



Winters City Council Meeting
City Council Chambers
318 First Street
Tuesday, January 7, 2014
6:30 p.m.
AGENDA

Members of the City Council

*Cecilia Aguiar-Curry, Mayor
Woody Fridae, Mayor Pro-Tempore
Harold Anderson
Wade Cowan
Bruce Guelden*

*John W. Donlevy, Jr., City Manager
John Wallace, City Attorney
Nanci Mills, City Clerk*

PLEASE NOTE – The numerical order of items on this agenda is for convenience of reference. Items may be taken out of order upon request of the Mayor or Councilmembers. Public comments time may be limited and speakers will be asked to state their name.

Roll Call

Pledge of Allegiance

Approval of Agenda

COUNCIL/STAFF COMMENTS

PUBLIC COMMENTS

At this time, any member of the public may address the City Council on matters, which are not listed on this agenda. Citizens should reserve their comments for matter listed on this agenda at the time the item is considered by the Council. An exception is made for members of the public for whom it would create a hardship to stay until their item is heard. Those individuals may address the item after the public has spoken on issues that are not listed on the agenda. Presentations may be limited to accommodate all speakers within the time available. Public comments may also be continued to later in the meeting should the time allotted for public comment expire.

CONSENT CALENDAR

All matters listed under the consent calendar are considered routine and non-controversial, require no discussion and are expected to have unanimous Council support and may be enacted by the City Council in one motion in the form listed below. There will be no separate discussion of these items. However, before the City Council votes on the motion to adopt, members of the City Council, staff, or the public may request that specific items be removed from the Consent Calendar for separate discussion and action. Items(s) removed will be discussed later in the meeting as time permits.

- A. Minutes of the Regular Meeting of the Winters City Council Held on Tuesday, December 17, 2013 (pp 4-9)
- B. On-Call Materials Sampling and Testing, and Geotechnical Engineering Services Contract Amendments with Construction Testing Services (CTS) and KC Engineering (pp 10-14)

PRESENTATIONS

Swearing-In of New Winters Police Officer Jose Hermsillo

DISCUSSION ITEMS

- 1. Public Hearing and Introduction of Ordinance 2014-01, Adopting the Proposed Drainage Impact Fee and Adding Chapter 15.90 to Title 15 of the Winters Municipal Code to Establish a Drainage Impact Fee (pp 15-87)
- 2. Rehabilitation Work at Winters City Park and the Prevailing Wage Requirements Related to Volunteer Labor (pp 88-90)
- 3. Update and/or Tax Increase by Ballot Measure for Transient Occupancy Tax or TOT (pp 91-102)
- 4. Downtown Business Security – No Backup

CITY OF WINTERS AS SUCCESSOR AGENCY TO THE WINTERS COMMUNITY DEVELOPMENT AGENCY

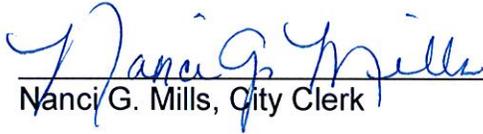
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CITY MANAGER REPORT

INFORMATION ONLY

ADJOURNMENT

I declare under penalty of perjury that the foregoing agenda for the January 7, 2014 regular meeting of the Winters City Council was personally delivered to each Councilmember's mail boxes in City Hall and posted on the outside public bulletin board at City Hall, 318 First Street on December 19, 2013, and made available to the public during normal business hours.


Nanci G. Mills, City Clerk

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General Notes: Meeting facilities are accessible to persons with disabilities. To arrange aid or services to modify or accommodate persons with disability to participate in a public meeting, contact the City Clerk.

Staff recommendations are guidelines to the City Council. On any item, the Council may take action, which varies from that recommended by staff.

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Winters Library – 708 Railroad Avenue

City Hall – Finance Office - 318 First Street

During Council meetings – Right side as you enter the Council Chambers

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Wednesday at 10:00 a.m.

Videotapes of City Council meetings are available for review at the Winters Branch of the Yolo County Library.



Minutes of the Winters City Council Meeting
Held on December 17, 2013

5:30 p.m. – Executive Session

Safe Harbor for Closed Session – Pursuant to Government Code Section 54954.5

Pursuant to Government Code Section 54957 - Public Employee Performance Evaluation – City Manager

Pursuant to Government Code Section 54956.9 – Existing Litigation – Claudia Covarrubias, Veronica Alvarado, Rebecca Rivas and Lusila Gomez – Case # 34-2013-80001650 – City Manager and Attorney at Law Ethan Walsh

Mayor Aguiar-Curry reported there were no reportable items from executive session.

6:30 p.m. – Regular Meeting

Mayor Aguiar-Curry called the meeting to order at 6:30 p.m.

Present: Council Members Harold Anderson, Wade Cowan, Woody Fridae, Bruce Guelden and Mayor Cecilia Aguiar-Curry
Absent: None
Staff: City Manager John Donlevy, City Clerk Nanci Mills, Assistant City Attorney John Walsh, Director of Financial Management Shelly Gunby, Environmental Services Manager Carol Scianna, Public Works Superintendent Eric Lucero, and Management Analyst Tracy Jensen.

Jacob Lowrie, Winters Warrior Football captain, led the Pledge of Allegiance.

Approval of Agenda: City Manager Donlevy said there were no changes to the agenda. Motion by Council Member Cowan, second by Council Member Fridae to approve the agenda. Motion carried unanimously.

COUNCIL/STAFF COMMENTS

PUBLIC COMMENTS: None

CONSENT CALENDAR

- A. Minutes of the Regular Meeting of the Winters City Council Held on Tuesday, December 3, 2013
- B. Claim Against the City of Winters – Karen Treat – Deny and Refer to YCPARMIA (Yolo County Public Agency Risk Management Insurance Authority)
- C. Resolution 2013-45, A Resolution of the City Council of the City of Winters Approving an Adjustment to the 2013-2014 Adopted Budget

City Manager Donlevy gave an overview. Motion by Council Member Fridae, second by Council Member Anderson to approve the Consent Calendar. Motion carried unanimously.

PRESENTATIONS

Mayor Aguiar-Curry read aloud and presented a proclamation to Andy Pignataro, State Farm Insurance agent and Coordinator of the State Farm Celebrate My Drive Promotion for Winters High School. Winters High School was the recipient of a \$25,000 grant in the Small School division.

Mayor Aguiar-Curry read aloud and presented a proclamation to WHS Football Coach Daniel Ward and sang the Winters High School song. Megan Curry from Adidas America presented championship shirts to each team member, who were in attendance. Megan said three Northern Section Division III Championship banners will also be provided to the school to display. Daniel Ward thanked the Council and said the community support in town and on the road was greatly appreciated and they are excited to bring the championship back to Winters.

Mayor Aguiar-Curry welcomed several representatives from Pacific Gas and Electric (PG&E), who collectively gave a presentation regarding the proposed "Winters Center of Excellence" Training Facility. Alisa Okelo-Odongo, PG&E Government Relations, thanked Council and welcomed their feedback. Courtney McLeod Golden, PG&E Programmer, said the learning center is the core of the project and described the layout of the buildings and training areas. There added there will be a built-in perimeter gas detection system which will automatically shut the system down if gas is detected. The technical training facility will have between 150-180 trainees Monday through Friday, with classes lasting between one and fifteen working days and breakfast and lunch provided to the trainees.

Mayor Aguiar-Curry wanted to reiterate that compressed air will be used during training and not gas. Courtney said compressed air will be used throughout the facility except in the utility village, which will contain gas, similar to what we have in our homes and will be released only by the instructors.

Council Member Fridae asked if the transmission lines will be inspected. Courtney said yes, and the positive reaction to the Grant Avenue buffer area and the fact that Baker Street will not be a through street into the PG&E facility was due to feedback from residents. Council Member Anderson asked about the noise from the air compressor and Courtney said the air compressors will be put in a building to keep the sound within the building and examine the numerous ways to release the air. Council Member Fridae thanked PG&E for listening to the community.

Landscape Architect Ben Woodside said the 100-ft corridor on the west side of the project is a requirement of the City's flood master plan, which will be landscaped and act as a buffer between the residents and the facility. There will also be a 100-ft. setback along Putah Creek, with provisions to make extensions to the existing trail.

Kris Barkley, Lead Architect, reiterated the learning center will be the core of the campus and the exterior renderings divides the buildings into two parts. The labs will be downstairs, with the classrooms upstairs, allowing the maximum amount of natural light into the classrooms. Site features will include various textures on the front of the buildings, open framing to reflect agricultural history, and the positioning of the buildings to maximize the north and south lighting and minimizing the heat from the east and west. Mayor Aguiar-Curry said she would like to see more agricultural aspects included in the building diagrams and Kris said he would work to add more detail.

Council Member Anderson asked if the buildings would be LEED certified (Leadership Energy Environmental Design.) Courtney said LEED is based on a point system and allows buildings to be rated based on points that are obtained in several ways. Categories include certified, silver, gold and platinum; PG&E is pursuing silver, but may achieve gold. Mayor Aguiar-Curry asked about photovoltaic. Courtney said if energy efficiency can be achieved, it will be considered. If the project is LEED gold or platinum, power can be generated on-site.

Council Member Anderson asked about drainage swells, excavation and whether the soil will be made available for working in the creek. Ben said the landscape team is aware of the option, but it's all about timing. All paved surfaces will go through many processes before it reaches the creek.

Mayor Aguiar-Curry asked whether residents would have input regarding the plantings along the residential fence line. Ben said residents can be given the

opportunity to choose the trees located behind their property and fence conditions can also be addressed at that time, focusing on low impact drought tolerant plants that require minimal care and low irrigation. Courtney added that non-potable water will be used for plant irrigation.

Council Member Anderson asked about security around and in back of the property. Courtney said it will be a secure campus with security cameras and motion-activated lighting, with camera coverage along the creek bank to be discussed by PG&E.

Council Member Guelden asked if the facility would be open to the public occasionally for public tours. Courtney said PG&E would make accommodations for community members and others. Council Member Cowan spoke of the importance of connectivity between the downtown and the project. The two gates being proposed on the site will enable to trainees to walk to the downtown area, or ride loaner bicycles based on Woody's suggestion. He appreciated PG&E's work on the layout, putting noisy activities out by the freeway, the various landscaping components, and turning an easement into something other than a concrete ditch.

DISCUSSION ITEMS

1. Second Hearing and Possible Adoption of Ordinance 2013-03, an Ordinance of the City of Winters, Extending Section 17.200.030, Subsection (B) (1) to the Winters Municipal Code Pertaining to Affordable Housing Requirements

Housing Programs Manager gave an overview. Motion by Council Member Cowan, second by Council Member Anderson to waive the second reading and adopt Ordinance 2013-03 extending Section 17.200.030, Subsection (B)(1) to the Winters Municipal Code pertaining to Affordable Housing Requirement. Motion carried with the following vote:

AYES: Council Members Anderson, Cowan, Fridae, Guelden, Mayor Aguiar-Curry
NOES: None
ABSENT: None
ABSTAIN: None

2. Public Hearing and Approval of Resolution 2013-42, a Resolution of the City Council of the City of Winters Approving a Grantee Performance Report 2011-2012

Director of Financial Management Shelly Gunby gave an overview, indicating this was a housekeeping item at this point. Mayor Aguiar-Curry opened the public hearing at 7:25 p.m. and closed the public hearing at 7:25 p.m. with no public comment.

Motion by Council Member Anderson, second by Council Member Cowan to approve Resolution 2013-42 approving a Grantee Performance Report for the period 2011-2012. Council Member Fridae then made a separate motion to authorize the City Manager to submit the Grantee Performance Report for FY 2011-2012 to HCD. Both motions carried with the following vote:

AYES: Council Members Anderson, Cowan, Fridae, Guelden, Mayor
Aguiar-Curry
NOES: None
ABSENT: None
ABSTAIN: None

3. Public Hearing and Approval of Resolution 2013-43, a Resolution of the City Council of the City of Winters Approving a Program Income Reuse Plan

Director of Financial Management Shelly Gunby indicated this was another housekeeping item. Mayor Aguiar-Curry opened the public hearing at 7:28 p.m. and closed the public hearing at 7:28 p.m. with no public comment.

Motion by Council Member Cowan, second by Council Member Anderson to approve staff recommendation by approving Resolution 2013-43 approving a Program Income Reuse Plan and authorizing the City Manager to submit the Program Income Reuse Plan to HCD. Motion carried with the following vote:

AYES: Council Members Anderson, Cowan, Fridae, Guelden, Mayor
Aguiar-Curry
NOES: None
ABSENT: None
ABSTAIN: None

4. City Manager's Employment Contract Agreement

Mayor Aguiar-Curry reported that Council has gone through the City Manager's employment contract, performed some fine-tuning, and reviewed many aspects of the contract, which has resulted in a good contract.

Motion by Council Member Fridae, second by Council Member Cowan to approve Resolution 2013-44 and approving the City Manager's employment

agreement with the addition of Alternative Section 3 adding the sentence "advance notice of 60 days prior to the automatic renewal date", and authorizing the Mayor to execute same. Motion carried with the following vote:

AYES: Council Members Anderson, Cowan, Fridae, Guelden, Mayor
Aguiar-Curry
NOES: None
ABSENT: None
ABSTAIN: None

CITY OF WINTERS AS SUCCESSOR AGENCY TO THE WINTERS
COMMUNITY DEVELOPMENT AGENCY

1. None

CITY MANAGER REPORT: City Manager Donlevy is expecting an update by the end of the week regarding the market feasibility study for the Downtown Hotel. Once received, the draft will be worked on, with consideration given to UCD and the Park Winters numbers. City Hall will be open on 12/23/13 and then closed for two weeks, reopening on 1/6/14. Emergency contact information can be provided if a building permit or an inspection is needed. Council Member Cowan said applications submitted by the first of the year will beat the 2014 required upgrades. City Manager Donlevy said this is an exciting time for the City of Winters: 100,000 sq ft building, two hotels, Dollar General, a round-about installed on Grant Avenue, the final creek project under construction, new houses, new bridge. It's time to start planning the next set of projects. From a financial standpoint, we're pretty solid, the best financial state we've been in for awhile. The focus at the staff meeting tomorrow will be on inspections and some type of RFP to Willdan and Bureau Veritas to receive quotes for building and public improvements. Mayor Aguiar-Curry asked how we are going to approach Solano College. City Manager Donlevy said the City will schedule a meeting, and that Solano College already as a pathways project with PG&E.

INFORMATION ONLY: None

ADJOURNMENT: Mayor Aguiar-Curry adjourned the meeting at 7:55 p.m.

Cecilia Aguiar-Curry, MAYOR

ATTEST:

Nanci G. Mills, City Clerk



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Council members
DATE: January 7, 2014
THROUGH: John Donlevy, City Manager
FROM: Alan Mitchell, City Engineer
SUBJECT: On-call Materials Sampling and Testing, and Geotechnical Engineering Services Contract Amendments with Construction Testing Services (CTS) and KC Engineering.

RECOMMENDATION: Staff recommends the City Council authorize the City Manager to execute Amendments to the on-call contracts with CTS and KC Engineering for materials sampling and testing, and Geotechnical Engineering services, for a two year extension.

BACKGROUND: Materials sampling and testing services are typically required for construction of both private and public improvements. Services include, but are not limited to, lab testing of aggregate, asphalt and concrete materials, analysis of soil conditions, testing of trench and roadway compaction, and quality control of contractor operations.

In late 2011 staff issued an RFQ for these services, and on December 20, 2011, Council authorized the City Manager to execute on-call contracts with both Construction Testing Services (CTS) and KC Engineering, for a period of two-years. Those firms provided services for the Putah Creek Bridge North Bank Trail project, and the Matsumoto Signal project.

The contract allows for an extension of up to two additional years, and staff recommends approval of the Amendments to extend their services to December 20, 2015. The Firms have provided qualified staff and have been responsive to the City's needs. Their services will be needed for future projects such as the Walnut Lane Roundabout, Railroad Avenue Improvements, Dollar General, Hudson-Ogando Subdivision, and Putah Creek Bridge.

ALTERNATIVES: No alternatives recommended.

FISCAL IMPACT: The costs associated with the Contracts will be funded with project-specific funds. For private development, the developer's fees cover the cost of materials testing. For public works projects, either local funds or federal/state funds will cover the cost.

Attachments: Contract Amendments

**AMENDMENT NO. 1
TO AGREEMENT NO. 014-11 BETWEEN THE CITY OF WINTERS AND
KC ENGINEERING FOR ON-CALL MATERIALS SAMPLING AND TESTING,
AND GEOTECHNICAL ENGINEERING SERVICES**

This Amendment modifies the AGREEMENT, dated October 26, 2011 for On-Call materials sampling and testing, and geotechnical engineering services. This Agreement ("AMENDMENT") is made and entered into this ___ day of _____, 2014 by and between the City of Winters, a municipal corporation of the State of California, herein after referred to as "CITY" and KC Engineering, herein after referred to as "CONSULTANT".

The City desires to extend the on-call contract for a period of two years, as authorized by the City Council.

AMENDMENTS

1. SERVICES.

Section shall be revised to read as follows:

1. SERVICES. Subject to the terms and conditions set forth in this Agreement, CONSULTANT shall provide to the City with on-call Materials Sampling and Testing, and Geotechnical Support Services for various City projects. Exhibit "A" includes typical Tasks, which may be required. CONSULTANT shall provide said Services for a period of two-years from the date of execution of this Amendment No. 1.

In Witness whereof, the parties hereto have caused this AMENDMENT to be duly executed as of the day and year first above written.

CITY OF WINTERS
a Municipal corporation of the
State of California

CONSULTANT

By: _____
John W. Donlevy, Jr. City Manager

By: _____
David V. Cymanski, President

Exhibit "A"

TYPICAL TASKS

1. Earthwork Observation
2. Bulk Sampling and Coring of materials, such as Native Soil, Aggregate Base Rock, Concrete, and Asphalt
3. Field Density Testing of materials, such as Native Soil, Aggregate Base Rock, Concrete, and Asphalt
4. Laboratory Testing of materials, such as Native Soil, Aggregate Base Rock, Concrete, and Asphalt
5. Reporting of materials sampling and testing
6. Field Quality Control
7. Geotechnical Engineering Consultation

**AMENDMENT NO. 1
TO AGREEMENT NO. 015-11 BETWEEN THE CITY OF WINTERS AND
CONSTRUCTION TESTING SERVICES FOR ON-CALL MATERIALS SAMPLING AND
TESTING, AND GEOTECHNICAL ENGINEERING SERVICES**

This Amendment modifies the AGREEMENT, dated October 26, 2011 for On-Call materials sampling and testing, and geotechnical engineering services. This Agreement ("AMENDMENT") is made and entered into this ___ day of _____, 2014 by and between the City of Winters, a municipal corporation of the State of California, herein after referred to as "CITY" and Construction Testing Services, herein after referred to as "CONSULTANT".

The City desires to extend the on-call contract for a period of two years, as authorized by the City Council.

AMENDMENTS

1. SERVICES.

Section shall be revised to read as follows:

1. SERVICES. Subject to the terms and conditions set forth in this Agreement, CONSULTANT shall provide to the City with on-call Materials Sampling and Testing, and Geotechnical Support Services for various City projects. Exhibit "A" includes typical Tasks, which may be required. CONSULTANT shall provide said Services for a period of two-years from the date of execution of this Amendment No. 1.

In Witness whereof, the parties hereto have caused this AMENDMENT to be duly executed as of the day and year first above written.

CITY OF WINTERS
a Municipal corporation of the
State of California

CONSULTANT

By: _____

John W. Donlevy, Jr. City Manager

By: _____

Exhibit "A"

TYPICAL TASKS

1. Earthwork Observation
2. Bulk Sampling and Coring of materials, such as Native Soil, Aggregate Base Rock, Concrete, and Asphalt
3. Field Density Testing of materials, such as Native Soil, Aggregate Base Rock, Concrete, and Asphalt
4. Laboratory Testing of materials, such as Native Soil, Aggregate Base Rock, Concrete, and Asphalt
5. Reporting of materials sampling and testing
6. Field Quality Control
7. Geotechnical Engineering Consultation



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: January 7, 2014
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Shelly A. Gunby, Director of Financial Management *Shelly*
SUBJECT: Public Hearing regarding Adoption of Proposed Drainage Impact Fee and Introduction of Ordinance 2014-01 Adding Chapter 15.90 of Title 15 of the Winters Municipal Code to Establish a Drainage Impact Fee

RECOMMENDATION:

Staff recommends the City Council

1. Hold A Public Hearing and introduce Ordinance 2014-01 Adding Chapter 15.90 of Title 15 of the Winters Municipal Code to Establish a Drainage Impact Fee.

BACKGROUND:

Ordinance 2014-01 would establish a flood overlay zone fee which would allow the City to establish a finalized citywide flood area fee schedule by Resolution after adoption of Ordinance 2014-01.

Development is taking place in areas identified by the Wood Rogers August 2005 Moody Slough and Dry Creek Subbasins Storm Drainage Cost Allocation Report. Fees were temporarily set in 2010, but those fees have expired. It is pertinent to establish the Drainage Impact Fee so that the City of Winters has the authority to set the actual fees by Resolution after adoption of Ordinance 2014-01.

FISCAL IMPACT:

Ability to collect impact fees after adoption of Ordinance.

ATTACHMENTS:

- Wood Rogers August 2005
- EPS Flood Area Storm Drainage Development Impact Fee Nexus Study
- Ordinance 2014-01



WOOD RODGERS

September 9, 2005

Mr. Nicholas Ponticello, P.E.
City of Winters
c/o Ponticello Enterprises
1216 Fortna Avenue
Woodland, California 95776

Dear Mr. ^{Nick} Ponticello:

Subject: City of Winters, Moody Slough Subbasin and Putah/Dry Creek Subbasins Drainage Reports and Moody Slough and Putah Cree/Dry Creek Subbasins Drainage Allocation Report – Submittal of Final Reports

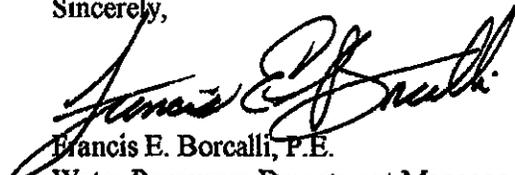
Enclosed are the final reports that were prepared by Wood Rodgers, Inc. for the City of Winters (City). These reports were prepared to guide the City in implementing drainage infrastructure improvements to accommodate planned development. The reports (10 copies each) are entitled as follows:

1. *Moody Slough Subbasin Drainage Report, August 2005*
2. *Putah Creek / Dry Creek Subbasins Drainage Report, August 2005*
3. *Moody Slough and Putah Creek / Dry Creek Subbasins Storm Drainage Cost Allocation Report, August 2005*

Please note that the models for the hydrologic and hydraulic analyses are not included in the Moody Slough and Putah Creek / Dry Creek subbasin reports. Two CD's, which contain the modeling information for each respective report, are enclosed with this transmittal for the City's use. Wood Rodgers has noted in the reports that copies of this information can be provided upon request from the City.

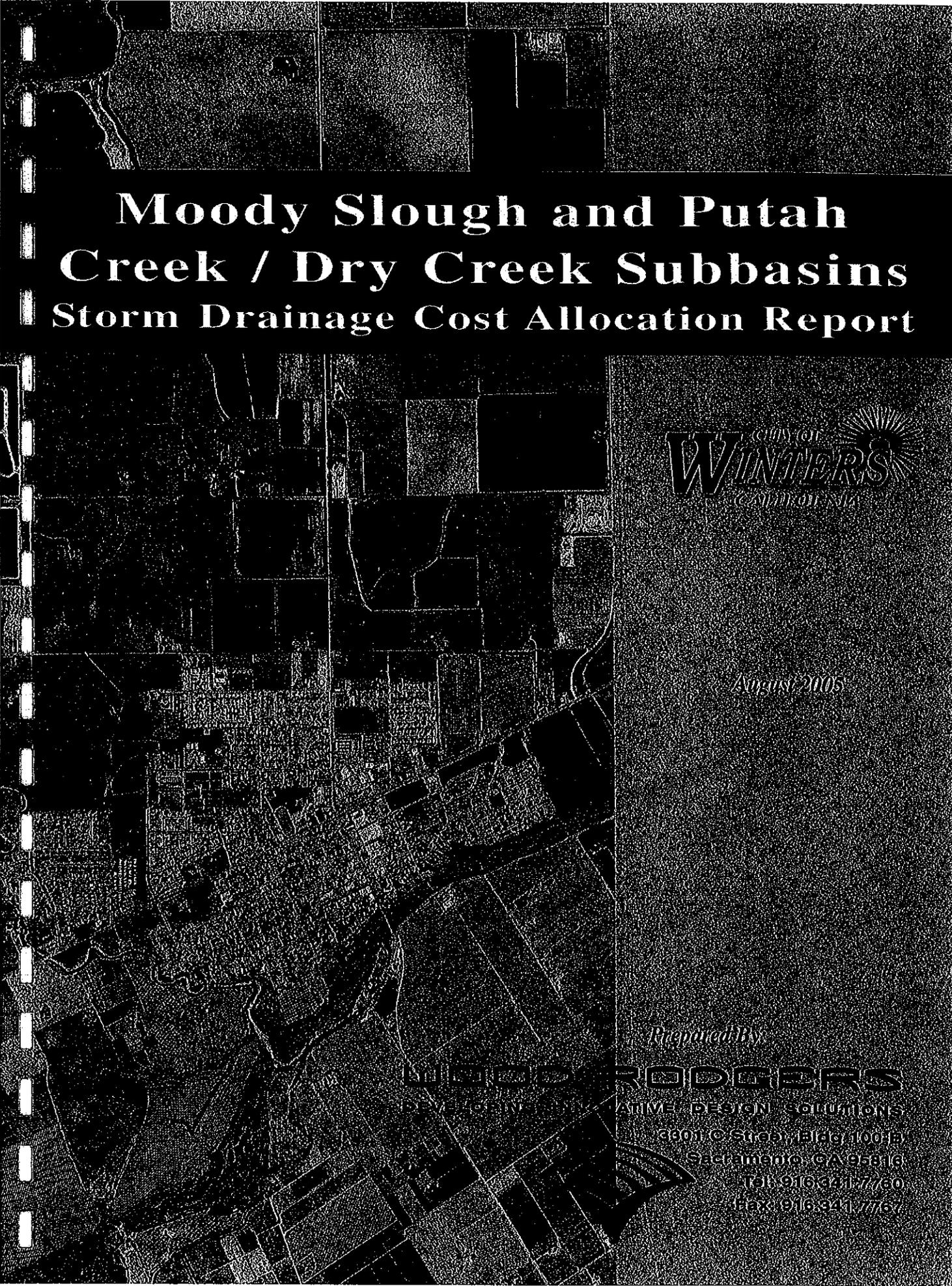
Wood Rodgers appreciates having the opportunity to assist the City with this assignment.

Sincerely,


Francis E. Borcalli, P.E.
Water Resources Department Manager

Enclosures: 10 Copies of Each Report
Two CD's

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Moody Slough and Putah Creek / Dry Creek Subbasins Storm Drainage Cost Allocation Report



August 2005

Prepared By

WILCOX RODGERS

DESIGN ENGINEERING & CONSTRUCTION SOLUTIONS

3801 O Street, Elder 10013

Sacramento, CA 95818

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- 1 Drainage Impact Fee Zones

APPENDIX

Opinion of Probable Costs – Ultimate Conditions – City of Winters “Moody Slough Subbasin Drainage Report,” August 2005

Opinion of Probable Costs – Ultimate Conditions – City of Winters “Putah Creek / Dry Creek Subbasins Drainage Report,” August 2005





INTRODUCTION

As part of developing the Moody Slough Subbasin Drainage Report and the Putah Creek/Dry Creek Subbasins Drainage Report for the City of Winters (City), the City requested Wood Rodgers, Inc. to allocate the costs of the planned facilities according to zones of benefit. With corroboration from the City, the information presented in this report could provide a basis to assess drainage impact fees to land designated for development within the City's General Plan area.

APPROACH

Only land within the City's General Plan area would be allocated costs for storm drainage facilities. Although land outside the City's General Plan area may be contributing to sizing particular drainage facilities, costs are allocated to only land designated for development within the Plan area.

It is important to note that, at the direction of the City, land that is already developed within the City would not be allocated drainage impact fees for the construction of new facilities, even though there would be some indirect benefit to the land and the people by having a more comprehensive drainage solution for the region.

In addition, at the direction of the City, land within the Rancho Arroyo drainage district would not be allocated any portion of the cost of facilities to handle runoff from public land draining to the Putah Creek diversion channel. Similarly, land draining to the Putah Creek diversion channel would not be allocated any costs for public land impacts within the Rancho Arroyo drainage basin. From a drainage impact and cost allocation perspective, the Rancho Arroyo drainage basin would be considered separately.

Costs for facilities within the Rancho Arroyo drainage basin would not be used in calculating the fees for the General Plan flood overlay.

To facilitate the equitable allocation of costs for drainage facilities, land within the affected drainage sheds that is designated for development within the General Plan area was separated into drainage zones. The cost allocation zones represent land benefiting from a particular drainage facility or group of facilities. Accordingly, drainage facilities costs were allocated in





relation to respective drainage facilities. The eight cost allocation zones or zones of benefit are identified on Figure 1, and the facilities benefiting each zone are identified in Table 1.

The approach employed by Wood Rodgers to allocate costs is based upon land use and the relative contribution to storm runoff. For this purpose, runoff coefficients were used.

Although land designated either Public/Quasi Public (PQP), Open Space (OS), or Park Recreation (P-R or PR) contributes runoff, this land, which amounts to 55% (566 acres/1,033 acres) of the developable land, is treated as "exempt" and no costs are allocated to such land. Therefore, exempt land is not included in the allocation of costs. Roadways identified within the General Plan were treated similarly.

DRAINAGE FACILITIES COST

The estimated cost of drainage facilities as presented in the drainage reports for the Moody Slough Subbasin (August 2005) and the Putah/Dry Creek Subbasins (August 2005), were used for the cost allocation analysis. Presented in the Appendix is a copy of the storm drainage facilities costs for the respective subbasins.

COST ALLOCATION ANALYSIS

A determination of the cost allocation as discussed in the Approach requires a detailed breakdown of land use within the respective zones.

The City provided Wood Rodgers the most recent representation of land use (in digital format) for representing the City's General Plan. The areas for the respective land uses obtained from the digital files, provided the basis for determining land use areas within the City's respective drainage zones.

Land already developed or within the Rancho Arroyo drainage basin, within the respective zones, was removed from this analysis. These areas are discussed below under the description for each drainage zone.

There were no adjustments made to reflect the footprint (acreage) of drainage facilities presented in the drainage reports. The cost of land to construct the drainage facilities is included in the





opinion of probable cost for each drainage facility. The implementation of a drainage impact fee/credit program assumes the equitable handling of costs for the drainage facilities.

Drainage Zone 1

Drainage Zone 1 (DZ1) is located in the western portion of the Moody Slough subbasin and is described in the Moody Slough Drainage Report (as well as Zones 2-4). A specific issue worth noting in this report is the designation of runoff corridors located in DZ1. There is no cost identified in the Drainage Report for the land associated with runoff corridors (defined in the report) as these are presumed to be dedicated at no cost to the City by development. However, it is clearly identified that land with designated runoff corridors must preserve the corridor and use (or replace it) as "conduits" for collecting and conveying storm drainage through the property. Presented in Table 2 are the drainage impact fees for land within DZ1.

Drainage Zone 2

Drainage Zone 2 (DZ2) is located in the northern central portion of the Moody Slough subbasin adjacent to and east of DZ1. This land contains the three primary detention ponds that are proposed in the Moody Slough Subbasin Drainage Report, as well as the relocated Willow Canal, the Winters North Drain, and the Winters north levee along its northern boundary. The facilities that are needed to serve land within this zone are identified in Table 1. Presented in Table 3 are the drainage allocation costs for land within DZ2.

Drainage Zone 3

Drainage Zone 3 (DZ3) is currently entirely in a floodplain area where much of the Moody Slough runoff spills from Chickahominy Slough and ponds before flowing under and over Interstate 505. Once facilities in and adjacent to DZ2 and the Winters north levee are constructed, DZ3 could become fully isolated with the construction of a floodwall along Interstate 505, which prevents highway overflow from spilling back into the City. Land within DZ3 benefits from the Putah Creek diversion channel, however, it derives no benefit from the detention storage in DZ2, which regulates the peak flow conditions in the Putah Creek diversion channel. From a flood control perspective, DZ3 would be designed to drain runoff originating within the zone as quickly as possible, and earlier than the peak flow from DZ2. Presented in Table 4 are the drainage allocation costs for land within DZ3.





As previously noted, land currently developed within DZ3 will not be allocated any cost for the proposed storm drainage facilities. The amount of this land was estimated as eight acres in the heavy industrial area and five acres in the light industrial area.

Drainage Zone 4

Drainage Zone (DZ4) is located in the west and south portion of the Moody Slough subbasin between the existing City and Drainage Zone 1 and Zone 2. Land in this zone is planned to drain into two detention/water quality basins in DZ2, and would benefit by the Putah Creek diversion channel as well. This land is not protected directly by the Winters North Drain and levee, thus is not allocated any cost for these facilities. Presented in Table 5 are the allocated costs for land within DZ4.

Drainage Zone 5

Drainage Zone 5 (DZ5) is located to the north of State Highway 128 and is bordered by Interstate 505 on the east DZ3 on the north and the Putah Creek diversion channel on the west. The facilities and costs for facilities benefiting this drainage zone are defined in the Putah/Dry Creek Drainage Report. The northern portion of the Putah Creek diversion channel runs through it and would greatly improve drainage in the area. As in DZ3, the runoff from DZ5 under larger storm events should reach the Putah Creek diversion channel earlier in the storm and therefore the land within DZ5 is not benefiting by the detention ponds in DZ2.

There is an existing gasoline station located in an area designated as highway service commercial. A portion of this area (approximately 2.25 acres) was excluded from the allocation of drainage facilities costs.

Presented in Table 6 are the allocated costs for land within DZ5.

Drainage Zone 5A

While flooding land upstream within the Moody Slough subbasin is mitigated by the facilities outlined in the Moody Slough DMP, DZ5A is also receiving overland runoff from existing City land to the west, on the north side of State Highway 128. Therefore, a catchment and diversion facility is proposed along the western and southern boundary of DZ5 to direct overland flow





from urban land upstream to bypass the DZ5A water quality treatment facilities. It is recognized that the overland flow from upstream lands would occur later in the storm than direct runoff within DZ5, and the occurrence of such flow would only be during very large storm events (greater than 10-year recurrence), for which storm water quality treatment operations are not designed to be effective. While this flow could be routed through DZ5A and commingled with direct runoff from DZ5A, the size of the combined facility would likely be greater than a single pipe could convey. Overland flow would have to be routed through the streets or a second (parallel) pipe would have to be constructed, complicating on-site design with no real savings. It could then also be argued that DZ5A has taken on a peak flow timing that is more consistent with DZ2 and should therefore contribute to DZ2's detention. This timing would be primarily due to the upstream overflow runoff and not the direct DZ5A runoff.

Presented in Table 7 are the allocated costs for land within DZ5A.

Drainage Zone 5B

Drainage Zone 5B (DZ5B) is located between DZ4 and DZ5A and is planned to be connected to the existing City storm drain system that conveys runoff up to a 10-year event directly south to Putah Creek. This land is currently undeveloped; however, when it is developed it would be graded to direct runoff greater than the storm drain capacity to the east toward DZ5A. The overland flow would be collected and diverted through the facility outlined in DZ5A; therefore, DZ5B should contribute to its cost as well as the Putah Creek diversion channel. However, DZ5B is not benefiting by the on-site regional drainage facilities serving DZ5A and should not contribute to these facilities. It is feasible for this site to be graded to redirect overland runoff northward; however, it is assumed this would unnecessarily encumber this area with drainage costs providing little additional benefit. Presented in Table 8 are the allocated costs for land within DZ5B.

Drainage Zone 6

Drainage Zone 6 (DZ6) is located south of State Highway 128 and is bordered by Interstate 505 on the east and Putah Creek on the south, and is composed primarily of undeveloped land. DZ6 is similar to DZ5 in that it is proposed to drain directly to the Putah Creek diversion channel and has on-site water quality treatment, collecting upstream overflow as well. The two main differences between DZ6 and DZ5 is the location (lands south of Highway 128) and the





recommended configuration of the diversion flow commingling with the on-site flow before entering the Putah Creek diversion channel. As stated under DZ5, upstream overflow would only occur during larger storm events under which runoff exceeds the design requirement for storm water quality treatment. Presented in Table 9 are allocated costs for land within DZ6.

Drainage Zone 7

Drainage Zone 7 (DZ7) is located within the Rancho Arroyo Drainage Basin that is already assessed drainage impact fees by an ordinance adopted by the City Council. This drainage zone is hydrologically and hydraulically isolated from the rest of the City and has an existing floodplain (pond) identified on the latest Flood Insurance Rate Map (FIRM) published by the Federal Emergency Management Agency (FEMA). To our knowledge, there has been no Letter of Map Revision for any homes constructed recently within the basin.

The City determined this zone to have an adequate fee structure and even though the 2004 Drainage Master Plan identifies facilities to drain this area, the existing fee has been determined sufficient to construct all newly required facilities. Therefore, no further fee assessment is necessary under this effort.

RESULTS

The allocated costs, according to land use within the respective drainage zones, are summarized in Table 10.

Table 11 provides an overview of the existing developed land within drainage zones that are not contributing fees.

Table 12 provides a breakdown of drainage costs by facility and drainage zone to clarify the redistribution of exempt land costs to the remaining plan areas.



TABLE 1

CITY OF WINTERS
 MOODY SLOUGH AND PUTAH CREEK / DRY CREEK SUBBASINS
 STORM DRAINAGE COST ALLOCATION REPORT

DRAINAGE ZONES BENEFITING FROM RESPECTIVE STORM DRAINAGE FACILITIES

Storm Drainage Facility ¹	Drainage Zone							
	1	2	3	4	5	5A	5B	6
Putah Creek Diversion Channel	X	X	X	X	X	X	X	X
Detention/Water Quality Pond #1	X	X		X				
Open Channel Connecting Ponds 1 & 2	X	X		X				
Detention/Water Quality Pond #2	X	X		X				
Detention/Water Quality Pond #3	X	X						
Water Quality Pond #4	X							
Water Quality Pond #5			X					
Winters North Drain		X	X					
Winters North Drain Ultimate Levee		X	X					
I-505 Floodwall			X		X			
Grant Street Interceptor						X	X	
Area 5 On-Site					X			
Area 5A On-Site						X		
Area 6 Facilities								X
Drainage Report	X	X	X	X	X	X	X	X
Future Drainage Report Update	X	X	X	X	X	X	X	X

¹Storm drainage facilities are identified in the "Moody Slough Subbasin Drainage Report," August 2005; and the "Putah Creek/Dry Creek Subbasins Drainage Report," August 2005.

TABLE 2

CITY OF WINTERS
 MOODY SLOUGH AND PUTAH CREEK / DRY CREEK SUBBASINS
 STORM DRAINAGE COST ALLOCATION REPORT

ALLOCATED COSTS - DRAINAGE ZONE 1

Land Use	Area (ac)	Cost, ¹ (\$)	Cost Per Acre (\$/ac)
Rural Residential - 0.5 to 1.0 DU	47	1,869,846	40,031
Low Density Residential - 1.1 to 4.0 DU	12	540,145	43,630
Medium Density Residential - 4.1 to 6.0 DU	0	0	0
Medium/High Density Residential - 6.1 to 10.0 DU	0	0	0
High Density Residential - 10.1 to 20.0 DU	0	0	0
Neighborhood Commercial (Residential Allowance - 6.1 to 10.0 DU)	0	0	0
Highway Service Commercial	0	0	0
Central Business District	0	0	0
Office	0	0	0
Planned Commercial	0	0	0
Light Industrial	0	0	0
Heavy Industrial	0	0	0
Business/Industrial Park	0	0	0
Commercial/Business Park	0	0	0
Public/Quasi-Public	252	0	0
Recreation/Parks	13	0	0
Open Space	0	0	0
Pond	0	0	0
TOTAL	325	2,409,991	-

TABLE 3

CITY OF WINTERS
 MOODY SLOUGH AND PUTAH CREEK / DRY CREEK SUBBASINS
 STORM DRAINAGE COST ALLOCATION REPORT

ALLOCATED COSTS - DRAINAGE ZONE 2

Land Use	Area (ac)	Cost, ¹ (\$)	Cost Per Acre (\$/ac)
Rural Residential - 0.5 to 1.0 DU	0	0	0
Low Density Residential - 1.1 to 4.0 DU	23	1,245,300	54,451
Medium Density Residential - 4.1 to 6.0 DU	47	3,004,684	63,659
Medium/High Density Residential - 6.1 to 10.0 DU	44	2,716,340	61,890
High Density Residential - 10.1 to 20.0 DU	4	227,198	62,936
Neighborhood Commercial (Residential Allowance - 6.1 to 10.0 DU)	6	429,351	68,151
Highway Service Commercial	0	0	0
Central Business District	0	0	0
Office	0	0	0
Planned Commercial	0	0	0
Light Industrial	0	0	0
Heavy Industrial	20	1,223,299	60,410
Business/Industrial Park	0	0	0
Commercial/Business Park	0	0	0
Public/Quasi-Public (Schools)	44	2,918,942	67,102
Public/Quasi-Public	4	0	0
Recreation/Parks	65	0	0
Open Space	117	0	0
Pond	0	0	0
TOTAL	374	11,765,113	-

TABLE 4

CITY OF WINTERS
 MOODY SLOUGH AND PUTAH CREEK / DRY CREEK SUBBASINS
 STORM DRAINAGE COST ALLOCATION REPORT

ALLOCATED COSTS - DRAINAGE ZONE 3

Land Use	Area (ac)	Cost, ¹ (\$)	Cost Per Acre (\$/ac)
Rural Residential - 0.5 to 1.0 DU	0	0	0
Low Density Residential - 1.1 to 4.0 DU	0	0	0
Medium Density Residential - 4.1 to 6.0 DU	0	0	0
Medium/High Density Residential - 6.1 to 10.0 DU	0	0	0
High Density Residential - 10.1 to 20.0 DU	0	0	0
Neighborhood Commercial (Residential Allowance - 6.1 to 10.0 DU)	0	0	0
Highway Service Commercial	0	0	0
Central Business District	0	0	0
Office	0	0	0
Planned Commercial	0	0	0
Light Industrial	39	1,800,578	45,700
Heavy Industrial	8	363,654	43,761
Business/Industrial Park	0	0	0
Commercial/Business Park	0	0	0
Public/Quasi-Public	0	0	0
Recreation/Parks	0	0	0
Open Space	0	0	0
Pond	0	0	0
TOTAL	48	2,164,232	-

TABLE 5

CITY OF WINTERS
 MOODY SLOUGH AND PUTAH CREEK / DRY CREEK SUBBASINS
 STORM DRAINAGE COST ALLOCATION REPORT

ALLOCATED COSTS - DRAINAGE ZONE 4

Land Use	Area (ac)	Cost, ¹ (\$)	Cost Per Acre (\$/ac)
Rural Residential - 0.5 to 1.0 DU	0	0	0
Low Density Residential - 1.1 to 4.0 DU	49	1,381,539	27,916
Medium Density Residential - 4.1 to 6.0 DU	14	451,144	33,027
Medium/High Density Residential - 6.1 to 10.0 DU	2	66,079	32,077
High Density Residential - 10.1 to 20.0 DU	21	684,515	32,304
Neighborhood Commercial (Residential Allowance - 6.1 to 10.0 DU)	4	155,810	35,331
Highway Service Commercial	0	0	0
Central Business District	0	0	0
Office	0	0	0
Planned Commercial	0	0	0
Light Industrial	0	0	0
Heavy Industrial	0	0	0
Business/Industrial Park	0	0	0
Commercial/Business Park	0	0	0
Public/Quasi-Public	33	0	0
Recreation/Parks	16	0	0
Open Space	4	0	0
Pond	0	0	0
TOTAL	143	2,739,087	-

TABLE 6

CITY OF WINTERS
 MOODY SLOUGH AND PUTAH CREEK / DRY CREEK SUBBASINS
 STORM DRAINAGE COST ALLOCATION REPORT

ALLOCATED COSTS - DRAINAGE ZONE 5

Land Use	Area (ac)	Cost, ¹ (\$)	Cost Per Acre (\$/ac)
Rural Residential - 0.5 to 1.0 DU	0	0	0
Low Density Residential - 1.1 to 4.0 DU	0	0	0
Medium Density Residential - 4.1 to 6.0 DU	0	0	0
Medium/High Density Residential - 6.1 to 10.0 DU	0	0	0
High Density Residential - 10.1 to 20.0 DU	0	0	0
Neighborhood Commercial (Residential Allowance - 6.1 to 10.0 DU)	0	0	0
Highway Service Commercial	3	95,514	28,597
Central Business District	0	0	0
Office	0	0	0
Planned Commercial	0	0	0
Light Industrial	10	265,487	27,829
Heavy Industrial	0	0	0
Business/Industrial Park	0	0	0
Commercial/Business Park	0	0	0
Public/Quasi-Public	0	0	0
Recreation/Parks	0	0	0
Open Space	0	0	0
Pond	0	0	0
TOTAL	13	361,001	-

TABLE 7

CITY OF WINTERS
 MOODY SLOUGH AND PUTAH CREEK / DRY CREEK SUBBASINS
 STORM DRAINAGE COST ALLOCATION REPORT

ALLOCATED COSTS - DRAINAGE ZONE 5A

Land Use	Area (ac)	Cost, ¹ (\$)	Cost Per Acre (\$/ac)
Rural Residential - 0.5 to 1.0 DU	0	0	0
Low Density Residential - 1.1 to 4.0 DU	32	1,190,911	37,604
Medium Density Residential - 4.1 to 6.0 DU	0	0	0
Medium/High Density Residential - 6.1 to 10.0 DU	0	0	0
High Density Residential - 10.1 to 20.0 DU	0	0	0
Neighborhood Commercial (Residential Allowance - 6.1 to 10.0 DU)	0	0	0
Highway Service Commercial	0	0	0
Central Business District	0	0	0
Office	0	0	0
Planned Commercial	14	680,729	48,903
Light Industrial	0	0	0
Heavy Industrial	0	0	0
Business/Industrial Park	0	0	0
Commercial/Business Park	0	0	0
Public/Quasi-Public	0	0	0
Recreation/Parks	0	0	0
Open Space	14	0	0
Pond	0	0	0
TOTAL	59	1,871,640	-



**Economic &
Planning Systems**

*Public Finance
Real Estate Economics
Regional Economics
Land Use Policy*

DRAFT REPORT

**FLOOD AREA STORM DRAINAGE DEVELOPMENT
IMPACT FEE NEXUS STUDY**

Prepared for:

City of Winters

Prepared by:

Economic & Planning Systems, Inc.

November 4, 2005

EPS #15493

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Flood Area Storm Drainage Development Impact Fee Nexus Study November 4, 2005

This nexus study was prepared by Economic & Planning Systems, Inc., (EPS) a firm specializing in real estate economics, regional economics, public finance, and land use policy. The report (EPS Project #15493) was commissioned by the City of Winters.

Tim R. Youmans served as principal-in-charge and oversaw all aspects of the assignment. Allison Shaffer served as project manager and conducted the nexus study.

The analyses, opinions, recommendations, and conclusions of this report are EPS's informed judgment based on market and economic conditions as of the date of this report. Changes in the market conditions or the economy could change or invalidate the conclusions contained herein. The contents of this report are based, in part, on data from secondary sources. While it is believed that these sources are accurate, EPS cannot guarantee their accuracy. The findings herein are based on economic considerations and, therefore, should not be construed as a representation or as an opinion that government approvals for development can be secured. Conclusions and recommended actions contained in this report should not be relied on as sole input for final business decisions regarding current and future development and planning, nor utilized for purposes beyond the scope and objectives of the current study.

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I. EXECUTIVE SUMMARY

BACKGROUND

Much of the City of Winters (City) is located in an area referred to in this report as the “flood area” of the City. The flood area consists of the flood overlay area from the City’s General Plan plus some additional areas later determined through the City-wide *Storm Drainage Master Plan Study* to be in the floodplain and to have a need for storm drainage flood facilities. Development may not occur in the flood area until a comprehensive solution to its flooding problem has been identified and development impact fees established to fund the necessary storm drainage facilities. There are eight different storm drainage zones in the flood area, each with different requirements for storm drainage facilities.

The *Moody Slough Sub-basin Drainage Report* and the *Putah Creek/Dry Creek Sub-basins Drainage Report*, prepared by Wood Rodgers, Inc., identify a comprehensive flood solution, including the storm drainage facility requirements and estimated costs of the facilities needed to serve new development in the flood area. In addition, the *Draft Storm Drainage Cost Allocation Report* prepared by Wood Rodgers, Inc. contains a cost allocation of the needed facilities to the different flood area zones based on each zone’s facility requirements through buildout of the City’s General Plan.

PURPOSE

The purpose of this study is to adopt a storm drainage development impact fee (Flood Area Storm Drainage Fee or fee) to be assessed on all new development in the eight zones of the flood area and to establish the nexus between projected new development in this area through buildout of the City’s General Plan and the storm drainage facilities required to serve this development. This nexus will serve as the basis for requiring development impact fees under AB 1600 legislation, as codified by California Government Section 66000 et seq. This code section sets forth the procedural requirements for establishing and collecting development impact fees. These procedures require that “a reasonable relationship, or nexus, must exist between a governmental exaction and the purpose of the condition.” Specifically, each local agency imposing a fee must:

- Identify the purpose of the fee;
- Identify how the fee will be used;
- Determine how a reasonable relationship exists between the fee’s use and the type of development project on which the fee is imposed;

- Determine how a reasonable relationship exists between the need for the public facility and the type of development project on which the fee is imposed; and
- Demonstrate a reasonable relationship between the amount of the fee and the cost of public facility or portion of the public facility attributable to the development on which the fee is imposed.

The development fees to be collected for each land use in a zone are calculated based on the proportionate share of the zone's total facility use that each land use represents.

SUMMARY OF FINDINGS

To solve the flooding problem in the flood area, the City will need to construct additional storm drainage facilities to serve new development through buildout of the General Plan. Using the flood area facilities requirements, facilities costs, and cost allocation to flood area zones presented in the Wood Rodgers, Inc. reports discussed previously, Economic & Planning Systems, Inc., (EPS) calculated the Flood Area Storm Drainage Fees by flood area zone needed to fund the facilities. These fees are shown in **Table 1**.

ORGANIZATION OF REPORT

The report is divided into five chapters, including this Executive Summary, as follows:

- **Chapter II** describes the future development and storm drainage facility needs for the flood area.
- **Chapter III** provides the cost allocation and fee calculation methodology used to establish the Flood Area Storm Drainage Fees.
- **Chapter IV** provides the nexus findings required to establish the fees.
- **Chapter V** describes the implementation of the fee program and reporting requirements.

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**Table 1
City of Winters
Flood Area Storm Drainage Fee Nexus Study
Fee Summary**

Land Use	Flood Area Storm Drainage Fee per Net Acre							
	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 5a	Zone 5b	Zone 6
Rural Residential	\$ 48,855	\$ 65,294	\$ 56,431	\$ 31,812	\$ 33,442	\$ 48,194	\$ 29,210	\$ 41,283
Low-Density Residential	\$ 51,562	\$ 68,912	\$ 59,558	\$ 33,575	\$ 35,295	\$ 50,865	\$ 30,829	\$ 43,571
Medium-Density Residential	\$ 61,972	\$ 82,826	\$ 71,583	\$ 40,354	\$ 42,422	\$ 61,135	\$ 37,053	\$ 52,368
Medium/High-Density Residential	\$ 60,191	\$ 80,445	\$ 69,525	\$ 39,193	\$ 41,202	\$ 59,377	\$ 35,988	\$ 50,862
High-Density Residential	\$ 60,616	\$ 81,013	\$ 70,016	\$ 39,470	\$ 41,493	\$ 59,796	\$ 36,242	\$ 51,221
Neighborhood Commercial	\$ 65,874	\$ 88,041	\$ 76,090	\$ 42,894	\$ 45,093	\$ 64,984	\$ 39,386	\$ 55,665
Highway Service Commercial	\$ 61,972	\$ 82,826	\$ 71,583	\$ 40,354	\$ 42,422	\$ 61,135	\$ 37,053	\$ 52,368
Office	\$ 61,972	\$ 82,826	\$ 71,583	\$ 40,354	\$ 42,422	\$ 61,135	\$ 37,053	\$ 52,368
Planned Commercial	\$ 63,803	\$ 85,273	\$ 73,698	\$ 41,546	\$ 43,675	\$ 62,941	\$ 38,148	\$ 53,915
Light Industrial	\$ 60,387	\$ 80,707	\$ 69,752	\$ 39,321	\$ 41,336	\$ 59,570	\$ 36,105	\$ 51,028
Heavy Industrial	\$ 58,485	\$ 78,164	\$ 67,554	\$ 38,083	\$ 40,034	\$ 57,694	\$ 34,968	\$ 49,420
Business/Industrial Park	\$ 61,972	\$ 82,826	\$ 71,583	\$ 40,354	\$ 42,422	\$ 61,135	\$ 37,053	\$ 52,368
Commercial/Business Park	\$ 61,972	\$ 82,826	\$ 71,583	\$ 40,354	\$ 42,422	\$ 61,135	\$ 37,053	\$ 52,368
Public/Quasi-Public (Schools)	\$ 48,342	\$ 64,609	\$ 55,839	\$ 31,478	\$ 33,091	\$ 47,688	\$ 28,904	\$ 40,850

fee summary

II. FUTURE DEVELOPMENT AND FACILITY NEEDS

This chapter describes the amount of growth projected to occur in the flood area of the City and the storm drainage facilities needed to serve this new development and prevent flooding.

LAND USE

There are eight storm drainage zones in the flood area of the City. Wood Rodgers, Inc. estimated the remaining development by storm drainage zone and land use through buildout (2010) of the City's General Plan, as detailed in the **Storm Drainage Cost Allocation Report**. These development estimates are consistent with the land uses specified in the General Plan. **Map 1** shows the General Plan land uses by storm drainage zone.

For the purposes of establishing the Flood Area Storm Drainage fees, EPS made several adjustments to the Wood Rodgers, Inc. development projections. The adjusted development projections are summarized in **Table 2**. The adjustments are as follows.

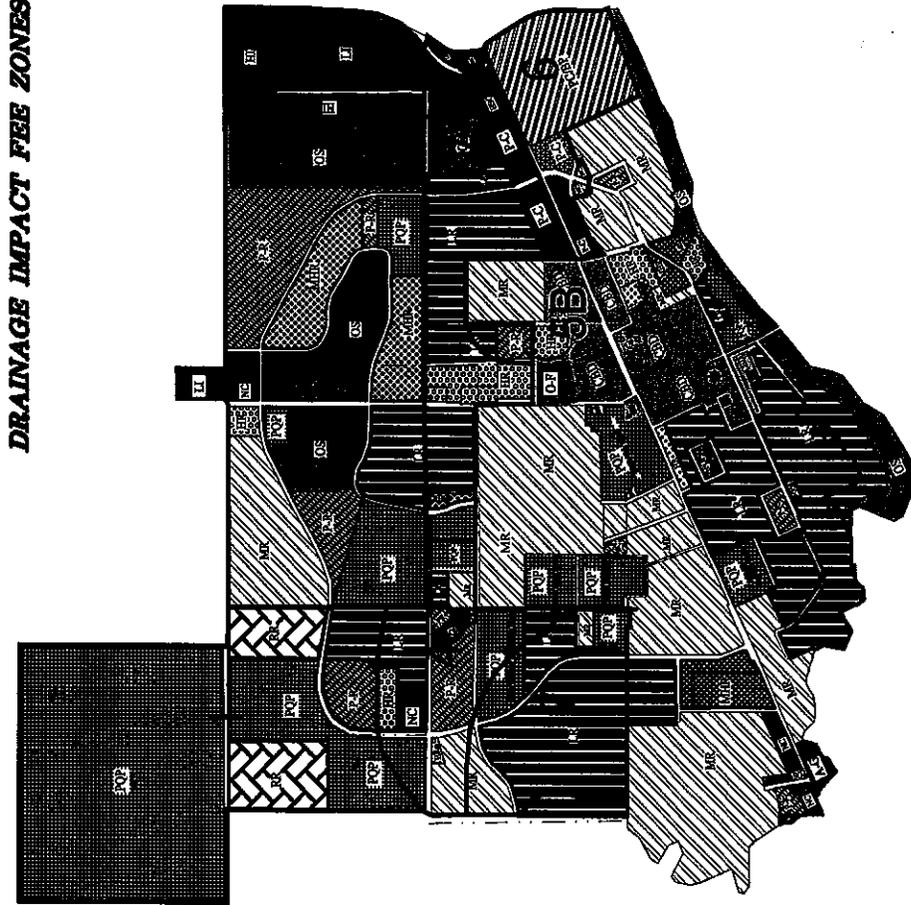
1. Development projections for land uses that are exempted from paying development impact fees are excluded from **Table 2**. These exempt land uses include all Public/Quasi-Public development except schools, Recreation/Parks, and Open Space.
2. The Central Business District land is excluded since this land use is restricted to the downtown area of the City, which is not contained in any of the flood area zones and thus will not pay the Flood Area Storm Drainage fee.
3. EPS assumed that not all of the remaining nonresidential development would occur within the General Plan timeframe. Specifically, EPS assumed that only 75 percent of the Planned Commercial, Light Industrial, Business/Industrial Park, and Commercial/Business Park projected development would occur within the General Plan timeframe.

Overall, EPS projects that 479 acres in the flood area will develop within the General Plan timeframe and will participate in the Flood Area Storm Drainage fee program. These development projections will be re-evaluated and revised as part of any future fee updates.

Map 1

CITY OF WINTERS

DRAINAGE IMPACT FEE ZONES



GENERAL PLAN LAND USE DIAGRAM

- AGRICULTURE (AG)
- RURAL RESIDENTIAL (RR)
- LOW-DENSITY RESIDENTIAL (LR)
- MEDIUM-DENSITY RESIDENTIAL (MR)
- MEDIUM/HIGH DENSITY (MHR)
- HIGH-DENSITY RESIDENTIAL (HR)
- NEIGHBORHOOD COMMERCIAL (NC)
- CENTRAL BUSINESS DISTRICT (CBD)
- HIGHWAY SERVICE COMMERCIAL (HSC)
- OFFICE (OF)
- PLANNED COMMERCIAL (PC)
- PLANNED COMMERCIAL BUSINESS PARK (PC/BP)
- LIGHT INDUSTRIAL (LI)
- HEAVY INDUSTRIAL (HI)
- PUBLIC/QUASI-PUBLIC (PQP)
- PARKS AND RECREATION (PR)
- OPEN SPACE (OS)

URBAN LIMIT LINE
CITY LIMITS



SOURCE: LANDUSE PROVIDED BY PONTICELLO ENTERPRISES

FIGURE 1

DRAFT

Table 2
City of Winters
Flood Area Storm Drainage Fee Nexus Study
Projected Buildout Development

Land Use	Percent to Develop	Projected Non-Exempt Development (Gross Acres)										Total		
		Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 5a	Zone 5b	Zone 6	Zone 6				
Rural Residential	100%	46.71	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	46.71
Low-Density Residential	100%	12.38	22.87	0.00	49.49	0.00	0.00	31.67	0.00	2.35	0.00	0.00	0.00	118.76
Medium-Density Residential	100%	0.00	47.20	0.00	13.66	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	60.86
Medium/High-Density Residential	100%	0.00	43.89	0.00	2.06	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	45.95
High-Density Residential	100%	0.00	3.61	0.00	21.19	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	24.80
Neighborhood Commercial	100%	0.00	6.30	0.00	4.41	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.44	12.15
Highway Service Commercial	100%	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3.34	0.00	0.00	0.00	0.00	3.34
Office	100%	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Planned Commercial [1]	75%	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Light Industrial [1]	75%	0.00	0.00	0.00	0.00	29.55	0.00	0.00	0.00	7.16	0.00	0.00	0.00	18.00
Heavy Industrial	100%	0.00	20.25	8.31	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	36.71
Business/Industrial Park [1]	75%	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	28.56
Commercial/Business Park [1]	75%	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Public/Quasi-Public (Schools)	100%	0.00	43.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	40.04	40.04
Total		59.09	187.62	37.86	90.81	10.50	42.11	2.35	49.04	479.37	479.37	479.37	479.37	479.37

Source: Wood Rodgers, Inc. and EPS
 [1] EPS estimates that only 75% of buildout development actually will occur within the General Plan timeframe (by 2010) for the indicated land uses. Development projections will be reviewed and possibly revised as part of any future fee updates.

FACILITY NEEDS AND ESTIMATED COSTS

Wood Rodgers, Inc. determined the storm drainage facilities needed by new development in the flood area to address flooding problems and estimated the costs of these facilities. They then allocated the cost of each facility to the different storm drainage zones by first determining which zones would use the facility, then allocating the total costs to these zones based on the relative amount of facility usage for each zone as measured by runoff coefficients.

The facility requirements, facility cost estimates, and cost allocation to zones are detailed in the **Storm Drainage Cost Allocation Report** and summarized in **Table 3**. In total, an estimated \$23.5 million of storm drainage facilities are needed to serve new development in the flood area.

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Table 3
City of Winters
Flood Area Storm Drainage Fee Nexus Study
Facility Costs by Zone

Facility	Benefiting Zones	Total Cost	Total Facility Cost By Zone						Zone 5a	Zone 5b	Zone 6
			Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 5a			
Putah Creek Diversion Channel	All	\$ 2,775,410	\$ 272,348	\$ 1,063,701	\$ 267,211	\$ 475,369	\$ 73,029	\$ 235,116	\$ 11,300	\$ 377,334	
Detention/Water Quality Pond #1	1, 2, 4	\$ 4,476,810	\$ 672,439	\$ 2,623,620	\$ 0	\$ 1,180,751	\$ 0	\$ 0	\$ 0	\$ 0	
Open Channel Connecting Ponds 1 & 2	1, 2, 4	\$ 480,260	\$ 72,137	\$ 281,455	\$ 0	\$ 126,668	\$ 0	\$ 0	\$ 0	\$ 0	
Detention/Water Quality Pond #2	1, 2, 4	\$ 3,414,745	\$ 512,912	\$ 2,001,200	\$ 0	\$ 900,633	\$ 0	\$ 0	\$ 0	\$ 0	
Detention/Water Quality Pond #3	1, 2	\$ 2,795,790	\$ 571,672	\$ 2,224,118	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	
Water Quality Pond #4	1	\$ 276,590	\$ 276,590	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	
Water Quality Pond #5	3	\$ 212,475	\$ 0	\$ 0	\$ 212,475	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	
Winters North Drain	2, 3	\$ 4,160,310	\$ 0	\$ 3,327,147	\$ 833,163	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	
Winters North Drain Ultimate Levee	2, 3	\$ 149,190	\$ 0	\$ 119,313	\$ 29,877	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	
I-505 Floodwall	3, 5	\$ 1,007,005	\$ 0	\$ 0	\$ 790,215	\$ 0	\$ 216,790	\$ 0	\$ 0	\$ 0	
Grant Street Interceptor	5A, 5B	\$ 1,048,620	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 1,001,457	\$ 47,163	\$ 0	
Area 5 On-Site	5	\$ 62,630	\$ 0	\$ 0	\$ 0	\$ 0	\$ 62,630	\$ 0	\$ 0	\$ 0	
Area 5A On-Site	5A	\$ 607,535	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 607,535	\$ 0	\$ 0	
Area 6 Facilities	6	\$ 1,711,145	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 1,711,145	
Drainage Report	All	\$ 150,000	\$ 14,719	\$ 57,489	\$ 14,442	\$ 26,692	\$ 3,947	\$ 12,707	\$ 611	\$ 20,393	
Future Drainage Report Update	All	\$ 175,000	\$ 17,173	\$ 67,070	\$ 16,849	\$ 29,974	\$ 4,605	\$ 14,825	\$ 713	\$ 23,792	
Total Cost		\$ 23,503,515	\$ 2,409,991	\$ 11,765,113	\$ 2,164,232	\$ 2,739,087	\$ 361,001	\$ 1,871,640	\$ 59,787	\$ 2,132,665	

fac costs

Source: Wood Rodgers, Inc.

Prepared by EPS

15493 model2.xls 11/3/2005

III. COST ALLOCATION AND FEE CALCULATIONS

This chapter describes the cost allocation methodology and uses the cost allocation to calculate the proposed Flood Area Storm Drainage Fees by storm drainage zone. The following steps describe the methodology used to calculate the fees.

1. For each storm drainage zone in the flood area, project development by land use through buildout of the City's General Plan. The development projections are detailed in the previous chapter.
2. Estimate the costs of the storm drainage facilities needed by new development in the flood area to address flooding problems. Allocate the costs of these facilities to the eight storm drainage zones. The costs by zone are detailed in the previous chapter.
3. For each zone, allocate the facility costs to the land uses and determine a facility cost per net acre for each land use. The methodology to perform this cost allocation is discussed in this chapter.
4. For each zone, calculate the fees by land use based on the cost per net acre from the previous step and an additional cost for the fee program administration to be included in each land use's fee. The methodology of calculating the proposed fees is discussed in this chapter.

COST ALLOCATION

The allocation of costs to the land uses will serve as the basis for establishing the proposed fees. The costs must be allocated equitably so that the cost for each land use represents the relative facility usage attributed to that land use. Runoff coefficients are estimates of the percentage of precipitation that will result in runoff, and thus are a good measure of relative storm drainage facility usage that will be required by each land use. Consequently, runoff coefficients are used to allocate the costs to the land uses. The following steps describe the cost allocation process.

1. Estimate average runoff coefficients for each land use. Wood Rodgers, Inc. estimated runoff coefficients by land use for three different soil types. These runoff coefficients are detailed in the **Storm Drainage Cost Allocation Report**. EPS created average runoff coefficients by land use that are weighted averages of the runoff coefficients by soil type. **Table 4** shows the calculation of the average run-off coefficients. Since there is no new development projected for the Office and Business/Industrial Park land uses, average runoff coefficients for these land uses are set equal to the average runoff coefficient for the Commercial/Business Park land use.

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Table 4
City of Winters
Flood Area Storm Drainage Fee Nexus Study
Average Runoff Coefficients

Non-exempt Land Uses	Soil Type B			Soil Type C			Soil Type D			Total	
	Acres	Percent of Total		Acres	Percent of Total		Acres	Percent of Total		Acres	Average Run-off Coefficient
		Run-off Coefficient	Run-off Coefficient		Run-off Coefficient	Run-off Coefficient		Run-off Coefficient	Run-off Coefficient		
Rural Residential	13.50	29%	0.52	0.00	0%	0.65	33.21	71%	0.72	46.71	0.66
Low-Density Residential	20.08	17%	0.58	52.04	44%	0.69	46.64	39%	0.76	118.76	0.70
Medium-Density Residential	0.00	0%	0.72	0.00	0%	0.81	60.86	100%	0.84	60.86	0.84
Medium/High-Density Residential	2.26	5%	0.72	27.95	61%	0.81	15.74	34%	0.84	45.95	0.82
High-Density Residential	0.00	0%	0.72	15.20	61%	0.81	9.60	39%	0.84	24.80	0.82
Neighborhood Commercial	1.44	12%	0.84	0.00	0%	0.88	10.71	88%	0.90	12.15	0.89
Highway Service Commercial	3.34	100%	0.84	0.00	0%	0.88	0.00	0%	0.90	3.34	0.84
Office [1]	0.00	0%	0.84	0.00	0%	0.88	0.00	0%	0.90	0.00	0.84
Planned Commercial	9.11	38%	0.84	14.89	62%	0.88	0.00	0%	0.90	24.00	0.86
Light Industrial	1.46	3%	0.77	47.48	97%	0.82	0.00	0%	0.86	48.94	0.82
Heavy Industrial	15.58	55%	0.77	12.98	45%	0.82	0.00	0%	0.86	28.56	0.79
Business/Industrial Park [1]	0.00	0%	0.84	0.00	0%	0.88	0.00	0%	0.90	0.00	0.84
Commercial/Business Park	53.38	100%	0.84	0.00	0%	0.88	0.00	0%	0.90	53.38	0.84
Public/Quasi-Public (Schools) [2]	9.50	22%	0.58	3.17	7%	0.64	30.83	71%	0.68	43.50	0.66
TOTAL	129.65			173.71			207.59			510.95	

Source: Wood Rodgers, Inc.

[1] There is no remaining development for these land uses in the flood area zones, so average runoff coefficients were estimated as equal to the average runoff coefficient for the Commercial/Business Park land use.

[2] Only schools are included in the Public/Quasi-Public acres. All other Public/Quasi-Public acres are exempt from the fee program. The runoff coefficients shown are for City of Woodland schools (calculated by Wood Rodgers, Inc.). The runoff coefficients for Winters Public/Quasi-Public land uses are averages for all Public/Quasi-Public land uses, and thus are not accurate to use for schools, which have more impervious area and lower runoff coefficients than other Public/Quasi-Public uses.

2. In each zone, calculate total runoff acres by land use. Runoff acres are calculated as the projected acres of new development multiplied by the run-off coefficient. These runoff acres represent the relative amount of storm drainage facility usage for each land use. **Table 5** details the calculation of the runoff acres.
3. For each zone, allocate the total facility costs to the land uses based on their percentages of total runoff acres. **Table 6** shows this cost allocation.
4. For each zone, estimate the facility cost per net acre by land use. Net acres are estimated as 85 percent of the projected gross acres. For each land use, the cost per net acre is calculated as the total cost allocated to the land use in the previous step divided by the net acres. **Table 6** shows this calculation.

FEE CALCULATION

In each zone, the fees by land use are calculated differently depending on whether or not a particular land use has any projected development. **Table 7** shows the fee calculations.

LAND USES WITH PROJECTED DEVELOPMENT

In each zone, fees for land uses with projected development are calculated using the facility cost allocations described previously. An administrative cost per net acre is added to the facility cost per net acre to calculate a total cost per net acre. The administrative cost is estimated as 3 percent of the facility cost and covers the cost of the fee program administration. The total cost per net acre serves as the proposed fee for the land use.

LAND USES WITHOUT PROJECTED DEVELOPMENT

In each zone, there are land uses for which no future development is projected. Even though there is no projected development, it is possible that development may occur, and therefore fees must be established for these land uses. Fees are estimated based on the land use's runoff coefficient as compared to the runoff coefficient for a land use with projected development. For example, in Zone 1, the fee per acre of rural residential development is established as 95 percent of the fee per acre of low-density residential development because the rural residential runoff coefficient is 95 percent of the low-density residential runoff coefficient. Based on the runoff coefficients, rural residential development generates 95 percent of the runoff that low-density residential development generates, so it is reasonable to charge rural residential development a fee that is 95 percent of the fee for low-density development.

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Table 5
City of Winters
Flood Area Storm Drainage Fee Nexus Study
Runoff Acres by Storm Drainage Zone

Non-Exempt Land Uses	Average Run-off Coefficient	Total		Zone 1		Zone 2		Zone 3		Zone 4	
		Acres	Runoff Acres	Acres	Runoff Acres	Acres	Runoff Acres	Acres	Runoff Acres	Acres	Runoff Acres
Rural Residential	0.66	46.71	30.93	46.71	30.93	0.00	0.00	0.00	0.00	0.00	0.00
Low-Density Residential	0.70	118.76	83.00	12.38	8.65	22.87	15.98	0.00	0.00	49.49	34.59
Medium-Density Residential	0.84	60.86	51.12	0.00	0.00	47.20	39.65	0.00	0.00	13.66	11.47
Medium/High-Density Residential	0.82	45.95	37.49	0.00	0.00	43.89	35.81	0.00	0.00	2.06	1.68
High-Density Residential	0.82	24.80	20.38	0.00	0.00	3.61	2.97	0.00	0.00	21.19	17.41
Neighborhood Commercial	0.89	12.15	10.85	0.00	0.00	6.30	5.63	0.00	0.00	4.41	3.94
Highway Service Commercial	0.84	3.34	2.81	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Office	0.84	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Planned Commercial	0.86	24.00	20.76	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Light Industrial	0.82	48.94	40.06	0.00	0.00	0.00	0.00	29.55	24.19	0.00	0.00
Heavy Industrial	0.79	28.56	22.64	0.00	0.00	20.25	16.05	8.31	6.59	0.00	0.00
Business/Industrial Park	0.84	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Commercial/Business Park	0.84	53.38	44.84	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Public/Quasi-Public (Schools)	0.66	43.50	28.50	0.00	0.00	43.50	28.50	0.00	0.00	0.00	0.00
TOTAL		510.95	393.37	59.09	39.58	187.62	144.59	37.86	30.77	90.81	69.09

[1] Runoff acres = average runoff coefficient (pct of precipitation that becomes run-off) * acres

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Table 5
City of Winters
Flood Area Storm Drainage Fee Nexus Study
Runoff Acres by Storm Drainage Zone

Non-Exempt Land Uses	Average Run-off Coefficient	Zone 5		Zone 5a		Zone 5b		Zone 6	
		Acres	Runoff Acres	Acres	Runoff Acres	Acres	Runoff Acres	Acres	Runoff Acres
Rural Residential	0.66	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Low-Density Residential	0.70	0.00	0.00	31.67	22.13	2.35	1.64	0.00	0.00
Medium-Density Residential	0.84	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Medium/High-Density Residential	0.82	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
High-Density Residential	0.82	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Neighborhood Commercial	0.89	0.00	0.00	0.00	0.00	0.00	0.00	1.44	1.29
Highway Service Commercial	0.84	3.34	2.81	0.00	0.00	0.00	0.00	0.00	0.00
Office	0.84	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Planned Commercial	0.86	0.00	0.00	10.44	9.03	0.00	0.00	7.56	6.54
Light Industrial	0.82	7.16	5.86	0.00	0.00	0.00	0.00	0.00	0.00
Heavy Industrial	0.79	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Business/Industrial Park	0.84	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Commercial/Business Park	0.84	0.00	0.00	0.00	0.00	0.00	0.00	40.04	33.63
Public/Quasi-Public (Schools)	0.66	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL		10.50	8.66	42.11	31.16	2.35	1.64	49.04	41.45

[1] Runoff acres = average runoff coefficient (pct of precipitation that becomes run-off) * acres
alloc units by area

Table 6
City of Winters
Flood Area Storm Drainage Fee Nexus Study
Cost Allocation Detail

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Zone/ Land Use	Runoff Acres	Pct of Total Runoff Acres	Total Cost	Gross Acres	Net Acre Percent	Net Acres	Facility Cost per Net Acre
	<i>a</i>	<i>b</i>	<i>c=zone total cost*b</i>	<i>d</i>	<i>e</i>	<i>f=d*e</i>	<i>g=c/f</i>
Zone 1							
Rural Residential	30.93	78%	\$ 1,883,208	46.71	85%	39.70	\$ 47,432
Low-Density Residential	8.65	22%	\$ 526,783	12.38	85%	10.52	\$ 50,060
Medium-Density Residential	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Medium/High-Density Residential	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
High-Density Residential	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Neighborhood Commercial	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Highway Service Commercial	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Office	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Planned Commercial	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Light Industrial	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Heavy Industrial	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Business/Industrial Park	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Commercial/Business Park	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Public/Quasi-Public (Schools)	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
TOTAL	39.58	100%	\$ 2,409,991	59.09		50.23	
Zone 2							
Rural Residential	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Low-Density Residential	15.98	11%	\$ 1,300,603	22.87	85%	19.44	\$ 66,905
Medium-Density Residential	39.65	27%	\$ 3,226,190	47.20	85%	40.12	\$ 80,414
Medium/High-Density Residential	35.81	25%	\$ 2,913,698	43.89	85%	37.31	\$ 78,102
High-Density Residential	2.97	2%	\$ 241,348	3.61	85%	3.07	\$ 78,653
Neighborhood Commercial	5.63	4%	\$ 457,727	6.30	85%	5.36	\$ 85,477
Highway Service Commercial	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Office	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Planned Commercial	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Light Industrial	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Heavy Industrial	16.05	11%	\$ 1,306,218	20.25	85%	17.21	\$ 75,888
Business/Industrial Park	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Commercial/Business Park	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Public/Quasi-Public (Schools)	28.50	20%	\$ 2,319,329	43.50	85%	36.98	\$ 62,727
TOTAL	144.59	100%	\$ 11,765,113	144.12		122.50	
Zone 3							
Rural Residential	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Low-Density Residential	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Medium-Density Residential	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Medium/High-Density Residential	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
High-Density Residential	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Neighborhood Commercial	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Highway Service Commercial	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Office	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Planned Commercial	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Light Industrial	24.19	79%	\$ 1,700,959	29.55	85%	25.12	\$ 67,720
Heavy Industrial	6.59	21%	\$ 463,272	8.31	85%	7.06	\$ 65,587
Business/Industrial Park	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Commercial/Business Park	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Public/Quasi-Public (Schools)	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
TOTAL	30.77	100%	\$ 2,164,232	37.86		32.18	

Table 6
City of Winters
Flood Area Storm Drainage Fee Nexus Study
Cost Allocation Detail

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Zone/ Land Use	Runoff Acres	Pct of Total Runoff Acres	Total Cost	Gross Acres	Net Acre Percent	Net Acres	Facility Cost per Net Acre
	a	b	c=zone total cost*b	d	e	f=d*e	g=c/f
Zone 4							
Rural Residential	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Low-Density Residential	34.59	50%	\$ 1,371,238	49.49	85%	42.07	\$ 32,597
Medium-Density Residential	11.47	17%	\$ 454,899	13.66	85%	11.61	\$ 39,178
Medium/High-Density Residential	1.68	2%	\$ 66,629	2.06	85%	1.75	\$ 38,052
High-Density Residential	17.41	25%	\$ 690,214	21.19	85%	18.01	\$ 38,321
Neighborhood Commercial	3.94	6%	\$ 156,107	4.41	85%	3.75	\$ 41,645
Highway Service Commercial	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Office	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Planned Commercial	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Light Industrial	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Heavy Industrial	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Business/Industrial Park	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Commercial/Business Park	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Public/Quasi-Public (Schools)	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
TOTAL	69.09	100%	\$ 2,739,087	90.81		77.19	
Zone 5							
Rural Residential	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Low-Density Residential	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Medium-Density Residential	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Medium/High-Density Residential	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
High-Density Residential	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Neighborhood Commercial	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Highway Service Commercial	2.81	32%	\$ 116,927	3.34	85%	2.84	\$ 41,186
Office	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Planned Commercial	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Light Industrial	5.86	68%	\$ 244,074	7.16	85%	6.08	\$ 40,132
Heavy Industrial	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Business/Industrial Park	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Commercial/Business Park	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Public/Quasi-Public (Schools)	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
TOTAL	8.66	100%	\$ 361,001	10.50		8.92	
Zone 5a							
Rural Residential	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Low-Density Residential	22.13	71%	\$ 1,329,373	31.67	85%	26.92	\$ 49,383
Medium-Density Residential	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Medium/High-Density Residential	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
High-Density Residential	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Neighborhood Commercial	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Highway Service Commercial	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Office	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Planned Commercial	9.03	29%	\$ 542,267	10.44	85%	8.87	\$ 61,107
Light Industrial	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Heavy Industrial	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Business/Industrial Park	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Commercial/Business Park	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Public/Quasi-Public (Schools)	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
TOTAL	31.16	100%	\$ 1,871,640	42.11		35.79	

Table 6
City of Winters
Flood Area Storm Drainage Fee Nexus Study
Cost Allocation Detail

DRAFT

Zone/ Land Use	Runoff Acres	Pct of Total Runoff Acres	Total Cost	Gross Acres	Net Acre Percent	Net Acres	Facility Cost per Net Acre
	<i>a</i>	<i>b</i>	<i>c=zone total cost*b</i>	<i>d</i>	<i>e</i>	<i>f=d*e</i>	<i>g=c/f</i>
Zone 5b							
Rural Residential	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Low-Density Residential	1.64	100%	\$ 59,787	2.35	85%	2.00	\$ 29,931
Medium-Density Residential	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Medium/High-Density Residential	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
High-Density Residential	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Neighborhood Commercial	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Highway Service Commercial	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Office	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Planned Commercial	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Light Industrial	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Heavy Industrial	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Business/Industrial Park	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Commercial/Business Park	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Public/Quasi-Public (Schools)	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
TOTAL	1.64	100%	\$ 59,787	2.35		2.00	
Zone 6							
Rural Residential	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Low-Density Residential	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Medium-Density Residential	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Medium/High-Density Residential	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
High-Density Residential	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Neighborhood Commercial	1.29	3%	\$ 66,149	1.44	85%	1.22	\$ 54,043
Highway Service Commercial	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Office	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Planned Commercial	6.54	16%	\$ 336,365	7.56	85%	6.43	\$ 52,344
Light Industrial	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Heavy Industrial	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Business/Industrial Park	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Commercial/Business Park	33.63	81%	\$ 1,730,151	40.04	85%	34.03	\$ 50,842
Public/Quasi-Public (Schools)	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
TOTAL	41.45	100%	\$ 2,132,665	49.04		7.65	

cost alloc

Table 7
City of Winters
Flood Area Storm Drainage Fee Nexus Study
Fee Calculation Detail

DRAFT

Zone/ Land Use	Facility Cost per Net Acre	Admin. Cost per Net Acre	Total Cost per Net Acre	Runoff Coefficient	Relative Runoff Percent	Fee per Net Acre
	<i>a</i>	<i>b=.03*a</i>	<i>a+b</i>		[1]	
Zone 1						
Rural Residential	\$ 47,432	\$ 1,423	\$ 48,855	0.66	0.95	\$ 48,855
Low-Density Residential	\$ 50,060	\$ 1,502	\$ 51,562	0.70	1.00	\$ 61,972
Medium-Density Residential	\$ 0	\$ 0	\$ 0	0.84	1.20	\$ 61,972
Medium/High-Density Residential	\$ 0	\$ 0	\$ 0	0.82	1.17	\$ 60,191
High-Density Residential	\$ 0	\$ 0	\$ 0	0.82	1.18	\$ 60,616
Neighborhood Commercial	\$ 0	\$ 0	\$ 0	0.89	1.28	\$ 65,874
Highway Service Commercial	\$ 0	\$ 0	\$ 0	0.84	1.20	\$ 61,972
Office	\$ 0	\$ 0	\$ 0	0.84	1.20	\$ 61,972
Planned Commercial	\$ 0	\$ 0	\$ 0	0.86	1.24	\$ 63,803
Light Industrial	\$ 0	\$ 0	\$ 0	0.82	1.17	\$ 60,387
Heavy Industrial	\$ 0	\$ 0	\$ 0	0.79	1.13	\$ 58,485
Business/Industrial Park	\$ 0	\$ 0	\$ 0	0.84	1.20	\$ 61,972
Commercial/Business Park	\$ 0	\$ 0	\$ 0	0.84	1.20	\$ 61,972
Public/Quasi-Public (Schools)	\$ 0	\$ 0	\$ 0	0.66	0.94	\$ 48,342
TOTAL						
Zone 2						
Rural Residential	\$ 0	\$ 0	\$ 0	0.66	0.95	\$ 65,294
Low-Density Residential	\$ 66,905	\$ 2,007	\$ 68,912	0.70	1.00	\$ 68,912
Medium-Density Residential	\$ 80,414	\$ 2,412	\$ 82,826	0.84	1.20	\$ 82,826
Medium/High-Density Residential	\$ 78,102	\$ 2,343	\$ 80,445	0.82	1.17	\$ 80,445
High-Density Residential	\$ 78,653	\$ 2,360	\$ 81,013	0.82	1.18	\$ 81,013
Neighborhood Commercial	\$ 85,477	\$ 2,564	\$ 88,041	0.89	1.28	\$ 88,041
Highway Service Commercial	\$ 0	\$ 0	\$ 0	0.84	1.20	\$ 82,826
Office	\$ 0	\$ 0	\$ 0	0.84	1.20	\$ 82,826
Planned Commercial	\$ 0	\$ 0	\$ 0	0.86	1.24	\$ 85,273
Light Industrial	\$ 0	\$ 0	\$ 0	0.82	1.17	\$ 80,707
Heavy Industrial	\$ 75,888	\$ 2,277	\$ 78,164	0.79	1.13	\$ 78,164
Business/Industrial Park	\$ 0	\$ 0	\$ 0	0.84	1.20	\$ 82,826
Commercial/Business Park	\$ 0	\$ 0	\$ 0	0.84	1.20	\$ 82,826
Public/Quasi-Public (Schools)	\$ 62,727	\$ 1,882	\$ 64,609	0.66	0.94	\$ 64,609
TOTAL						
Zone 3						
Rural Residential	\$ 0	\$ 0	\$ 0	0.66	0.81	\$ 56,431
Low-Density Residential	\$ 0	\$ 0	\$ 0	0.70	0.85	\$ 59,558
Medium-Density Residential	\$ 0	\$ 0	\$ 0	0.84	1.03	\$ 71,583
Medium/High-Density Residential	\$ 0	\$ 0	\$ 0	0.82	1.00	\$ 69,525
High-Density Residential	\$ 0	\$ 0	\$ 0	0.82	1.00	\$ 70,016
Neighborhood Commercial	\$ 0	\$ 0	\$ 0	0.89	1.09	\$ 76,090
Highway Service Commercial	\$ 0	\$ 0	\$ 0	0.84	1.03	\$ 71,583
Office	\$ 0	\$ 0	\$ 0	0.84	1.03	\$ 71,583
Planned Commercial	\$ 0	\$ 0	\$ 0	0.86	1.06	\$ 73,698
Light Industrial	\$ 67,720	\$ 2,032	\$ 69,752	0.82	1.00	\$ 69,752
Heavy Industrial	\$ 65,587	\$ 1,968	\$ 67,554	0.79	0.97	\$ 67,554
Business/Industrial Park	\$ 0	\$ 0	\$ 0	0.84	1.03	\$ 71,583
Commercial/Business Park	\$ 0	\$ 0	\$ 0	0.84	1.03	\$ 71,583
Public/Quasi-Public (Schools)	\$ 0	\$ 0	\$ 0	0.66	0.80	\$ 55,839
TOTAL						

Table 7
City of Winters
Flood Area Storm Drainage Fee Nexus Study
Fee Calculation Detail

DRAFT

Zone/ Land Use	Facility Cost per Net Acre	Admin. Cost per Net Acre	Total Cost per Net Acre	Runoff Coefficient	Relative Runoff Percent	Fee per Net Acre
	<i>a</i>	<i>b=.03*a</i>	<i>a+b</i>		<i>[1]</i>	
Zone 4						
Rural Residential	\$ 0	\$ 0	\$ 0	0.66	0.95	\$ 31,812
Low-Density Residential	\$ 32,597	\$ 978	\$ 33,575	0.70	1.00	\$ 33,575
Medium-Density Residential	\$ 39,178	\$ 1,175	\$ 40,354	0.84	1.20	\$ 40,354
Medium/High-Density Residential	\$ 38,052	\$ 1,142	\$ 39,193	0.82	1.17	\$ 39,193
High-Density Residential	\$ 38,321	\$ 1,150	\$ 39,470	0.82	1.18	\$ 39,470
Neighborhood Commercial	\$ 41,645	\$ 1,249	\$ 42,894	0.89	1.28	\$ 42,894
Highway Service Commercial	\$ 0	\$ 0	\$ 0	0.84	1.20	\$ 40,354
Office	\$ 0	\$ 0	\$ 0	0.84	1.20	\$ 40,354
Planned Commercial	\$ 0	\$ 0	\$ 0	0.86	1.24	\$ 41,546
Light Industrial	\$ 0	\$ 0	\$ 0	0.82	1.17	\$ 39,321
Heavy Industrial	\$ 0	\$ 0	\$ 0	0.79	1.13	\$ 38,083
Business/Industrial Park	\$ 0	\$ 0	\$ 0	0.84	1.20	\$ 40,354
Commercial/Business Park	\$ 0	\$ 0	\$ 0	0.84	1.20	\$ 40,354
Public/Quasi-Public (Schools)	\$ 0	\$ 0	\$ 0	0.66	0.94	\$ 31,478
TOTAL						
Zone 5						
Rural Residential	\$ 0	\$ 0	\$ 0	0.66	0.81	\$ 33,442
Low-Density Residential	\$ 0	\$ 0	\$ 0	0.70	0.85	\$ 35,295
Medium-Density Residential	\$ 0	\$ 0	\$ 0	0.84	1.03	\$ 42,422
Medium/High-Density Residential	\$ 0	\$ 0	\$ 0	0.82	1.00	\$ 41,202
High-Density Residential	\$ 0	\$ 0	\$ 0	0.82	1.00	\$ 41,493
Neighborhood Commercial	\$ 0	\$ 0	\$ 0	0.89	1.09	\$ 45,093
Highway Service Commercial	\$ 41,186	\$ 1,236	\$ 42,422	0.84	1.03	\$ 42,422
Office	\$ 0	\$ 0	\$ 0	0.84	1.03	\$ 42,422
Planned Commercial	\$ 0	\$ 0	\$ 0	0.86	1.06	\$ 43,675
Light Industrial	\$ 40,132	\$ 1,204	\$ 41,336	0.82	1.00	\$ 41,336
Heavy Industrial	\$ 0	\$ 0	\$ 0	0.79	0.97	\$ 40,034
Business/Industrial Park	\$ 0	\$ 0	\$ 0	0.84	1.03	\$ 42,422
Commercial/Business Park	\$ 0	\$ 0	\$ 0	0.84	1.03	\$ 42,422
Public/Quasi-Public (Schools)	\$ 0	\$ 0	\$ 0	0.66	0.80	\$ 33,091
TOTAL						
Zone 5a						
Rural Residential	\$ 0	\$ 0	\$ 0	0.66	0.95	\$ 48,194
Low-Density Residential	\$ 49,383	\$ 1,481	\$ 50,865	0.70	1.00	\$ 50,865
Medium-Density Residential	\$ 0	\$ 0	\$ 0	0.84	1.20	\$ 61,135
Medium/High-Density Residential	\$ 0	\$ 0	\$ 0	0.82	1.17	\$ 59,377
High-Density Residential	\$ 0	\$ 0	\$ 0	0.82	1.18	\$ 59,796
Neighborhood Commercial	\$ 0	\$ 0	\$ 0	0.89	1.28	\$ 64,984
Highway Service Commercial	\$ 0	\$ 0	\$ 0	0.84	1.20	\$ 61,135
Office	\$ 0	\$ 0	\$ 0	0.84	1.20	\$ 61,135
Planned Commercial	\$ 61,107	\$ 1,833	\$ 62,941	0.86	1.24	\$ 62,941
Light Industrial	\$ 0	\$ 0	\$ 0	0.82	1.17	\$ 59,570
Heavy Industrial	\$ 0	\$ 0	\$ 0	0.79	1.13	\$ 57,694
Business/Industrial Park	\$ 0	\$ 0	\$ 0	0.84	1.20	\$ 61,135
Commercial/Business Park	\$ 0	\$ 0	\$ 0	0.84	1.20	\$ 61,135
Public/Quasi-Public (Schools)	\$ 0	\$ 0	\$ 0	0.66	0.94	\$ 47,688
TOTAL						

Table 7
City of Winters
Flood Area Storm Drainage Fee Nexus Study
Fee Calculation Detail

DRAFT

Zone/ Land Use	Facility Cost per Net Acre	Admin. Cost per Net Acre	Total Cost per Net Acre	Runoff Coefficient	Relative Runoff Percent	Fee per Net Acre
	<i>a</i>	<i>b=.03*a</i>	<i>a+b</i>		[1]	
Zone 5b						
Rural Residential	\$ 0	\$ 0	\$ 0	0.66	0.95	\$ 29,210
Low-Density Residential	\$ 29,931	\$ 898	\$ 30,829	0.70	1.00	\$ 30,829
Medium-Density Residential	\$ 0	\$ 0	\$ 0	0.84	1.20	\$ 37,053
Medium/High-Density Residential	\$ 0	\$ 0	\$ 0	0.82	1.17	\$ 35,988
High-Density Residential	\$ 0	\$ 0	\$ 0	0.82	1.18	\$ 36,242
Neighborhood Commercial	\$ 0	\$ 0	\$ 0	0.89	1.28	\$ 39,386
Highway Service Commercial	\$ 0	\$ 0	\$ 0	0.84	1.20	\$ 37,053
Office	\$ 0	\$ 0	\$ 0	0.84	1.20	\$ 37,053
Planned Commercial	\$ 0	\$ 0	\$ 0	0.86	1.24	\$ 38,148
Light Industrial	\$ 0	\$ 0	\$ 0	0.82	1.17	\$ 36,105
Heavy Industrial	\$ 0	\$ 0	\$ 0	0.79	1.13	\$ 34,968
Business/Industrial Park	\$ 0	\$ 0	\$ 0	0.84	1.20	\$ 37,053
Commercial/Business Park	\$ 0	\$ 0	\$ 0	0.84	1.20	\$ 37,053
Public/Quasi-Public (Schools)	\$ 0	\$ 0	\$ 0	0.66	0.94	\$ 28,904
TOTAL						
Zone 6						
Rural Residential	\$ 0	\$ 0	\$ 0	0.66	0.74	\$ 41,283
Low-Density Residential	\$ 0	\$ 0	\$ 0	0.70	0.78	\$ 43,571
Medium-Density Residential	\$ 0	\$ 0	\$ 0	0.84	0.94	\$ 52,368
Medium/High-Density Residential	\$ 0	\$ 0	\$ 0	0.82	0.91	\$ 50,862
High-Density Residential	\$ 0	\$ 0	\$ 0	0.82	0.92	\$ 51,221
Neighborhood Commercial	\$ 54,043	\$ 1,621	\$ 55,665	0.89	1.00	\$ 55,665
Highway Service Commercial	\$ 0	\$ 0	\$ 0	0.84	0.94	\$ 52,368
Office	\$ 0	\$ 0	\$ 0	0.84	0.94	\$ 52,368
Planned Commercial	\$ 52,344	\$ 1,570	\$ 53,915	0.86	0.97	\$ 53,915
Light Industrial	\$ 0	\$ 0	\$ 0	0.82	0.92	\$ 51,028
Heavy Industrial	\$ 0	\$ 0	\$ 0	0.79	0.89	\$ 49,420
Business/Industrial Park	\$ 0	\$ 0	\$ 0	0.84	0.94	\$ 52,368
Commercial/Business Park	\$ 50,842	\$ 1,525	\$ 52,368	0.84	0.94	\$ 52,368
Public/Quasi-Public (Schools)	\$ 0	\$ 0	\$ 0	0.66	0.73	\$ 40,850
TOTAL						

fee calc

[1] For land uses that have projected development in a zone: fee per net acre = total cost per net acre.

For land uses that do not have projected development in a zone: fee per net acre = relative runoff pct * fee per net acre for land use shown in bold. The land use shown in bold is used as the basis of the relative runoff percent calculations.

For each land use, relative runoff percent = runoff coefficient/runoff coefficient of bolded land use.

IV. FEE SUMMARY AND AB 1600 NEXUS FINDINGS

This chapter summarizes the Flood Area Storm Drainage Fees and presents the findings necessary to establish the fees in accordance with AB 1600. The findings state: the purpose of the fee, the use of the fee, the relationship between the use of the fee and type of development, the relationship between need for the facility and the type of project, and the relationship between the amount of fee and the cost portion attributed to new development.

FEE SUMMARY

Table 8 summarizes the estimated Flood Area Storm Drainage Fees per net acre by flood area storm drainage zone and land use. As discussed in the previous chapter, each fee shown in **Table 8** includes a 3-percent administration fee. The administration fee covers costs associated with determining, levying, and collecting the fee.

NEXUS FINDINGS

The nexus findings necessary to establish the Flood Area Storm Drainage Fees are detailed below.

PURPOSE OF FEE

The purpose of the fee is to provide for the collection and distribution of storm water in the flood area.

USE OF FEE

The fee will be used for the construction of new storm drainage facilities needed to address flooding problems in the flood area. The facilities needed to serve new development through buildout of the City's General Plan are detailed in the **Storm Drainage Cost Allocation Report** prepared by Wood Rodgers, Inc.

DRAFT

**Table 8
City of Winters
Flood Area Storm Drainage Fee Nexus Study
Fee Summary**

Land Use	Flood Area Storm Drainage Fee per Net Acre							
	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 5a	Zone 5b	Zone 6
Rural Residential	\$ 48,855	\$ 65,294	\$ 56,431	\$ 31,812	\$ 33,442	\$ 48,194	\$ 29,210	\$ 41,283
Low-Density Residential	\$ 51,562	\$ 68,912	\$ 59,558	\$ 33,575	\$ 35,295	\$ 50,865	\$ 30,829	\$ 43,571
Medium-Density Residential	\$ 61,972	\$ 82,826	\$ 71,583	\$ 40,354	\$ 42,422	\$ 61,135	\$ 37,053	\$ 52,368
Medium/High-Density Residential	\$ 60,191	\$ 80,445	\$ 69,525	\$ 39,193	\$ 41,202	\$ 59,377	\$ 35,988	\$ 50,862
High-Density Residential	\$ 60,616	\$ 81,013	\$ 70,016	\$ 39,470	\$ 41,493	\$ 59,796	\$ 36,242	\$ 51,221
Neighborhood Commercial	\$ 65,874	\$ 88,041	\$ 76,090	\$ 42,894	\$ 45,093	\$ 64,984	\$ 39,386	\$ 55,665
Highway Service Commercial	\$ 61,972	\$ 82,826	\$ 71,583	\$ 40,354	\$ 42,422	\$ 61,135	\$ 37,053	\$ 52,368
Office	\$ 61,972	\$ 82,826	\$ 71,583	\$ 40,354	\$ 42,422	\$ 61,135	\$ 37,053	\$ 52,368
Planned Commercial	\$ 63,803	\$ 85,273	\$ 73,698	\$ 41,546	\$ 43,675	\$ 62,941	\$ 38,148	\$ 53,915
Light Industrial	\$ 60,387	\$ 80,707	\$ 69,752	\$ 39,321	\$ 41,336	\$ 59,570	\$ 36,105	\$ 51,028
Heavy Industrial	\$ 58,485	\$ 78,164	\$ 67,554	\$ 38,083	\$ 40,034	\$ 57,694	\$ 34,968	\$ 49,420
Business/Industrial Park	\$ 61,972	\$ 82,826	\$ 71,583	\$ 40,354	\$ 42,422	\$ 61,135	\$ 37,053	\$ 52,368
Commercial/Business Park	\$ 61,972	\$ 82,826	\$ 71,583	\$ 40,354	\$ 42,422	\$ 61,135	\$ 37,053	\$ 52,368
Public/Quasi-Public (Schools)	\$ 48,342	\$ 64,609	\$ 55,839	\$ 31,478	\$ 33,091	\$ 47,688	\$ 28,904	\$ 40,850

fee summary

RELATIONSHIP BETWEEN USE OF FEE AND TYPE OF DEVELOPMENT

The development of new residential, office, commercial, and industrial land uses in the flood area of the City will generate additional runoff and the associated need for additional storm drain facilities to address potential flooding problems. The fees will be used to expand the storm drain system to prevent flooding as new development occurs in the flood area.

RELATIONSHIP BETWEEN NEED FOR FACILITY AND TYPE OF PROJECT

Each new development project (residential, commercial, office, and industrial) in the flood area will generate additional runoff. All new development must have adequate storm drainage facilities to collect the storm water runoff and to prevent flooding.

RELATIONSHIP BETWEEN AMOUNT OF FEE AND COST OF PORTION OF FACILITY ATTRIBUTED TO NEW DEVELOPMENT

For each storm drainage zone in the flood area, Wood Rodgers, Inc., estimated the total cost of the storm drainage facilities needed to solve flooding problems and allow new development. All of these costs were allocated to new development in the flood area. The total cost for each zone was allocated to the various land uses in the zone based on the percentage of total runoff generated by each land use. An additional 3 percent was added to each land use's cost share to account for the fee program administrative costs. For each land use, the total cost was divided by the number of net acres to determine the fee to be assessed on each net acre of development. Thus, the Flood Area Storm Drainage Fees are based directly on the costs allocated to new development in the flood area.

V. IMPLEMENTATION AND UPDATE

INTRODUCTION

The proposed Flood Area Storm Drainage Fees presented in this report are based on the best land use information, facility cost estimates, and administrative cost estimates available at this time. After the fees are established, the City should conduct periodic reviews of the facility costs and other assumptions used in this Nexus Study to make necessary updates to the fees.

The cost estimates presented in this report are in constant 2005 dollars. All developers shall pay the amount of the fees in effect at the time that a final map is issued or at the time that a project is approved if no final map is required for the project. The fees recommended in this Nexus Study will be adjusted annually for inflation as outlined in this chapter.

IMPLEMENTING ORDINANCES/RESOLUTIONS

This Nexus Study and proposed fees need to be approved by the Winters City Council through an ordinance and fee resolution to adopt the fees.

COLLECTIONS

All new development that occurs in the flood area of the City after the adoption of the fees, except as specifically exempted herein, shall pay the fees at the time that a final map is issued or at the time that a project is approved if no final map is required for the project.

EXEMPTIONS

Existing development is exempt from paying the fees. In addition, although fees have been established for new Public/Quasi Public development, all currently anticipated Public/Quasi Public uses except for schools have been exempted from paying the fee. If Yolo County was to develop in the City, however, then this development would be required to pay the Public/Quasi-public fee.

ALLOWANCES FOR VARIATION IN LAND USES

This study uses the amount of remaining undeveloped acreage in each general plan land use designation as the basis for estimating the anticipated demand on storm drainage

facilities. Each general plan land use designation reflects a range of types of uses. Although generally somewhat uniform in the types of uses allowed in each land use category, certain atypical uses are allowed in land use designations that have somewhat different demands on public facilities from the typical uses. For example, multifamily residential units are allowed under the Neighborhood Commercial land use designation, even though the typical neighborhood commercial uses are retail uses, service uses, and offices. Thus, although residential use is included in what is *designated* in the general plan land use regulations as a commercial category, the *actual* type of use (residential) may more accurately reflect the demand on the City's storm drainage facilities. Therefore, where a use is proposed for development and the use is not typical of the use factors on which the fee was calculated for the applicable general plan land use designation, the fee that will be applied to that type of proposed use will be based on the category that most closely reflects the typical demands for that use.

FEE CREDITS AND REIMBURSEMENTS OVERVIEW

As is typical with development impact fee programs, many of the public infrastructure facilities are needed up-front, in advance of when adequate revenue from the fee collection would be available to fund such improvements. Consequently, some type of private funding is necessary to pay for the public improvements when they are needed. This private financing may be in the form of land secured bonds, developer equity, or other form of private financing.

When private financing occurs, development impact fee programs need a mechanism to address situations where developers privately fund public facilities that would normally be funded by the fee program. To address this issue, fee credits and reimbursements will be allowed to provide the necessary link between collection of the Flood Area Storm Drainage Fees and the private construction and dedication of eligible facility improvements.

Developers/landowners who fund construction of storm drainage facilities included in this Nexus Study will be eligible for fee credits/reimbursements. Fee credits/reimbursements will be available for the facility construction cost up to a maximum of 1) the cost shown in this Nexus Study; or 2) actual costs if actual costs are less than the costs in this Nexus Study. Fee credits/reimbursements will be adjusted annually by the inflation factor used to adjust the fee. Once fee credits have been determined, they will be used at the time the respective fees would be due. The specific details of the fee credit/reimbursement policy are outlined in the following section.

FEE CREDITS AND REIMBURSEMENTS POLICY

Fee credits/reimbursements for constructing storm drainage facilities that are part of the Flood Area Storm Drainage Fee program will be provided under the following conditions:

1. Developer-installed/acquired improvements shall be considered for reimbursement from the Flood Area Storm Drainage Fee program.
2. The value of any developer-installed/acquired improvements for reimbursement/fee credit purposes shall not exceed the total cost estimated (as adjusted for inflation) used to establish the amount of the fees in this Nexus Study, or actual costs, if actual costs are less than the Nexus Study costs.
3. The use of accumulated fee revenues shall be used in the following priority order: 1) City-determined critical projects and 2) repayment of accrued reimbursement to private developers. A project is deemed to be a "critical project" when failure to complete the project prohibits further development from occurring.

Once all criteria are met, fee credits may be taken against fees due. To obtain fee credits, the improvement projects must meet all City standards and criteria, and developers must apply to the City before payment of fees associated with a final subdivision map or the project approval if a final map is not required for a particular project. The City maintains the flexibility to allocate fee credits in a manner it chooses. Fee credits granted shall be on a per-net acre basis for all development projects.

Reimbursements will be due to developers who advance-fund facilities in excess of their fair share of the facility costs. In this instance, developers would first obtain fee credits, up to their fair share requirement for a facility, and then await reimbursement from fee revenue collections from other fee payers.

Reimbursement priority will be determined on a first-in and first-out basis. The City anticipates prioritizing the City accepted flood area storm drainage projects on a month-by-month basis. For example, if one storm drainage improvement project receives the City approval on the second of the month while another receives the City approval on the twentieth of the same month, each of the projects have equal weighting in terms of priority for reimbursement.

When funds are available, reimbursements will be paid to the first developer or group of developers awaiting reimbursement until that developer is paid in full. Then reimbursements will accrue to the next developer or group of developers awaiting reimbursement until paid in full.

To obtain reimbursements, developers must enter into a reimbursement agreement with the City. When funds are available, reimbursements will be paid quarterly, semi-annually, or as otherwise determined by the City. As noted, reimbursements will be paid only after the City's acceptance of the flood area storm drainage improvements. It is important to note that reimbursements are an obligation of the fee program and not an obligation of the City, City General Fund or other operating funds.

Developers will be eligible for fee credits/reimbursements up to 100 percent of the fee, excluding the administrative fee portion. Eligible public facility costs, which are used to determine fee credits/reimbursements, will be based on the cost schedule in this Nexus Study or actual construction costs if the fees are updated to include actual costs. The cost schedule in the Nexus Study will be automatically adjusted annually by the inflation factor described below.

ANNUAL INFLATION ADJUSTMENT AND PERIODIC FEE REVIEW

INFLATION ADJUSTMENT

The proposed fees will be adjusted annually by the City to account for the inflation of construction and acquisition costs. For ease of administration, the ordinance and resolution adopted to exact the fee should reference the automatic annual inflation adjustment.

The annual inflation adjustment should be made in January of each calendar year. The fees will be adjusted by the average of the change in the San Francisco CCI and the change in the 20-City CCI as reported in the Engineering News Record for the 12-month period ending October of the previous year. For example, the adjustment for January 2006 will be determined by calculating the change from October 2004 to October 2005 in the San Francisco CCI and the change for October 2004 to October 2005 in the 20-City CCI. These two rates of change will be averaged and the resulting value will be the adjustment factor for 2006.

PERIODIC FEE REVIEW

In addition to being adjusted annually for inflation, the proposed fees are subject to a periodic update based on changes in developable land, cost estimates, or outside funding sources. The City periodically will review the costs and the fee rates to determine if any updates to the fees are warranted. During the periodic reviews, the City will analyze these items:

- Changes to the required facilities listed in the Nexus Study;
- Changes in the cost to update or administer the fee;
- Changes in costs greater than inflation;
- Changes in assumed land uses; and
- Changes in other funding sources.

Any changes to the fee based on the periodic update will be presented to the City for approval before increasing or decreasing the fee.

FEE ADMINISTRATION

The proposed fees will be collected by the City at the time of building permit issuance. Per Government Code Section 66006, the City is required to deposit, invest, account for, and expend the fee revenue in a prescribed manner.

FIVE-YEAR REVIEW

The fifth fiscal year following the first deposit into the fee account or fund, and every 5 years thereafter, the City is required to make all of the following findings with respect to that portion of the accounts or funds remaining unexpended:

- Identify the purpose for the fee;
- Demonstrate a reasonable relationship between the fee and the purpose for which it is charged;
- Identify all sources and amounts of funding anticipated to complete financing in incomplete plan area improvements; and
- Designate the approximate dates that the funding referred to in the above paragraph is expected to be deposited in the appropriate account or fund.

The City must refund the unexpended or uncommitted revenue portion for which a need could not be demonstrated in the above findings, unless the administrative costs exceed the amount of the refund.



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE: January 7, 2014
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Shelly A. Gunby, Director of Financial Management
SUBJECT: Public Hearing regarding Adoption of Proposed Drainage Impact Fee and Introduction of Ordinance 2014-01 Adding Chapter 15.90 of Title 15 of the Winters Municipal Code to Establish a Drainage Impact Fee

RECOMMENDATION:

Staff recommends the City Council

1. Hold A Public Hearing and introduce Ordinance 2014-01 Adding Chapter 15.90 of Title 15 of the Winters Municipal Code to Establish a Drainage Impact Fee.

BACKGROUND:

Ordinance 2014-01 would establish a flood overlay zone fee which would allow the City to establish a finalized citywide flood area fee schedule by Resolution after adoption of Ordinance 2014-01.

Development is taking place in areas identified by the Wood Rogers August 2005 Moody Slough and Dry Creek Subbasins Storm Drainage Cost Allocation Report. Fees were temporarily set in 2010, but those fees have expired. It is pertinent to establish the Drainage Impact Fee so that the City of Winters has the authority to set the actual fees by Resolution after adoption of Ordinance 2014-01.

FISCAL IMPACT:

Ability to collect impact fees after adoption of Ordinance.

ATTACHMENTS:

Wood Rogers August 2005

EPS Flood Area Storm Drainage Development Impact Fee Nexus Study

TABLE 8

CITY OF WINTERS
 MOODY SLOUGH AND PUTAH CREEK / DRY CREEK SUBBASINS
 STORM DRAINAGE COST ALLOCATION REPORT

ALLOCATED COSTS - DRAINAGE ZONE 5B

Land Use	Area (ac)	Cost, ¹ (\$)	Cost Per Acre (\$/ac)
Rural Residential - 0.5 to 1.0 DU	0	0	0
Low Density Residential - 1.1 to 4.0 DU	2.4	59,787	25,441
Medium Density Residential - 4.1 to 6.0 DU	0	0	0
Medium/High Density Residential - 6.1 to 10.0 DU	0	0	0
High Density Residential - 10.1 to 20.0 DU	0	0	0
Neighborhood Commercial (Residential Allowance - 6.1 to 10.0 DU)	0	0	0
Highway Service Commercial	0	0	0
Central Business District	0	0	0
Office	0	0	0
Planned Commercial	0	0	0
Light Industrial	0	0	0
Heavy Industrial	0	0	0
Business/Industrial Park	0	0	0
Commercial/Business Park	0	0	0
Public/Quasi-Public	0	0	0
Recreation/Parks	5	0	0
Open Space	0	0	0
Pond	0	0	0
TOTAL	7	59,787	-

TABLE 9

CITY OF WINTERS
 MOODY SLOUGH AND PUTAH CREEK / DRY CREEK SUBBASINS
 STORM DRAINAGE COST ALLOCATION REPORT

ALLOCATED COSTS - DRAINAGE ZONE 6

Land Use	Area (ac)	Cost, ¹ (\$)	Cost Per Acre (\$/ac)
Rural Residential - 0.5 to 1.0 DU	0	0	0
Low Density Residential - 1.1 to 4.0 DU	0	0	0
Medium Density Residential - 4.1 to 6.0 DU	0	0	0
Medium/High Density Residential - 6.1 to 10.0 DU	0	0	0
High Density Residential - 10.1 to 20.0 DU	0	0	0
Neighborhood Commercial (Residential Allowance - 6.1 to 10.0 DU)	1	47,728	33,144
Highway Service Commercial	0	0	0
Central Business District	0	0	0
Office	0	0	0
Planned Commercial	10	337,400	33,472
Light Industrial	0	0	0
Heavy Industrial	0	0	0
Business/Industrial Park	0	0	0
Commercial/Business Park	53	1,747,538	32,738
Public/Quasi-Public	0	0	0
Recreation/Parks	0	0	0
Open Space	0	0	0
Pond	0	0	0
TOTAL	65	2,132,665	-

TABLE 10

CITY OF WINTERS
MOODY SLOUGH AND PUTAH CREEK / DRY CREEK SUBBASINS
STORM DRAINAGE COST ALLOCATION REPORT

SUMMARY OF ALLOCATED COSTS

Land Use	Allocated Costs, \$/ac							
	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 5A	Zone 5B	Zone 6
Rural Residential - 0.5 to 1.0 DU	40,031	0	0	0	0	0	0	0
Low Density Residential - 1.1 to 4.0 DU	43,630	54,451	0	27,916	0	37,604	25,441	0
Medium Density Residential - 4.1 to 6.0 DU	0	63,659	0	33,027	0	0	0	0
Medium/High Density Residential - 6.1 to 10.0 DU	0	61,890	0	32,077	0	0	0	0
High Density Residential - 10.1 to 20.0 DU	0	62,936	0	32,304	0	0	0	0
Neighborhood Commercial (Residential Allowance, 6.1 - 10.0 DU)	0	68,151	0	35,331	0	0	0	33,144
Highway Service Commercial	0	0	0	0	28,597	0	0	0
Central Business District	0	0	0	0	0	0	0	0
Office	0	0	0	0	0	0	0	0
Planned Commercial	0	0	0	0	0	48,903	0	33,472
Light Industrial	0	0	45,700	0	27,829	0	0	0
Heavy Industrial	0	60,410	43,761	0	0	0	0	0
Business/Industrial Park	0	0	0	0	0	0	0	0
Commercial/Business Park	0	0	0	0	0	0	0	32,738
Public/Quasi-Public	0	67,102	0	0	0	0	0	0
Recreation/Parks	0	0	0	0	0	0	0	0
Open Space	0	0	0	0	0	0	0	0
Pond	0	0	0	0	0	0	0	0

TABLE 11

CITY OF WINTERS
 MOODY SLOUGH AND PUTAH CREEK / DRY CREEK SUBBASINS
 STORM DRAINAGE COST ALLOCATION REPORT

EXISTING DEVELOPED LANDS WITHIN DRAINAGE ZONES

Lands Within DMP Drainage Zones Contributing Runoff and Not Allocated Costs								
Acres	Drainage Zone							
	1	2	3	4	5	5A	5B	6
	0	0	8	0	2.25	0	0	0

TABLE 12

CITY OF WINTERS
MOODY SLOUGH AND PUTAH CREEK / DRY CREEK SUBBASINS
STORM DRAINAGE COST ALLOCATION REPORT

STORM DRAINAGE FACILITIES COSTS ACCORDING TO DRAINAGE ZONE

Storm Drainage Facility ¹	Drainage Zone								Total, \$
	1	2	3	4	5	5A	5B	6	
Putah Creek Diversion Channel	272,348	1,063,701	267,211	475,369	73,029	235,116	11,300	377,334	2,775,410
Detention/Water Quality Pond #1	672,439	2,623,620		1,180,751					4,476,810
Open Channel Connecting Ponds 1 & 2	72,137	281,455		126,668					480,260
Detention/Water Quality Pond #2	512,912	2,001,200		900,633					3,414,745
Detention/Water Quality Pond #3	571,672	2,224,118							2,795,790
Water Quality Pond #4	276,590								276,590
Water Quality Pond #5			212,475						212,475
Winters North Drain		3,327,147	833,163						4,160,310
Winters North Drain Ultimate Levee		119,313	29,877						149,190
I-505 Floodwall			790,215		216,790				1,007,005
Grant Street Interceptor						1,001,457	47,163		1,048,620
Area 5 On-Site					62,630				62,630
Area 5A On-Site						607,535			607,535
Area 6 Facilities								1,711,145	1,711,145
Drainage Report	14,719	57,489	14,442	25,892	3,947	12,707	611	20,393	150,000
Future Drainage Report Update	17,173	67,070	16,849	29,974	4,605	14,825	713	23,792	175,000
TOTAL	2,409,991	10,763,113	2,164,262	2,779,087	250,610	2,137,640	59,737	2,192,665	27,303,515

¹Storm drainage facilities are identified in the "Moody Slough Subbasin Drainage Report," August 2005; and the "Putah Creek / Dry Creek Subbasins Drainage Report," August 2005.

**CITY OF WINTERS
DRAINAGE REPORT - MOODY SLOUGH SUBBASIN**

**OPINION OF PROBABLE COSTS¹
ULTIMATE CONDITIONS**

Sheet 1 of 5

Description	Quantity	Unit	Unit Cost, \$	Total Cost, \$
1. Putah Creek Diversion¹				
a. Land Acquisition				
• Fee	10	ac	10,075.00	101,800
• Acquisition Allowance	1	ls	25%	25,450
b. Channel Construction				
• Excavate and Load Into Trucks	100,273	cy	1.78	178,600
• Haul and Dump Excess Material	100,273	cy	1.15	115,600
• Spread, Compact, and Shape Excess Material	100,273	cy	1.47	147,100
• Construct Patrol/Access Roadways	1,770	tn	15.19	26,900
• Construct Fencing on Both Sides of Channel	6,100	lf	16.30	99,400
c. Highway 128 Road Crossing (Five 5'x8' Box Culverts)				
• Excavate and Load Into Trucks	5,355	cy	1.78	9,500
• Haul and Dump Excess Material	1,190	cy	1.15	1,400
• Spread, Compact, and Shape Excess Material	1,190	cy	1.47	1,700
• Reinforced Concrete Structure	557	cy	592.01	329,700
• Structural Backfill	4,162	cy	10.48	43,600
• Pavement Replacement	833	sy	45.06	37,500
• Traffic Control	1	ls	52,390.00	52,400
d. Upstream End - Public Road Crossing (Five 5'x8' Box Culverts)				
• Excavate and Load Into Trucks	5,355	cy	1.78	9,500
• Haul and Dump Excess Material	1,190	cy	1.15	1,400
• Spread, Compact, and Shape Excess Material	1,190	cy	1.47	1,700
• Reinforced Concrete Structure	557	cy	592.01	329,700
• Structural Backfill	4,162	cy	10.48	43,600
• Pavement Replacement	833	sy	45.06	37,500
• Traffic Control	1	ls	52,390.00	52,400
e. Outfall Structure				
• Excavate and Stockpile/Load Into Trucks	780	cy	1.78	1,400
• Haul and Dump Excess Material	420	cy	1.15	500
• Spread, Compact, and Shape Excess Material	420	cy	1.47	600
• Reinforced Concrete Structure	219	cy	592.01	129,600
• Structural Backfill	360	cy	10.48	3,800
Subtotal: Putah Creek Diversion Improvements				1,782,350
2. Detention/Water Quality Pond #1				
a. Land Acquisition				
• Fee	29	ac	10,075.00	292,200
• Acquisition Allowance	1	ls	25%	73,050
b. Pond Construction				
• Excavate and Load Into Trucks	383,909	cy	1.78	683,800
• Haul and Dump Excess Material	383,909	cy	1.15	442,500
• Spread, Compact, and Shape Excess Material	383,909	cy	1.47	563,200
• Construct Perimeter Road	3,465	tn	15.19	52,600
c. Inlet Structure (Five 10'x5' Box Culverts)				
• Excavate and Load Into Trucks	2,585	cy	1.78	4,600
• Haul and Dump Excess Material	1,670	cy	1.15	1,900
• Spread, Compact, and Shape Excess Material	1,670	cy	1.47	2,400
• Reinforced Concrete Structure	605	cy	592.01	358,200
• Structural Backfill	915	cy	10.48	9,600
d. Outlet Control Structure				
• Obermeyer Control Gate	1	ls	249,500.00	249,500
• Obermeyer Control Gate Installation Cost	1	ls	15%	37,425
• Excavate and Load Into Trucks	1,186	cy	1.78	2,100
• Haul and Dump Excess Material	782	cy	1.15	900
• Spread, Compact, and Shape Excess Material	782	cy	1.47	1,100
• Reinforced Concrete Structure	263	cy	592.01	155,700
• Structural Backfill	404	cy	10.48	4,200
Subtotal: Detention/Water Quality Pond #1				2,934,975

**CITY OF WINTERS
DRAINAGE REPORT - MOODY SLOUGH SUBBASIN**

**OPINION OF PROBABLE COSTS¹
ULTIMATE CONDITIONS**

Sheet 2 of 5

Description	Quantity	Unit	Unit Cost, \$	Total Cost, \$
3. Detention/Water Quality Pond #2				
a. Land Acquisition				
• Fee	23	ac	10,075.00	231,700
• Acquisition Allowance	1	ls	25%	57,925
b. Pond Construction				
• Excavate and Load Into Trucks	388,503	cy	1.78	692,000
• Haul and Dump Excess Material	388,503	cy	1.15	447,800
• Spread, Compact, and Shape Excess Material	388,503	cy	1.47	569,900
• Construct Perimeter Road	2,228	tn	15.19	33,900
c. Outlet Control Weir Structure				
• Excavate and Load Into Trucks	200	cy	1.78	400
• Haul and Dump Excess Material	100	cy	1.15	100
• Spread, Compact, and Shape Excess Material	100	cy	1.47	100
• Reinforced Concrete Structure	50	cy	592.01	29,600
• Structural Backfill	100	cy	10.48	1,000
d. Road Crossing (Five 6'x10' Box Culverts)				
• Excavate and Load into Trucks	1,450	cy	1.78	2,600
• Haul and Dump Excess Material	800	cy	1.15	900
• Spread, Compact, and Shape Excess Material	800	cy	1.47	1,200
• Reinforced Concrete Structure	244	cy	592.01	144,400
• Structural Backfill	650	cy	10.48	6,800
• Pavement Replacement	500	sy	45.06	22,500
Subtotal: Detention/Water Quality Pond #2				2,242,825
4. Detention/Water Quality Pond #3				
a. Land Acquisition				
• Fee	14	ac	10,075.00	141,100
• Acquisition Allowance	1	ls	25%	35,275
b. Pond Construction				
• Excavate and Load Into Trucks	234,238	cy	1.78	417,200
• Haul and Dump Excess Material	234,238	cy	1.15	270,000
• Spread, Compact, and Shape Excess Material	234,238	cy	1.47	343,600
• Construct Perimeter Road	1,604	tn	15.19	24,400
c. Road Crossing (Two 8'x10' Box Culverts)				
• Excavate and Load into Trucks	2,070	cy	1.78	3,700
• Haul and Dump Excess Material	350	cy	1.15	400
• Spread, Compact, and Shape Excess Material	350	cy	1.47	500
• Reinforced Concrete Structure	225	cy	592.01	133,200
• Structural Backfill	1,725	cy	10.48	18,100
• Pavement Replacement	500	sy	45.06	22,500
d. Inlet Culverts (Under Proposed Roadway)				
• 24" Diameter (60' Length)	30	ea	4,337.89	130,100
Open Channel Between Wetlands and Pond #3				
a. Land Acquisition				
• Fee	5	ac	10,075.00	51,500
• Acquisition Allowance	1	ls	25%	12,875
b. Channel Construction				
• Excavate and Load Into Trucks	47,435	cy	1.78	84,500
• Haul and Dump Excess Material	47,435	cy	1.15	54,700
• Spread, Compact, and Shape Excess Material	47,435	cy	1.47	69,600
• Construct Patrol/Access Roadways	1,608	tn	15.19	24,400
Subtotal: Detention/Water Quality Pond #3				1,837,650
5. Water Quality Pond #4				
a. Land Acquisition				
• Fee	3	ac	10,075.00	26,200
• Acquisition Allowance	1	ls	25%	6,550

**CITY OF WINTERS
DRAINAGE REPORT - MOODY SLOUGH SUBBASIN**

**OPINION OF PROBABLE COSTS¹
ULTIMATE CONDITIONS**

Sheet 3 of 5

Description	Quantity	Unit	Unit Cost, \$	Total Cost, \$
b. Pond Construction				
• Excavate and Load Into Trucks	11,290	cy	1.78	20,100
• Haul and Dump Excess Material	11,290	cy	1.15	13,000
• Spread, Compact, and Shape Excess Material	11,290	cy	1.47	16,600
• Construct Perimeter Road	455	tn	15.19	6,900
c. Road Crossing (Two 5'x10' Box Culverts)				
• Excavate and Load into Trucks	560	cy	1.78	1,000
• Haul and Dump Excess Material	235	cy	1.15	300
• Spread, Compact, and Shape Excess Material	350	cy	1.47	500
• Reinforced Concrete Structure	115	cy	592.01	68,100
• Structural Backfill	325	cy	10.48	3,400
• Pavement Replacement	500	sy	45.06	22,500
Subtotal Water Quality Pond #4				185,150
6. Water Quality Pond #5				
a. Land Acquisition				
• Fee	2	ac	10,075.00	15,100
• Acquisition Allowance	1	ls	25%	3,775
b. Pond Construction				
• Excavate and Load Into Trucks	8,390	cy	1.78	14,900
• Haul and Dump Excess Material	8,390	cy	1.15	9,700
• Spread, Compact, and Shape Excess Material	8,390	cy	1.47	12,300
• Construct Perimeter Road	156	tn	15.19	2,400
c. 54" Diameter Siphon Pipeline				
• Excavate and Load Into Trucks	500	cy	1.78	900
• 54" Diameter Pipe	200	lf	314.34	62,900
• Spread, Compact, and Shape Excess Material	100	cy	1.47	100
• Reinforced Concrete Inlet and Outlet	30	cy	592.01	17,800
Subtotal Water Quality Pond #5				139,875
7. Open Channel Connecting Ponds 1 and 2				
a. Land Acquisition				
• Fee	2	ac	10,075.00	24,400
• Acquisition Allowance	1	ls	25%	6,100
b. Channel Construction				
• Excavate and Load Into Trucks	20,500	cy	1.78	36,500
• Haul and Dump Excess Material	20,500	cy	1.15	23,600
• Spread, Compact, and Shape Excess Material	20,500	cy	1.47	30,100
• Construct Patrol/Access Roadways	828	tn	15.19	12,600
d. Road Crossing (Five 6'x10' Box Culverts)				
• Excavate and Load Into Trucks	1,450	cy	1.78	2,600
• Haul and Dump Excess Material	800	cy	1.15	900
• Spread, Compact, and Shape Excess Material	800	cy	1.47	1,200
• Reinforced Concrete Structure	244	cy	592.01	144,400
• Structural Backfill	640	cy	10.48	6,700
• Pavement Replacement	500	sy	45.06	22,500
Subtotal Open Channel Connecting Ponds 1 and 2				311,600
8. Winters North Drain/Relocated Willow Canal				
a. Land Acquisition				
• Fee	27	ac	10,075.00	267,000
• Acquisition Allowance	1	ls	25%	66,750
b. Channel Construction				
• Excavate and Load Into Trucks	92,614	cy	1.78	165,000
• Haul and Dump Excess Material	92,614	cy	1.15	106,700
• Spread, Compact, and Shape Excess Material	45,935	cy	1.47	67,400
• Construct Patrol/Access Roadways	3,360	tn	15.19	51,000
• Fencing (Willow Canal Only)	3,500	lf	13.62	47,700
• Concrete Lining (Willow Canal Only)	2,550	lf	36.67	93,500
• Willow Canal Extension (54" Pipeline Under Proposed Roadway)	800	lf	314.34	251,500

**CITY OF WINTERS
DRAINAGE REPORT - MOODY SLOUGH SUBBASIN**

**OPINION OF PROBABLE COSTS¹
ULTIMATE CONDITIONS**

Sheet 4 of 5

Description	Quantity	Unit	Unit Cost, \$	Total Cost, \$
c. Pipeline Construction				
• Excavate and Load Into Trucks	4,282	cy	1.78	7,600
• Haul and Dump Excess Material	4,282	cy	1.15	4,900
• Spread, Compact, and Shape Excess Material	2,265	cy	1.47	3,300
• Willow Canal 54" Pipeline	2,580	lf	314.34	811,000
• Manholes - 72" Diameter	3	ea	2,923.36	8,800
d. County Road 89 Crossing (Four 8'x6' Box Culverts)				
• Excavate and Load Into Trucks	1,090	cy	1.78	1,900
• Haul and Dump Excess Material	450	cy	1.15	500
• Spread, Compact, and Shape Excess Material	450	cy	1.47	700
• Reinforced Concrete Structure	244	cy	592.01	144,400
• Structural Backfill	640	cy	10.48	6,700
• Pavement Replacement	267	sy	45.06	12,000
• Traffic Control	1	ls	20,956.00	21,000
e. Levee Improvements				
(1) Clear and Grub for Base				
• Stripping and Vegetation (6")	21,860	cy	0.84	18,300
• Subexcavation and Recompanction (Inspection Trench)	21,500	cy	2.83	60,800
(2) Fill for New Embankment				
• Haul and Dump On-Site Dry Material	0	cy	1.15	0
• Compact and Shape On-Site Fill Material	46,679	cy	6.00	280,300
f. Siphon/Spill Structure (WC Under Winters North Drain Near CR 89)				
• Excavate and Load Into Trucks	500	cy	1.78	900
• 54" Diameter Pipe	156	lf	314.34	49,000
• Spread, Compact, and Shape Excess Material	500	cy	1.47	700
• Reinforced Concrete Inlet and Outlet	50	cy	592.01	29,600
• 54" Slide Gate	1	ls	10,478.00	10,500
g. Siphon Structure (WC Pond #1 Inlet box structure)				
• Excavate and Load Into Trucks	1,011	cy	1.78	1,800
• 54" Diameter Pipe	150	lf	314.34	47,200
• Spread, Compact, and Shape Excess Material	109	cy	1.47	200
• Reinforced Concrete Inlet and Outlet	50	cy	592.01	29,600
h. Siphon Structure (Under Proposed Roadway)				
• Excavate and Load Into Trucks	500	cy	1.78	900
• 54" Diameter Pipe	120	lf	314.34	37,700
• Spread, Compact, and Shape Excess Material	500	cy	1.47	700
• Reinforced Concrete Inlet and Outlet	30	cy	592.01	17,800
Subtotal Winters North Drain/Relocated Willow Canal				2,725,350
9. Winters North Drain Ultimate Levee				
a. Land Acquisition				
• Fee	2	ac	10,075.00	22,200
• Acquisition Allowance	1	ls	25%	5,550
b. Flood Barrier at Frontage Road				
• Reinforced Concrete Structure	35	cy	592.01	20,700
• Structural Backfill	16	cy	10.48	200
• Pavement Replacement	100	sy	45.06	4,500
c. Levee Improvements				
(1) Clear and Grub for Base				
• Stripping and Vegetation (6")	741	cy	0.84	600
• Subexcavation and Recompanction (Inspection Trench)	1,972	cy	2.83	5,600
(2) Fill for New Embankment				
• Haul and Dump On-Site Dry Material	6,195	cy	1.15	7,100
• Compact and Shape On-Site Fill Material	6,195	cy	6.00	37,200
Subtotal Winters North Drain Ultimate Levee				103,650

**CITY OF WINTERS
DRAINAGE REPORT - MOODY SLOUGH SUBBASIN**

**OPINION OF PROBABLE COSTS¹
ULTIMATE CONDITIONS**

Sheet 5 of 5

Description	Quantity	Unit	Unit Cost, \$	Total Cost, \$
10. I-505 Floodwall				
a. Land Acquisition				
• Fee	2	ac	10,075.00	16,100
• Acquisition Allowance	1	ls	25%	4,025
b. Pond Construction				
• Excavate and Load Into Trucks	7,845	cy	1.78	14,000
• Haul and Dump Excess Material	1,162	cy	1.15	1,300
• Spread, Compact, and Shape Excess Material	1,162	cy	1.47	1,700
• Structural Backfill	6,683	cy	10.48	70,000
• Reinforced Concrete Wall	895	cy	592.01	529,800
Subtotal I-505 Floodwall				636,925
Subtotal Ultimate Drainage Improvements (Includes Land Acquisition)				12,900,350
Land Acquisition Costs³				1,486,625
Subtotal Ultimate Drainage Improvements (Does Not Include Land Acquisition)				11,413,725
Contingencies (25%)				2,853,431
Administration and Engineering (35%)				3,994,804
TOTAL ULTIMATE FACILITIES COST (Includes Land Acquisition Costs)				19,748,585

¹Unit costs are based upon 2004 price levels.

²Putah Creek Diversion Improvements are shared by land outside of the Moody Slough subbasin. Refer to the report prepared by Wood Rodgers, Inc., entitled, "Moody Slough and Putah Creek / Dry Creek Subbasins Storm Drainage Cost Allocation Report," dated August 2005, for cost-sharing details.

³Land acquisition cost does not include runoff corridor acquisition. It is assumed either existing rights-of-way or easements are in place or that land will be dedicated.

CITY OF WINTERS
DRAINAGE REPORT - PUTAH CREEK / DRY CREEK SUBBASINS

OPINION OF PROBABLE COSTS¹
ULTIMATE CONDITIONS

Sheet 1 of 2

Description	Quantity	Unit	Unit Cost \$	Total Cost
1. Rancho Arroyo Detention/Water Quality Pond Improvement Costs				
a. Pump Station (Includes Back-up Pumps)	5	cfs	20,150.00	90,675
b. 48" Diameter RCP Trunk Pipe to Rancho Arroyo Detention/Water Quality Pond	1,515	lf	180.22	273,000
Manholes				
• 72" Diameter	3	ea	2,923.36	8,800
Subtotal Rancho Arroyo Detention/Water Quality Pond Improvements				372,475
2. Putah Creek Detention/Water Quality Pond No. 1				
a. Land Acquisition				
• Fee	1	ac	10,075.00	9,400
• Acquisition Allowance	1	ls	25%	2,350
b. Pond Construction				
• Excavate and Load Into Trucks	5,347	cy	1.78	9,500
• Haul and Dump Excess Material	5,347	cy	1.15	6,200
• Spread, Compact, and Shape Excess Material	5,347	cy	1.47	7,800
• Construct Perimeter Road	343	tn	15.19	5,200
c. Outlet Control Weir Structure				
• Excavate and Load Into Trucks	39	cy	1.78	100
• Haul and Dump Excess Material	39	cy	1.15	0
• Spread, Compact, and Shape Excess Material	39	cy	1.47	100
• Riprap - Weir Construction	35	tn	41.91	1,500
• Grout - Weir Construction	4	cy	366.73	1,400
Subtotal Northeast Detention/Water Quality Pond Improvements				43,550
3. Putah Creek Detention/Water Quality Pond No. 2				
a. Land Acquisition				
• Fee	2	ac	10,075.00	18,700
• Acquisition Allowance	1	ls	25%	4,675
b. Pond Construction				
• Excavate and Load Into Trucks	17,671	cy	1.78	31,500
• Haul and Dump Excess Material	17,671	cy	1.15	20,400
• Spread, Compact, and Shape Excess Material	17,671	cy	1.47	25,900
• Construct Perimeter Road	516	tn	15.19	7,800
c. 36" Diameter RCP Trunk Pipes	1,321	lf	121.54	160,600
Manholes				
• 60" Diameter	4	ea	2,923.36	11,700
d. Outlet Structure at Pond From 36" Trunk Pipes	2	ea	5,239.00	10,500
e. Outlet Control Weir Structure			0.00	
• Excavate and Load Into Trucks	111	cy	1.78	200
• Haul and Dump Excess Material	111	cy	1.15	100
• Spread, Compact, and Shape Excess Material	111	cy	1.47	200
• Riprap - Weir Construction	83	tn	41.91	3,500
• Grout - Weir Construction	9	cy	366.73	3,300
f. 48" Pipe Inlet Structure				
• Excavate and Load Into Trucks	41	cy	1.78	100
• Haul and Dump Excess Material	41	cy	1.15	0
• Spread, Compact, and Shape Excess Material	41	cy	1.47	100
• Reinforced Concrete Structure	1	ea	9,472.11	9,500
g. 48" Diameter RCP Outlet Pipe to Putah Creek Diversion	426	lf	180.22	76,800
Manholes				
• 72" Diameter	1	ea	2,923.36	2,900
Subtotal Northwest Detention/Water Quality Pond Improvements				388,475
4. Grant Street Interceptor				
a. Open Channel				
• Land Acquisition Fee	1	ac	10,075.00	12,400
• Acquisition Allowance	1	ls	25%	3,100
b. Channel Construction				
• Excavate and Load Into Trucks	1,700	cy	1.78	3,000
• Haul and Dump Excess Material	1,700	cy	1.15	2,000
• Spread, Compact, and Shape Excess Material	1,700	cy	1.47	2,500
• Construct Patrol/Access Roadways	766	tn	15.19	11,600
c. 60" Diameter RCP	2,269	lf	249.38	565,800
Manholes				
• Saddle	8	ea	5,857.20	46,900

**CITY OF WINTERS
DRAINAGE REPORT - PUTAH CREEK / DRY CREEK SUBBASINS**

**OPINION OF PROBABLE COSTS¹
ULTIMATE CONDITIONS**

Sheet 2 of 2

Description	Quantity	Unit	Unit Cost, \$	Total Cost, \$
d. Construction of Inlet Structure at 60" Pipe	1	ea	8,749.13	8,700
e. Outlet Structure at Putah Creek Diversion	1	ea	5,239.00	5,200
Subtotal Grant Street Interceptor				661,200
5. Putah Creek Detention/Water Quality Pond No. 3				
a. Land Acquisition				
• Fee	3	ac	10,075.00	29,000
• Acquisition Allowance	1	ls	25%	7,250
b. Pond Construction				
• Excavate and Load Into Trucks	43,761	cy	1.78	77,900
• Haul and Dump Excess Material	43,761	cy	1.15	50,400
• Spread, Compact, and Shape Excess Material	43,761	cy	1.47	64,200
• Construct Perimeter Road	582	tn	15.19	8,800
c. Storm Drain Pipes				
36" Diameter RCP Trunk Pipes	795	lf	121.54	96,600
66" Diameter RCP	1,858	lf	288.15	535,400
Manholes				
• 60" Diameter	6	ea	2,923.36	17,500
• Saddle	3	ea	5,857.20	17,600
d. Outlet Structure at Pond From Trunk Pipes	2	ea	5,239.00	10,500
e. Outlet Control Weir Structure				
• Excavate and Load Into Trucks	1,054	cy	1.78	1,900
• Haul and Dump Excess Material	1,054	cy	1.15	1,200
• Spread, Compact, and Shape Excess Material	1,054	cy	1.47	1,500
• Riprap - Weir Construction	385	tn	41.91	16,100
• Grout - Weir Construction	42	cy	366.73	15,400
f. 66" Pipe Inlet Structure				
• Excavate and Load Into Trucks	39	cy	1.78	100
• Haul and Dump Excess Material	39	cy	1.15	0
• Spread, Compact, and Shape Excess Material	39	cy	1.47	100
• Reinforced Concrete Structure	1	ea	10,373.22	10,400
Subtotal Southwest Detention/Water Quality Pond Improvements				961,850
6. Putah Creek Detention/Water Quality Pond No. 4				
a. Land Acquisition				
• Fee	2	ac	10,075.00	18,700
• Acquisition Allowance	1	ls	25%	4,675
b. Pond Construction				
• Excavate and Load Into Trucks	21,147	cy	1.78	37,700
• Haul and Dump Excess Material	21,147	cy	1.15	24,400
• Spread, Compact, and Shape Excess Material	21,147	cy	1.47	31,000
• Construct Perimeter Road	421	tn	15.19	6,400
c. Outlet Control Weir Structure				
• Excavate and Load Into Trucks	205	cy	1.78	400
• Haul and Dump Excess Material	205	cy	1.15	200
• Spread, Compact, and Shape Excess Material	205	cy	1.47	300
• Riprap - Weir Construction	76	tn	41.91	3,200
• Grout - Weir Construction	8	cy	366.73	3,000
Subtotal Southeast Detention/Water Quality Pond Improvements				129,975
Subtotal Ultimate Facilities (Includes Land Acquisition Costs)				2,557,525
Land Acquisition Costs				109,500
Subtotal Ultimate Facilities (Does Not Include Land Acquisition Costs)				2,448,025
Construction Contingencies (25%)				612,006
Administration and Engineering (35%)				856,809
TOTAL ULTIMATE FACILITIES COST (Includes Land Acquisition Costs)				4,026,340

¹Unit costs are based upon 2004 price levels.

²Putah Creek diversion improvements, totaling \$2,775,410, are shared by land in the Moody Slough subbasin. Refer to the report prepared by Wood Rodgers, Inc., entitled, "Moody Slough and Putah Creek / Dry Creek Subbasins Storm Drainage Cost Allocation Report," dated August 2005, for cost-sharing details.

ORDINANCE NO. 2014-01

**AN ORDINANCE OF THE CITY OF WINTERS
ADDING CHAPTER 15.90 TO TITLE 15 OF
THE WINTERS MUNICIPAL CODE TO ESTABLISH
A DRAINAGE IMPACT FEE**

The City Council of the City of Winters hereby does ordain:

SECTION 1. CHAPTER 15.90 (DRAINAGE IMPACT FEE).

Chapter 15.90 is hereby added to Title 15 of the Winters Municipal Code to read as follows:

Chapter 15.90

DRAINAGE IMPACT FEE

Sections:

- 15.90.010 Findings and Purpose.
- 15.90.020 Definitions.
- 15.90.030 Drainage Impact Fee.
- 15.90.040 Administration of Drainage Impact Fund.
- 15.90.050 Payment of Drainage Impact Fee.
- 15.90.060 Amount of Drainage Impact Fee.
- 15.90.070 Exemptions.
- 15.90.080 Annual Fee Review.
- 15.90.090 Inflationary Adjustments.
- 15.90.100 Authorization of Credits.
- 15.90.110 Amount of Credits.
- 15.90.120 Procedure for Credits.
- 15.90.130 Apportionment of Credits.
- 15.90.140 Criteria For Reimbursement.
- 15.90.150 Procedure for Reimbursement.
- 15.90.160 Reimbursement Agreements.
- 15.90.170 Refund.

15.90.010 Findings and Purpose.

A. On May 19, 1992, the City Council of the City of Winters approved and adopted its General Plan (the "General Plan") identifying proposed growth within the

City limits and further identifying the impacts of said growth upon health, safety and public facilities within the City including the impacts on flooding and the City's drainage system.

B. City of Winters General Plan, Land Use Policy No. 1.A.9, states that, "No new development may occur within the flood-overlay area shown in Figure II-1 until a feasibility and design study for a comprehensive solution to the 100-year flooding problem has been completed and a fee schedule has been established or financing program adopted which includes all affected and contributing properties for financing the comprehensive flood control solution." Further, General Plan, Health and Safety Policy VII.B.4, states that, "To mitigate flooding impacts associated with Moody and Chickahominy Sloughs, the City shall require property owners who are affected by or contributing to such flooding to participated in the development and implementation of a comprehensive solution to the flooding problem in proportion to their relative contribution to the flooding problem or benefit from the program adopted."

C. General Plan, Public Facilities and Services Element Goal IV.D, states that it is the City's goal, "To maintain an adequate level of service in the City's storm drainage system to accommodate runoff from existing and future development and to prevent property damage due to flooding." General Plan, Health and Safety Element Goal VII.B, states that it is the City's goal, "To prevent loss of life, injury and property damage due to flooding."

D. The City of Winters commissioned the engineering firm of Wood Rodgers, Inc., to prepare the Moody Slough Sub-basin and Putah Creek/Dry Creek Sub-basins Drainage Reports, dated September 9, 2005. These reports identify a comprehensive flood solution, including the storm drainage facility requirements and estimated costs of the facilities needed to serve new development within the flood overlay area. The Draft Storm Drainage Costs Allocation Report, prepared by Wood Rodgers, Inc., and dated September 9, 2005, contains a cost allocation of the needed facilities within the various of the flood overlay area, through build-out of the City's General Plan. These reports are collectively referred to as the "Wood Rodgers Reports".

E. In order to further determine the need for drainage facilities created by new development and to spread the cost of such facilities among those who create the need or benefit from such facilities, the City commissioned the firm of Economic & Planning Systems, Inc., to prepare the Flood Area Storm Drainage Development Impact Fee Nexus Study, dated November 4, 2005. This study, utilizing information contained in the Wood Rodgers Reports, calculated the fees for the various zones within the flood overlay zone needed to fund the requisite facilities.

F. Analysis of the land uses expected at buildout of the City pursuant to the General Plan makes it possible to estimate the level of residential, commercial, industrial and other development. It is therefore possible to arrive at a fee which equitably spreads the burden of financing drainage facilities to those who create the need for, or benefit from, such facilities. It is the intent of this chapter to create such a fee. The purpose of this ordinance is to implement the requirements of the General Plan and, under the

authority of Article XI, Section 7, of the California Constitution, and consistent with the provisions of the Mitigation Fee Act (California Government Code Section 66000, et seq.), to establish the appropriate method of ensuring that sufficient funding for drainage facilities is available to serve residential, industrial, commercial and other growth in the flood overlay area of the City. The flood overlay area as shown in Figure II-1 of the General Plan is referred to in this Chapter as the "Flood Area."

G. The failure to impose the conditions and regulations of this chapter relating to payment of the fee on final maps or building permits would jeopardize residents of the community, in that it would permit construction and development to proceed without adequate drainage facilities or means of financing such facilities.

H. The cost estimates set forth in the Flood Area Storm Drainage Development Impact Fee Nexus Study ("Nexus Study") are reasonable cost estimates for constructing the drainage facilities specified therein, and the fees which may be generated by new development will not exceed the total of these construction costs made necessary by such new development. The fees established by this chapter have been calculated in the manner called for in the Nexus Study in order that the cost of needed facilities is borne by the type of development causing the need.

I. Based upon all evidence and testimony presented, including the Wood Rodgers Reports and the Nexus Study, the City Council hereby finds that there is a clear and demonstrated relationship between the use of the fees provided for herein, namely the construction of drainage facilities, and the types of projects upon which the fees are to be imposed. Development will generate a need for additional drainage infrastructure as described in the Nexus Study.

J. Based upon all evidence and testimony presented, including the Wood Rodgers Reports and the Nexus Study, the City Council hereby finds that there is a reasonable relationship between the need for drainage facilities, and the type of development projects upon which the fee is to be imposed, namely new residential, industrial and commercial construction. From careful consideration of the matter, the City Council finds that (1) new development will adversely impact the drainage within the Flood Area, (2) will create a need for additional drainage facilities, and (3) the construction of drainage facilities, as set forth in the Wood Rodgers Reports and the Nexus Study are appropriate to serve such new development in light of these impacts.

K. Based upon all evidence and testimony presented, including the Nexus Study, the City Council finds that there is a reasonable relationship between the amount of the fees as provided for in this Chapter and the cost of drainage facilities, made necessary by new development. Further, the City Council finds that the manner in which the fee is allocated upon new development is fair and does not exceed the cost of providing drainage facilities for new development.

L. The establishment of this drainage impact fee is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 15061(b)(3) and 15273, in that there is no possibility that the establishment of this fee

may have a significant effect on the environment, and further because the purpose of establishing this fee is to assist the City in maintaining services within its jurisdictional boundaries. This exemption is specifically based upon the following facts:

1. The environmental impacts of the facilities described in the Nexus Study, including cumulative and growth-inducing impacts, have been identified in the Final Environmental Impact Report (the "EIR") prepared for the 1992 General Plan and certified by the City Council in Resolution No. 1992-13.
2. The establishment of this fee will not create a need for additional drainage facilities.
3. Prior to action on site-specific new development or drainage infrastructure, subsequent environmental review will be undertaken as necessary pursuant to the California Environmental Quality Act.
4. The establishment of this fee does not commit the City to any definite course of action and does not dictate how funds will be spent, or in any way narrow the field of options and alternatives available to the City.

M. The fee established by this chapter is in addition to any other fees or charges or taxes, required by law or City code or as a condition of development.

15.90.020 Definitions. The following words are defined for purposes of this chapter as follows:

A. "Building Permit" means the permit issued or required by the City for the construction of any structure pursuant to Title 15 of the Winters Municipal Code.

B. "Director" means the Public Works Director.

C. "Facilities" means the drainage improvements or infrastructure generally identified in the Wood Rodgers Reports and the Nexus Study, and more specifically determined from time to time by the City Council.

D. "Fee" or "Drainage Impact Fee" means the fee(s) established by this chapter.

E. "General Plan" refers to the City of Winters General Plan adopted by the Winters City Council in 1992, including all subsequent updates and amendments.

15.90.030 Drainage Impact Fee.

There is hereby established a Drainage Impact Fee which shall be imposed on all new development that will be served by the new Facilities. This Fee shall be imposed on all development within the City, unless such property is otherwise exempt as provided for in Section 15.90.070 of this chapter. The Fee established by this chapter is

in addition to any other fees or charges or taxes that are required by law or City code as a condition of development.

15.90.040 Administration of Drainage Impact Fund.

A. The Director of Financial Management is directed to establish a special fund entitled the Drainage Facilities Fund. All fees collected pursuant to this chapter shall be deposited in this fund and shall be expended solely to:

1. Pay for the construction of the Facilities, or to reimburse the City for Facilities constructed by the City with funds advanced by the City from other resources; or
2. Reimburse developers who have been required or permitted to install Facilities, which are oversized with supplemental size, length or capacity.

B. The City Council, as part of the annual budget and capital improvements programming process shall, each year, identify the Facilities anticipated to be funded in whole or in part with the Drainage Impact Fees collected, and appropriate funds accordingly.

15.90.050 Payment of Drainage Impact Fee.

Except as otherwise provided by this chapter the Fee imposed pursuant to this chapter shall be paid prior to the approval of a final map, unless no final map is required for the development, in which case, the Fee shall be paid at or prior to the issuance of any Building Permit for development subject to this chapter.

15.90.060 Amount of Drainage Impact Fee.

A. The amount of the Drainage Impact Fee hereby established shall be set by resolution adopted by the City Council, which may be amended from time to time, as the City Council deems necessary and appropriate. The resolution setting the amount of the Fee shall list the types of development subject to the Fee (i.e. residential, commercial, industrial); identify the eight different drainage zones within the City; and, set the fee for each type of development within the various zones of the Flood Area on a per acre basis, in accordance with the Nexus Study.

B. If the proposed development covers fifty percent (50%) or more of a parcel, then the Fee shall be computed based upon the gross acreage of the parcel. If the proposed development covers less than fifty percent (50%) of a parcel, then the Fee shall be computed based only upon the covered area of the parcel, however, at such time as development progresses to the point where it covers fifty percent (50%) or more of the parcel, then the balance of the Fee shall be due for the remainder of the parcel. The balance of the Fee shall be computed by figuring the total Fee based upon the gross acreage of the parcel and subtracting the portion of the Fee already paid to the City.

C. For the purposes of this section, the term "covers" shall include the horizontal area of buildings, structures, roads, parking areas, any impervious surfaces, residential yards (front, side and rear) and landscaped areas.

15.90.070 Exemptions.

- A. No fee shall be charged for the following types of development:
1. Development under construction for which a valid Building Permit is in force upon the effective date of the ordinance codified in this chapter unless such Building Permit contains an express condition requiring the payment of this Fee.
 2. Development within a subdivision subject to a Development Agreement entered into between the developer and the City under Government Code Section 65864 et seq., which agreement is in full force and effect and expressly prohibits the imposition of additional fees pertaining to drainage facilities, unless amended.
 3. Development within a subdivision subject to a vested tentative subdivision map under Government Code Section 66498 which prohibits the imposition of the Fee imposed by this Chapter.
 4. Existing development, including additions or modifications to existing residential buildings.
 5. Public and Quasi-Public development , other than the development of schools.
 6. Development outside the boundaries of the Flood Area.

B. Additions to existing commercial or industrial buildings or structures shall be subject to the Fee established by the chapter.

15.90.080 Annual Fee Review.

A. In accordance with Government Code Section 66006, within one hundred and eighty (180) days after the last day of each fiscal year, the City shall make available to the public the following information for the fiscal year:

1. A brief description of the type of fee in the account or fund;
2. The amount of the fee;
3. The beginning and ending balance of the account or fund;
4. The amount of fees collected and the interest earned;
5. An identification of each Facility on which the fees were expended and the amount of the expenditures on each improvement, including a total percentage of the costs of the Facility that was funded with fees;

6. An identification of the approximate date by which the construction of the Facility will commence if the City determines that sufficient funds have been collected to complete financing on an incomplete Facility;
7. A description of each interfund transfer or loan made from the account or fund, including the Facility on which the transferred or loaned fees will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid, and the rate of interest that the account or fund will receive on the loan;
8. The amount of refunds made pursuant to Government Code section 66001(e) and any allocations pursuant to Government Code section 66001(f);
9. Other such data, analysis or recommendations that the city manager may deem appropriate or as requested by the city council.

B. The City Council shall review the above information at the next regularly scheduled public meeting not less than fifteen (15) days after this information is made available to the public. Notice of the time and place of the meeting, including the address where the above information may be reviewed, shall be mailed, at least fifteen (15) days prior to the meeting, to any interested party who files a written request with the City for mailed notice of the meeting.

C. The City Council shall also, at the same noticed public meeting, by resolution, update any of the above information, including the identified Facilities to be constructed with Drainage Impact Fees.

15.90.090 Inflationary Adjustments.

The Fee established by this chapter shall automatically be adjusted on July 1 of each year by a percentage equal to the average of the change in the San Francisco Consumer Cost Index ("CCI") and the change in the 20-City CCI as reported in the Engineering News Record for the twelve month period ending in March of the current year. The determination shall be reported in writing to the City Council by the Director on or about June 30th of each year or as soon as the information is available.

15.90.100 Authorization of Credits.

Whenever a person constructs and/or finances the construction of Facilities authorized by this chapter, in accordance with improvement plans approved by the Director, then such person may be entitled to a credit against Fees, subject to the provisions of this chapter.

15.90.110 Amount of Credits.

Unless otherwise set forth in this chapter, the amount of credits authorized for the construction of a facility shall be determined by the Director based on recent

competitive bids, but shall not exceed the actual cost of construction or the total cost estimate (as adjusted for inflation) for the Facility in the Nexus Study, whichever is less.

15.90.120 Procedure For Credits.

A. Any person desiring and eligible for credits for the construction of Facilities shall execute an agreement with the City authorizing credits. Agreements for credits in an amount of \$20,000 or greater must be approved by the City Council. Agreements for credits in an amount less than \$20,000 may be approved by the City Manager or his/her designee.

B. Tentative credits may, if authorized in a credit agreement, be allocated prior to the acceptance of Facilities, so that they may be subtracted from fees at the time Fees are paid. Credits shall be adjusted as necessary at the time the Facilities are accepted by the City. The person receiving tentative credits shall agree that if the Facilities are not accepted by the City, all tentative credits allocated shall be reimbursed to the City within 60 days of notice of non-acceptance of the facilities. The person receiving tentative credits shall further agree that if tentative credits allocated exceed the final credits, the excess amount shall be reimbursed to the City within 60 days of notice of such amount.

15.90.130 Apportionment of Credits.

A. Except as set forth in this section, credits shall only be applied against Fees due as a result of development for which the construction of Facilities was required or authorized, and in the case of residential development, credits shall be equally apportioned to all lots within the subdivision. Credit agreements may not be assigned without the consent of the City Council.

B. Credits may only be apportioned to parcels not within the subdivision if within thirty (90) days from the date that credits are authorized the Director determines:

1. The parcel or parcels on which credit is sought are contiguous holdings of an individual or firm at the time construction of Facilities is begun;
2. Only credits in excess of the amount of the Fees which would have been due on such subdivision or parcel and each subsequent unit thereof within such contiguous holding may be apportioned to other contiguous parcels;
3. The parcel or parcels to which such credits are to be apportioned must be served by the Facilities for which credits are authorized;
4. An agreement has been executed between the owner of the contiguous parcels and the City establishing the amount to be credited to each parcel prior to improvement plan approval for the initial parcel.

C. When credits are apportioned, the credit amounts shall be based on the rates in effect on the date improvement plans are approved for the parcel to which credits have been apportioned.

15.90.140 Criteria For Reimbursement.

Except where specifically excluded, whenever credits are authorized for the construction of Facilities pursuant to this Chapter, and the credit amount exceeds the amount of the Fees due pursuant to this Chapter, the City shall reimburse the person entitled to such credits in accordance with the provisions of this chapter.

15.90.150 Procedure For Reimbursement.

Excess credits shall only be reimbursed pursuant to the terms of a reimbursement agreement executed by the City and the person entitled to such credits.

15.90.160 Credit and Reimbursement Agreements.

A. The credit and/or reimbursement agreement shall include the following terms and conditions:

1. The amount of credits to be applied or excess credits to be reimbursed;
2. The estimated schedule for reimbursement of excess credits, taking into account other outstanding reimbursement agreements, a projection of estimated Fees to be paid to the City, and the estimated timing for receipt of such Fees. Such schedule shall not exceed five (5) years from the date of acceptance of the Facilities by the City, unless funds are not available, as determined by the City Manager. If funds are not available when reimbursement is due, payment shall be postponed to the following year;
3. A provision stating, that the estimated schedule for reimbursement notwithstanding, reimbursements shall be prioritized based upon the date of the reimbursement agreement, and when funds are available, each reimbursement shall be paid in full in order of priority.
4. Except as otherwise provided herein, reimbursements shall be paid semi-annually in January and June of each year, based upon available funds.
5. Reimbursement of excess credits of \$10,000 or less shall be made within sixty (60) days of the acceptance of the Facilities by the City.
6. Reimbursement for Facilities shall be made exclusively from the Drainage Facilities Fund. City's obligation to Developer is expressly conditioned and contingent upon the availability of monies within said Funds, as determined by the City Council. Developer shall have no claim against any other source of City

revenue, including but not limited to, general fund moneys. The credit or taxing power of the City is not pledged for the payment of any obligations arising from this agreement.

7. Interest on the unpaid balance of excess credits shall be paid annually in December at the net City treasury pool rate for the prior fiscal year. Interest shall not begin to accrue, however, until one hundred and eighty (180) days after the Facilities are accepted by the City;
8. The agreement may only be assigned by a written amendment to the agreement executed by the City Manager, the assignor(s) and the assignee(s);
9. Notwithstanding any provisions to the contrary, excess credit shall not be reimbursed unless and until the Facilities are accepted by the City;
10. Other terms as deemed necessary or appropriate by the City Attorney to protect the legal interests of the City.

B. Except as authorized by this section, credit and/or reimbursement agreements must be approved by the City Council. If the City Council has previously approved a credit agreement with a party, the City Manager may approve a reimbursement agreement with the same party if the amount of the reimbursement does not vary from the amount of the credit agreement by more than ten percent (10%). Credit and/or reimbursement agreements for amounts less than \$20,000 may be approved by the City Manager or his/her designee.

15.90.170 Refund.

A. If five years after collection any portion of a fee collected pursuant to this Ordinance is unexpended or uncommitted, the City shall review the Fee and the purpose for which it was charged, and make a determination and finding as to the continued need for the Fee and the reasonable relationship between the fee and the purpose for which it is intended. This review and findings shall be made once each fiscal year in any year that there are unexpended or uncommitted fees, beginning with the fifth year after the effective date of this Ordinance.

B. If the appropriate finding cannot be made, the City shall cause the Fees to be refunded to the then current owner of record of the project on which the Fee was imposed pursuant to Government Code sections 66001(d) and 66001(e).

SECTION 2. SEVERABILITY.

If any section, subsection, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not effect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, clause, phrase, or portion thereof, irrespective of the fact

that any one or more sections, subsections, clauses, phrases, or portions be declared invalid or unconstitutional.

SECTION 3. **EFFECTIVE DATE.**

This Ordinance shall become effective sixty (60) days from and after its final passage and adoption, provided it is published in full within twenty (20) days after its adoption in the Winters Express.

This Ordinance was introduced and the title thereof read at the regular meeting of the Winters City Council on January 7, 2014, and further reading was waived.

On a motion by Council Member _____, seconded by Council Member _____, the foregoing ordinance was passed and adopted by the City Council of the City of Winters, State of California, this 21st day of January, 2014, by the following vote, to wit:

- AYES: COUNCIL MEMBERS:
- NOES: COUNCIL MEMBERS:
- ABSTAIN: COUNCIL MEMBERS:
- ABSENT: COUNCIL MEMBERS:

MAYOR

CITY CLERK



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE: January 7, 2014
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Ethan Walsh, Assistant City Attorney
SUBJECT: Rehabilitation Work at Winters City Park; Prevailing Wage Requirements Related to Volunteer Labor

RECOMMENDATION:

That the City Council consider the enclosed report regarding the application of State prevailing wage requirements to volunteer labor, and discuss how the applicable requirements affect the City's proposed rehabilitation of Winters City Park.

BACKGROUND:

The City of Winters received State grant funding to assist with the rehabilitation of Winters City Park. As part of the process of deciding how to best utilize this grant funding, the City formed a citizen's committee to consider what improvements to make to the park. Both the committee and the Council hope to make the grant funding go as far as possible. One of the proposed ways to save money is to solicit local volunteers to assist with some of the labor required for the Park rehabilitation. However, questions have been raised as to whether this violates State law that requires payment of prevailing wages on public construction projects. This report outlines state prevailing wage requirements as they relate to volunteer labor, and explains how these requirements would apply to the City Park rehabilitation project.

Background Law

Prevailing wages must be paid to all laborers working on "public works" in California. A "public work" is generally defined as a construction project that is paid for in whole or in part with public funds. Prevailing wage rates are set by the State, and are based on the mean hourly rate paid in various job classifications. They are frequently higher than the rates paid by contractors on private construction projects in smaller cities like Winters.

While the State's prevailing wage laws generally apply to all laborers, California Labor Code section 1720.4 explicitly states that prevailing wage requirements do not apply to any work performed by a volunteer.

Section 1720.4 states that a "volunteer" is an person who performs work for civic, charitable, or humanitarian reasons for a public agency without expectation or receipt of payment for the work performed. A person is considered a volunteer only when his or her services are offered freely and without pressure and coercion, direct or implied, from an employer.

Application to City Park Rehabilitation Project

The City Park project will be paid for with State grant funds and possibly City funds. It is therefore a public work and is subject to State prevailing wage requirements. However, as noted above, State prevailing wage requirements do not apply to volunteers. Therefore, the City can use volunteers to complete work on the rehabilitation project, without creating an expectation that those volunteers be paid prevailing wages.

If local contractors want to volunteer their services toward the rehabilitation project, they may do so as well. However, if they employ any laborers on the rehabilitation project, those laborers must be paid prevailing wages. The laborers will be working on a "public work" project, and if they are being paid at all, they must be paid at a prevailing wage rate in accordance with State law.

Finally, it is possible that a contractor may volunteer to work on a project, and his or her workers may volunteer to assist as well. While this is not explicitly prohibited, it does create a risk that a worker could later say that he or she felt pressured or coerced into working on this project by his or her employer, and that he or she is entitled to prevailing wages for the work on the rehabilitation project. It would be very hard in that instance for the City to disprove the worker's allegation, and would likely have to pay that worker prevailing wages after the fact.

In summary, the City can use volunteer labor to assist with the City Park rehabilitation project, including volunteer services from contractors. However, there is some risk that some of the volunteers feel pressured or coerced into volunteering by their employer, and the City should make an effort to ensure that this type of pressure or coercion does not occur.

Finally, there may be other issues related to the use of volunteer labor that the City should consider depending on the nature of the services provided. Generally if the City hired a contractor for the construction of public improvements, the City would impose a number of requirements to ensure that the work is completed to the City's satisfaction and the City is not exposed to unnecessary liability, such as bonding requirements, insurance, etc. This is generally not a factor when volunteers assist with painting, minor landscaping or other minor public works. However, the City may want to consider these requirements if the City uses volunteer contractors to take on more substantial responsibility in connection with the City Park rehabilitation.

FISCAL IMPACTS:
None.



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Council members
DATE: January 7, 2014
THROUGH: John W. Donlevy, Jr., City Manager *[Signature]*
FROM: John C. Wallace, City Attorney
SUBJECT: City Hotel Tax (TOT) - Updating and/or Tax Increase by Ballot Measure

RECOMMENDATION: Receive Draft updated TOT, review, and discuss options.

BACKGROUND: A request has been made to staff by a Council Member to look into increasing the current hotel tax from 10 percent to 12 percent. An update to reflect existing law would also be required.

FISCAL IMPACT: Possible increase in a general fund tax.

Draft Amended Transient Occupancy Tax Ordinance – City of Winters

3.24.010 Short title.

This chapter shall be known as the "Uniform Transient Occupancy Tax Ordinance of the City of Winters."

3.24.020 Definitions.

Except where the context otherwise requires, the definitions given in this section govern the construction of this chapter.

"City" or "Winters" means the City of Winters.

"City Auditor" means the Director of Finance of the City of Winters.

"Fiscal Year" means the period commencing July 1 of one calendar year through June 30 of the immediately subsequent calendar year.

"Hotel" means any structure or portion thereof, which is occupied by persons for lodging or sleeping purposes for periods of less than thirty consecutive days including, without limitation, any hotel, bachelor hotel, motel, lodging house, rooming house, bed and breakfast inn, apartment house, dormitory, vacation ownership resort, public or private club, mobilehome or house trailer at a fixed location, or other similar structure or portion thereof, and any space, lot, area or site in any trailer court, camp, park, or lot which is occupied or intended or designed for occupancy by a tent, trailer, recreational vehicle, mobilehome, motorhome, or other similar conveyance, where such structure, space, lot, area or site is occupied by persons for lodging or sleeping purposes for periods of less than thirty consecutive days.

"Occupancy" means the use or possession, or the right to the use or possession of any room or rooms or portion thereof, in any hotel for dwelling, lodging or sleeping purposes.

"Operator" means any person, corporation, entity, or partnership which is the proprietor of the hotel, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, debtor in possession, licensee or any other capacity. Where the operator performs its functions through a managing agent of any type or character other than as an employee, the managing agent shall also be deemed an operator and shall have the same duties and liabilities as its principal. Compliance with the provisions of this chapter by either the principal or managing agent shall constitute compliance by both. For purposes of the notice and appeal provisions of this chapter only, "operator" shall also include any managing employee or employee in charge of the hotel.

"Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.

"Proprietor" means a person who has the legal right to operate, or the owner of, a hotel.

"Rent" means the consideration charged by an operator for accommodations, including without limitation any (1) unrefunded advance rental deposits or (2) separate charges levied for items or services which are part of such accommodations including, but not limited to, furniture, fixtures, appliances, linens, towels, non-coin-operated safes, and maid service. "Rent" shall not include any charge, billing, or account or portion thereof which the operator finds to be worthless or uncollectible and charged off for tax purposes. If any such worthless or uncollectible rent is thereafter collected, the amount shall be considered rent in the month collected and the tax collected shall be included in the next monthly payment to the City of Winters by the operator. "Rent" shall also not include any amount upon which a sales or use tax is imposed pursuant to this Code if the imposition of a tax pursuant to this Code be deemed to constitute an additional sales and use tax conforming to all of the conditions set forth in subdivision (b) of Section 7203.5 of the Revenue and Taxation Code of the State of California.

"Successor to proprietor" or "successor proprietor" means any person who acquires the right to operate a hotel from a predecessor proprietor, directly or indirectly, by any means. If, following transfer of an ownership or management interest in a hotel, the hotel continues to operate as such, either continuously or for business interruption not exceeding thirty (30) days, the hotel shall constitute a succession for purposes of this chapter.

"Tax" (where such term is not capitalized) means the amounts imposed pursuant to Section 3.24.030 of this chapter; "Tax" (where such term is capitalized) means 1) the tax and 2) any applicable interest and penalties imposed by this chapter and 3) any amount collected by an operator under a representation that it is a tax which is not refunded in accordance with this chapter

"Time-share interest" shall mean either a time-share estate or a time-share use (as such terms are defined in Section 11003.5 of the Business and Professions Code of the State of California, or any successor provision thereto) involving a right in perpetuity, for life, or for a term of years, for occupancy of a room or group of rooms forming in either case one accommodation unit (herein called a "time-share unit") in a time-share project which right of occupancy is for the recurrent, exclusive use or occupancy of a time-share unit, annually or on some other periodic basis, for a period of time that has been allotted from the use or occupancy periods into which the time-share project has been divided.

"Time-share operator" shall mean any person or entity who owns a time-share project, sells time-share interests, or operates a time-share project before, during or after the sale of time-share interests in such project.

"Time-share owner" shall mean any person or entity who purchases and owns a time-share interest or who acquires a right of occupancy of a time-share unit pursuant to a time-share exchange program.

"Time-share project" shall mean a project in which purchasers receive the right in perpetuity, for life, or for a term of years, to the recurrent, exclusive use or occupancy of a lot, parcel, unit, or segment of real property, annually or on some other periodic basis, for a period of time that has been or will be allotted from the use or occupancy periods into which the project has been divided.

"Transient" means any person who exercises occupancy, or is entitled to occupancy, of any room, space, lot, area or site in any hotel by reason of concession, permit, right of access, license or other agreement whether written or oral. Any such person shall be deemed to be a transient until the thirtieth consecutive day of such occupancy or right of occupancy and the tax imposed

by this Chapter shall be due upon all rent collected or accruing prior to said thirtieth consecutive day unless the occupancy is pursuant to a Qualifying Rental Agreement.

3.24.030 Tax imposed.

A. For the privilege of occupancy in any hotel, each transient is subject to and shall pay a tax in the amount of twelve (12) percent of the rent charged by the operator. In the event that the Transient Occupancy Tax is not paid, prior to becoming delinquent, a penalty of ten (10%) percent on the unpaid tax or any a portion thereof, shall be assessed. In the event a portion of the tax is unpaid prior to becoming delinquent, the penalty shall only accrue as to the portion remaining unpaid. An additional penalty of fifteen (15%) percent shall accrue if the tax remains unpaid on the 90th day following the date of the original delinquency. Interest shall accrue at the rate of one and one-half of one (1 1/2%) percent a month, or fraction thereof, on the amount of tax, exclusive of penalties, from the date the tax becomes delinquent to the date of payment. Interest and penalty shall become part of the tax.

B. The tax constitutes a debt owned by the transient to the city, which is extinguished only by payment to the operator or to the city. Transient shall pay the tax to the operator of the hotel at the time the rent is paid. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax shall be due upon the transient ceasing to occupy space in the hotel. If for any reason the tax due is not paid to the operator of the hotel, the City Director of Finance shall require that such tax be paid directly to the City.

C. The City shall issue forms and any additional regulations deemed necessary to implement the provisions of this section.

D. As an alternative to the amount of any tax upon time-share interests otherwise imposed pursuant to this chapter, the City and the time-share operator of any time-share project may enter into a written agreement (the "TOT agreement") relating to the amount of tax to be imposed upon, and collected from, any time-share owner for the right of occupancy of any time-share unit pursuant to a time-share interest in such time-share project. The amount set forth in said TOT agreement shall be deemed the tax payable to the City by any time-share owner pursuant to the requirements of this chapter. The term "tax" as used in this chapter shall, with regard to time-share interests, refer to the amount set forth in said TOT agreement. Except as otherwise expressly provided in said TOT agreement, all other provisions of this chapter, including without limitation provisions relating to interest and penalties upon delinquent tax payments, shall apply to the amount of any tax established pursuant to said TOT agreement.

3.24.040 Exemptions.

No tax shall be imposed upon:

A. Any person as to whom, or any occupancy as to which, it is beyond the power of the city to impose the tax herein provided;

- B. Any officer or employee of a foreign government who is exempt by reason of express provision of federal law or international treaty.
- C. Any federal or state of California officer or employee on government business.
- D. Active military personnel and their immediate family.

No exemption shall be granted except upon a claim therefor made at the time rent is collected and under penalty of perjury upon a form prescribed by the director of financial management.

3.24.050 Operator's duties.

(A) Each operator shall collect the tax to the same extent and at the same time as the rent is collected from every transient. The amount of the rent and the tax thereon shall be separately stated from all other amounts on all receipts and books of record of the hotel, and each transient shall be tendered a receipt for payment from the operator with rent and tax separately stated thereon. No operator shall advertise or state in any manner, directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator or that the tax will not be added to the rent or that, if added, any part of the tax will be refunded except in the manner hereinafter provided. Notwithstanding the foregoing provision of this subsection, nothing contained herein shall require the operator to separately state the rent and the tax thereon on receipts and books of record or prohibit the operator from advertising or stating that the tax will be assumed or absorbed by the operator or that such tax will not be added to the rent, provided such room accommodations constitute a portion of a collective group of services, privileges, entitlement or benefits (hereinafter "benefits") which benefits include, at a minimum, room accommodations and food and beverage services or room accommodations and at least one other benefit having an ascertainable fair market value (hereinafter "special package") offered for one fixed charge (hereinafter "special package rate").

(B) In the event the operator fails to separately state the rent and tax from other amounts on all receipts and books of record, the operator shall file with the City a statement of each special package rate on a form (hereinafter "Special Package Form") provided by the City. The Special Package Form shall include the special package rate, and an itemization of the values of the items included, including, at a minimum, the rent, tax, and any other item. The operator must submit documentation to substantiate the claimed fair market value of individual items included other than rent and tax. The City shall mark the date of receipt on the Special Package Form and review the submitted information to determine if sufficient information is provided to verify that the numbers are mathematically correct and complies with this chapter. If the package meets the foregoing requirements, the City shall assign a unique number to the Special Package Form and return a copy to the operator within fourteen City business days of receipt. The operator may use the assigned unique number or may assign the operator's unique name/number to each package and notify the City to imprint the name/number on the Special Package Form. This unique name/number must appear on all receipts and books of record whenever the package is sold. If the package fails to meet the requirements of this Subsection, the City will advise the operator of any required changes within fourteen City business days. The operator must either make the required changes and resubmit the Special Package Form or comply with subsection 3.24.030. A new Special Package form must be submitted in the event of any change in the special package rate or the specified rate in 3.24.030, or other items in the special package which exceeds ten percent and for any new special package(s) offered/used. Any change of items within the special package constitutes a new special package. The effective date of the special package rate shall be the date of receipt by the City if the package is approved.

(C) No Special Package Form shall be accepted for filing unless accompanied by a filing fee in the amount established by resolution of the City Council.

(D) As to any package sold by the operator for which the City has approved the package and assigned the unique number, the tax shall apply only to the amount of rent identified in the Special Package Form (hereinafter "specified rate") until such time as the City shall inform the operator that the approval is revoked.

(E) In the event an operator fails to comply with subsection 3.24.030 and also fails to file a Special Package Form and obtain approval of a specified rate, the portion of the special package rate attributable to the room accommodations for purposes of determining the tax (hereinafter "imputed rate") shall be deemed the lesser of (a) the amount collected for the total special package or (b) an amount equal to the median average double occupancy room rate for such accommodations as posted in such room pursuant to the requirements of Section 1863 of the Civil Code (or any successor section). The burden to prove such posted room rates shall be upon the operator. In the event the operator fails to present satisfactory proof of such rates, such posted rates shall be deemed the posted rates in effect at the time of the audit.

(F) Notwithstanding other provisions herein, if any audit reveals that the gross income to the operator attributable to the accommodations portion of such special package (hereinafter "audited rate") is more than ten percent greater than the specified rate, the rent for tax purposes shall be the audited rate. In the event the audited rate is greater than the imputed rate, the rent for tax purposes shall be the audited rate. The audited rate shall be determined by an audit of a sample of the special packages sold by the operator within an individual special package category. The audited rate shall be the amount of the special package rate remaining after deducting the fair market value of each of the benefits included in the special package rate other than room accommodations and room tax. Where more than one type of special package was offered within the audit period, each special package shall be audited separately for purposes of determining the applicable audited rate. Credits or offsets shall not be allowed between different special packages.

(G) Any amount charged and collected by the operator from any transient beyond the period for which the tax is imposed, which amount is in excess of the rent theretofore charged the transient for the same accommodations and upon which rent tax was imposed and collected, shall be conclusively deemed collected under the representation by the operator that such excess amount was tax. If the operator gives such person written notice prior to the accrual of the obligation therefor that such excess amount constitutes an increase in the rental rate this subsection shall not apply. The burden to prove such notice shall be upon the operator.

(H) Whenever an operator who has collected any sum under the representation that it was tax (which sum was not required to be collected as tax) remits said sum to Anaheim and thereafter refunds such sum in whole or part, such operator may take the amount of such refund as a credit against future transient taxes only upon submitting to the City a statement under penalty of perjury specifying the reasons for the credit and proof of payment of such refund.

(I) Nothing contained in this chapter shall require the refund by Anaheim to any person of such sum collected by the operator and remitted to Anaheim even where such sum was not otherwise required to be collected and remitted.

(J) Nothing contained in this chapter shall be deemed to authorize as a credit against tax any amount paid by the operator to any tour promoter, travel agent, or third party other than the transient. Travel agent commissions are an expense of the operator and may not be deducted from the rent.

3.24.060 Registration.

Within thirty (30) days after the effective date of the ordinance codified in this chapter, or within thirty (30) days after commencing business, whichever is later, each proprietor of any hotel renting occupancy to transients shall register the hotel with the financial management department and obtain a transient occupancy registration certificate to be at all times posted in a conspicuous place on the premises. The certificate shall, among other things, state the following:

- A. The name of the proprietor;
- B. The address of the hotel;
- C. The date upon which the certificate was issued;
- D. The following statement:

This Transient Occupancy Registration Certificate signifies that the person named on the face hereof has fulfilled the requirements of the Transient Occupancy Tax Ordinance by registering with the Financial Management Department for the purpose of collection from transients the Transient Occupancy Tax and remitting said tax to the Financial Management Department. This certificate does not authorize any person to conduct any unlawful business in an unlawful manner, nor to operate a hotel without strictly complying with all local applicable laws, including but not limited to those requiring a permit from any board, commission, department or office of this City. This certificate does not constitute a permit.

(Ord. 2012-04 §§ 2, 5; Ord. 93-11 (part): prior code § 3-6.06)

3.24.070 Reporting and remitting.

Each operator shall, on or before the last day of the month following the close of each calendar quarter, or at the close of any shorter reporting period which may be established by the director of financial management of the city, make a return to the financial management department, on forms provided, of the total rents charged and received and the amount of tax collected for transient occupancies. At the time the return is filed, the full amount of the tax collected shall be remitted to the financial management department. The director of financial management may establish shorter reporting periods for any certificate holder if he or she deems it necessary in order to insure collection of the tax and he or she may require further information in the return. Returns and payments are due immediately upon cessation of business for any reason. All taxes collected by operators pursuant to this chapter shall be held in trust for the account of the city until payment thereof is made to the financial management department. (Ord. 2012-04 § 2; Ord. 93-11 (part): prior code § 3-6.07)

3.24.080 Penalties and interest.

- A. **Original Delinquency.** Any operator who fails to remit any tax imposed by this chapter within the time required shall pay a penalty of ten (10) percent of the amount of the tax in addition to the amount of the tax.
- B. **Continued Delinquency.** Any operator who fails to remit any delinquent remittance on or before a period of thirty (30) days following the date on which the remittance first became delinquent shall pay a second delinquency penalty of ten (10) percent of the amount of the tax in addition to the amount of the tax and the ten (10) percent penalty first imposed.
- C. **Fraud.** The director of financial management determines that the non-payment of any remittance due under this ordinance is due to fraud, a penalty of twenty-five (25) percent of the amount of the tax shall be added thereto in addition to the penalties stated in subsections A and B of this section.
- D. **Interest.** In addition to the penalties imposed, any operator who fails to remit any tax imposed by this chapter shall pay interest at the rate of one-half of one percent per month or fraction thereof on the amount of the tax, exclusive of penalties, from the date on which the remittance first became delinquent until paid.
- E. **Penalties Merged With Tax.** Every penalty imposed and such interest as accrues under the provisions of this section shall become a part of the tax herein required to be paid. (Ord. 2012-04 § 2; Ord. 93-11 (part); prior code § 3-6.08)

3.24.090 Failure to collect and report tax—Determination of tax by director of financial management.

If any operator shall fail or refuse to collect the tax and to make, within the time provided in this chapter, any report and remittance of the tax or any portion thereof required by this chapter, the director of financial management of the city shall proceed in such manner as may deem best to obtain facts and information on which to base his or her estimate of the tax due. As soon as the director of financial management shall procure such facts and information as is able to obtain upon which to base the assessment of any tax imposed by this chapter and payable by any operator who has failed or refused to collect the same and to make such report and remittance, he or she shall proceed to determine and assess against such operator the tax, interest and penalties provided for by this chapter. In case such determination is made, the director of financial management shall give a notice of the amount so assessed by serving it personally or by depositing it in the United States Mail, postage prepaid, addressed to the operator so assessed at his or her last known place of address. Such operator may within ten (10) days after the serving or mailing of such notice make application in writing to the director of financial management for a hearing on the amount assessed. If application by the operator for a hearing is not made within the time prescribed, the tax, interest and penalties, if any, determined by the director of financial

management shall become final and conclusive and immediately due and payable. If such application is made, the director of financial management shall give not less than five days written notice in the manner prescribed herein to the operator to show cause at a time and place fixed in the notice why the amount specified therein should not be fixed for such tax, interest and penalties. At such hearing, the operator may appear and offer evidence why such specified tax, interest and penalties should not be so fixed. After such hearing the director of financial management shall determine the proper tax to be remitted and shall thereafter give written notice to the person in the manner prescribed herein of such determination and the amount of such tax, interest and penalties. The amount determined to be due shall be payable after fifteen (15) days unless an appeal is taken as provided in Section 3.24.100. (Ord. 2012-04 § 2; Ord. 93-11 (part): prior code § 3-6.09)

3.24.100 Appeal.

Any operator aggrieved by any decision of the director of financial management with respect to the amount of such tax, interest and penalties, if any, may appeal to the city council by filing a notice of appeal with the city clerk within fifteen (15) days of the serving or mailing of the determination of tax due. The city council shall fix a time and place for hearing such appeal, and the city clerk shall fix a time and place for hearing such appeal, and the city clerk shall give notice in writing to such operator at his or her last known place of address. The findings of the council shall be final and conclusive and shall be served upon the appellant in the manner prescribed above for service of notice of hearing. Any amount found to be due shall be immediately due and payable upon the service of notice. (Ord. 2012-04 § 2; Ord. 93-11 (part): prior code § 3-6.10)

3.24.110 Records.

A. It shall be the duty of every operator liable for the collection and payment to the city of any tax imposed by this chapter to keep and preserve, for a period of four years, within the boundaries of this city, all business records as may be necessary to determine the amount of such tax for which the operator is liable for the collection and payment to the city. The director and authorized deputies or agents, in the exercise of duties imposed by this chapter, shall have the right to inspect such records at all reasonable times and to apply auditing procedures necessary to determine the amount of tax due to the city. All records which may be necessary to inspect shall be kept within the city or shall be produced within ten (10) working days of written notice at the business location within the city.

B. In the event records are not produced upon request, or such records are not reasonably able to be audited, the tax, interest, and penalties will be levied based upon the prior collections and remittances of taxes by the operator to the city for that operator's hotel during the audit period. Further, and without limitation, any operator who does not produce records following written notice as set forth herein shall pay, as a civil penalty, in addition to any tax, penalty, or interest,

the sum of one hundred dollars (\$100.00) per day for each business day the records are not produced for audit. (Ord. 2012-04 § 6; Ord. 93-11 (part): prior code § 3-6.11)

3.24.120 Refunds.

- A. Whenever the amount of any tax, interest, or penalty has been overpaid or paid more than once, or has been erroneously or illegally collected or received by the city under this chapter, it may be refunded as provided in subsections B and C of this section; provided, that a claim in writing therefor, stating under penalty of perjury the specific grounds upon which the claim is founded, is filed with the director within one year of the date of payment.
- B. An operator may claim a refund or take as credit against taxes collected and remitted the amount overpaid, paid more than once or erroneously or illegally collected or received when it is established in a manner prescribed by the director of financial management that the person from whom the tax has been collected was not a transient; provided, however, that neither a refund nor a credit shall be allowed unless the amount of the tax so collected has either been refunded to the transient or credited to rent subsequently payable by the transient to the operator.
- C. A transient may obtain a refund of taxes overpaid or paid more than once or erroneously or illegally collected or received by the city by filing a claim in the manner provided in subsection A of this section, but only when the tax was paid by the transient directly to the financial management department, or when the transient having paid the tax to the operator, establishes to the satisfaction of the director of financial management that the transient has been unable to obtain a refund from the operator who collected the tax.
- D. No refund shall be paid under the provisions of this section unless the claimant establishes his or her right thereto by written records showing entitlement thereto. (Ord. 2012-04 §§ 2, 7; Ord. 93-11 (part): prior code § 3-6.12)

3.24.130 Actions of collect.

Any tax required to be paid by any transient under the provisions of this chapter shall be deemed a debt owed by the transient to the city. Any such tax collected by an operator which has not been paid to the city shall be deemed a debt owed by the operator to the city. Any person owing money to the city under the provisions of this chapter shall be liable to an action brought in the name of the city for the recovery of such amount. (Ord. 93-11 (part): prior code § 3-6.13)

3.24.135 Change of ownership – Tax clearance certificate.

- A. Pursuant to California Revenue and Taxation Code Section 7283.5, as it may be amended from time to time, a successor proprietor or prospective successor proprietor may request in writing from the city the issuance of a tax clearance certificate stating the amount of tax and any accrued penalties and interest due and owing, if any.

B. The city shall, within ninety (90) days of the receipt of the written request for a tax clearance certificate, issue the tax clearance certificate or may conduct an audit of the hotel. The audit must be completed within ninety (90) days from the date the records of the hotel were made available to the city, and a tax clearance certificate must be issued within thirty (30) days of the completion of the audit.

C. If, following an audit, the city determines that the current proprietor's records are insufficient to assess the amount of tax due and owing, the city shall, within thirty (30) days of making that determination, notify the prospective successor proprietor that a tax clearance certificate will not be issued.

D. If the city does not comply with the request for a tax clearance certificate, the successor proprietor shall not be liable for any transient occupancy tax obligation incurred prior to the date of the purchase or transfer of the property.

E. The tax clearance certificate shall state the following:

1. The amount of tax, interest, and penalties then due and owing;
2. The period of time for which the tax clearance certificate is valid; and
3. That the purchaser, transferee, or other person may rely on the tax clearance certificate as conclusive evidence of the tax liability associated with the property as of the date specified on the certificate.

F. Any successor proprietor who does not obtain a tax clearance certificate under this section or who obtains a tax clearance certificate that indicates that tax is due and owing and fails to withhold sufficient funds in the escrow account for the purchase of the property to satisfy the transient tax liability shall be held liable for the amount of tax due and owing.

G. The fee for issuance of a tax clearance certificate shall be established by resolution of the city council. (Ord. 2012-04 § 8)

3.24.140 Violations—Misdemeanor.

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and shall be punishable therefor by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment in the county of Yolo jail for a period of not more than six months or by both fine and imprisonment.

Any operator or other person who fails or refuses to register as required herein, or to furnish any return required to be made, or who fails or refuses to furnish a supplemental return or other data required by the director of financial management, or who renders a false or fraudulent return or claim, is guilty of a misdemeanor, and is punishable as aforesaid. Any person required to make,

render, sign or verify any report or claim, who makes any false or fraudulent report or claim with intent to defeat or evade the determination of an amount due required by this chapter to be made, is guilty of a misdemeanor and is punishable as aforesaid.