

**AN ORDINANCE OF THE COUNTY OF BUTTE**  
**AMENDING SECTION 3-103 (c) OF CHAPTER 3**  
**OF THE BUTTE COUNTY CODE**

The Board of Supervisors of the County of Butte ordains as follows:

**SECTION 1 . Amendment to Section 3-103 (c) of Article XII of Chapter 3 of the Butte County Code.**

Section 3-103 (c) of the Butte County Code is amended to read as follows:

(c) Chico Storm Drainage Master Plan. All owners or developers of property located within the Chico Storm Drainage Master Plan Area shall pay storm drainage fees prior to issuance of a building permit for an enclosed building or upon a change in use of the property. Such fees shall be based on the drainage basin in which the development is located and shall be calculated by applying the acreage, or portion thereof, for each particular development or change in use to the per acre fees set forth in the table below.

Fees will be collected as follows:

Parcels with no permitted enclosed building(s) or structures (vacant land) with a net acreage of one (1) acre or less—full fees will be collected based on the size of the parcel. Fee to be the sum of the Per Acre Cost times the area of the parcel in acres.

Parcels with no permitted enclosed building(s) or structures (vacant land) with a net acreage of more than one (1) acre—full fees will be collected based on the area being improved as calculated by the Department of Public Works, provided that the minimum acreage amount shall in no case be less than 1 acre. Fee to be the sum of the Per Acre Cost times the area of the area being improved in acres.

Parcels with existing permitted enclosed building(s) or structures—full fees will be collected based on the area being improved as calculated by the Department of Public Works. Fee to be the sum of the Per Acre Cost times the area of the area being improved in acres.

Improvement and the area being improved, is defined for this section as new: enclosed building(s); driveways; sidewalks; parking; landscaping; and any other site development requirement necessary for construction of the new enclosed building(s).

<b>Drainage Area Number</b>	<b>Watercourse (Drainage Basin)</b>	<b>Total Cost Per Acre</b>	<b>Single-Family Residential Per Acre Cost (0.50 runoff coefficient)</b>	<b>Multiple Family Residential Per Acre Cost (0.75 runoff coefficient)</b>	<b>Commercial and Industrial Per Acre Cost (0.80 runoff coefficient)</b>
770	Butte Creek	\$17,785	\$8,893	\$13,339	\$14,228
771	Comanche Creek	\$18,552	\$9,276	\$13,914	\$14,842
772	Little Chico Creek	\$20,213	\$10,107	\$15,160	\$16,171
773	Big Chico Creek	\$15,070	\$7,535	\$11,303	\$12,056
774	Lindo Channel	\$18,388	\$9,194	\$13,791	\$14,710
775	S.U.D.A.D. Ditch	\$16,038	\$8,019	\$12,029	\$12,830
776	Mud-Sycamore Creek	\$13,957	\$6,978	\$10,468	\$11,165
777	P. V. Ditch	\$19,779	\$9,890	\$14,834	\$15,823

Credits against Chico Storm Drainage Master Plan Facility Fees.

In determining the storm drainage facility fees, for construction of storm drainage facilities as identified in the adopted Chico Master Drainage Plan as set forth in Butte County Code Section 20-210, to be assessed and levied upon the owner of residential or nonresidential property pursuant to the provisions of this chapter at the time the owner of such property commences to use the property for a residential or nonresidential purpose, expands the area of the property devoted to an existing residential or nonresidential use, or changes the use of the property to a different use, the owner of the property shall be entitled to one (1) or more of the following credits against such fee; provided, however, that no such credit or credits shall exceed the amount of such fee, nor shall any credit or credits be transferable from one (1) property to another property.

A. Where the owner of the property constructs and installs a portion of the off-site drainage facilities, identified in the adopted Chico Master Drainage Plan as set forth in Butte County Code Section 20-210, which would be necessary to collect the runoff from stormwater falling on the property, transport such stormwater runoff to a natural stream or an existing

1 public drainage channel, detain and/or treat the stormwater runoff where necessary and  
2 dispose of the stormwater runoff in such stream or drainage channel in a manner provided  
3 for or authorized by this code and the Improvement Standards adopted pursuant thereto, the  
4 owner of the property shall be entitled to a credit against the storm drainage facility fees  
5 assessed and levied pursuant to the provisions of this chapter in an amount equal to the  
5 reasonable actual costs of the collector/outfall, peak attenuation and/or water quality  
7 facilities.

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9 B. Where the owner of the property is changing the use of the property to a different use  
0 having a runoff coefficient which is greater than the runoff coefficient for the property when  
1 devoted to its previous use, the owner of the property shall be entitled to a credit against the  
2 storm drainage facility fees assessed and levied pursuant to the provisions of this chapter in  
3 an amount equal to the collector/outfall, peak attenuation and water quality portions of the  
4 storm drainage fees which would have been assessed and levied pursuant to the provisions  
5 of this chapter for such previous use.

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7 C. Where the property is or was located within an assessment district formed for a purpose  
3 which included construction and installation of a portion of the storm drainage facilities,  
9 identified in the adopted Chico Master Drainage Plan as set forth in Butte County Code  
0 Section 20-210, necessary to collect, treat and/or detain the runoff from stormwater falling  
1 on the property, transport such stormwater runoff to a natural stream or a public drainage  
2 channel and dispose of the stormwater runoff in such stream or drainage channel, and where  
3 the owner of the property is commencing to use the property for a use which has the same  
4 runoff coefficient as the existing or assumed use of the property at the time an assessment  
5 was levied against the property as part of the assessment district proceedings, then the owner  
5 of the property shall be entitled to a credit against the storm drainage facility fees assessed  
7 and levied pursuant to the provisions of this chapter in an amount equal to that portion of the  
3 assessment levied against the property as part of the assessment district proceedings  
9 reasonably attributable to the property's fair share of the cost of the collector/outfall, peak  
0 attenuation and water quality portion of the storm drainage facilities constructed as part of  
1 the assessment district proceedings.

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3 D. Where the property is located within an assessment district formed for a purpose which  
4 included construction and installation of all or a portion of the storm drainage facilities,  
5 identified in the adopted Chico Master Drainage Plan as set forth in Butte County Code  
5 Section 20-210, necessary to collect, treat and/or detain the runoff from stormwater falling  
7 on the property, transport such stormwater runoff to a natural stream or public drainage  
3 channel and dispose of the stormwater runoff in such stream or drainage channel, and the  
9 owner of the property is commencing to use the property or changing the use of the property  
0 to a use which has a runoff coefficient which is greater than the existing or assumed runoff  
1 coefficient for the property at the time an assessment was levied against the property as part  
2 of the assessment district proceedings, then the owner of the property shall be entitled to a  
3 credit against the storm drainage facility fees assessed and levied pursuant to the provisions  
4 of this chapter in an amount equal to the storm drainage fees which would have been  
5 assessed and levied pursuant to the provisions of this chapter for the existing or assumed use

1 of the property at the time an assessment was levied against the property as part of the  
2 assessment district proceedings, or that portion of the assessment levied against the property  
3 as part of the assessment district proceedings which is reasonably attributable to the  
4 property's fair share of the cost of the collector/outfall, peak attenuation and water quality  
5 portion of the storm drainage facilities constructed and installed as part of the assessment  
6 district proceedings, whichever is less.

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9 E. Where the owner of the property reconstructs a building or structure located on the  
10 property which was damaged or destroyed by fire or other casualty or which was voluntarily  
11 demolished during the prior three (3) year period, the owner of the property shall be entitled  
12 to a credit against the storm drainage facility fees assessed and levied pursuant to the  
13 provisions of this chapter in an amount equal to the collector/outfall, peak attenuation and  
14 water quality portions of the storm drainage facility fees which would have been assessed  
15 and levied pursuant to the provisions of this chapter. However, if the owner of the property  
16 expands the area of the property devoted to a residential or nonresidential use incident to the  
17 reconstruction of such building or structure, storm drainage facility fees shall be assessed  
18 and levied upon the owner of the property for all additional area of the property devoted to  
19 such residential or nonresidential use.

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22 F. Where the owner of the property constructs and installs all of the on-site storm drainage  
23 facilities necessary to retain and dispose of one hundred (100) percent of the stormwater  
24 falling on the property, the owner of the property shall be entitled to a credit against the  
25 storm drainage facility fees assessed and levied pursuant to the provisions of this chapter in  
26 an amount equal to the peak attenuation, and water quality portions of the storm drainage  
27 facility fees which would have been assessed and levied pursuant to the provisions of this  
28 chapter, all in the manner provided for or authorized by this code.

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31 G. Where the owner of such property constructs and installs all of the off-site storm drainage  
32 facilities, identified in the adopted Chico Master Drainage Plan as set forth in Butte County  
33 Code Section 20-210, necessary to collect the runoff from stormwater falling on such  
34 property, transport all such stormwater runoff to a natural stream or an existing public  
35 drainage channel, treat and/or detain the stormwater runoff where necessary and dispose of  
36 the stormwater runoff in such stream or drainage channel, the owner of the property shall be  
37 entitled to a credit against the storm drainage facility fees assessed and levied pursuant to  
38 the provisions of this chapter in an amount equal to the collector/outfall, peak attenuation  
39 and water quality portions of the storm drainage facility fees which would have been  
40 assessed and levied pursuant to the provisions of this chapter, all in the manner provided for  
41 or authorized by this code.

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44 H. Where the owner of the property is changing the use of the property to a different use  
45 having runoff coefficient equal to or less than the runoff coefficient for the property when  
46 devoted to its previous use, the owner of the property shall be entitled to a credit against the  
47 storm drainage facility fees assessed and levied pursuant to the provisions of this chapter in  
48 an amount equal to the collector/outfall, peak attenuation and water quality portions of the  
49 storm drainage facility fees which would have been assessed and levied pursuant to the

1 provisions of this chapter.

2 I. Where the property is or was located within an assessment district formed for a purpose  
3 which included construction and installation of all storm drainage facilities, identified in the  
4 adopted Chico Master Drainage Plan as set forth in Butte County Code Section 20-210,  
5 necessary to collect, treat and/or detain runoff from the stormwater falling on the property  
6 and transports all such stormwater runoff to a natural stream or an existing public drainage  
7 channel and disposes of such stormwater runoff in such stream or drainage channel,  
8 provided the owner of the property is not proposing to develop the property in a manner or  
9 at a density which increases the runoff coefficient for the property above the runoff  
0 coefficient used in designing the drainage facilities constructed and installed as part of the  
1 assessment district, the owner of the property shall be entitled to a credit against the storm  
2 drainage facility fees assessed and levied pursuant to the provisions of this chapter in an  
3 amount equal to the collector/outfall, peak attenuation and/or water quality portions of the  
4 storm drainage facility fees which would have been assessed and levied pursuant to the  
5 provisions of this chapter.

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7 **SECTION 2.** Severability. If any provision of this Ordinance or the application thereof to any person or  
8 circumstances is for any reason held to be invalid by a court of competent jurisdiction, such provision shall be  
9 deemed severable, and the invalidity thereof shall not affect the remaining provisions or other applications of the  
0 Ordinance which can be given effect without the invalid provision or application thereof.

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2 **SECTION 3.** Effective Date and Publication. This Ordinance shall take effect thirty (30) days after the date of  
3 its passage. The Clerk of the Board of Supervisors is authorized and directed to publish this ordinance before the  
4 expiration of fifteen (15) days after its passage. This Ordinance shall be published once, with the names of the  
5 members of the Board of Supervisors voting for and against it, in the Chico Enterprise Record, a newspaper of  
6 general circulation published in the County of Butte, State of California.

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8 PASSED AND ADOPTED by the Board of Supervisors of the County of Butte, State of California, on the  
9 24<sup>th</sup> day of February, 2009, by the following vote:

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1 AYES: Supervisors Dolan, Kirk, Lambert, Yamaguchi and Chair Connelly  
2 NOES: None  
3 ABSENT: None  
4 NOT VOTING: None

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7 Bill Connelly, Chair of the  
8 Butte County Board of Supervisors

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0 ATTEST:  
1 Gregory G. Iturria  
2 Interim Chief Administrative Officer  
3 and Clerk of the Board

4 BY   
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