

RESOLUTION NO. 10- 86

ADOPTING A STANDARD RATE SCHEDULE FOR SERVICES AND ACTIVITIES
REGULATED BY THE WATER RESOURCES PROTECTION ORDINANCE AND FOR
CERTAIN LICENCES AND COSTS ASSOCIATED WITH REAL PROPERTY TRANSACTIONS

Whereas, the District'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, the District has determined the fees specified in the Standard Rate Schedule reflect the reasonable costs (including employee wages, benefits, and supplies) to the District in processing permit applications, real property licenses, and other real property transactions.

Whereas, on November 3, 2010, the voters of the State of California adopted Proposition 26, Supermajority Vote to Pass New Taxes and Fees, and Section 1 (e) of Article XIII C of the California Constitution has been added and provides,

(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 by the Board of Directors of the Santa Clara Valley Water District that:

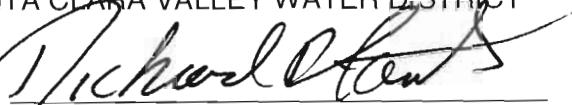
1. The Board finds that the establishment of the fees set forth in the Rate Schedule attached hereto as Exhibit A, reflect the reasonable cost to the District to administer permit and other real property transactions.
2. The establishment of such charges is statutorily exempt from review under the California Environmental Quality Act ("CEQA"), Public Resources Code Section 21080(b)(8).
3. The Board does hereby adopt the Rate Schedule in order to provide the services to process and issue permits administering the transfer of land rights.
4. The Board does hereby find that 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.

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

5. When the CEO determines that a waiver of fees specified in the Rate Schedule is in the best interests of the District, the CEO may enter into an agreement with other public entities for a mutual waiver of like-kind permit fees.
6. The rate schedule will be effective January 3, 2011.

PASSED AND ADOPTED by the Board of Directors of Santa Clara Valley Water District by the following vote on November 23, 2010:

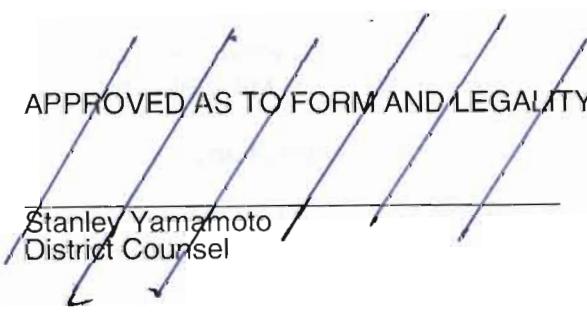
AYES: Directors J. Judge, P. Kwok, T. Estremera, R. Kamei, S. Mann, R. Santos
NOES: Directors None
ABSENT: Directors L. Wilson
ABSTAIN: Directors None

SANTA CLARA VALLEY WATER DISTRICT
By: 
RICHARD P. SANTOS
Chair/Board of Directors

ATTEST: MICHELLE L. KING

Clerk/Board of Directors

APPROVED AS TO FORM AND LEGALITY


Stanley Yamamoto
District Counsel



**Standard Rate Schedule
Effective: January 3, 2011
Exhibit A**

ENCROACHMENT PERMIT FEES

Santa Clara Valley Water Resource Protection Ordinance requires that applications for an encroachment permit be accompanied by a filing fee in an amount established by the Board of Directors. **The filing fee for all encroachment permits shall be \$250.** Permit filing fees are non-refundable. Actual costs are based on billing rates for staff services. Payment may be in the form of cash, check, money order, or cashier's check.

Exceptions:

Fees are not required for:

- Preliminary assessments to determine if a permit is required
- Adopt-a-Creek permits,
- Fence cost sharing permits
- Temporary pedestrian access for environmental studies, sampling, surveying, and organized events
- Activities covered by agreements with other agencies where there is already an exchange of benefits such as public access for recreational purposes allowed through joint use agreements, and

Temporary Vehicular Access:

\$250 Inclusive of filing fee

Insurance requirements must be met and a deposit may be needed. Additional fees will be assessed if follow up inspection is required.

Construction Permits for Temporary Uses:

\$250 Inclusive of filing fee

Temporary uses that involve construction include minor grading, construction support activities, exploratory borings, and monitoring wells. A summary of charges against the permit application in excess of 2 hours will be due and payable at the time of permit issuance. Reimbursement for staff costs for environmental review, inspection and key deposit fees will be assessed and due prior to issuance of a permit. Standard rates for the use of District property are shown below based on size of area used and duration of use. Durations longer than 1 year and use of property greater than 1000 sq ft will be subject to a license at fair market value.

- **Duration up to 3 months - \$600**
- **Durations longer than 3 months up to 1 year - \$1000**
- **Monitoring wells on District property - \$1000 with \$100 annual renewal**

Construction Permits for Permanent Uses:

\$1000 Inclusive of filing fee plus reimbursement of actual review costs

Permanent uses include utilities, telecommunications, outfalls, bridges, and major modifications, including flood protection channel construction or construction affecting



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District pipelines. Land rights must be acquired in advance of construction for major encroachments on to District property. A summary of charges against the permit application along with a request for any additional deposit will be made as the deposit is used. All fees are due and must be paid in full at the time of permit issuance. Applicant will be charged for any additional staff time spent on the project during construction.

ENVIRONMENTAL REVIEW:

\$300 initial deposit plus actual costs associated with preparation of documents and County Recorder's filing fee.

INSPECTION:

\$125 per trip: A minimum of one inspection will be charged per permit. The number of trips for major construction is determined on a case-by-case basis.

KEY DEPOSIT:

\$50 (refundable)

PERMIT EXTENSIONS OR NAME CHANGES:

\$100

AMENDMENTS:

\$100 Requests for changes or additions to permit purpose or conditions.

APPEALS:

\$100

LAND RIGHTS TRANSFERS

\$2500 initial deposit plus actual costs Actual costs are based on billing rates for staff services. Estimates for other components are noted below, actual costs may be greater.

Appraisals: **\$2500 to \$10,000**

Hazardous Substance Liability Assessment (HSLA): **\$5000**

Title report, if required: **\$450 to \$700** depending on complexity

Escrow fees: **\$450** depending on amount of transaction.

Title insurance, if required: actual cost

Recording fees: actual cost, see County Recorder's Office fee schedule

LICENSES

- **Telecommunications** - per rate schedule adopted May 25, 2010
- **Durations less than 1 year** - see rates listed under Construction Permits for Temporary Uses
- **Durations longer than 1 year** and use of property greater than 1000 sq ft will be subject to a license at fair market value.