



LEVEE IMPACT FEE

The City of Lathrop has a levee improvement development impact fee (levee fee) to ensure that new development pays its proportionate share of the levee improvement costs needed to provide urban level of flood protection (ULOP) to the Reclamation District 17 Area. This levee fee, in combination with other sources of funding described within the Interim ULOP Development Impact Fee Nexus Study (Nexus Study) adopted by the City of Lathrop Ordinance No. 17-374 on April 7, 2017, will fund the project to provide two hundred (200) year flood protection to the Reclamation District 17 Area. The Nexus Study is available in digital format on the City of Lathrop website by following the link <http://www.ci.lathrop.ca.us/lathrop/forms.aspx?id=9>

FEE RATE	
Single-Family Residential	\$17,054 Per Gross Developable Acre ⁽¹⁾
Multifamily Residential	\$18,667 Per Gross Developable Acre ⁽¹⁾
Commercial	\$19,236 Per Gross Developable Acre ⁽¹⁾
Industrial	\$15,080 Per Gross Developable Acre ⁽¹⁾

(1) Includes 3% Admin Fee.

DETERMINATION OF GROSS DEVELOPABLE ACREAGE (GDA)

A. For New Development of Vacant Land. In the case where a new structure is being constructed on vacant land or land that has not previously been developed:

1. Residential Land Uses.

a. For single-family residential projects that consist of residential uses that require a tentative and final map (i.e., more than four units), the GDA is the gross acreage of the large lot parcel or resulting parcels excluding major dedicated public land uses, such as major arterials, major collectors, drainage, utilities corridors, parks, schools, and other public facilities.

b. For all other single-family residential projects that have impacts to RD 17 facilities the project acreage is determined as follows:

i. For parcels up to 0.15 acres, the project acreage is the actual acreage of the parcel.

ii. For parcels greater than 0.15 of acre but less than five acres, the acreage is based on an assumed coverage ratio of a typical single-family home on a standard residential lot. The project acreage will be calculated by multiplying the square footage* of the residential structure by three and expressing this square footage in terms of acres (dividing by 43,560 square feet per acre). However, in no case will this resulting amount exceed the actual acreage of the parcel.

*Square footage can be generally classified as all square footage of the structure excluding the square footage of garages, porches, decks, external entryways, awnings, carports, driveways, breezeways, out-buildings, carriage houses, sheds, and other similar non-habitable portion of the structure.

c. For all multifamily residential projects, project acreage is determined to be equivalent to the entire gross acreage of the parcel being developed.

2. Nonresidential Land Uses (Commercial and Industrial).

For retail/office/industrial commercial projects, project acreage is determined by the actual acreage of the parcel where a structure being constructed less major dedicated public land uses, such as major arterials, major collectors, drainage, utilities corridors, parks, schools, and other public facilities.

B. For Development of Land with Existing or Pre-Existing Structures. In the case of expansion of an existing structure in excess of three hundred (300) square feet or the construction of a new structure within two years after demolition of a previous structure, GDA will be calculated as follows:

1. Residential Land Uses.

a. For a residential expansion project in excess of three hundred (300) new square feet, the GDA will be calculated by multiplying total new square footage of the expansion by three then expressing this square footage in terms of acres (dividing by 43,560 square feet per acre).

b. For residential replacement projects, if the project involves development of a new residential structure after the demolition of a pre-existing structure (regardless of the use of the pre-existing structure), and the new structure is larger than the demolished structure by more than three hundred (300) square feet, the GDA will be calculated by multiplying the total net new square footage by three then expressing this square footage in terms of acres (dividing by 43,560 square feet per acre). (In this case, the use of the previously demolished structure is not a factor. The net new square footage will be determined by subtracting from the new square footage the documented square footage of the previously existing structure.)

2. Nonresidential Land Uses.

a. For retail/office/commercial or industrial expansion projects, if the project involves the addition of new square footage in excess of three hundred (300) square feet, the GDA will

be calculated by calculating the total net new square footage and expressing this square footage in terms of acres (dividing by 43,560 square feet per acre).

b. For retail/office/commercial or industrial replacement projects, if the project involves development of a new nonresidential structure after the demolition of a pre-existing structure (regardless of the use of the pre-existing structure) and the new structure is larger than the demolished structure by more than three hundred (300) square feet, the GDA will be calculated by calculating the total net new square footage and expressing this square footage in terms of acres (dividing by 43,560 square feet per acre). The net new square footage will be determined by subtracting the documented habitable square footage of the previously existing structure from the new square footage.

CALCULATION STEPS FOR MOST PROJECTS

The following steps are required to calculate the development fee.

Step 1: Determine the land use category based on the descriptions of new the project and the land use categories.

Step 2: Determine the Project's GDA using the definition of GDA above.

Step 3: Determine the product of the fee rate from Step 1 and the GDA from Step 2. This is the fee applicable to the Project.

Example of Gross Developable Acreage Calculation for a Small Lot Final Map That Is Part of a Larger Subdivision is shown on "Exhibit A"

EXEMPTIONS AND EXCLUSIONS

The following land uses and/or projects are exempt from the levee fee:

- A. Agricultural Exemption. Agricultural land including development on rural residential parcels greater than five acres in size.
- B. Pre-Existing Structures. Development projects that require a building permit and are not increasing the amount of new structure square footage are exempt from the fee. If the project involves adding no more than three hundred (300) new square feet, the project is exempt from the fee.
- C. Addition/Replacement Damage. If the proposed project is an addition to an existing single-family residential dwelling unit, a replacement in kind because of fire damage or other natural disaster, or located on land owned by a government agency and is to be used solely for public use, the project will be exempt from the fee.
- D. Structure Raised Above the Two Hundred (200) Year Floodplain Elevation. Projects with structures raised above the elevation of the two hundred (200) year flood as determined by the city or to structures removed from the two hundred (200) year floodplain by flood control improvements that meet the design standards applicable to the federal-state flood control system as determined by the city, shall be exempt from payment.
- E. Open space.
- F. Public agency owned land (including federal, state, and local agencies).

G. “Other” land defined as follows: with written approval from the city manager, any or all portions of the proposed fees may be waived if it can be determined to the city manager that a proposed project will not derive permanent benefit from the improvements for which the fees are collected (i.e., it can be shown that the property does not benefit from the flood protection). Written fee waivers may be available on a case-by-case basis for certain temporary structures, such as a mobile temporary structure used for construction management purposes. Any denial by the city manager of a requested exemption under this section may be appealed to a hearing officer by serving written notice on the city within fifteen (15) calendar days of the city manager’s denial. Upon receipt of timely notice of appeal, city shall have no more than thirty (30) days to scheduled appeal hearing before a hearing officer. The city shall initially bear the cost of hearing officer but hearing officer shall have the authority to order reimbursement of costs if the appeal is determined by the hearing officer to be frivolous.

*Ordinance 17-374
LMC Chapter 3.23
effective April 7, 2017*

River Islands and Stewart Tract are not within RD 17 area and therefore, are not subject to this levee impact fee.

EXHIBIT A

For Tentative Maps with Multiple Small Lot Final Maps: Example Gross Developable Acreage Calculation

The Gross Developable Acreage (GDA) for a sample map is calculated as follows:

Attachment A shows an example of the overall tentative map with smaller lots for the “Wheeler Ranch” project. **Attachment B** is an enlargement of Wheeler Ranch Unit 1 Small Lot Final Map with an indication of acreage to be subtracted from the large lot map when determining GDA. Note: For purposes of the fee calculation, the City may require the small lot final map to provide a calculation of GDA.

Step 1

Goal: From the tentative map, determine the gross acreage for the large lot.

Solution: In this case, the gross acreage for the large lot by the unit is given in the land use table. Unit 1's gross acreage is stated as 38.3 acres. This includes the allocable portion of parks/open space that is not indicated as its own unit, as well as major collectors and arterials.

Step 2

Goal: Subtract all acreage in Major Roads, Parks, Open Space, and other property that will ultimately be publicly owned.

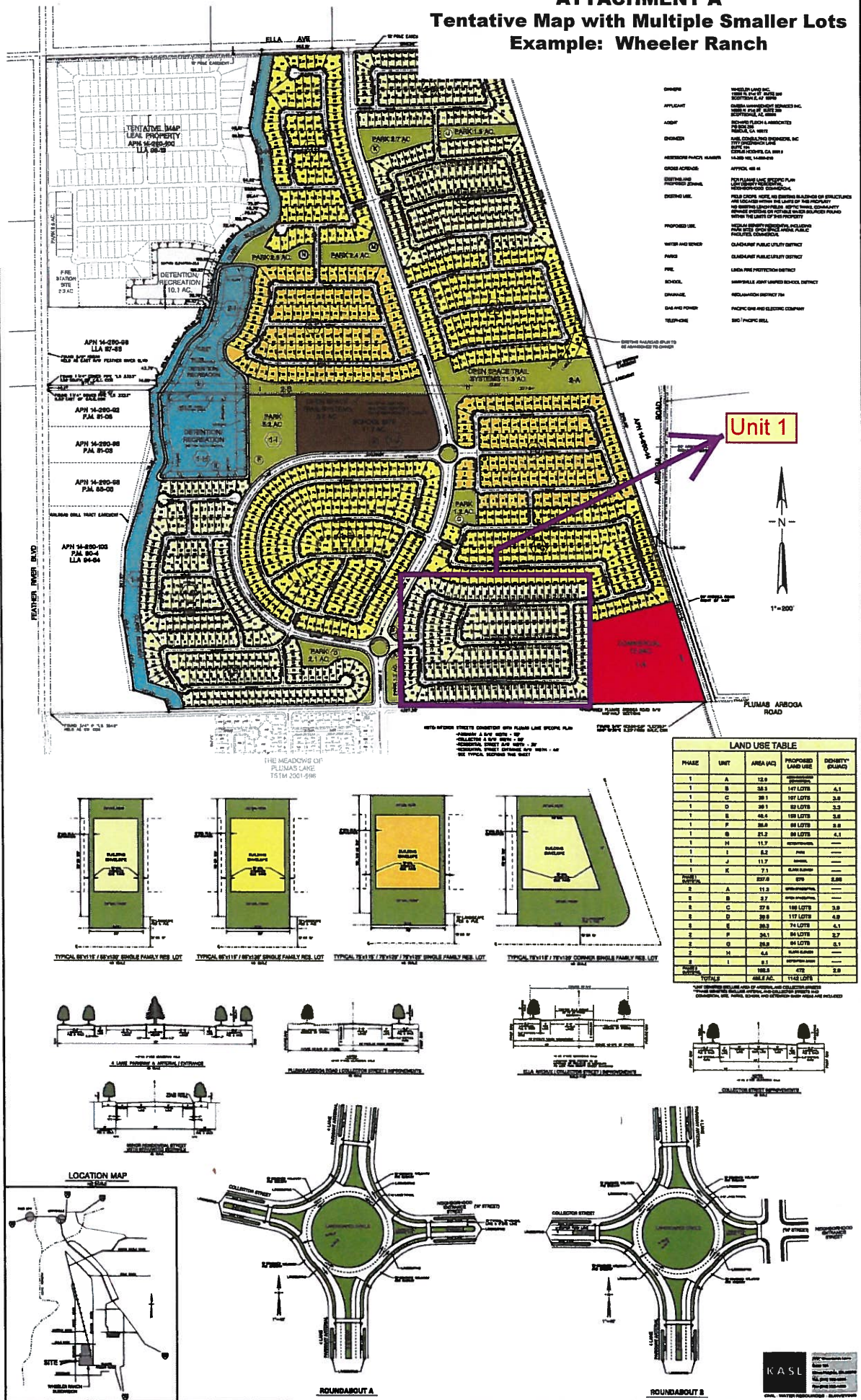
Solution: In this case, the densities indicated in the land use table, based on the note, exclude the allocable area of arterials and collector streets. If the density is divided by the number of units, the result is the acreage of the unit without allocable major roads.

Unit 1 has 147 lots, and a density of 4.1 units/acre.

- $147/4.1 = 35.9$ acres. Therefore, there were 2.4 acres of major roads included in the unit acreage stated in the land use table ($38.3 \text{ acres} - 35.9 \text{ acres} = 2.4 \text{ acres}$).
- Subtract all open space. Unit 1 includes two park areas: one of 1.3 acres and one of 0.5 acres.
- $35.9 \text{ acres} - (1.3 \text{ acres} + 0.5 \text{ acres}) = 34.1 \text{ acres}$.
- No additional ultimately publicly owned property is remaining in the Lot; therefore, the GDA for Unit 1 is 34.1 acres.
- Subtract all open space. Unit 1 includes two park areas: one of 1.3 acres and one of 0.5 acres.
- $35.9 \text{ acres} - (1.3 \text{ acres} + 0.5 \text{ acres}) = 34.1 \text{ acres}$.

No additional ultimately publicly owned property is remaining in the unit; therefore, the GDA for Unit 1 is **34.1 acres**. Furthermore, the GDA per unit is 0.232 Acres / Unit. This is the “Project” acreage to be used for determining the Per Unit Fee Rate for each Levee Fee charged at Building Permit.

ATTACHMENT A Tentative Map with Multiple Smaller Lots Example: Wheeler Ranch



Wheeler Ranch Unit 1 — Example Gross Developable Acreage Calculation

