

C O U N C I L   C O M M U N I C A T I O N

TO:     THE CITY COUNCIL  
FROM:   THE CITY MANAGER'S OFFICE

COUNCIL MEETING DATE:  
NOVEMBER 16, 1988

SUBJECT:   ADOPTION OF ORDINANCE NO. 1440 - AN ORDINANCE OF THE LODI CITY COUNCIL  
          ESTABLISHING A STORM DRAINAGE FEE FOR DEVELOPMENTS WITHIN THE CITY OF LODI

Ordinance No. 1440 - "An Ordinance of the Lodi City Council Establishing a Storm Drainage Fee for Developments within the City of Lodi" was introduced at the regular meeting of November 2, 1988.

Pursuant to State Statute, ordinances may be adopted five days after their introduction following reading by title.

This Ordinance has been approved as to form by the City Attorney.

RECOMMENDED ACTION: Following reading by title, it would be appropriate for the Lodi City Council to adopt Ordinance No. 1440.

*Alice M. Reimche*  
Alice M. Reimche  
City Clerk

AMR:jj

COUNC030  
TXTA.02D

ORDINANCE NO. 1440

AN ORDINANCE OF THE LODI CITY COUNCIL ESTABLISHING  
A STORM DRAINAGE FEE FOR DEVELOPMENTS WITHIN THE CITY OF LODI

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. PURPOSE.

In order to implement the goals and objectives of the City of Lodi's General Plan, and to mitigate the impacts upon the drainage system of the City caused by future development, certain public drainage improvements or facilities must be or have been required to be constructed. The Lodi City Council has determined that a development impact fee is necessary and appropriate in order to finance these public drainage improvements and to pay for each development's fair share of the construction costs of such improvements. In establishing the fee described in the following sections, the City Council has found the fee to be consistent with its General Plan, and pursuant to Government Code §65913.2, has considered the effects of the fee with respect to the City's housing needs as established in the Housing Element of the General Plan-

The City Council also finds that the City's storm drain system, which consists of an interconnected network of pumping stations, retention basins and trunk lines has been planned as a unified system and constructed in stages since 1963 using a combination of funding sources including a Master Storm Drain Fee. The City Council finds that it is in the best interest of the entire City that properties that are to be developed pay the cost of additional storm drain facilities in accordance with the Storm Drain Master Plan so said costs will not become a burden on City taxpayers.

SECTION 2. ESTABLISHMENT OF THE STORM DRAINAGE FEE

There is hereby established, upon issuance of all building, use or occupancy permits and subdivision maps for development in the City of Lodi, a Storm Drainage Fee.

This fee is established to pay for public drainage improvement. The City Council shall, in a Council resolution adopted after a duly noticed public hearing, set forth the specific amount of the fee, describe the benefit, list the specific municipally-owned improvements to be financed, describe the estimated cost of these facilities, describe the reasonable relationship between this fee and the various types of new developments, and set forth the time for payment. As described in the fee resolution, this development fee shall be paid by each developer as specified in Government Code 953077.5, referring to time of collection. On an annual basis, the City Council shall review this fee to determine whether the fee amounts are reasonably related to the impacts of developments and whether the described public drainage facilities are still needed.

Said Resolution and associated studies shall be available to the general public for a period of at least fourteen days prior to the public hearing.

SECTION 3. LIMITED USE OF FEE REVENUES.

The revenues raised by payment of these fees shall be placed in a separate and special account, and such revenues, along with any interest earnings on that account, shall be used solely to:

- (a) Pay for the City's future construction of drainage facilities described in the resolutions enacted pursuant to Section 2 above, or to reimburse the City for those described or listed facilities constructed by the City with funds advanced by the City from other sources, or;
- (b) Reimburse developers who have been required or permitted by Section 4 hereunder to install such listed facilities which are oversized, with supplemental size, length, or capacity.
- (c) To pay for and/or reimburse costs of program development and ongoing administration of the fee program for such public facilities.

SECTION 4. DEVELOPER CONSTRUCTION OF FACILITIES.

Whenever a developer is required, as a condition of approval of a subdivision map or development permit, to construct a public drainage facility described in a resolution adopted pursuant to Section 2 above, which facility is determined by the City to have supplemental size, length, or capacity over that needed for the impacts of that development, and when such construction is necessary to insure efficient and timely construction of the facility's network, a reimbursement agreement with the developer and a credit against the fee, which would otherwise be charged pursuant to this ordinance on the development project, shall be offered. The reimbursement amount shall not include the portion of the improvement needed to provide services or mitigate the burdens created by the development.

SECTION 5. APPEALS

Any appeal from the imposition of fees under this ordinance shall be done in substantial conformance with the procedures found in Lodi Municipal Code § 13.12.590.

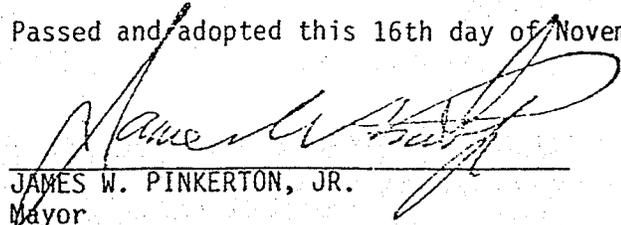
SECTION 6. EFFECTIVE DATE OF FEE

This ordinance was adopted at a noticed public hearing, at which time the City Council also considered the initial development impact fee resolution. This fee shall apply to the issuance of any building, use or occupancy permit, or for any development approval issued after thirty **Jays** following this ordinance's passage.

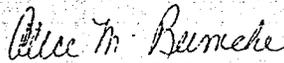
SECTION 7. PUBLICATION

This ordinance shall **be** published once within fifteen **days** of its adoption in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi.

Passed and adopted this 16th day of November, 1988

  
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JAMES W. PINKERTON, JR.  
Mayor

Attest:

  
ALICE M. REIMCHE  
City Clerk

State of California  
County of San Joaquin, ss.

I, Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1440 was introduced at a regular meeting of the City Council of the City of Lodi held November 2, 1988 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held November 16, 1988 by the following vote:

Ayes : Council Menibers - Hinchman, Olson, Reid, Snider and  
Pinkerton (Mayor)

Noes : Council Members - None

Absent: Council Members - None

Abstain: Council Members - None

I further certify that Ordinance No. 1440 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

  
ALICE M. REIMCHE  
City Clerk

Approved as to Form

  
BOBBY W. McNATT  
City Attorney