

**BOARD OF DIRECTORS  
SANTA CLARA VALLEY WATER DISTRICT**

**RESOLUTION NO. 2025-**

**AN AMENDED AND RESTATED RESOLUTION OF  
THE BOARD OF DIRECTORS OF THE SANTA CLARA VALLEY WATER DISTRICT  
ADOPTING A STANDARD RATE SCHEDULE FOR SERVICES AND ACTIVITIES  
REGULATED BY THE WATER RESOURCES PROTECTION ORDINANCE AND  
FOR CERTAIN LICENSES AND COSTS ASSOCIATED WITH  
REAL PROPERTY TRANSACTIONS**

WHEREAS, Valley Water's Water Resource Protection Ordinance (Ordinance 06-1, as amended by Ordinance 08-1) was adopted by the Board of Directors on October 24, 2006; and

WHEREAS, Article 2.0 Section 2.3.1 of the Ordinance requires encroachment permit applications issued in accordance therewith to be accompanied by a filing fee in an amount established by the Board; and

WHEREAS, Article 2.0 Section 2.3.2 of the Ordinance also requires all applications for an environmental assessment to be accompanied by a filing fee; and

WHEREAS, requests for the transfer of land rights are often made with applications for encroachment permits; and

WHEREAS, Valley Water has determined the fees specified in the Standard Rate Schedule, attached hereto as Exhibit A, reflect the reasonable costs (including employee wages, benefits, and supplies) to Valley Water in processing permit applications, real property licenses, and other real property transactions; and

WHEREAS, Section 1 (e) of Article XIII C of the California Constitution provides, in part,

(e) As used in this Article, "tax" means any levy, charge, or exaction of any kind imposed by a local government, except the following:

- (3) A charge imposed for the reasonable regulatory costs to a local government for issuing licenses and permits, performing investigations, inspections, and audits, enforcing agricultural marketing orders, and the administrative enforcement and adjudication thereof.
- (4) A charge imposed for entrance to or use of local government property, or the purchase, rental or lease of local government property.

NOW, THEREFORE BE IT RESOLVED that the Board of Directors of the Santa Clara Valley Water District does hereby find:

1. The establishment of the fees set forth in the Standard Rate Schedule attached hereto as Exhibit A, reflect the reasonable costs to Valley Water to administer permit and other real property transactions.
2. The establishment of such charges is statutorily exempt from review under the California Environmental Quality Act (CEQA), Public Resources Section 21080 (b) (8) and CCR Title 14 Code of Regulations Section 15273 (a).

An Amended and Restated Resolution of the Board of Directors of the Santa Clara Valley Water District Adopting a Standard Rate Schedule for Services and Activities Regulated by the Water Resources Protection Ordinance and for Certain Licenses and Costs Associated with Real Property

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3. The fees specified in the Standard Rate Schedule are not taxes under the express provisions of Section 1 (e) (3) and (4) of Article XIII C of the California Constitution.
4. The CEO may enter into an agreement with other public entities for a mutual waiver of like-kind permit fees when the CEO determines that a waiver of fees specified in the Standard Rate Schedule is in the best interests of Valley Water.
5. The Board does hereby adopt the Standard Rate Schedule for the processing of services and activities regulated by the Water Resources Protection Ordinance and for certain licenses and costs associated with real property transactions.
6. The Standard Rate Schedule will be effective August 1, 2025.
7. Resolution No. 10-86 adopted by Valley Water on November 23, 2010 is hereby amended and restated in its entirety as set forth in this amended and restated resolution. This amended and restated resolution shall take effect on August 1, 2025.

PASSED AND ADOPTED by the Board of Directors of the Santa Clara Valley Water District by the following vote on June 24, 2025:

AYES: Directors

NOES: Directors

ABSENT: Directors

ABSTAIN: Directors

SANTA CLARA VALLEY WATER DISTRICT

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TONY ESTREMER  
Chair, Board of Directors

ATTEST: CANDICE KWOK-SMITH

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Clerk, Board of Directors

# **EXHIBIT A COVERSHEET**

## **STANDARD RATE SCHEDULE**

No. of Pages: 2

Exhibit Attachments: None

**EXHIBIT A**

**STANDARD RATE SCHEDULE - Effective August 1, 2025**

<b>Fee Category</b>	<b>Fee</b>	<b>Justification/Notes</b>
<b>Permit Filing Fee</b>	<b>\$500</b>	Required for all permits. Updated to reflect current administrative labor costs to log in/log out permit requests, verify applications are complete, to administer invoices, and process/track payments.
<b>Short-term Vehicular Access</b>	<b>\$1,800</b>	One week maximum. No modification to or construction work from VW property. Rate includes review of two submittals, CEQA Exemption, and two inspections Any additional costs would be charged as actual costs*.
<b>Long-term Vehicular Access/Temporary Construction</b> (not including soil borings)	<b>Actual costs + \$1.50/sqft/month use fee</b>	Includes long-term vehicular access Maximum two years. Actual costs include staff labor, documentation, filing fees or other costs incurred by Valley Water License is required for uses longer than two years and greater than 1000sqft.
<b>Soil Borings</b>	<b>\$2300 flat rate permit fee + \$1.50/sqft/month use fee</b>	Permit fee includes review of 2 submittals, CEQA Exemption, and 2 inspections Any additional costs would be charged as actual costs*.
<b>Monitoring Wells/Piezometers</b>	<b>\$2000/well/ year permit fee + \$1.50/sqft/month use fee</b>	Permit fee includes review of two submittals, CEQA Exemption, and two inspections Any additional costs would be charged as actual costs*. License is required for uses longer than two years and greater than 1000sqft.
<b>Permanent Construction Modification</b> (not including utility conduit or pipeline crossings)	<b>Actual Costs (\$3000 minimum deposit) + any needed Land Rights Transaction costs</b>	Projects proposing permanent modifications to VW right of way or facilities require significant staff time. Higher deposit reduces invoicing labor costs. Land rights transaction costs are additional (if applicant does not have appropriate land rights).
<b>Utility Conduit Crossings</b>	<b>\$2300 permit fee + any needed Land Rights Transaction costs</b>	Permit fee includes review of two submittals, CEQA Exemption, and two inspections Any additional costs would be charged as actual costs. Land rights transaction costs are additional (if applicant does not have appropriate land rights).
<b>Water/Sewer/Storm Drain/Gas Pipeline Crossings</b>	<b>\$3400 permit fee + any needed Land Rights Transaction costs</b>	Permit fee includes review of two submittals, CEQA Exemption, and two inspections Any additional costs would be charged as actual costs. Land rights transaction costs are additional (if applicant does not have appropriate land rights).
<b>Environmental Review</b>	<b>Actual costs</b>	Staff has found it cumbersome to charge and keep track of various deposits, so we recommend charging actual staff labor without an initial deposit.
<b>Inspection</b>	<b>\$700 + actual costs</b>	Flat rate is based on 3 hours of inspector admin time. \$700 is not required for permits charged a flat rate that includes 2 inspection trips.
<b>Permit Extension</b>	<b>\$225</b>	Estimated 1 hour Engineer review time. This fee assumes no additional inspections--add inspection time as needed Any additional costs would be charged as actual costs.
<b>Permit Amendment</b>	<b>\$450</b>	Estimated 2 hour Engineer review time--new plan review required. This fee assumes no additional inspections--add inspection time as needed Any additional costs would be charged as actual costs.
<b>Appeals</b>	<b>\$500</b>	Recommend this be the same as the filing fee but allow refund if Board upholds the appeal.

**EXHIBIT A**  
**STANDARD RATE SCHEDULE - Effective August 1, 2025 (Continued)**

<b>Fee Category</b>	<b>Fee</b>	<b>Justification/Notes</b>
<b>Land Rights Transactions</b>	<b>Actual costs (\$5,000 deposit required)</b>	Actual costs almost always exceed \$5000 so increasing the deposit will save staff labor preparing and tracking invoices. Actual estimated costs include: - Appraisals (~\$5000-\$10000) - Hazardous Substance Liability Assessments (~\$5000) - Title Report (~\$1000) - Escrow Fees (~\$500) - Fair Market Value of the Land, Title Insurance, Recording Fees, Staff Labor (TBD)
<b>License Fees</b>	<b>Negotiated by Real Estate Services</b>	\$1.50/sqft/month license fee, Fair Market Value as determined by Real Estate Services Unit, or the Rate Schedule for Telecommunication Equipment (Resolution No. 10-41). For non-telecommunication equipment requests, Real Estate Services Unit staff may determine that the cost for an appraisal of estimated fair market value may exceed the license fee and propose using the temporary use license fee value.
<b>Encroachment Remediation License</b>	<b>\$1.50/sqft/month</b>	Encroachment remediation licenses are only allowed for 2 year periods, not to exceed a total of 10 years, and may be terminated at any time.

\*Temporary Use and License Fees increases annually by 5%.

<b>FEE EXEMPTIONS</b>		
<b>Fee Category</b>	<b>Fee</b>	<b>Justification/Notes</b>
1. Preliminary assessments to determine if a permit is required 2. Adopt-a-creek 3. Fence cost share 4. Temporary pedestrian access for: 5. Activities covered by agreements with other agencies where there is already an exchange of benefits such as joint use agreements for recreation or VW grant funded projects	<b>Fee exempt</b>	These activities are determined to not modify Valley Water property with pedestrian access, include permits to cost-share property owner fences without construction on Valley Water property or have been determined by the Board to benefit Valley Water.
<b>Proposed Exemption for underlying fee owners proposing minor work on VW easement</b>	<b>Fee exempt</b>	For minor modifications (paving, landscaping, etc.) with no potential to impact VW easement rights (does not include work in creeks, major grading, structure installations, etc.). This proposed exemption allows property owners to utilize their property without paying for permits for minor work and VW facilities are not impacted.
<b>Proposed Exemption for Public Agency or NGO Minor and Temporary Activities that have a net benefit to Valley Water's mission</b>	<b>Fee exempt</b>	Benefits accrued to Valley Water (as determined by CEO or designee/Permit Authority) are recommended to be exempt. For example, fuel reduction activities, habitat management, which do not result in modification to VW facilities.

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