of the City taxing power or the forfeiture of any of its property to satisfy any obligations arising from the agreement; and (4) the obligation arising from the agreement is not a debt of the City, nor a legal or equitable pledge, charge, lien, or encumbrance, upon any of its property, or upon any of its income, receipts, or revenues, and is payable only from the applicable SunCreek Specific Plan Development Impact Fees deposited in the applicable Transportation Fund.

(e) Property owner or his authorized agent shall apply for reimbursement as set forth in subdivisions (a) (b) (c) and (d) of this Section no later than five (5) years after the specific plan public project is constructed and accepted. Property owner shall waive the right of reimbursement for construction costs payable under this Section when the reimbursement is not applied for within said five (5) year limitation.

16.82.195 CREDIT OR REIMBURSEMENT FOR CONSTRUCTION OF PARK AND RECREATION FACILITIES.

(a) Upon application by the property owner or his authorized agent, City of Rancho Cordova or any other entity as designated by the City as the park facilities provider, may authorize the construction of any park and recreation facilities, or portions thereof, as designated in the SunCreek Specific Plan Development Impact Fee Program in lieu of all, or a portion of, the park improvement Development Fee required by the City's Development Agreement and this chapter and may enter into a credit agreement pursuant to subsections (b), (c), and (d) of this section or may enter into a reimbursement agreement pursuant to subsections (e), (f), and (g) of this section. If so authorized, the credit to be provided to the property owner shall be equal to the estimated cost of the facility as set forth in the SunCreek Specific Plan Development Impact Fee Program, or other park nexus study, in effect at the time when the credit agreement is approved, including, but not limited to, unit prices, quantities and project descriptions. The construction of any facility authorized by this section must first be accepted by the City or other park facilities provider, as designated by the City or otherwise authorized by said park facilities provider, prior to credit being given and issuance of any of the approvals set forth in Section 16.82.130.

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(b) Where the amount of the credit is less than the amount of the otherwise applicable park improvement Development Fee, the property owner must pay the difference as set forth in Section 16.82.130.

(c) Where the amount of the credit is greater than the amount of the Development Fee, the property owner shall be paid the difference only from the applicable SunCreek Specific Plan Park Improvement Fund within a reasonable time after the project is accepted by the park facilities provider.

(d) If the parks facilities provider and a property owner agree, the property owner may receive a credit against the park improvement Development Fee in an amount not to exceed the value of property conveyed to the provider as determined by the park facilities provider.

(e) Upon application by the property owner or his authorized agent, the park facilities provider may enter into a reimbursement agreement authorizing the construction of any park facilities, or portions thereof, designated in the SunCreek Specific Plan Development Impact Fee Program. The agreement shall set forth the amount to be reimbursed, the time and manner in which payments are to be made, and shall require reimbursement only from the applicable SunCreek Specific Plan Park Improvement Fund.

(f) The amount of reimbursement shall be the estimated cost of the facility as set forth in the SunCreek Specific Plan Development Impact Fee Program in effect at the time the construction contract is awarded for that specific facility.

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

16.82.200 ANNUAL PROGRAM FEE ADJUSTMENT.

Beginning January 1, 2023, and thereafter each year no later than January 15, the Program Fee per Development Unit for each type of development in each fee category shall be adjusted as follows:

(a) A "mean" index will be computed by averaging the index for 20 U.S. cities with the index for San Francisco by resort to the October issue of the Engineering News Record magazine Construction Cost Index of the year in which the calculation is being made.

(b) An adjustment factor shall be computed by dividing the "mean" index as calculated in subsection (a) of this section by the "mean" index for the previous October, however, if a new Program Fee has been adopted after January of the previous year, the adjustment factor shall use the "mean" index from the month that the fee was adopted.

(c) The new Program Fee per Development Unit shall be calculated by multiplying the adjustment factor, as calculated in subsection (b) of this section, by the Program Fee per Development Unit in place prior to the annual adjustment.

ITEM 9.17.

ATTACHMENT 2 Exhibit A to the Ordinance

(d) The estimated cost of the facilities used in SunCreek Specific Plan Capital Improvement Plan and for calculating credits and reimbursements pursuant to Sections 16.82.180, 16.82.190 and 16.82.195 shall be adjusted annually using the same adjustment factor pursuant to subsections (a), (b) and (c) of this section.

16.82.210 ALTERNATIVE METHOD AND COMPLIANCE WITH OTHER LAWS.

(a) This chapter is intended to establish a supplemental method for funding the cost of certain facilities the need for which is expected to be generated by the level and type of development proposed in the City of Rancho Cordova. The provisions of this chapter shall not be construed to limit the power of the Council to impose any other fees or exactions or to continue to impose existing ones, on development within the City of Rancho Cordova, but shall be in addition to any other fee, exactions or other requirements that the City is authorized to impose, or has previously imposed, as a condition of approving plans, rezonings or other entitlements within the City of Rancho Cordova pursuant to state and local laws. In particular, individual property owners shall remain obligated to fund, construct, and/or dedicate the improvements, public facilities and/or pay other exactions authorized or required by, but not limited to: (1) the City of Rancho Cordova Public Works Department Improvement Standards; (2) the Sacramento County Municipal Services Agency Improvement Standards; (3) the Quimby Act (Government Code Section 66477 et seq.) and implementing ordinances (Chapter 22.40 of this Code); (4) school impact fees (Government Code Sections 65970 et. seq.) and implementing ordinances; and (5) City of Rancho Cordova storm drainage impact fees (Chapter 16.95). Any credits or repayments pursuant to Sections 16.82.180, 16.82.190 and 16.82.195 shall not include credits or repayment for the funding, construction or dedications described in this section.

(b) The construction of facilities by a private owner pursuant to Section 16.82.180, 16.82.190, and 16.82.195 shall be performed and contracted for only as required by law, including but not limited to, compliance with the Department's Improvement Standards, and requirements for public works, if applicable to the particular facility."