



# Community Development Agency

ComDevAgency@nevadacountyca.gov  
www.nevadacountyca.gov/CDA

950 Maidu Avenue, Suite #170  
PO BOX #599002  
Nevada City, CA 95959

PH: (530) 265-1222 ext. 0  
FAX: (530) 265-9854

## APPLICATION FOR DEVELOPMENT IMPACT FEE DEFERRAL PROGRAM

ALL FEES DEFERRED ARE DUE AND PAYABLE PRIOR TO ONE OF THE FOLLOWING EVENTS, WHICHEVER OCCURS FIRST:

- Request for final or temporary occupancy approval and/or final building inspection or temporary occupancy inspection.
- Failure to obtain a building permit or other similar permit within two (2) years of approval will void the TIM fee offset allocation unless an application for an extension is submitted in writing and is granted by the CAO. Extensions may be granted in one (1) year increments but shall not exceed more than three (3) extensions. Possible reasons for extensions may include County, state or federal issues, or other matters not controllable by the applicant.
- Sale or transfer of all or a portion of the property for which the building permit subject to this application was issued.

I request the following impact fees be deferred:

- Traffic Impact Fee
- Parks & Recreation Facilities Impact Fee

To be approved for this program, I agree to:

- Record Attached Deed Restriction, including Notary Fees (approximately \$25).
- All Nevada County Taxes are current.
- Plans are approved.
- Permit Fees are paid.

PROJECT/PERMIT	
Assessor's Parcel Number:	Permit Number
Site Address:	Site Acreage
Project Description:	

REAL PROPERTY OWNER	
Full Legal Name	Contact Person and Title
Mailing Address:	Telephone Number
City, State, Zip Code	Email Address:
Are all taxes for all properties within Nevada County current? Yes <input type="checkbox"/> No <input type="checkbox"/>	

<b>APPLICANT IF DIFFERENT THAN REAL PROPERTY OWNER</b>	
Full Legal Name:	Contact Person and Title:
Mailing Address:	Telephone Number
City, State, Zip Code	Email Address:

<b>ADDITIONAL INFORMATION</b>
<p>1. Indicate whether a fee deferral application has been previously denied for this project or site.            Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, please explain: _____</p>
<p>2. Do you foresee any unusual requirements, unique circumstances, etc., that may exist that would interfere with the ability to pay the deferred fees when due?            Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, please explain: _____            _____</p>

<b>THE FOLLOWING MUST BE SUBMITTED BEFORE THIS APPLICATION IS COMPLETE</b>
<ol style="list-style-type: none"> <li>1. Payment of all Fees not eligible for Fee Deferral.</li> <li>2. Evidence of legal authority for signatory of Application or Agent Authorization Letter.</li> <li>3. Agreement to Pay Form.</li> <li>4. Plan Check approval.</li> <li>5. Payment of Property Taxes – Paid in full at time of application, staff will reach out to Treasurer Tax Collector.</li> </ol>

I certify under penalty of perjury under the laws of the State of California that the information stated above is accurate and that I am duly authorized on behalf of the Applicant and Owner to execute this application as of the date stated above. I understand that all fees deferred under this program are due and payable prior to a Request for Final Inspection, Request for Certificate of Occupancy (temporary or final), Two (2) years from the date of issuance of the building permit for which this deferral is applied, or the Sale or Transfer of the Subject Property, whichever occurs first.

_____	_____
Authorized Signature	Date
_____	
Printed Name and Title	
_____	_____
Application Accepted By	Date

Submit Application Package to: Community Development Agency Building Department 950 Maidu Drive, Suite 170 Nevada City, CA 95959 Or email: <a href="mailto:BuildingDept@nevadacountyca.gov">BuildingDept@nevadacountyca.gov</a>
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**For County Use Only**

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- Tax Status Current
- Updated
  - Condition of Approval on Plan Set
  - All Department Fees Assessed and Paid
  - Fee Deferral Request Added to Database
  - Fee Deferral Deed Restriction Completed

I have processed this application and verify that all necessary actions have been taken.

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Application Accepted By

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Date

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**DEED RESTRICTION SAMPLE**

**RECORDED AT THE REQUEST OF**

**Nevada County Building Department**

**AND WHEN RECORDED MAIL TO**

**Building Department  
County of Nevada  
950 Maidu Avenue  
Nevada City, CA 95959**

----- Space Above for Recorders Use -----

**AGREEMENT TO SECURE PAYMENT OF DEFERRED  
DEVELOPMENT IMPACT FEES AND/OR IN-LIEU FEES**

**ADDRESS: xxxxx Address, City, CA 9xxxx**

**Parcel Number: 00x-xxx-xxx**

This AGREEMENT made and entered into this \_\_\_ day of October 202X, by and between the County of Nevada, hereinafter referred to as "COUNTY" and \_\_\_\_\_, and description of person, hereinafter referred to as "DECLARANT", sets forth the terms and condition under which COUNTY shall defer payment of specified impact fees, which the DECLARANT shall pay in monthly installments.

**RECITALS**

Whereas,

1. DECLARANT is the owner of property Parcel Number 00x-xxx-xxx, hereinafter referred to as "PARCEL," located at xxxxx Address, City, CA 9xxxx, within Nevada County, State of California and described as insert parcel description. The legal description of the PARCEL is attached hereto as Exhibit B and incorporated by this reference as if fully set forth herein.
2. On or around Month Day, 202X, DECLARANT submitted for a Building Permit to install/develop/build a xx type of thing with xx-square-foot home. On or around Month Day, 202X, the Building Department approved the building permit request and prepared to issue building permit number xxxxxx, which includes fees for building inspection, state and administrative fees, along with impact fees. At this time, DECLARANT requested a deferral of impact fees and payment plan options.
3. Per California Gov Code Section 66007 and Nevada County Code, Title 17, Chapter 3, Section 17.03.030: Calculation and Payment of Fees, the County of Nevada agrees to defer payment of impact fees at the time of building permit issuance.
4. Prior to final occupancy approval and/or passing final building permit inspection, DECLARANT agrees to pay all deferred impact fees based on payment terms outlined in Exhibit A, which is attached hereto and incorporated herein by this reference. Final inspection approval and certificate of occupancy will be given once work is completed to code and full payment of all permit fees including deferred impact fees are received in full. DECLARANT agrees to pay any additional permit fees that may be over and above the current amount due at the time of this agreement. In no event shall the deferred payment plan be deferred beyond Month Day, 202X.
5. DECLARANT does herein restrict the above-described property such that a receipt of full payment for Development Impact Fees is required at the time there is a transfer of ownership of the parcel. Impact fees include School Mitigation Fees (upon proof of receipt of payment with the appropriate Fire District, School District), Recreation Impact Fees, and Traffic Mitigation Fees.
6. This restriction is a voluntary covenant as a result of an agreement to defer the payment of impact fees. Final inspections and certificate of occupancy will be approved once the work and full payment of these deferred impact fees is received by the Nevada County Building Department for permit file number xxxxxx to comply with the Final Conditions of Approval.
7. This Agreement to defer impact fees is per Nevada County Code, Title 17, Chapter 3, Section 17.03.030: Calculation and Payment of Fees, which states:
  - A. ROAD DEVELOPMENT FEE CALCULATION. The applicable road development fees shall be calculated in accordance with the development fee schedule in effect as of the date that the fees are paid by the developer, property owner or other responsible party.
  - B. ROAD DEVELOPMENT FEE PAYMENT. The fees may be paid at any point in time that the developer or property owner chooses following the determination by the

County Planning Department that an application for development has been properly filed with the Department and the application has been found to be complete, or is deemed to be complete under Government Code Sec. 65943 provided, however, that in no event shall the fees be paid any later than upon the issuance of a building permit (as to any non-residential development) or upon the earliest of the final inspection, the issuance of a certificate of occupancy, or such time as may be authorized pursuant to Government Code Section 66007(b) (as to residential development).

8. Per Government Code section 66007, this Agreement constitutes a lien for the payment of the fee or charge, which shall be enforceable against successors in interest to the property owner or lessee at the time of issuance of the building permit.
9. The DECLARANT shall provide appropriate notification of the opening of any escrow for the sale of the property for which the building permit was issued and provide in the escrow instructions that the fee or charge be paid to the local agency imposing the same from the sale proceeds in escrow prior to disbursing proceeds to the seller. The Nevada County Building Department shall record a release of the obligation, containing a legal description of the property, in the event the obligation is paid in full. The DECLARANT will pay the fees to record the Deed Release (fees paid at current rate with Nevada County Clerk-Recorder's Office).
10. This herein agreement shall not be relinquished or altered in whole or in part without the recorded written consent of the County of Nevada, California. Abandonment or modification in whole or in part, without the consent of the County of Nevada, California, shall constitute grounds for violation code enforcement action and shall require compliance with this restriction.
11. County of Nevada will relinquish this recorded agreement upon full payment of deferred impact fees. Impact fees include School Mitigation Fees (upon proof of receipt of payment with the appropriate Fire District, School District), Recreation Impact Fees, and Traffic Mitigation Fees.

COUNTY County of Nevada 950 Maidu Ave Nevada City, CA 95945
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DECLARANT Name xxxxx Address, City, CA 9xxxx
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IN WITNESS WHEREOF, the parties hereto have executed this agreement on the day and year first above written.

County of Nevada  
By \_\_\_\_\_  
Community Development Agency Building Director

DECLARANT

By \_\_\_\_\_  
Name

**Sign in the presence of a Notary Public and Attach Notary’s Acknowledgement**

*A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.*

**State of California**

**County of \_\_\_\_\_**

On \_\_\_\_\_ before me, \_\_\_\_\_ personally appeared  
(here insert name and title of the officer)

\_\_\_\_\_,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

**I certify under PENALTY OF PERJURY** under the laws of the State of California that the foregoing paragraph is true and correct.

Notary Public Seal

**WITNESS** my hand and official seal.

\_\_\_\_\_  
Notary Public Signature

**DEVELOPMENT IMPACT FEES AND/OR IN-LIEU FEES**

**ADDRESS: xxxxx Address, City, CA 9xxxx**

**Parcel Number: 00x-xxx-xxx**

**EXHIBIT A**

The following are the impact fees to be deferred. Fees are based on current rates at the time of the permit issuance.

<b>Name of Fee</b>	<b>Current Fee Amount</b>
Recreation Development Impact Fee	\$x,xxx.00
Eastern/Western Traffic Mitigation Impact Local Fee Residential xxxxx Sq Feet	\$x,xxx.00
Eastern/Western Traffic Mitigation Impact Regional Fee Residential xxxxx Sq Feet	\$x,xxx.00
Total:	\$x,xxx.00

The following is a payment plan option to support timely collection of the deferred impact fees. Payments are due on the 10<sup>th</sup> of each month beginning the month following the issuance of the building permit. All payments must be made timely and within 8 months following permit issuance. All payments must be paid in full prior to certificate of occupancy and/or final building permit inspection.

<b>Payment</b>	<b>Amount</b>
1 - October	\$xxx.00
2 - November	\$xxx.00
3 - December	\$xxx.00
4 - January	\$xxx.00
5 - February	\$xxx.00
6 - March	\$xxx.00
7 - April	\$xxx.00
8 - May	\$xxx.00

9 - June	\$xxx.00
Total:	\$x,xxx.00

**AGREEMENT TO SECURE PAYMENT OF DEFERRED  
DEVELOPMENT IMPACT FEES AND/OR IN-LIEU FEES**

**ADDRESS: xxxxx Address, City, CA 9xxxx**

Parcel Number: 00x-xxx-xxx

**EXHIBIT B**

**Legal Description**

Insert here.

APN: 00x-xxx-xxx

**RECORDED AT THE REQUEST OF**

**Nevada County Building Department**

**AND WHEN RECORDED MAIL TO**

**Building Department  
County of Nevada  
950 Maidu Avenue  
Nevada City, CA 95959**

----- Space Above for Recorders Use -----

**ACKNOWLEDGEMENT OF RELEASE OF FUNDING AGREEMENT - XXXX**

**ADDRESS: xxxxx Address, City, CA 9xxxx**

**Parcel Number: 00x-xxx-xxx**

At the request of xxxxx, property owner, the undersigned acknowledges request and herewith releases the funding agreement prior to payment in full as follows:

- I. NAME OF AGREEMENT HOLDER:  
County of Nevada  
950 Maidu Ave.  
Nevada City, CA 95945
- II. NAME AND ADDRESS OF PERSON LIABLE FOR UNPAID CHARGES:  
Name  
xxxxx Address,  
City, CA
- III. AN AGREEMENT RECORDED IN THE OFFICE OF A COUNTY RECORDER  
AS FOLLOW (Complete all information for each county where recorded):

<u>COUNTY</u>	<u>DATE OF RECORDING</u>	<u>DOCUMENT NO.</u>
Nevada	xxxday, Month Day, 202X	xxxxxxxxxxx

Dated: \_\_\_\_\_ BY \_\_\_\_\_  
Community Development Agency Building  
Director

**Sign in the presence of a Notary Public and Attach Notary's Acknowledgement**

*A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.*

**State of California**

**County of** \_\_\_\_\_

On \_\_\_\_\_ before me, \_\_\_\_\_ personally appeared  
(here insert name and title of the officer)

\_\_\_\_\_,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

**I certify under PENALTY OF PERJURY** under the laws of the State of California that the foregoing paragraph is true and correct.

Notary Public Seal

**WITNESS** my hand and official seal.

\_\_\_\_\_  
Notary Public Signature